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Hello, Everyone, and Welcome to the IACP Webinar on Predominant Aggressor Determination. Thank you so much for joining us today for this discussion.

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Before we get started, today, I'll introduce myself. My name is Julia Holtemeyer. And I am a Project Manager with the International Association of Chiefs of Police focusing on supporting law enforcement to enhance the response to violence against women crimes, domestic violence, sexual assault, stalking, and dating violence.

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This webinar today is supported by the Office on Violence Against Women from the United States Department of Justice but everything in this presentation today and the presenters are the opinions of us, and not necessarily those of OVW.

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Well, now I will turn this over to Sergeant Denise Jones and Corporal Dave Thomas who are going to be talking with us today about Predominant Aggressor Determination.

1:08

Thanks, Julia. I'm glad to be here as Julia said, I'm Sergeant Denise Jones. I work for the Clark County Sheriff's Office in Springfield Ohio. I've been a Law Enforcement officer for about 20.5 years and I serve in our intimate partner Crime Unit Investigating and following up was stalking, domestic violence, strangulation, protection order violations, and any Intimate Partner crime.

1:31

All right. Thank you Denise. Good afternoon. My name is Dave Thomas. I'm a retired officer for Montgomery County, Maryland, where I started the first domestic violence unit in the state back in 1996. I spent my entire career investigating and addressing violence against women crimes, and now I'm a program manager at the International Association of Chiefs of Police, continuing to focus mainly on these types of crime, And I've been training law enforcement, going on my 35th year now.

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And so to start off, you know, it's important that we realize who, who it is we're going after and how they look at us. You know, with respect to domestic violence cases, I find if we don't know what we're looking for and we don't know what we're listening for the perpetrators.

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love it because the perpetrator this cast of criminal and this type of criminal is going to do any and everything they can to keep themselves out of handcuffs. They want to spin us around and send us out the door.

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And if we are the three stooges, they're loving it. There so it's incumbent upon us to really know what to look for and what to listen for in these cases. And that's what we're gonna with, what Sergeant Jones and I are going to talk about today.

3:14

So, the predominant aggressor who is prominent aggressor, and I like to make it simple. It's the bully. Think about the bullying on the playground. Think about the individual who is out there, picking on others and so forth, and who, you know, at some point, is stood up to and they both get in trouble. Right?

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And so it's really if we look at it like that and we try each and every time when we go on one of these incidents to look for who is the bully in the relationship. That's gonna point you right at that predominant aggressor. We want to look at the context, not just the specific event that we're responding to.

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What happened before, what happened during?

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What happened after? because, you know, the predominant aggressor is not necessarily going to be the disputant to engage in assaultive behavior. What we're looking to determine is the one who has the greatest ability and inclination in an ongoing manner to inflict physical injury.

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Just following up with what Dave just had to provide, when we're talking about predominant aggressor and we're looking at in that particular thing. That's probably one of the most difficult things for us to do in law enforcement is to determine that predominant aggressor for sometimes when we go on these particular types of calls, but we're looking at that predominant aggressor and may not always be that individual that is the initial aggressor. It's going to be that individual that poses the most serious, ongoing threat.

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And when people have sustained injury, that injury may not all be exactly what we're looking for. An injury sustained by a victim in self-defense is not, is not a crime.

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And abuse is the same type of thing. So, we're looking at for now an aggressor we need to take the totality of the situation and who actually poses that most serious an ongoing threat.

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So following that, we're talking about intimate partner violence. And I know I've touched on, and I serve in our intimate partner violence unit. That's going to be a pattern of abusive behavior. When you're looking at intimate partner crime, we're not usually typically getting called out for that first initial call. You know, when we're getting calls from victims, they've been dealing with this for quite some time. It may not be the start of abuse, you may have had an emotional mental abuse prior to that, this may be the start a physical abuse, It may not. But it's a pattern of abuse and abusive behavior in any relationship that is used by one partner to gain or maintain control, or harm that other intimate partner, intimate partner violence can be physical, sexual, emotional, economical, psychological actions, or a threat of actions that are intended for that power and control dynamic. You know holding that power and control over that victim. Whether it be to intimidate, manipulate, humiliate isolate. Isolation is a huge thing.

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Frightened, terrorize, coerced, threatened, blame or hurt injure, or wound someone. It's that it's whatever tactic that, that that offender is using in that pattern, where it starts, as, again, emotional or mental abuse into physical abuse, whatever they're using, and multiple different things that they use to keep power and control, to gain that power control, and keep that power control over that victim.

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So, that being said, it's, it's really incumbent upon us that any time that we attempt to do an investigation that we're careful not to fall into the trap that we're going after what seems to be obvious on the face of it.

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We have to really slow down and do that investigation, and stay away from any biases we may have be they implicit or explicit, you know. inherently we're gonna hear conflicting stories.

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When we come on the scene and not being there for the event, we have to try to establish the facts and circumstances.

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So, and what the, what the perpetrator is ultimately going to try to do is get us to go with smoke and mirrors. Throw out all kinds of things, play on whatever biases that we've had. And remember, you know, in many of these cases, we've been there before.

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And not only do we learn by dealing with criminals day in and day out, our frequent fliers learn, by the way, we respond.

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And they know little things by experience that they can do to try to get us the side with them and get us to to hear their side moreso than than the victim. And once again, spin us around. And get us out the door, and you know. When we first started doing this predominant aggressor training. It was. It was kind

of unfair to, to people we were training, because the scenarios that we used in the Academy, that, with that, we used and in service training were real black and white. It was real easy to figure it out.

8:32

And, you know, they have no problem, But then they go back into the real world and, you know, at midnight on the weekend and get this call, and it's a dirty shade of gray, right? It's not that easy to figure out all the time. So as we're talking about this, we're realizing that you're not always going to be able to figure out figure it out.

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But most of the time to be slow down And you do that good, thorough, a thorough investigation, you will.

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And, you know, I remember there's a guy named Casey Gwen, San Diego District attorney, did a lot with, with training of officers on evidenced based investigations and so forth. And he used to get really frustrated when we couldn't figure it out, right? With the officers.

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Then he went on a ridealong.

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And its like, oh, OK. Sometimes we're not going to be able to figure it out. But it gave him some insight as to some of the things that we can do to be successful in these case.

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So, these are really the key aspects of determining the predominant aggressor. first and foremost is self-defense a factors? Self-defense is an absolute defense to assault and battery itself. But if self-defense is involved that, use of violence that individual, who's utilizing self-defense is considered justified under the law. So, we, first and foremost, want to say, you know, if we get there and violence has been used, it might be just one person could use violence, right?

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But did they utilize that violence in self-defense.

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So we want to we want to look at that, and we'll talk a little bit more about that in a minute, But we want to look at and analyze the injuries of being the individuals at hand, or they are offensive or defensive in nature? We'll go into that a little bit.

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As we talked about, as we mentioned, and we're going to continue to mentioned, because this really has to sink in, you have to look at the conduct, the context of the violence, right.

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You have to look at the history, the full force of conduct instead of the single incident.

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We, as officers, do that all the time. Once again, about the frequent flyer, we have somebody that we deal with, day in and day out. We're responding to the scene. The individuals may come on the air, and then another officer calls up and say, Oh, you know, he carries a knife, and in his boot, or we had to fight him the other night. That colors the way that I'm going to exit the car. That colors, the way I'm going to approach that individual. And when they make any type of furtive move, it's going to impact how I'm going to react in a given situation.

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So context is huge, We're gonna, we want to investigate for the fundamentals of power and control, and we'll go into that a little bit more in a little while, as well. And so when we do this correctly.

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it gets us down the road to that thorough investigation, and we will rarely, if ever, be effecting a dual or a mutual arrest. Yeah. It's a matter, and this is really a matter of not learning new tools, It's just a matter, all those tools that we already have in our toolbox, utilizing those in the case of hand. So, what, that's a great thing that we're not, we're not learning something new.

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All of this stuff, you know, self defense determination is we're going to talk about, it's really how we articulate our use of force, is it not.

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And we'll go into that, but a lot of these tools are tried and True, and when they started, we started utilizing, in these cases, it starts to be a lot easier to figure out predominant aggressor.

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So, context.

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When we're figuring out contexts, the investigating officer is looking at and trying to determine who is using power and control, what was the intent of the violence, right, by either individual. Was it to control, was it to punish, was it self-defense.

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What impact was or what was the intent , I mean, the impact of the violence? What impact did it have upon the individual receiving that violence? What do they take front?

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If threatened, are they going to run?

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Are they going to stop speaking up?

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Are they going to fight back?

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Does either individual fear death and, or further violence? And, as we ask, these questions were asking about the individuals, because we don't know who the predominant aggressor is. We might, We might have a feeling who is, we're not certain who the victim is, We might have an inclination, or feeling, who is, But we still have to go by facts and circumstances to figure this out.

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Even if we're assuming that our assumption is right, Our case is better, our report is better, or arrest is better. When we have the articulable facts and circumstances to backup, any assumption that we may, we may make.

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And we're looking at, Will the victim would be vulnerable to other forms of bias. So we see the history, the meaning, the effects, the potential lethality in the case of hand. And that starts to bring everything into context, we're looking at all of that.

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And part of that, you know, if we're looking at the intent, if we're asking those questions, we're getting history, we're getting why that individual chose to engage in behavior that they, they, they engaged in. whether suspect or the victim. Many times, the suspect will say, well, they wouldn't do what I wanted them with it, OK, good, right, but we need to know those, those answers so that we can start to really make this dirty shad gray, much clearer and find things out.

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So, when we're talking about victims of domestic violence, what we're what we're seeing a lot like Stalking victims. When we're getting caught there, they've been enduring this for quite some time. It's typically not the first instance. It may be the first instance of physical violence, but they've been putting up with, they've been dealing with a myriad of different factors prior to calling us and on average are calling us or calling the crisis line about the fifth time that they've been physically assaulted.

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So, when we talk about victims, is going to expand that a little bit more. A lot of times, the victim may believe that the violence won't happen again. You know, when you're when you're talking about, you know, the way things transgress.

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You know, we don't go out on a date and smack somebody in the face and then, that's where everything starts. This is a period, You know, like Dave talked about, this is incidents over, over time, so, that victim may believe that that violence won't happen again. they may be may be believing that they won't get any worse, or they know how to mitigate, or they know how to control the offender, to make sure that that violence stays at a certain level, That they're, they're, OK with, you know, a victim blames themselves. A lot of times, they feel responsible, well, if I would have just done this, or if I would have done what I was told, you know, Like Dave talked about. If I would have just done what I was told. None of, this would have happened. You know, if you're looking at different cultures, different cultures have have different beliefs, and they, they hold gender roles in different ways. So, there may be religious reasons on why a particular person may not want to come forward, especially wanting to talk to, you know, police. And, they actually believe the threats, you know, I've interacted with multiple victims, and they've told me like, that person

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Told me they were gonna kill me, and I believe that, And, you know, so, you have to understand where that victims coming from, and have empathy for that person, and understand that it takes a lot of courage just to pick up the phone and call us.

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Cause when we come out there, it doesn't get better for them. nine times out it's gonna get worse for them, and they're gonna have to deal with the repercussions after the time that we leave.

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You know, And looking at that, when they leave, you know, a lot of officers, or when they go into multiple calls like Dave talked about, we go to the same house over and over and over again. Or we deal with the same person over and over, and over again. And then we get out there. And that, that individual, that victim may say, well, I'm leaving unpacking my stuff, and we're like, oh, thank goodness, like, finally, this is gonna be over. When, in fact, that's the most dangerous time for that victim. You know, most besides most assaults happened when that victim source a separate because that the offender is losing that power and control. Subsequently, it's the most dangerous time for us as law enforcement officers, because we represent helping that victim potentially take away that power and control. We represent power and control. So it's, it's extremely lethal for our victims and it's extremely lethal for us.

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Know, when you're talking about different types of demographics, whether it's Muslim, African American, LGBTQIA+, you know, victims may feel that they are the offender by reporting to us, or having a negative interaction, or are having negative things in their household. That may be that representation of their community, and they certainly don't want to bring that negative aspect to their community, and LGBTQIA+ community, You know, people want want want you to see this particular thing. They don't want to bring that negative connotation on that particular demographic or that particular community.

18:38

So when we talk about response to intimate partner crime, we talk about responding and assisting these victims, you know, a lot of times that, we still do, it still done. You know, sometimes in my department, and my particular area, and nationwide, we're relying on that victim to be that soul or that predominant provider of information, evidence there were relying on them to make our case. So, we have to figure out, as Dave touched on, we have to figure out how we can be that person that has that preponderance of evidence. that has all that information to provide. So, we take that strain off of our victim.

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The criminal justice system has failed to protect many, many of victim. You know, there are extreme number amounts of female homicides or femicide where that individual may be interacting with law enforcement. They may be interacting with an advocate. They may be interacting with the Criminal Justice system, as a whole, and they're not feeling protected or we're not able to give them exactly what they need. And, a lot of agencies across the United States, especially now, what we're dealing with, you know, everybody's being pulled from different divisions, is as in my department to work, different assignments. So, you know, some people that are following up on my caseload may not have, that specialized knowledge, may not be a special investigator for a particular particular crime. And court, systems may not have that ability to have a specialized prosecutor that understands trauma, that understands victim response and understands why victims probably aren't going to participate with us and how we mitigate those things. Again, high Dismissal rates goes back to protection. Yeah. I'm going to come forward,

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I'm gonna give you this information and you know, he or she may, may plead to something that's much lower. You know, I've seen it in different jurisdictions where we started out with a first degree misdemeanor for domestic violence and we plead all the way down to a M for criminal trespass or the convictions rates are low, because, you know, we again, are relying on that victim to be the predominant or sole provider of making that case for us. And so when that victim starts to cease participation with us, that case isn't moving forward, because we we need to do a better job. And we didn't get quite everything that we needed to to follow through with that case with us, because we know we're going to show up in court.

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And a lot of court systems they don't have a high accountability for offenders. And if you go back up to the dismissal rates and low conviction rates, you know, a lot of these guys know what Crawford is. And they know that no case, no, no face no case. So they know, persuade that individual not to show up to court. Like, that's gonna get dismissed for me, and I'm not being held accountable, there are a lot of probation systems that don't have domestic violence offenders specific programs, and they treat DV offenders like they do every offender, and, you know, as Dave and I'm sure we'll touch on later, you know, that DV offenders not the same as typical offenders. So we need to, we need to hold them a little more accountable for what they're doing. Because of the things along with being a DV offender, and again, that victim in that situation. They are starting to take some of that control back, therefore, that is a higher lethality area for them. You know, it is increased danger for them and you know that the offender doesn't want to go to jail. They don't want to go to court, you know, they're gonna do whatever they gotta do to stay out of that criminal justice system, you know.

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So, well, we sit and think about like, oh, I keep going to the same house over and over and over again. This victim is not participating, or like, we, like, we used to say, they're not co-operating. Weren't, you know, they don't want to co-operate with us, they don't want to talk to us.

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But we have to put it in perspective, why they're choosing to participate with us. Just because we come out there, that doesn't mean we're the savior's for their lives. You know, we leave. They still have to stay there. And especially if we don't arrest. That victim has to stay in that household with that offender after the point that we leave. So when we think about why that person that victim chooses not to participate with us, we have to take the totality of everything that they're facing. You know, they may have reported in the past, didn't get a conviction. And that that offender was right out of jail that night, or the next day or shortly thereafter. And the phone calls start and on the pressure starts for that victim.

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So we have to understand, you know, what does that victim really facing when we leave that house, You know, Again, with the criminal justice system, you know victims need support.

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You know, how many systems can fully support that victim. You know if that person is that sole breadwinner. So we need to figure out like what that that victim/survivor may need and we need to try to facilitate this facility that as best we can.

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I really couldn't agree with that more. I mean, it's incumbent upon us. We rose our right hand and swore an oath.

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And it involves protecting those that we serve day in and day out. And, you know, when we look at the law whose laws, it's not the victims law, it's the people's law.

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And when that individual has violated the law, that's a violation against people, it's not incumbent upon the the victim to hold the perpetrator accountable. It's incumbent upon us, a sworn officers, and the criminal justice system to hold them accountable.

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And so, we don't want that burden put on the victim, I want that suspect to blame me for getting arrested, because they are going to blame the victim.

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It's their fault, I've got arrested, you should be telling them, no I locked you up because the behavior you chose to engage, because they're smoke and mirrors, again, putting them back on somebody else, talking.

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Yeah. And when we do this investigation, we are like this. We are we are showing them how we're going to hold them accountable. We don't care

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If the victim makes a choice, that victim is making the choice to decide to survive, to survive their situation the best they can. And we want to make it so they can absolutely be able to do that, you know, we always talk about these cases. And I don't know if you've heard it before, but, you know, when officers are victims not going to participate, that we're not going to make the case. And my next question is, when is the last time have you seen a homicide victim participate in the case and we make murder cases all the time? Telling me, we can't do, set this up, set our investigation, we can hold perpetrators accountable. And that's that's one of the things that really started making individuals be Like, yeah, yeah, we've done this, and that's another, that's another way, we show that things that we've done, and we've done well.

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All we have to do is set the structure of the investigation, right, Know what to look for, know what to listen for, and, all of a sudden, we're able to hold people accountable When we look at power and control, and the more you think about, if you've been around for more than a half a second, think about the individuals, the frequent flyers you've dealt with.

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Now, think about, the tactics on the power and control wheel.

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Did any of them use emotional abuse against their victim?

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in many States and in Maryland

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It's, it's, uh, there is simple assault, first or second degree misdemeanor is just the verbal assaults Assault is the verbal and the battery is touch, right? Assault is the place in one fear, the battery is the touch. And for us misdemeanor assault was where it was, assault and or battery. which a lot of states like that. Economic abuse.

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How many of the victims that you you've worked with, their their perpetrator steal, something from, no, fraudulently use their credit card, or forged checks.

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using the children. We see this all the time, time, and time and time again.

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The threats, we lose count of how many threats that they make against these, their significant other, and the stalking is off the chart.

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I would contend, and I think, Denise would agree with me, that's one of the least charged crimes that's happening all the time.

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Using male privilege that sexual assault, once again.

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High incidence. Very low charging rate, intimidation, vandalism, animal abuse. He's not

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And when I say animal abuse, mega about this, he's not going out and kicking his hunting dog.

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He is abusing the animals that means something to get to that significant other and or their kids.

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Because he's using it to make a point, to exert that power control over the victim. The isolation. We see this all the time to that false imprisonment, kidnapping because of custodial interference.

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And that the minimum, minimizing, denying, and blaming false report, protection order violations, all of these. And why don't we catch him?

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Because we don't bother to do a full and thorough investigation? What we find out when we have an advocate work in the case with us, for instance.

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And then we talked to that victim, and we make the arrest for domestic violence and so forth. And then later on the advocate comes and says, you know, Det. Thomas, did you know that that she was also sexually assaulted?

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And no, no, I didn't know she was sexually assaulted. and what I've come to find is I know, because why?

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Because I didn't ask, had I asked, you know, because she'll say to the Victim Advocate, did you tell officer Thomas, did you tell the Det Thomas about that? no, why? Because I didn't ask. look at it like you would a search incidental to arrest, how many of you out there will make a lawful arrests.

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And then not search your prisoner? right, it's routine. We do it all the time. We assume every time they have a weapon. If we find one, we assume there's two, And we keep up that search.

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If you treat the criminal behavior, like you were the search incidental to arrest, ask about these other things going on, you're going to find out there, and this isn't piling on. This is holding somebody accountable for the criminal behavior that they've chosen to engage.

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Now, the power and control and wheel I know many of you I think are are familiar of it, it was developed by the Domestic abuse intervention program out of Duluth, Minnesota, and it was developed in the early nineties. And it still holds true today, and every tactic on this really isn't necessarily utilized by every perpetrator. But what we find is that most of them, in most cases, are used. and you know, with power and control, perpetrators use with work, what works with works with the victim that they're with.

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Remember that, about power and control, the more that the 1 or 2 tactics don't work, they engage and other tactics for these are the basic ones that we see rising to the top, again, and again, And again. That's what they saw the Domestic Abuse Intervention Program, and that's why they went ahead and develop this, because it consistently these tactics rising up and up again.

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So we want to be cognizant that domestic violence, intimate partner violence relationships are often characterized by these series of controlling behaviors. They may make many times. They may send the victim to the door to turn us, to try to turn us around, without coming in. Nothing's going on, now, it's nothing, you can leave now, officer, that type of thing.

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And, you know, hoping that, that will leave and never hold them accountable.

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But all of these tactics, as I mentioned, in the previous slide, can be linked to criminal behavior, and, you know, as you're going through them, this is part of finding out the context.

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This is part of finding out the history of finding out everything that's going on and finding out that course of conduct.

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To Expand on that. When you have to go out to the call and you're trying to get to the meat and potatoes and determine who your predominant aggressor and you're using. You're investigating power control. Your, we suggest to our deputies, that they actually take a power and control wheel out with them. We hand power and control wheel out to every victim/survivor. And we asked them, Hey, go over this and highlight it, and tell me what you see in your own relationship. And we wear body worn cameras, That's something that we can submit into court. So, again, we're trying to build that case, you know, as much as we can without the use of that victim. But when you're looking at investigating power control, you're looking at the presence of fear of one party, you know, how fearful is that victim of that offender. And when they're when they're explaining that to you, take the time to ask good qualifying questions, You know, you know, that person tells you, I'm terrified, tell me more about that. Tell me what that looks like for you? Is there a particular look? Is there a particular word or a phrase that individual uses? before you know you know you're gonna get assaulted?

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Know, when you're looking at, you know, presence of other normal responses as far as as trauma goes, you know fight, flight, or freeze, You know You may get out on a call with a victim that's been battered several times and they're hysterical or they may be calm. You'd have to kind of go out of your box of comfort when it taught, when you're talking about investigating power control. Because when it comes to domestic violence victims, they're not like all your other victims. Know if I'm a burglary victim, I want justice, I want someone to come out, I want them to take report, lift fingerprints. I want my stuff back. I want someone held accountable. That's not what you may be facing when you're talking to a victim or survivor of domestic violence. You know, they may be that they may be crying. They may be hysterical that offender, maybe that calm person. Yes, there's completely trying to control you, move you around the house, move you around the scene. You know, manipulate you and your Dave talked about three Stooges. And they're trying to find ways. I mean, offenders find ways They have 24/7 to figure out ways to manipulate us. We're no different from that victim.

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It's just, how we allow that to happen to us, know, so that that victim offender may be that calm controlling person. Or those roles, maybe you really have to do your due diligence, and establish the totality of the circumstances, and not go based on one particular thing.

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You know, again, talking to that victim, they're fearful of that of that offender, that need for protection, be empathetic with them and get on their level and sit down with them and make them comfortable and figure out what's going on there. So you can get them that protection, so they may be more likely to participate in the criminal justice system.

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So, and gaining our context and looking at the injuries, you know, talking about, are they defensive or offensive in nature? And these are some of the, some common defense of injuries on the attacker inflicted by the victim.

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So how do? The next thing is how did they come to be? How did those injuries manifest? And this is where we got them separated. And I'm like, explain it to me Like, I'm a five year old. Tell me how you got that bite mark.

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On

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And on the inside of your forearm, she just came and bit. OK, alright, break it down for me a little bit more. Stand right where you are and I'll stand

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like im her and you tell me how she came, how her mouth came to impact your forearm. Did she come and launch yourself across the room and, you know, engage your forearm? How did that happen, right? We want them, we want to make them both individuals go through exactly, reconstruct what happened.

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And that's where we start seeing the real truth come out with the attacker.

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may also have no offensive of injuries like cuts and abrasions on the knuckles from punching. And so, once we see the injury, we want to know the mechanism of injury.

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How did it come to be?

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Hmm.

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Some injuries that that are on the defendor. These are injuries inflicted by the attacker as well as the defensive strikes once again.

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How did they come to be self defensive injuries are offensive injuries. That's where somebody is trying to, you know, with the self-defense they are trying to defend themselves. And they are allowed to just like, we are allowed to make a strike if somebody's coming at us or somebody else, and we're trying to defend the right, just in our duty as officer. So, the whole time we're breaking this bad boy down.

36:15

And we're really making both parties to explain what, what's going on, because, unfortunately, most of the time, we can't hit rewind. But today a little bit more. Yeah. You can hit rewind today a lot more than 1986 when I first came on the department. Let me tell ya. Which is good for us in many ways. But, we can break this down. We can be able to get to what's going on, but it's taken that time, and getting that context.

36:53

So, we're looking at domestic violence. Victims that are using force. You know, they do it for a purpose, but that purpose is not related to obtaining or maintaining power control, like, we've been trying to touch on. Is that self defense, you know, that the victim knows when, you know, they're going to be attacked. It's no different, Like Dave said, when, when law enforcement officers, we can articulate, we're about to get attacked. You know, a foot drops back, the hands ball up. You know, I see respirations quick in. all of these things that we can use to identify that it's no different for a domestic violence victim, may know when their offender is about to do something, whether it be emotional, mental, or physical, you know, yelling argument, whatever that looks like. They know what that looks like. And it's our job to get to the meat and potatoes that, tell me more, tell me what that looks like. But they're using force to defend themselves, potentially, you know, to stop that attack. We're not using forced to maintain power and control over that individual.

37:50

So, the more that that first responder better actually, they are placing things into context. The better the further along they're going to be and being able to make that predominant aggressor determination. So, you know, we're looking at somebody who has fought back, we have to ask ourselves was it, was it self-defense.

38:13

Was it mutual combat. And when we're asking that question, was it mutual combat?

38:19

That suggests the level playing field, that suggests Ollie and Frazier coming in at the bell, right? Or did somebody

38:27

Act out of fear that's real important distinction was it a fair fight, and if you're coming to the conclusion, It's a fair fight. You have to ask yourself, in your career, how many times have you gotten there? And it looked like it was a fair fight.

38:45

That's going to be a rare event.

38:47

If ever, it occurred, so I'm not saying it couldn't, but that's the smoke and mirrors that mister Potato Head want you to go with, right? That's the stats, this spinning you and sending you out the door. We can't just go with that.

39:04

We have to figure it out because we've got to hold this individual accountable because fair fights in domestic violence cases are extremely rare.

39:19

So we're talking about, I know Dave hit on dual arrest or mutual combatants. You really need to take your time, and really figure out who this predominant aggressor's. Because the negative consequences of an arrest arresting a victim or catastrophic You're going to alienate the victim and we're certainly going to re victimized that victim. We're gonna put them in harm's way you know. But we've lost that victim, know, they're probably not ever going to call us back. And if they do, they're probably not gonna participate with us ever, again, They won't seek the assistance that we need them to. You know, one of the biggest things that was hard for me to wrap my brain around doing Justice Work with intimate partner crime is, the case outcome is not about what I want. You know, I want all offenders to go to jail. And I want everybody to be held accountable. But, but for this particular crime, it's really what that victim wants. What does that victim need? Because we're allowing that victim by giving them that choice. We're allowing them to take that power and control back, and they may have never had that power and control.

40:16

Trying to empower that victim, and we make arrests on a victim, we're empowering that perpetrator, that perpetrator now knows you just gave that victim a criminal record potentially. They're probably not going to come back because it's all they already have all of these barriers, and why they're not calling us to begin with. And that perpetrator is going to cause that as another tactic for that, go ahead and call the police. Because, remember, the last time you got arrested, I didn't. And so, it's going to be back in the back of that victims my, like, yeah, you know, there, right. Like, I went to jail the last time, because, you know, the officer couldn't identify who the predominant aggressor was. I may have acted out of self-defense. It may have been classified as mutual combatant. However, we both went to jail and we're gonna lose that victim. We're gonna lose any participation. We're gonna lose any any communication with that victim, then we we certainly want to empower every victim, and if anybody to reach out to, we should be those people.

41:08

Absolutely.

41:11

So this is the flowchart that that you can utilize as you go through making your decision, and it's really vital you know, it's really vital ... as you look at this, that you really know your state law and your agency policy.

41:27

But the decision chart, basically, you're looking, you know, you arrive wasn't one person using violence or to two people use. If it's one person used violence, the next question, was that individual acting in self-defense.

41:43

If they were, you're not arresting that individual, if they weren't acting in self-defense, there's there's most likely going to be a single arrest.

41:53

Now, we go and we see two people, perhaps used violence was one acting in self-defense.

42:00

You find out it wasn't self-defense. Then we're going, two people used violence it wasn't self-defense. We're making that predominant aggressor determination.

42:10

If we find they're both equally aggressive, there, this may be a dual arrest situation.

42:17

If not, then it may be a single arrest situation, if it is a dual arrest situation

42:23

What we recommend, what, what, what is that, a supervisor, be called on scene, before, a dual arrest. A mutual arrest is made, and we'll talk about some of the negatives to arrest mutual arrest in in, in just a minute.

42:46

So, when we're looking at injuries, officers, you know, nationwide, they really rely on injuries, you know. And so, we have to sit and think back, you know, just because a person has injuries and the other person doesn't, does, that, automatically denote your predominant aggressor. So, if you sit and think about it, and you know whatever your tenure is in law enforcement, how many suspects have you, or offenders, whatever, you know, classification, you want to use, How many times have you used force and left a mark, or not left a mark. You know, left an injury, or not left an injury. So, have you ever injured suspect who didn't injure, you know. So, if you're, if you're looking at, you know, injuries, in particular, that may not be exclusive to who you are predominant aggressor's.

43:35

So again, if you're talking about use of force where do you justify your use of force? Do you see the similarities here? Just because you used force. You know I've used force plenty of times in my you know 20 plus year. career where I have not used, not left any injuries You know I've had force used against me or I didn't have any injuries that anybody can see and we were talking about strangulation. You know, there may be a preponderance of the time where you're not gonna have any injuries. And that's, that's the highest, we can get on the lethality scale. You know, we talked about, you have to see the parallels

and how we use force and how domestic violence victims may use force, we use force to protect ourselves.

44:13

You know, looking at that, we have the luxury of sitting down and having that use of force continuum, or having that use of force guideline to dictate well, the suspect did A, B, C, and D And I did A, B, C, and D And we can denote that in our report, we don't provide that to a victim, You know, So, you have to understand how we use force to defend ourselves, maybe, how that victim is using forced to defend themselves as well.

44:42

So when we're, when we're determining self-defense you know, as I mentioned earlier, if it's legally use, it's an absolute defense to Assault and Battery.

44:53

The individual utilizing that force Must subjectively fear, danger or bodily harm to themselves or another individual.

45:04

And that fear must be objectionable reasonable under the circumstances. It's kinda, like, when when we use force, We can't, just say, I was in fear, we have to lay the facts out on the line. You know, the individual was movement moving in a certain way, which indicated to me, through my, my, my training and experience that they were about to assault me or somebody else. And so on and so.

45:28

And, you know, we can, without, leading the individual, we can ask questions to get to those answers.

45:36

And, you know, we know that when they use self defense, it's not all bets are off. When you use self-defense. It's kinda like the amount of force we can use that, which is reasonable and necessary, given the facts and circumstances in the, in the case of hand, because, and when one's when one is engaging in self-defense, as long as it meets the criteria, it's justifiable. It's reasonable. It's legal.

46:05

So we're gonna watch this video and watch the video. I want you to take notes as to your opinion on what type of force you would use and what? what do you think transpired here?

46:28

Sorry.

47:38

So, in just looking at a video. You know, we are taught from the start of our academy. You, know, how to fill out how to document for us, you know, everything that we see as far as body language, words,

weapons. No. We have that cheat sheet. To sit and Help us do a use of force, you know, to denote everything that we saw, why we use amount of force that we used, you know? So when we go out on these calls, you, know, what criteria are used to determine whether that force was was justified. You know, Dave talked about, objectively reasonable, That's our standard and that's the same standard we're looking at for self-defense.

48:14

But you see, again, get with that victim and build that picture, You know, Build that puzzle, you know, tell me, tell me more about what you saw, what you heard, what you smelled, You know, what's happened to you in the past using those prior instances of those prior reports to to build that picture to sustain that self-defense and the act. That's what we're what we're dealing with here.

48:36

You know, when you're on these calls, are you using that criteria to determine whether or not that victims use the force was justified when they're trying to defend themselves? Again, take ourselves into consideration. You know, we don't have to get punched in the face before we start to start to build that or climb up that use of force ladder. No, we don't need be shot at to start. You know, escalating our force. You know, so are we using that, same determining are those same determining factors to determine whether or not our victim on the DV call is justified and the ability to defend themselves.

49:11

Know, what we're looking at as far as that criteria, and you really need to build that picture with that victim. Especially a victim has no sustain, multiple physical assaults, You know, victims know, again, they key in on words. They key and on behaviors. They, they, they key in on what this offenders giving them and they know that that offender no different than the video we just watched.

49:32

We know we saw the weapon switched from left hand, right hand. You know, we saw him pacing or moving back and forth, We saw the fists were clenched ..., all of that building that used the force puzzle in our head, like, OK, you know, I know a gentleman's stood up, we probably have red dots on this. Just like, hey, I can see that things are about to go bad here. Let me for myself to use force, because that's where it's for me, because. So that victim of domestic violence. They're no different. You know, you know, they watch that offender escalate. They know what's going to happen. You know, that doesn't mean that every single event is the same with them. It may escalate, it may not reach that particular point, because that victim knows how to mitigate some of those responses. From that, that offender. So, you know, you really need to build that puzzle, build that high on what that victim knows, sees, hears, feels, you know what's happened in the past, so, we can build that self defense picture.

50:28

Hmm.

50:36

So when we're talking about weapons, you know a person who's being assaulted or might be assaulted again, we're talking about building that picture with that victim, they may realize, Hey, I'm no. No match,

you know, Dave. And I know places were about the same size. I weigh a little bit more than, I know Dave has that specialized knowledge. I know that that Dave has has done other things that I haven't. The victim is no different than a victim of domestic violence is no, no different. And they may have to use a weapon. You know, we've we've had instances here where, you know, male, female, female is the victim. Male is the offender. That victim has to pick up a baseball bat, is that individual, that male offenders kicking in the door. And vice versa. You know, just because we have a male female relationship. That doesn't mean that the male is always going to be the offender, and the and the victim is always going to be female. That's our job, to build that puzzle.

51:25

Build that pie and understand who that predominant aggressor's know, so may that victim may have to use an equalizer. They may have to use a weapon and we need to prepare ourselves for that. We're no different, no. We're looking at this moment in this video that picks up that glass bottle. Are you just going to stand there and go toe to toe with an individual that's got a glass bottle? Are you going to escalate your force as well? Are you going to use a weapon that you have available on the tool belt?

51:50

That amount of force used to defend against that assailant? It may not be unreasonable. It may not be accessed again, We have to ask these call qualifying questions to get that picture. So, we understand exactly what was going in. Is that objectable? Well, is that reasonable? You know, what does that look like for that victim? Not What it looks like for us, What it looked like for that victim.

52:11

Yeah, you know, it's, that's so important, I couldn't be more right Denise, like, you know, in that video, that guy was, 6'2", 260lbs, you know, And you get, we get paid to go home safe not to have Tombstones courage. And thus, we make a calculated decision. When we get into that, that those situations and we use the equalizers that we have been issued and trained to use in order to rectify this situation.

52:45

And so, this is such a good way of kinda looking

52:50

And that's why we're talking to this victim to try to see what went on and why they did, what they did. We non, every time we put hands-on, we have to do that. We have to articulate that. Once again, old-school when I came on in '86, unless they went to the hospital, you didn't have to write any use of force of the ancient times that they didn't know. But, you have to be able to do that. You have to be able to formulate that, so that's another tool we can figure out, you know, Denise is a sergeant, is going to have people who work for her and they come in and they've utilize force. And, you know, if that will use of force, form isn't looking right.

53:33

She's gonna come, Thomas, come over here, OK. I see you said this, this, and this.

53:38

Can you give me a little bit more on what went on, because this ain't making it. What you've said right now is not making it. And as we do it more, we get better at it, right? Just report writing, everything's get better, gets better. And so, all we're doing is the same thing our supervisor would do when it comes to when I put words in their mouth.

53:59

No, We're getting them to articulate why they made the choices to do what they did at the time, given the facts and circumstances that they were perceiving as they went along, right?

54:11

And if it comes a lot easier than we might make it look to be.

54:21

And so, you know, this is where it's real important when we're making, when we're making that analysis, when we're interviewing that, that, that victim, that suspect, it's not a question of whether I as the investigator and the officer, believe force was necessary.

54:38

The question that I have defined is given from the perspective of the individual I'm talking to. Are they able to articulate that reasonable belief that they are somebody else

54:51

Was in imminent danger of being a serious way, injured, or killed. plain and simple.

55:00

So it doesn't matter whether it's not that I can't go there and say, Well, I wouldn't use Force. That doesn't matter. That's not what it's all about. It's kinda like somebody question whether you use your, You used your Ask Todd against Willie, or you use pepper spray against Willie, or you use the taser against Willie. Or you shot Will. though, You may be able to justify any and all of those.

55:24

Given your size, given how close Willie was to you, or to somebody else, given. You know, you had that bottle that he could have broken, you know, talking about surviving, a weapon attacks, and all those kinds of things can be brought into play to justify where you went there, alright? But, you have to be able to articulate it, and the question is not, a lot of times when I've had to testify, as an expert in cases use of force. Some of the times, I had to say, I wasn't standing where the officer was at the time, a time perceiving what the officer was at that time, there may be things that they noticed that I don't, I'm not privy to.

56:04

So it's unfair for me to say exactly what I would have done if I had been there and done whatever they decided to do, And I don't think its fair for me to second guess that officer. what I can talk about is, you know, is it reasonable and so forth, so that, that's what our goal is, to get to that.

56:31

And so some questions we want to ask. did the person utilizing force having a reasonable belief they were in the imminent risk of body bodily harm?

56:43

We're asking questions such as to the to that, tell me what you thought was going to happen.

56:51

Can you tell me more? Can you tell me more, right? We're asking open-ended questions, we're letting, and they said, Well, I thought I was gonna get, I thought he was gonna hit me. Can you tell me a little more about that?

57:02

Can you tell me what was going on in your mind?

57:05

When, when, when this happened?

57:09

Can you tell me what was going on in your mind when you picked up the knife?

57:13

Know, it might be, Well, I knew that, you know, he kicked my butt before and I knew if he got close to me, he was going to grab me by the throat and this, that, or the other. And that's what made you think that, right, If they're not giving me that answer. And that, we know, we want to ask those open-ended questions, why weren't you gonna let him come near you?

57:37

They may say something like the last time. The last time he came near me, put me in the hospital, they may say, no, because the smell like beer and I didn't want a near me, but we're not putting words in their mouth. We're trying to get to the facts of what happened.

57:53

You know, what did, what did you think?

57:55

What happened next? What did you think would happen to you? What made you think that?

58:00

What was going on in your mind, and as we're asking, these questions, were starting to try to meat out, was this self defense? We might not get permanent, you know, questions that can get us to that determination. There's gotta be some time for what it when. They're not going to apply and that's when we're going to go ahead and start with the predominant aggressor determination because of self-

defense. If self-defense is the factor, then we we we don't have to do all the predominate aggressive determination because that aspect of the violence is justified.

58:36

If, once we find that that was, that was, in fact, that legally utilize, and go on to the next.

58:47

So, we're, we're, we're analyzing the injuries in the context of the totality of the circumstances. Are they offensive or defensive? The whole time, what we're doing is engaging in critical thinking.

59:00

Critical thinking means, we're going beyond assumptions, we may assume that one acted in self-defense or one is the predominant aggressor. but, now we got it back it up by facts and circumstances. That means engaging in questions to make sure our assumption is what we think it is. And that we have the articulable facts and circumstances to, to verify our assumption or is it taken somewhere else?

59:32

So, to go back to investigating power control and so, and it's establishing that predominant aggressor, you know, that we have to use everything that we possibly can. So, you know, we're doing criminal case histories. You know, we're looking back into, you know, prior calls to those with those visuals prior calls those residences. You know, What's the history of committing violent crimes for the offender, you know, what our history of service calls to the house, What are the outcomes of those calls? You know, has there been a history of domestic violence between those two individuals?

1:00:02

Or is there a history of domestic violence with with other individuals in the offender? You know, what's the comparative height and weight? And that's not always the predictor, you know. So it's not just one particular thing that we need to rely on its, use, a combination of all these things, and we have to use everything at our disposal. You know, is there a history of protective orders? And we arrested an offender here that was had assaulted his, his new, his new girlfriend, you know, she moved out. He was stalking her, she gets a protection order. We continue to deal with protection order violations in, This individual has seven protective orders, with, with seven different women. You know what, I was a relative his, you know, who is capable of assaulting the, of the other person, you know. So, you have to look at the totality and take everything that we possibly can use. You know, into consideration, when we're investigating this power, and control, and trying to determine that predominant aggressor.

1:00:54

You know, has that one party threatened The other? you know, we've been talking about, you know, tell me what it looks like, you know. What does that person saying? What's that body language, you know? Have they ever carried out a threat, have they ever said they were going to kill themselves? You know, have they ever attempted suicide? You know, the severity of injuries and where those injuries are located, the defensive, or offensive. You know, again, evidence, one pretty at, but one party acted in self-defense and that potential for future injury for that victims. So, all of those things, along with a lot

of other issues are a lot of other factors, will help you determine that part of that power control, which will help you determine that predominant aggressor.

1:01:37

So, we'll go into evidence. We actually do our investigation. You know, I tell our, ladies and gentlemen, work for us. You know, we need at the predominant provider of evidence, and we need to be the predominant provider of, of anything that you can, you know, we're going to show up for court. We're going to be there, you know, we get paid to be in court. So the more that we can provide to, to establish the facts and certain circumstances in that case, the less we are reliant on that victim. You know, and when we're out there on scene, and we try to take the easy way out. You know, I've seen it happen time and time again. You know a neighboring jurisdictions here and we don't determine that predominate the predominant aggressor or we don't determine the correct prominent aggressor, you know, and the victim actually use self-defense.

1:02:24

Again, devastating devastating consequences. We've had judges here if you can't figure it out on scene, I'm not going to figure it out in court. And now, both people are free and clear and we've let that predominant aggressor potentially go. You know

1:02:38

Again that that descendent, that offender, that predominant aggressor can can we consider that victim? What have we done to that actual victim? You know, we've we've basically damage that, that communication, that relationship that we needed to build with that victim, so we can keep them on our side.

1:03:03

... [Technical Difficulty]... You shouldn't be just for services.

1:03:11

Mmm hmm.

1:03:24

So, again, your state statutes are going to define domestic violence for you. I don't know how how each state defines their own. Ours has to be an intimate partner where you've been married. You have kids in common. You live together, you know. Whatever that looks like.

1:03:39

But you need to be well versed in your state statutes. It's no different, You know when, when I love to work, dope, you know, I knew everything that I could pull a car over four, I knew everything that I could do in the limits of my authority to get in that car. You know I did all of this extra work, you know, I lived and breathed trying to find drugs and people's cars and arrest traffickers. It's no different here.

1:04:03

You have to be, you know, that individual that wants to know their craft, that has to perfect their craft. You need to know your DV statutes in and out. You need to know like Dave hit on the slide before, you know what constitutes this violation?

1:04:15

Because if I can't charge for a domestic violence, you know, what can I charge for? That still a violation, that I'm going to be that sole provider for evidence, and that person is going to be held accountable. It may not be the charge that we want them held accountable, but it's a charge, and we're gonna get them into court, and we may have taken that burden off that victim and say, You know what? I understand why you chose not to participate, I'm OK with it, but I found this violation. I'm gonna charge based on what I saw, and I'm going to arrest this offender. I'm going to order this person into court, and I'm going to show up to court. And he or she, that offender is going to be held accountable for this particular charge. You know, that When you write that that might reconfigure the relationship between you and that victim, and if that offender gets released, they may may be more apt to to participate and Communicate with you later.

1:05:02

You know, sit a conversation with your prosecutors and your judges, you know, understand, like, tell me how I can do a better job. You know, we've sat down with our prosecutors, You tell me what our officers are deputies aren't hitting so we can make sure we're doing a better job.

1:05:15

So we can meet whatever you criteria you need for this charge, know, whether it be cohabitation, you know, marriage, kids in common, whatever. That looks like, how can we do a better job of hitting that Mark for you? You know, whether it be us, we go in and take pictures for one of the things for us. We need cohabitation. You know, we're going in there and looking like if I say, oh, no. I don't live here, but my mail comes here, You know, all of my worldly possessions are here. You know, we take pictures of closets. We go into the medicine cabinet. When, when we're given permission to go through the house, we go in the medicine cabinet, all the medications are here, you know, closer in the dirty hamper, if I'm going somewhere and I don't live there, all of all of these things aren't there. They're not apparent. No. So anything that you can get, you know, when you talk to your prosecutor, and they tell you, We need, we need A, B, and C to really prove this case, then we as law enforcement officers need to take that responsibility, and we need to provide that for the prosecutor. So again, that's, That's not solely needed by the victim, because a lot of recantations in my area.

1:06:16

That person doesn't live here. so we do our due diligence to try to establish that cohabitation. So that's off the table. We establish that, that victim didn't have to provide that.

1:06:30

So, you know, it's real important that we understand dual arrest, and the consequences of making those dual arrests.

1:06:41

When we, when we arrest them both, I mean, you might have been on scene and heard somebody say, I'm just going to lock up everybody. Let's let the Court figure it out.

1:06:54

Ah, and that that is a real bad thing, because of the unforeseen consequences. Especially to the victims. In these cases, and especially because we're going right with the smoke and mirrors of the perpetrator.

1:07:13

We know that in these cases that mutual combat is going to be the exception.

1:07:20

It definitely ignores the intent of the law. When we arrest both, we are really, many times we're making a false arrest because we didn't take the time to do a good proper investigation.

1:07:40

We're lucky that it doesn't come back on us. But we possibly violated our own state law, our own policy of our agency.

1:07:50

As I mentioned before, many agencies today have have policy that say, if you're going to make them a mutual goal arrest you gotta call the supervisor on to the scene.

1:08:04

And hopefully the supervisor will know the policy and they don't want to be involved in violating the, their agency policy or their state law, either plus, from the beginning. We needed to be getting this right, We need to be doing the right thing at the scene. And, you know, as Denise mentioned, if we can't figure it out at the same, how do we expect somebody who wasn't there to be able to figure it out later?

1:08:32

The case is going to go go nowhere.

1:08:35

The only one who's going to win is the perpetrator.

1:08:45

So, when we look at the LGBTQIA+ community, you know, we're dealing with a different demographic, but we're dealing with the same people, some statistics here on intimate partner violence, and LGBTQ community. You know, talking about dual and mutual arrest. I think that, you know, as officers, we look at this particular demographic and we try to rely on some things that we would not rely on in, in heterosexual relationships. You know, when we look at, you know, the preponderance of domestic violence victims and heterosexual relationships, we're talking, predominantly, we have male offenders, and then we have predominantly female victims.

1:09:20

You know, when we're talking about same gender couples, you know, that may not always be the case. We can't use, you know, something that we've been relying on for decades to establish that.

1:09:32

So some of the statistics here on, you know, gender and different roles that have experience rape and physical violence or stalking, by an intimate partner, you're looking at 35% of heterosexual women, 29% of heterosexual men. And then you drop down into the LGBTQ statistics, 44% of lesbian women, 20%, 26% gay men, and then 61%, bisexual women, at 37% bisexual men. So, if we start talking about, you know, considerations that we should be looking at, an intimate partner comes with same gender roles, or same gender identifiers. If you want to advance the slide, Julia.

1:10:10

Know we're looking for those same dynamics of power and control. We still need to do our due diligence, and determine that predominant aggressor. We can't use a gender role to do that for us. You know, social stereotypes, you know, keep people from recognizing Women don't hurt each other, a fight between two men as a fair fight. You know, we don't want, you know, this ideology. And in our profession, you know, we have to do our due diligence to again, use all the things that we're using in a heterosexual couple to determine that power and control dynamic and that predominant aggressor and same gender couples.

1:10:45

You know, we're looking at some considerations. Some abusers threatened to out of victim. You know, to whether it be a parent, family member, or roommate, classmates, friends, employers, whatever that looks like. You know, just because two people live together at this as the same gender, doesn't mean they're out in a particular area, they may not be out because they can't be at work. You know, there are still cities and states across the United States that don't have protections for those individuals that you identify as lesbian, gay, bisexual, or whatever that looks like, transgender [technical difficulty]. So, they may not be able to be out at work or they may not be able to be out at church. You know, so that the offender knows that, you know, Dave touched on earlier, the offender knows exactly what to use to maintain that power over that particular victim. You know, the victim may be afraid to get help worried that that we as law enforcement officers or counseling services homophobic or insensitive to, you know, what they're experiencing?

1:11:41

If, you know, you don't have somebody that that has an LGBTQ plus person in their department or in that organization, whether it be, you know, counseling, service, community services, You know, somebody of same sex couples, same gender couple, may not be comfortable. You're speaking to them. They may not be comfortable speaking to us. There are certainly certain numerous different instances over time that that have really driven a wedge between law enforcement and the LGBTQ population, so we need to understand that. It's no different than any other demographic. You know, what prevents that particular victim from coming to us the report. We need to get those barriers removed, You know, whatever the african american community looks at us. You know, Islamic know, LGBTQ+ whatever that demographic is. What are their barriers to reporting to us? And how can we diminish those barriers?

1:12:36

Because again, of anybody we want somebody to come to us we are that person that's objective no matter how you feel religiously it politically those views. They leave when you put this uniform on and you represent everyone equally. And that's our job. We are supposed to be that that individual, that group, you know, that no matter what you, you identify as whether it be, again, gay, bisexual, lesbian, transgender, male, female, intersex, questioning whatever that looks like. You know, we are that group.

1:13:08

We are that that that entity that you can come to us and you can talk to us because we're gonna protect you. We're gonna do our due diligence. No matter who you are, who you love, or whatever that looks like for you.

1:13:18

So you have to understand then in your particular area, you have to get to know those those demographics and you have to start reducing those barriers.

1:13:27

Because in special demographics, the underreporting number it, it goes greatly, it goes up greatly. You know, there's, there's reasons that people won't report to us and whatever we can do as law enforcement officers to reduce those barriers. You know, obviously, that's what we need to be doing.

1:13:48

And it's, you know, it's really important that we will continue our conversation with respect to dual arrest when talking about police in marginalized communities, because we know the incidence of dual arrest in those communities is much higher, and it's much higher because officers throwing their hands up. It's much higher, because of both,

1:14:15

Implicit bias, explicit bias and implicit bias. And these are things that that's stuff that really, really has to be checked, that the door. And that's where we have to remember what we, we wrote our right hand and swore an oath to. And these, these are we, we are putting somebody's life in danger by not taking any of these calls, for the seriousness that it is. And these, when we make a dual arrest.

1:14:45

When we make a mutual arrest, they're incredibly problematic, because, you know, we we we we really do make it pretty much impossible for the prosecution to go forward. We would cripple that prosecution. Agencies that allow for dual arrest when they're doing it right. They really, the policy says that they're going to write two separate narratives because you're saying two incidents occur.

1:15:16

All right.

1:15:18

So to use that to report numbers and two different narratives. 1 stating 1 party is the suspect in one case, and the victim, and the other, and vice versa.

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But we're going to, the prosecution, ultimately is not going to be able to take the case for.

1:15:36

And as we touched on earlier, that victim, the true victim in the case, they are not going to call us again.

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They are not going to call us again which puts them in more danger, which puts the perpetrator right where they want to be. Once again the smoke and mirrors going right, where they want they got the three Stooges looking just like they want them to look.

1:16:01

And now they feel emboldened to do whatever what they believe they have a right to do in the first place.

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You know, you yourself are subject to litigation as in the as is your agency for incompetent investigation.

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And, you know, once again, that suspect feels that they've won.

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They will definitely use it again, That victim, who was not going to call us back, and by the way, they're in more danger. So they are most likely going to be willing to go to further steps, to use an equalizer in order to defend themselves.

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And that's where we've seen across the country Women killing that significant other, or that victim killing that significant other. Because the police have done nothing for, you know, there's on average, we've been there five times, ends up at a homicide.

1:17:00

And many times, many, most the women in jail for life or on death row are in jail for killing the man that was abusing them.

1:17:12

All right. So, I mean, you gotta take this seriously and look at it, what it is, and make the law keep its promise.

1:17:22

So, if we're, you know, if we are at a point where, you know, as I mentioned earlier, sometimes it's such a dirty shade of gray that we can't figure it out, even after a good, thorough investigation.

1:17:36

We want to document our decision thoroughly, we want to make sure we make a good assessment of safety for the parties involved and any children present.

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We want to try to separate the parties, get somebody perhaps to leave for the for the evening.

1:17:56

We want to look into whether or not getting a protection order might be appropriate for the, the, the victim or one of the individuals, and that's where it's good to have that good, solid relationship with the local service providers.

1:18:14

So, advocates, advocates, we can consult advocates, who can come in and collaborate with us and help us make individuals' safer?

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We know when it comes to reduction of domestic violence homicide across the country, that it's gone down because we've been bettered connecting victims to service.

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And so, we want to make that warm handoff.

1:18:42

You know, somebody doesn't always have to go to jail, but, and that's where we want to make sure that if we can't make that predominant aggressor determination, that we're not just throwing our hands up and lock them both up cause of the problems that we, we mentioned earlier. And through at all, we want to document everything we did. It may be it may be a situation at this point where we're not going to be able to make an arrest.

1:19:07

You know, I'd go and I'd take all this information, goes in, write a good sound report without being able to make arrests and arrest. Sergeant Jones does the same thing, or one or the other, or come back in two weeks.

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That might be just enough for us to have the probable cause to make an arrest. two weeks later.

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That information gets documented, and it might be part of a body of information. that helps us get there, so we want to always cross those T's, dot those I's and get the information.

1:19:46

Absolutely. And just to expand on what you're saying, Dave, that it is imperative that you utilize your community partners, you know, sit down with your prosecutor's office and, you know, how can we strengthen our cases? We'll be seeing that you're losing cases on your allies as a department. We can strengthen and sure of what we're not doing completely for you, or whatever you may need. Now, how can we make that better? And, you know, your community based advocates, especially community based advocates, I mean, they're, they're solely for your victim.

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You know, they have that, confidentiality, know, these, them completely. And so when you can get on a first name basis with these individuals, your system based advocates, you know, our deputies are calling advocates on the scene, you know. We're getting that victim directly to services. Again, they may choose not to participate with the criminal justice system, and you have to be OK with that, because that's their choice, you know, But we're in touch with service and potentially building that relationship. So if and when this ever happens, again, they are more likely to participate with us, and the criminal justice system. You know, I strongly advise you to sit down with your community partners, to sit down with anybody And everybody that will take a meeting with you and build those relationships because you will need them and ultimately it serves your victims better if you do have them.

1:21:11

Just to summarize what Dave and I have been talking about, again, it's a thorough investigation looking at context and the history, it's the totality of what's been going on there. Not just that night, you know, I've, you know, I've been guilty of it before, you know, going out to the same house over and over again. And then, starts to give me this well two weeks ago, and I've been that person that says, No, tell me what happened tonight. No, we need to hear what happened two weeks ago. We need all of that prior stuff.

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You know, needed to self-defense determination. You know, what was the force used for? You know, what? Was that a self-defense situation? Analyze those injuries. Determine that that power and control. Use the power and control wheel to your benefit. You know, have that victim highlighter circle, what they're seeing. You know, document, document, document. It's no different in this particular genre of crime. Then, you know, that traffic, stop, and digging for drugs, or whatever it is, that maybe your particular niche you know that you really love, and drive and enjoy doing in law enforcement. You've got to do the same thing with these particular crimes and we need to be that preponderance, that's that, that stronger provider of evidence and information. And those partnerships and collaborations will serve you to 100 times over when you're dealing with that particular victim that, again, may not be ready to participate in the criminal justice system, but they need services, and they need help to get out of the situation, or make their situation better.

1:22:42

So, we're looking at realities of violence against women and some of the common characteristics of violence against women, go ahead and advance. We're looking in that course of conduct versus incident base. Again, it's been going on there for, for some time, You know, typically. Again, the statistics say that we're not getting get getting called out as at the beginning of this, we're getting called out in the middle or towards the end You know, you may have multiple or concurrent crimes You know a lot of our drug traffickers to have a DV background. You know, if you're looking at an active shooters, mass killers, they have a DV background especially with strangulation. You know, look at that trauma. start to understand trauma. It's not only going to serve your victims is going to serve you as a law enforcement officer because we connected to trauma on a daily basis, you know. Look at the minimization by a victim, you know, victims of sexual assault, intimate partner crime, they're gonna minimize, know all this, OK, you know I've had multiple cases where an individual has been strangled. No, he didn't hit me he just strangled me.

1:23:37

Well that strangulation pumps you up on that lethality scale. The minimization, by the perpetrator, trying to diminish their role, trying to diminish what that victims telling you, again, the intimate partner crime, hugely underreported, especially when you're talking about domestic violence, talking about sexual assault, you're talking about stalking, I'm telling stalking, we're missing it, you know, we're missing it nationwide. And that's a huge factor, domestic violence and that's a, that's a huge crime that we're missing.

1:24:03

Then that serial nature of perpetrators, you know, I can't tell you how many, how many offenders they have that DV background with multiple different victims. They have multiple protection orders that have either successfully gone through or been dropped. You know, multiple concurrent crimes. You know, if you pull a CCH for criminal case history, for a domestic violence, like we do to enhance up to a felony. You know, you're looking at, it's not just one particular crime, it's a multitude of genre of crime of what they're actually out there. So, you need to take all of that. And the build that again, that totality the of the of the situation that you're dealing with and understand that you know this is what violence against women is like. It's not just that offender. That's doing one thing.

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That concurrent crime, multiple different crimes, multiple victims know that serial nature of perpetrators and how underreported it is, and why it's underreported and really get to know why victims choose not to participate by they may recant and try to build a case. Knowing that the victim is more than likely not going to participate with you down the road. How can you strengthen your case to lead victim list?

1:25:07

You're that sole provider, the predominant provider of information.

1:25:11

Yeah, when we, when we really start recognizing that course of conduct and understanding this class of criminal, we really start seeing that there's a lot of co-occurring criminal behavior going on there. And

that's why, I can't emphasize enough, that it need to treat your investigation of that individual like you would do a search and incidental to arrest of their person, when you start looking for these commonly missed crimes.

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In the context of a domestic violence situation, you start when you start really seeing them there. And I'd like to say there's there in plain sight. Do you know what to look for and what to listen for? Ask the questions. Don't assume that, that they're not there.

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We have to approach these cases in an evidence based manner, where we, we just, are, you know, we miss these crimes for numerous reasons.

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And a lot of this, because we don't ask, but we have to understand, we don't know what we don't know.

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Many times, we're surprised about what we find out. And, you know, when we, when we do miss these crimes, very negative impacts on the victim, our agency and really, on our communities, this is why, we're doing these investigations, finding out about these behaviors, doing those lethality assessments.

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You know, I do a lot on lethality assessments and how it, how important it is once I go in there doing that assessment. So, next week, the Sergeant Jones goes there And I found something out. I want her to know that he has made AK 47 back in the bathroom, in the bedroom.

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He may on it legally and everything. But it's not something you want to know when your approach and a door, especially if DV call.

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Perhaps, if it's a violation of protection order call, were not ask those questions about firearms on the lethality assessment might not found out about it.

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take the time.

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Do the investigation, cross the T's and dot the I's consistent about the safety of everybody involved.

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Know, like we like, we talk, you know, is there co-occurring crimes? And, you know, these offenders, they're killing us, you know, more officers are killed in the line of duty responding to domestic violence

calls. So, when you're doing these lethality assessments, and you're asking these qualifying questions, you may be saving your partner's or another law enforcement officers' life.

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Absolutely. And when she's saying they're killing. And we this year, when it came to law officers killed in the line of duty by firearm up until mid April we didn't have any.

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And then the next seven officers kill by firearm this year were by domestic violence offenders, right?

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We've got to, when I say the safety of all, of everybody involved, I'm not blowing smoke, Know, this is something that, that this is an investment in everybody's safety.

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And realizing and recognizing how many of these individuals are, one person crime spree

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Right? To expand on that, you're looking at, when you have these perpetrators of violence against women, they plan, they're calculated. They manipulate us, They manipulate that victim. They're very strategic, They know how to spin us. They know, when, you know, that explicit and implicit bias, they, they prey on that we're no different. If we allow that they will manipulate us, just like they manipulate their victims, you know, they, they ensure they isolated, They make sure there's no witnesses. You know, they isolate that the victim from friends and family. You know, when you previous slide, we're talking about injuries that you can't see. You know, predominantly male officers, you know, and law enforcement. So, how many male officer is going to be comfortable? Like, looking in a bathing suit region of a female victim. You know, so, that offender knows that, and they use that to their advantage.

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You know, they target these individuals, they test them, it's like grooming for human trafficking. I mean, it's not something that we go on the first date and I smack you in the face. And we continue on in a relationship, no, no, these are groomed.

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You know, it happens little by little, or, you know, whatever that looks like for that particular situation, but these are often repeat offenders, co-occurring crimes, especially with animal, animal abuse.

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You know, so you have to look at the totality of that offender, and they ask violence over time. You know, there's, there's been studies on the recantation, we'll, you know, and how they get that victim back on their side, once they've been arrested, you know, in that over and over again, it's, it's a batter cycle, you know, everything's OK. Then it starts to escalate starts to escalate, and then we're in a verbal arguing that weren't serious, you know, serious assaults and then how does that victim mitigate that?

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And to get back where everything is ok, you know, so those things keep escalating over time. And, again, You know, it's typically not the first time that they've dealt with something when we're out there, you know, they're dealing with it all the time. You know, it's just, they've hit that point where now they need to call, because they can't mitigate it on their own.

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So, they're not always going to be that perfect victim, again, like we talked about. If I, If my house gets broken into, I want that person held accountable, I want all my stuff back. They're not going to be that perfect victim, they're not going to be, like, cut and dry. Like, Yes, This is what happened, exactly, I want this person the arrested because, you know, whether, we believe it or not, whether, no matter how we feel about it, you know, they, they may love that offender. You know, they may think they can change that offender. They just wanna get back to that cycle where everything is OK. Again, everybody's all right, they have kids with that offender. Whatever that looks like. But they're not gonna be that perfect victim.

1:31:07

Yeah.

1:31:07

And they're gonna, you know, often there, they are going to delay, reporting the crime, or go into it, knowing that that's the norm, know, given this type of crime, and part of it is because of the trauma involved due to the violence. And the more you understand trauma, more, explains the choices victims make in many of these situations, all of a sudden, this stuff.

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But that seems, counter-intuitive makes sense right now.

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They're absolutely often threatened, afraid and reluctant because we can't be there all the time. Even if we do lock them up, how many of them are getting out before we even finish our paperwork?

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How many of them, even if there's a protection order against them, how are we going to be able to be there, 24/7, know? So there's a whole lot of things that this victim has to weigh in order to keep themselves safe and children and their children safe as well.

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And when they feel powerless to stop the violence, They feel powerless because of the past. what they've experience. Right? This isn't something they're guessing about. This is what they lived.

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And they, they have many vulnerabilities that, once again, that perpetrator knows about. That's part of a perpetrator utilizing different tactics to keep that victim under their thumb, because they know what buttons to push.

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Through there, they're not stupid when it comes to figuring that out.

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Why am they saying distrust the police?

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Maybe because of what they were told, it may be because of their experience, because those are showing up, can maybe locking both of them up, showing up and just being spun by the perpetrator and them feeling like there's no way I'm calling again, because many times you know that perpetrators telling them. that they're gonna come in here and I'm gonna spin em around.

1:33:17

And then you're really going to get, yeah, when you come in there and that happens, there is no motivation for them to trust us, order come back.

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And they still, you know, and at all, they do love this other individual because most of them don't necessarily even want them locked up. They want the violence to stop.

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That's their goal. They don't necessarily want to get that suspect and trouble, especially if the suspect is the breadwinner.

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So we gotta keep those things in mind.

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You know, and this is one of the reasons also we want them to blame us for locking them up because of violating the state's law.

1:34:09

Denise and Dave, thank you so much, for sharing all of this incredible information about predominant aggressor determination. As we wrap up here. Now, we just want to share a few resources with you all places to find more information. So, the IACP has an incredible online resource library for the law enforcement response to violence against woman crimes. We have a whole bunch of free roll call training videos. We have recorded webinars. We have report writing checklists. We have so much information, sexual assault investigation guidelines, policy guidelines. So, the website is right there, and we absolutely encourage you to check that out. throughout a few times

1:34:50

During this webinar, Denise and Dave have mentioned that the impact of trauma on victims and their participation in the process. And we have training, as well as resources, some webinar recordings, successful interviewing techniques, Information about how trauma impacts victims, and how officers should be taken into account in the investigation, and support they're providing to victims. You're also welcome to contact us for training, technical assistance, specific cases, general policy review. Really, any type of support, for against women crimes, e-mail address, right there, is where is the best way to reach us. Stopviolence@theiacp.org.

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We also have a number of national resources that we would recommend that you look at the end Violence Against Women International (EVAWI) Resource Library is large. They pull information from all sorts of other organizations and websites, lots of, again, recordings, videos, live webinars, as well as text documents. AEquitas is the organization that does the same type of support, but for prosecutors on violence against women crimes, they also have a large library and are available for technical assistance and offer training.

1:36:18

The National Network to End Domestic Violence has a huge list of resources as the National Coalition and the Family Justice Center has a lot of resources especially on strangulation, which we'll talk about in a moment. But Family Justice Centers are one stop shops for law enforcement advocates, prosecutors, support organizations, everyone to work together in one co-location, so that victims only have to go to one place to receive support. But even if you don't have a Family Justice Center that you work with, their websites still has lots of great resources on these different crimes as well as how to partner together.

1:36:56

So I mentioned strangulation, strangulation Training Institute as part of the Family Justice Center Alliance for Hope and they have free trainings as well as lots of resources. So we encourage you to look at that. Denise and Dave both talked a lot about stalking and how underreported and unrecognized it is in the criminal system and so we absolutely encourage you to go to the Stalking Prevention Awareness and Resource Center stalkingawareness.org. Again, lots of incredible resources and they are available for support, technical assistance.

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If you are particularly interested in technology safety and not just stalking technology but, or, sorry, technology, technology used to stalk victims, but lots of other technology misuse issues, there's a great tool kit at techsafety.org. The Sexual Assault Kit Initiative has a fantastic webinar series on the neurobiology of trauma. So we have that listed and absolutely encourage you to look at that. And in addition to talking about the trauma that victims experience, and how important it is to take that into account, when investigating these crimes and determining the predominant aggressor. We also know that officers, advocates, prosecutors, everyone who works with victims, sees that trauma, that we know that officers respond to very, very difficult situations, and see a lot of bad side of humanity, and that causes trauma.

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It both in officers and seeing the trauma, so, OVC has put out, has created this Vicarious Trauma Toolkit that IACP was a part of.

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And it offers a lot of resources for agencies as a whole, to assess how they are supporting officers, fire, and EMS advocates, et cetera, to make sure that officer and employee, how mental health, wellness, are being addressed. And agencies can be supporting that.

1:39:04

And now I'll ask Denise to talk about local resources and partnerships. So, yes. So, again, getting to know your service providers, we didn't have a very good relationship a couple of years ago with our rape crisis center, our local DV shelter. So we got out and we met with anybody that would talk to us and basically re-establish and repaired those relationships.

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And the more versed that you are on exactly what it takes. [technical difficulty]

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What that that system may look like, you know, the better that you can inform a victim. so they know they're not surprised that they're going to have to do a particular set of set of things to get into shelter. Stay in a shelter, you know Identify those organizations. In any organization that you can provide to the victim. The more information we give, the more resources we give to victim, the more likely they are to participate with us.

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You know, Expand your knowledge base. Expands your horizons and get to know anybody that, that has a service organization in, your In, your, In your area, you know. whether that be with working with Margaret marginalized communities, underreporting, demographics, LGBTQ plus you know, whatever that looks like. Get to know those individuals because you know the fact that you know that you can provide that information on the spot. Where you can put them in touch with those resources again. The more likely they are to participate with us, the more likely they are to seek help, and services, and the more likely they are to get out of the situation That they, they, potentially, face. You know, get to know everything That you can locally and get to know everything that you can on your, your, your state level. You know, how can you better serve these victims, when you're out there talking to them, or they're approaching you, whatever that That may look like. You know, the more resources we can give an individual, again, the more likely they are to get the help they need to get out of a situation, the more likely they are to participate with us when it comes time to potentially charged, criminally.

1:40:53

Yes, thank you, Denise, Thank you, Dave, for joining us today, to talk about predominant aggressive determination. Again, if anyone has any questions, please feel free to e-mail stopviolence@theIACP.org. And, of course, you can go back and rewatch any part of this Recording.

1:41:13

Stay safe.

1:41:17

I say for everyone.