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Part 7: Guidelines for Law Enforcement

PRACTICE GUIDELINES FOR LAW ENFORCEMENT

- ▶ Provide core training and ongoing training on Intimate Partner Violence, sexual coercion, and stalking.
- ▶ Train law enforcement to provide appropriate referrals to community-based domestic violence and sexual assault advocacy programs.
- ▶ Include the Futures Without Violence Safety Card along with a local service referral list in the packet of materials given to victims at the scene of an incident.
- ▶ Train law enforcement (with prosecutor involvement) on the appropriate use of “one-party consent orders” and their admissibility in court for law enforcement and prosecution; training should include consideration of potential effects on the victim.
- ▶ Include staff from domestic violence and sexual assault advocacy programs (RCW 10.99.030 (1)) in law enforcement trainings to discuss the role of community advocacy and their services.
- ▶ Law enforcement should develop a Domestic Violence (DV) supplemental form that includes questions addressing pregnancy, coerced sex, and stalking to identify potential threats to the victim’s safety and reported or unreported crimes (see Appendix E).
- ▶ Law enforcement should identify potential alternative interview locations when investigating domestic violence and sexual assault related incidents.
- ▶ When requesting medical record information for domestic violence and sexual assault investigations, law enforcement should prepare Release of Information forms that are time-limited and specific to the incident.
- ▶ In order to make an effective referral to community-based domestic violence and sexual assault advocacy programs, officers should meet local advocates, learn about the services provided, and find out if they employ bilingual staff.

Introduction

Whether you are a patrol officer on the street, a school resource officer, or an investigator following up on cases involving IPV (Intimate partner violence) or sexual assault, you are a key link to finding resources and relief for these victims. This includes providing important referrals to community support services and providing victim education through the dissemination of safety cards that promote healthy and safe relationships.

Train

Refresher training is important to introduce advances in the field and offer opportunities for law enforcement to discuss progress, challenges, and opportunities.

- ▶ Provide core training and ongoing training on Intimate Partner Violence, sexual coercion, and stalking.
- ▶ Train law enforcement to provide appropriate referrals to community-based domestic violence and sexual assault advocacy programs, and to include the Futures Without Violence Safety Card along with a local service referral list in the packet of materials given to pregnant and parenting victims.
- ▶ Train law enforcement (with prosecutor involvement) on the appropriate use of “one-party consent orders” and their admissibility in court for law enforcement and prosecution; training should include consideration of potential effects on the victim.
 - ▶ If the victim is willing to call the suspect on the phone to talk about the current or past incident(s), consider applying to the court for a “one-party consent order” to allow law enforcement to record a conversation with the suspect if other investigative means have failed or would be ineffective. Be aware this may traumatize the victim further or put her in greater danger. It is important not to exert undue pressure on the victim.
- ▶ Include staff from domestic violence and sexual assault advocacy programs (RCW 10.99.030 (1)) in law enforcement trainings to discuss the role of community advocacy and their services.

Training Resources

- ▶ The Washington Association of Sheriffs and Police Chiefs has developed a training manual for law enforcement agencies that addresses sexual assault and coercion within abusive relationships:
 - *Manual for Law Enforcement Agencies: Stalking and Sexual Assault within the Context of Domestic Violence*, available online at www.waspc.org//index.php?d=196
- ▶ End Violence Against Women International (EVAWI) offers free online training on the criminal justice response to sexual assault for law enforcement. The OnLine Training Institute is available at olti.evawintl.org

Prepare

Using a Supplemental Form

If your agency does not have a domestic violence supplemental form, consider developing and implementing a form for domestic violence investigations, and include intimate partner sexual violence. This allows the officer to address victim safety and possibly identify prior unreported crimes.

- ▶ Law enforcement should develop a Domestic Violence (DV) supplemental form that includes questions addressing pregnancy, coerced sex, and stalking to identify potential threats to the victim's safety and reported or unreported crimes (see Appendix E).

Through our Needs Assessment, we found that police departments may not have questions on their domestic violence supplemental form or domestic violence risk assessment form asking whether the victim was pregnant, or had experienced forced or coerced sex.

Sample Script

“We’ve started giving these referral lists and Safety Cards when we go out on a call so you have information on any additional services you [and your children] may need.”

See Appendix E for the Mt. Vernon Police Department DV Supplemental form used throughout Skagit County. You may wish to use this form as an example for creating your own form.

The supplemental form reminds you of needed information for a thorough domestic violence and sexual assault investigation. Investigations involving intimate partner violence often overlook stalking behaviors. Asking the victim about possible stalking behaviors is useful when documenting the intent of the abuser to control the victim’s choices.

For example, cyberbullying involving teens or adults may meet the legal definition of cyber stalking (RCW 9.61.260) and occur between individuals who are or have been in a significant relationship (RCW 10.99.030 (3)). Other coercive electronic communications, may meet the legal definition of “communication with a minor for immoral purposes” (RCW 9.68a.090). Technology in various forms, such as social media and text messaging, is used as a tool to monitor and coerce others behavior. Through domestic violence fatality reviews and other research, we have learned that stalking and intimate partner sexual violence are key indicators of potential lethality (Adams, 2007; Campbell, 2003; Fawcett, 2010).

Selecting a Proper Interview Site

Building rapport and trust is crucial when investigating domestic violence and sexual assault. Selecting a location that is conducive to safe and open communication is important. Consider asking the victim where she is comfortable to talk. The police station may be your comfort zone; however, victims may feel intimidated sharing information at the police department.

- ▶ Law enforcement should identify potential alternative interview locations when investigating domestic violence and sexual assault related incidents.

The school resource officer should work with the school to identify an appropriate interview location for investigating incidents related to domestic violence and sexual assault. If you are a school resource officer interviewing a student, try to avoid interview locations that typically have negative connotations for students. If your interview room is normally used for disciplinary action at the school, the victim may think she is in trouble and be reluctant to confide or talk candidly. For example, a student may feel more comfortable in the counselor's office rather than the principal's office.

Investigation

Victims who are pregnant or have a new baby may be hesitant to disclose information to the investigating officer because of concerns about:

- Past experiences of abuse and trauma (see Part 2:Trauma-Informed Services beginning on page 25)
- Other outstanding legal issues
- Possible retaliation by the father of the child against her (or the child or pregnancy)
- Coercive tactics or threats of harm from the father or other third parties
- Worries about the reactions of her parents or guardian
- Concern that identifying the father will give him legal rights and access to the child
- The possibility of losing custody of her child
- Not seeing herself as a victim of sexual assault, domestic violence, or stalking

Documentation

Medical records may provide evidence that will support your investigation. Health care records may be the only documentation of abuse. Be aware that information that is revealed through a medical release of information can negatively impact the victim in various ways such as the abuser gaining access to the information and using it against her, or revealing sensitive information that is not relevant to the case and may harm the victim in some way.

- ▶ When requesting medical record information for domestic violence and sexual assault investigations, law enforcement should prepare Release of Information forms that are time-limited and specific to the incident.

Making a Referral

You can take important action for victims by offering referrals to community-based advocacy services and providing information about other resources such as health care services.

- ▶ In order to make an effective referral to community-based domestic violence and sexual assault advocacy programs, officers should meet local advocates, learn about the services provided, and find out if they employ bilingual staff.

One police agency that participated in the Needs Assessment uses a risk assessment form for domestic violence incidents. If the victim answers “yes” to certain screening questions that indicate higher risk, the officer calls the community-based advocate and puts the advocate in contact by phone with the victim from the scene. Even if the victim does not answer “yes” to certain screening questions, the written protocol on the domestic violence risk assessment form encourages the officer to make a referral “whenever the officer believes the victim is in a potentially lethal situation.” This law enforcement practice has two purposes: (1) to provide information to prosecutors and judges for their bail or release decisions, and (2) to connect victims quickly to community-based advocacy (Washington State Coalition Against Domestic Violence & Washington Coalition of Sexual Assault Programs, 2012).

Community-Based Victim Advocacy Services

Officers may already have a relationship with the advocate based in the prosecutor's office, and may wonder why they should make a referral to the community-based advocate. While system-based advocates are an important resource for crime victims, community-based advocates operate under different confidentiality obligations and guidelines, provide expanded services, and have a unique role that can support pregnant and parenting women who have been victimized.

- ▶ Unlike advocates employed by the prosecutor's office or a law enforcement agency, community-based domestic violence and sexual assault advocates can work with victims charged with a crime.
- ▶ Advocates can support the victim in communicating their concerns and wishes to the prosecution or law enforcement.
- ▶ Community-based advocates can work with the victim as long as necessary and beyond the time frame of any legal proceedings.
- ▶ Working with an advocate can help a victim feel supported and more able to participate in the legal process.
- ▶ These agencies offer safety planning, 24-hour crisis line assistance, in-person meetings, support groups, therapy or counseling, emergency shelter, transitional housing, advocacy for children, help with securing financial resources, and legal advocacy.
- ▶ All the services are free and confidential. Unless the victim gives permission, advocates are not allowed under the law to share information or documentation.
- ▶ These agencies provide interpreters for advocacy services at no cost to the victim.
- ▶ Services include advocacy for immigrant and refugee victims (including undocumented victims).

Action to Support Community Collaboration

When law enforcement officers respond to a domestic violence incident, they are required to give victims basic information about their legal rights and the statewide 24-hour domestic violence hotline number (RCW 10.99.030). Many law enforcement agencies have taken the opportunity to team with community-based domestic violence and sexual assault programs to expand the packet of information given to DV victims to include a wide range of service and resource information. Our goal with this guideline is to further expand that packet of information to include information that will be particularly helpful for pregnant and parenting victims, including information about reproductive coercion. Because the victim may not feel free to discuss her case with you initially, a referral to services may make her feel more inclined to talk to you sometime later.

You will want to review your agency referral and resource list and update it to include information (as provided by community-based advocacy programs) specific to pregnant and parenting victims, such as health care services, WIC (Women, Infants, and Children), and shelters. It is best practice to make this information available in different languages and have it packaged in a format that allows the victim to store the information discreetly.