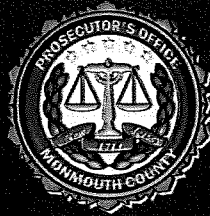


Manalapan Police Department

Domestic Violence Review
2017



Prevention of Domestic Violence Act Policy & Procedure

Barbara Suppa, Director Family Division
2017

OUTLINE

- IDENTIFY THE PROBLEM
- DEFINITIONS
- RESPONSE TO D.V.
 - CIVIL REMEDIES
 - CRIMINAL REMEDIES
 - WEAPONS
- LAW ENFORCEMENT AND D.V.

IDENTIFY THE PROBLEM

IDENTIFY THE PROBLEM

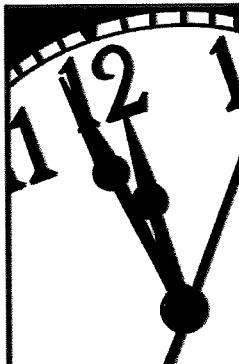
- Domestic Violence presents a unique set of challenges for law enforcement
- Pervasive problem
- Often intense psychology

2009 Statistics- NJSP

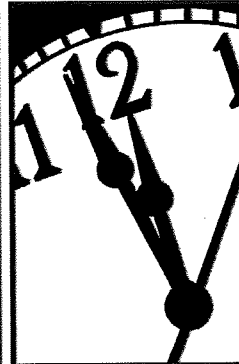
- 73,709 domestic violence offenses were reported to police
- Number of DV complaints against targets who had a prior RO- 13,821
- Children present in 31 % of all DV incidents

Statistics

- Weapons involved in approx 30% of all reported domestic violence incidents
- Nationally 1,000,000 women annually seek medical attention for injuries sustained at the hands of a partner.



7:08



7:08

*If averaged, one
reported act of
domestic violence
every 7 minutes 08
seconds*

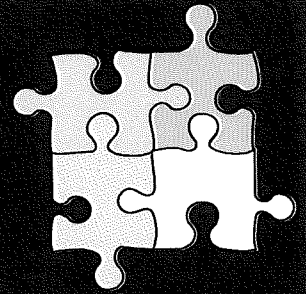
7:08

- But even at that rate, what does our EXPERIENCE tell us?

What does our EXPERIENCE tell us?

THESE CRIMES ARE UNDER REPORTED

WHY ?



FEAR OF RETALIATION

CULTURAL/ RELIGIOUS

FEAR OF POLICE

ECONOMIC

SHAME/ GUILT



LANGUAGE

FEAR OF LOSS OF CHILDREN

LACK OF KNOWLEDGE OF HELP AVAIL.

Domestic Violence

- Not limited to one group
 - All genders can be victims & defendants
 - All social and economic groups
 - All racial/ethnic groups are susceptible

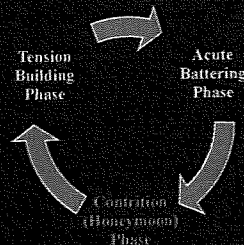
Possible Indicators of Abuse

- Does Your Partner Ever:
 - Hit, kick, shove or injure you?
 - Use weapons/objects against you or threaten to use them?
 - Force or coerce you to engage in unwanted sexual acts?
 - Threaten to kill you, himself/herself, children, pets, or others?
 - Control what you do and who you see in a way that interferes with your work, education or other personal activities?
 - Steal or destroy your belongings?
 - Constantly criticize you, call you names or put you down? Make you feel afraid?
 - Deny your basic needs such as money, food, housing, clothing, or medical and physical assistance?
 - Act like the abuse is no big deal, it's your fault, or even deny doing it?
 - Threaten to hurt you or others, have you deported, disclose your sexual orientation or other personal information?

CYCLE AND PSYCHOLOGY

- Abusers pick targets who are susceptible
- Use complex series of pressure and influence to keep them
- Often influence is subtle and conditioning is gradual
- Examples of this dependence can be extreme

CYCLE AND PSYCHOLOGY



Tension Building Phase

- Tension rises to the point of violence. This is the longest of the three stages and often takes place over a long period of time

Acute Battering Stage

- During this phase the tension is released through a physical or severe verbal assault or emotional abuse
- It is the shortest stage in duration

Contrition (Honeymoon) Stage

- The abuser may behave in a loving manner
- The abuser will give excuses (stress, alcohol, etc)
- Promises to seek counseling
- The victim may love the abuser, and believe their promise to end the abuse
- The relationship is maintained until they cycle back into the tension building phase and the cycle is repeated

What does this mean for us ?

- How we approach these cases will be different
 - Techniques used
 - Steps in investigation
- How we deal with frustration sometimes associated with these cases

What does this mean for us ?

- Understand the reasons for reluctance
- Understand that leaving is a process and not an event
- Be there every time like the first time
- Focus on protection of the victim

DEFINITIONS

DOMESTIC VIOLENCE

- "Domestic Violence" is defined as one or more listed crimes committed among people in a domestic relationship.

DOMESTIC VIOLENCE

To answer the question
"Is this domestic violence?"
look at 3 things

1. Is this a crime of domestic violence?
2. Does the victim meet the definition?
3. Does the defendant meet the definition?

CRIMES

- 16 crimes
 - Homicide
 - Assault
 - Terroristic Threats
 - Kidnapping
 - Criminal Restraint
 - False Imprisonment
 - Sexual Assault
 - Criminal Coercion
 - Sexual Contact
 - Lewdness
 - Criminal Mischief
 - Burglary
 - Criminal Trespass
 - Harassment
 - Stalking
 - Robbery

STALKING

- Recent (Mar. 09) change to stalking laws
 - Covers more conduct
 - 3rd party stalking
 - Requires fear of "safety" or "emotional distress"
- Technology has made this easier to do and harder to prove

STALKING

SpoofCard

"Spoofing"



GPS in phones



\$99 after mail in rebate !

DOMESTIC VIOLENCE

- 16 crimes

- Homicide
- Assault
- Terroristic Threats
- Kidnapping
- Criminal Restraint
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- Sexual Assault
- Criminal Coercion
- Sexual Contact
- Lewdness
- Criminal Mischief
- Burglary
- Criminal Trespass
- Harassment
- Stalking
- Robbery

DOMESTIC VIOLENCE

- Definition of our victim
- Definition of our defendant

VICTIM

- A person who is 18 years of age or older, or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present or former household member; AND
- Any person, regardless of age, who was subjected to domestic violence by a person with whom the victim had a dating relationship or has had or is anticipating having a child in common.

VICTIM

- For the most part, our victim needs to be either 18 or emancipated.
- The exception is "dating relationship" or child in common/ expecting child in common.

VICTIM

- "Emancipated"
 - NOT simply thrown out of house
 - Married
 - Entered military service
 - Parent or Pregnant
 - Court approved

VICTIM

**GETTING SOMEONE
PREGNANT DOES NOT
MAKE HIM
EMANCIPATED**

**GETTING SOMEONE
PREGNANT DOES NOT
MAKE HIM EMANCIPATED**

Pregnant= Emancipated

Parent= Emancipated

VICTIM

- "SPOUSE"
 - Just what you think, plus civil unions

VICTIM

- "FORMER SPOUSE"

– Yep, still what you think it is

VICTIM

- "Present or Former Household Member"

– Currently share or used to share common residence

- Where stuff?
- Where mail?
- Common areas?
- Access (keys)

VICTIM

- Dating Relationship

– Want to know how broadly defined??

– J.S. v. J.F. 410 N.J. Super 611 (App. Div. 09)

- Plaintiff said dating relationship
- Defendant said escort, but admitted taking her to holiday dinner w/o paying her

DEFENDANT

- Statute doesn't expressly define "defendant"

however we know he/she must be 18 or emancipated

DOMESTIC VIOLENCE

To answer the question "Is this domestic violence?" we need to look at 3 things

1. Is this a crime of domestic violence?
2. Does the victim meet the definition?
3. Does the defendant meet the definition?

DEFENDANT

(All Defendant's must be 18 years of age or older, or, under 18 and emancipated)

Note: Arnie is not emancipated because he gets a female pregnant

	Defendant is a spouse	Defendant is former spouse	Defendant is household member	Defendant is former household member	Defendant has dating relationship with victim	Defendant has child in common with victim	Victim is pregnant with defendant's child
Victim is 18 or older	YES	YES	YES	YES	YES	YES	YES
Victim is under 18 and emancipated	YES	YES	YES	YES	YES	YES	YES
Victim is under 18 and not emancipated			NO	NO	YES		YES

Scenario One

- Elin comes home to find that her husband, Tiger has been unfaithful with Lacy Underall. Slightly peeved by this, she takes a sand wedge to his face.
- Act of DV?
- Victim?
- Defendant?

Scenario One

- Elin comes home to find that her husband, Tiger has been unfaithful with Lacy Underall. Slightly peeved by this, she takes a sand wedge to his face.
- Act of DV? YES
- Victim? YES
- Defendant? YES

Scenario Two

- Snookie is mad at the Situation. She steals his favorite "shirt before the shirt".
- Act of DV?
- Victim?
- Defendant?

Scenario Two

- Snookie is mad at the Situation. She steals his favorite "shirt before the shirt."
- Act of DV? **NO-not on the list**
- Victim? **YES**
- Defendant? **YES**

Scenario Three

- Ernie lives with Bert in a one bedroom apartment. They share rent but have separate beds. Bert steals Ernie's beloved Rubber Ducky and puts it in the garbage disposal.
- Act of DV?
- Victim?
- Defendant?

Scenario Three

- Ernie lives with Bert in a one bedroom apartment. They share rent but have separate beds. Bert steals Ernie's beloved Rubber Ducky and puts it in the garbage disposal.
- Act of DV? **YES**
criminal mischief
- Victim? **YES**
- Defendant? **YES**

Scenario Four

- Brittney (17) is dating Kyle (17). After a bad break up Kyle threatens to kill her if she does not return his Justin Beiber CD.
- Act of DV?
- Victim?
- Defendant?

Scenario Four

- Brittney (17) is dating Kyle (17). After a bad break up Kyle threatens to kill her if she does not return his Justin Beiber CD.
- Act of DV? **YES**
harassment
terroristic threats
- Victim? **YES**
no age limit in dating relationship
- Defendant? **NO**
unless he is emanc.

Scenario Five

- Brittney (17) is dating Kyle (18). After a bad break up Kyle threatens to kill her if she does not return his Justin Beiber CD.
- Act of DV?
- Victim?
- Defendant?

Scenario Five

- Brittney (17) is dating Kyle (18). After a bad break up Kyle threatens to kill her if she does not return his Justin Beiber CD.
- Act of DV? **YES**
harassment
terroristic threats
- Victim? **YES**
no age limit in dating relationship
- Defendant? **YES**

Scenario Six

- Heather (17) is dating Chris (18). She is pregnant with his child. After a bad break up Heather breaks into his apartment and takes a kitchen knife to his bed.
- Act of DV?
- Victim?
- Defendant?

Scenario Six

- Heather (17) is dating Chris (18). She is pregnant with his child. After a bad break up Heather breaks into his apartment and takes a kitchen knife to his bed.
- Act of DV? **YES**
Burglary, etc
- Victim? **YES**
- Defendant? **YES**
Emancipated

But I know what you are thinking . . .

Scenario Seven

Siegfried went to summer camp with Minerva when they were 17. Now, it is 1 year after end of camp. Minerva was pregnant with a child which may or may not have been Siegfried's. She confronts him with it. He reacts badly and throws the pottery candy dish they had made together at her. By the time Minerva reports the incident to the police, she has lost the child. It was never determined if Siegfried was the father. Siegfried also goes to the police station and wants to obtain a restraining order against Minerva for slashing his tires. Siegfried also wants to get a restraining order against the girl in his History class, Esmeralda, with whom he had a dating relationship with over Twitter, but has never spoken to in person, because she has threatened harm to his pet hamster, Lord Fuzzybottom.

Scenario Seven



Lord Fuzzybottom

What if you are not sure?

**LAW ENFORCEMENT
SHOULD NOT DENY A
VICTIM RELIEF BECAUSE
THEY FEEL A VICTIM
DOESN'T MEET THE
DEFINITION**

Put another way . . .

- Err on side of GREATER protections
- Good sense and
- Liability !!
 - Judges have immunity
 - YOU do not

DEFENDANT

(All Defendant's must be 18 years of age or older, or under 18 and emancipated)

Note: A male is not emancipated because he gets a female pregnant

	Defendant is a spouse	Defendant is former spouse	Defendant is household member	Defendant is former household member	Defendant has dating relationship with victim	Defendant has child in common with victim	Victim is pregnant with defendant's child
Victim is 18 or older	YES	YES	YES	YES	YES	YES	YES
Victim is under 18 and emancipated	YES	YES	YES	YES	YES	YES	YES
Victim is under 18 and not emancipated			NO	NO	YES		YES

CIVIL REMEDIES

CIVIL REMEDIES

- Leaving aside weapons for a moment
- Civil remedies in this context means
- RESTRAINING ORDERS

RESTRAINING ORDERS

- In short, it is a lawsuit
- Every civil complaint has 2 parts
 - What did someone do wrong?
 - What do you want done about it?

RESTRAINING ORDERS

- What did someone do wrong?
 - Failed to fix my roof
 - Published those questionable photos
 - Committed an act of domestic violence

RESTRAINING ORDERS

- What do you want done about it?
 - Pay for a new roof
 - Take down those pictures from your website
 - Any of the remedies available in 2C: 25-28

RESTRAINING ORDERS

- PROCESS STARTS
 - Domestic Violence Complaint
 - Temporary Restraining Order (T.R.O.)

Domestic Violence Complaint

Temporary Restraining Order

- DV Complaint
- Spells out what was done wrong
- WHY someone is asking for relief
- What do they want?
- T.R.O.

Temporary Restraining Orders

T.R.O.

T.R.O.- Where to get it

- After hours/ weekend/ holiday
 - Applications are made to MUNICIPAL COURT
- All other times (M-F 8:30-3:30)
 - Applications are made to SUPERIOR COURT

T.R.O.- Where do I get one?

- Any municipality where
 - The victim lives
 - The victim is sheltered
 - The defendant lives
 - Where any of the acts of domestic violence occurs

No one should EVER be turned away because the police feel it is not an “emergency” or “it will keep until tomorrow”

T.R.O.s

- If municipal court judge denied T.R.O. on emergent basis
- Victim can go to Freehold next day on the same set of facts and try again.



... Victims get a mulligan ...

Temporary Restraining Order

- If a victim wishes to apply for a TRO, you should assist the victim in filling out the form
- Explain the procedure to the victim
- Contact the appropriate judge

Defendant's Information

Name: _____		Page: 1 of 4	
Address: _____		Municipal Court of Freehold	
City: _____		County: _____	
State: _____		Zip: _____	
Date of Birth: _____		Sex: _____	
Race: _____		Ethnicity: _____	
Marital Status: _____		Relationship to Victim: _____	
Occupation: _____		Education: _____	
Employer: _____		Employment Status: _____	
Home Phone: _____		Cell Phone: _____	
Email: _____		Social Security Number: _____	

- You should ask victim for relevant information to complete this portion of form (Defendant's information)

What Happened?

Date: _____		Time: _____	
Location: _____		Weather: _____	
Witnesses: _____		Other: _____	
Description of Incident: _____		Injuries: _____	
Defendant's Statement: _____		Victim's Statement: _____	

The victim must explain in detail what happened. e.g. If victim wrote she was assaulted, this does not explain how she was injured. If she said her husband punched her in the mouth with his fist, this provides the necessary details

- This portion of the form should provide you with sufficient detail to determine what criminal offense had occurred

What Criminal Offenses Occurred?

☐ BATTERY	☐ SEXUAL ABUSE	☐ SEXUAL ASSAULT	☐ SEXUAL HARASSMENT	☐ SEXUAL STALKING
☐ STALKING	☐ FALSE IMPRISONMENT	☐ OBSTRUCTION OF JUSTICE	☐ OBSTRUCTION OF PUBLIC OFFICIAL	☐ OBSTRUCTION OF POLICE OFFICIAL
☐ OBSTRUCTION OF JUDICIAL OFFICIAL	☐ OBSTRUCTION OF LEGAL COUNSEL	☐ OBSTRUCTION OF SOCIAL WORKER	☐ OBSTRUCTION OF HEALTH CARE PROVIDER	☐ OBSTRUCTION OF OTHER PROFESSIONAL

- You should check all appropriate boxes where probable cause substantiates the charges
- Only the listed 16 offenses activate the protections of the domestic violence laws
- However, if defendant committed other criminal offenses, you should also charge those offenses

More information

1. Any prior history of domestic violence reported or unreported? If yes explain

- **NOTE:** This includes incidents that were reported and not reported to the police
- Do not list "multiple incidents", be as specific as possible so that the victim may testify to the history of violence in court
- Remember the victim may be in trauma, encourage them to provide specific details, or approximate dates and times

Important Background Information

1. DOES DEFENDANT HAVE A CRIMINAL RECORD? ☐ YES ☐ NO	
2. ARE THERE ANY OTHER COURT PROCEEDINGS OR COMPLAINTS? ☐ YES ☐ NO	
3. HAS DEFENDANT EVER BEEN ARRESTED FOR DOMESTIC VIOLENCE? ☐ YES ☐ NO	

- Before issuing a restraining order, the judge needs to know important background information
- You should check the Domestic Violence Central Registry to determine if there are any outstanding D.V. restraining orders

Any Weapons Seized?

1. HAVE ANY WEAPONS BEEN SEIZED? ☐ YES ☐ NO	
2. IF YES, WHAT TYPE OF WEAPON? _____	

- It is important for the judge to know if police had responded to a domestic violence call and if weapons were seized and if defendant was arrested

Threshold Criteria

Block 6: Threshold Criteria

1. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

2. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

3. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

4. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

5. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

6. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

7. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

8. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

9. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

10. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

- Blocks 6, 7 & 8 establish the threshold criteria for determining if the person qualifies as a domestic violence victim entitled to statutory relief

The officer checks the appropriate boxes in these two columns if the victim wants this relief now or in the final hearing. When the officer speaks with the judge, the judge will instruct the officer to check the appropriated "granted" boxes.

Block 7: Relief

1. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

2. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

3. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

4. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

5. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

6. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

7. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

8. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

9. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

10. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

- You must explain to victim what relief she/he is entitled to under the domestic violence law both now for a Temporary Restraining Order & for a Final Restraining Order

Part I Relief

Block 8: Relief

1. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

2. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

3. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

4. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

5. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

6. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

7. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

8. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

9. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

10. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

- You should stress to victim to contact the police if defendant violates any provisions of the restraining order

Surrender of Weapons

Block 9: Surrender of Weapons

1. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

2. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

3. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

4. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

5. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

6. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

7. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

8. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

9. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

10. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

- You should explain to victim that the purpose of seizing weapons is to protect her & her children from any harm that could result in a highly emotional incident.
- You should ask the victim what weapons the defendant has which she is fearful that he might use against her

Relief For Victim

Block 10: Relief For Victim

1. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

2. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

3. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

4. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

5. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

6. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

7. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

8. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

9. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

10. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

- The domestic violence laws can provide the victim with certain forms of relief, such as shelter, custody of children, means of support, etc

Law Enforcement Officer

Block 11: Law Enforcement Officer

1. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

2. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

3. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

4. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

5. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

6. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

7. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

8. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

9. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

10. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

- The court may order you to accompany either party to a specific location to retrieve specified property for a limited time period

Search Warrant

Block 12: Search Warrant

1. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

2. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

3. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

4. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

5. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

6. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

7. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

8. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

9. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

10. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

- The restraining order includes an administrative search warrant that can be used to enter premises & to seize named weapons

Where to Search?

Block 13: Where to Search?

1. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

2. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

3. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

4. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

5. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

6. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

7. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

8. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

9. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

10. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

- Location to be searched must be in sufficient detail so police know where to search. "742 Evergreen Terrace", "2008 Ford Focus PNY373"
- Multiple locations where weapons could be- list them ALL

Part II Relief

Block 14: Part II Relief

1. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

2. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

3. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

4. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

5. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

6. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

7. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

8. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

9. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

10. Is the person seeking relief a victim of domestic violence? ☐ YES ☐ NO

- You should review this block with victim

Plaintiff Relief

1000 1000 1000

1000 1000 1000

- Victim may be granted temporary possession of personal property (what they need to get through the next 10-14 days)

Service of T.R.O.

- If granted . . . The T.R.O. has to be served on the Defendant
- Sometimes this will be easy (when he is your holding cell)
- Sometimes this will be hard (when she is texting threats from Arkansas)

Service of T.R.O.

- Have to EXPLAIN the RO
 - Examples of problems with communication?
 - Solutions

Service of T.R.O.

- PROOF OF SERVICE

- Best way:
- Other ways:

[illegible]

Service of T.R.O.

- PROOF OF SERVICE

- Best way:
- Other ways:

Service of T.R.O.

- Without SERVICE
 - Can't expect compliance
 - Can't prosecute for violations

If Service CANNOT be made

- Did you ask for help ?????
- It still gets faxed up to the Family Court
- Also gets faxed to Sheriff's Department for service

What do you do with the TRO

- It has to be faxed to the Family Court
- FAX (732) 677-4366
 - They need to know who is coming
 - They need to REGISTER the TRO so others can see it
 - If not registered, what happens when victim walks into next town over and says he has a TRO that has been violated?

E- T.R.O.



- Wave of the future
- Electronically gets sent to courts
 - No typos, no bad faxes
 - Will someday have ability to link to reports and photos
 - Pilot program- photos of injuries

T.R.O.s final words

- If you understand that T.R.O.s are designed to be obtained by every victim who conceivably needs one and act accordingly you will never go wrong.

Final Restraining Orders

F.R.O.

When is the F.R.O. heard?

- NEW FOR 1/1/11...
- Historically, FROs from municipal courts heard on Tuesdays
- Problem was feast/famine
 - Some Tuesdays busy others not

When is the F.R.O. heard?

- NEW FOR 1/1/11...
- Now, courts divided the county into 3 groups
- Each group has own day
- Each has own cut off day/time

Aberdeen
 Allenhurst
 Allentown
 Ashbury Park
 Atlantic Highlands
 Avon
 Belmar
 Bradley Beach
 Brielle
 Colts Neck
 Deal
 Eatontown
 Englishtown
 Fair Haven
 Highlands
 Lake Como
 Red Bank
 Sarnesbury Twp.

F.R.O: MONDAY
 CUT OFF: MIDNIGHT THURS

Farmingdale
 Freehold Boro.
 Freehold Twp.
 Hazlet
 Holmdel
 Howell
 Interlaken
 Keansburg
 Keyport
 Little Silver
 Long Branch
 Manalapan
 Manasquan
 Marlboro
 Matawan
 Middletown
 Roosevelt
 Upper Freehold

F.R.O: TUESDAY
 CUT OFF: MIDNIGHT FRIDAY

Loch Arbour
 Middletown
 Monmouth Beach
 Neptune City
 Neptune Twp.
 Ocean Twp.
 Oceanport
 Rumson
 Sea Bright
 Sea Girt
 Sarnesbury Boro.
 Spring Lake
 S. L. Heights
 Tinton Falls
 Union Beach
 Wall
 West Long Branch

F.R.O: FRIDAY
 CUT OFF: MIDNIGHT MONDAY

When is the F.R.O. heard?

CUT OFF IS MIDNIGHT

BEFORE THEN
 NEXT _____ DAY ON THE
 CALENDAR

AFTER THEN
 THE _____ DAY AFTER THAT ONE

When is the F.R.O. heard?

- On court holidays there will be a change
- Email notice

Where is the F.R.O. heard?

- DEFENDANTS go to L50 (Family Court Intake)
- VICTIMS- MCSO at door will direct

F.R.O. Hearing

- Judge hears from both sides
- You may be called as a witness
 - Bring reports/ photos

F.R.O. Hearing

- Judge can
 - GRANT the FRO
 - DENY the FRO
 - Enter other orders to maintain the status quo

TRO/FRO Duration

- A TRO lasts until the next court order
- An FRO lasts "forever"
 - Until final denial
 - Until Plaintiff requests it be dismissed

CRIMINAL REMEDIES

Police response to a DV incident

Going to the scene- Dispatch and First Responder

- Obtain as much information from dispatch as possible
- Are there any weapons involved?

Going to the scene- Dispatch and First Responder

- Were there previous calls to residence?
- Ask if children are present

Assess the situation / Take control of the scene

- Approach the scene with caution, preferably with a partner
- Ascertain if weapons are present
- Locate all parties involved

Assess the situation / Take control of the scene

- Check for injuries and seek emergency medical treatment
- Separate if both parties are present
- Determine the location of the other party if not present

When collecting evidence and documenting your investigation.. the goal is to create an

Evidence Based Prosecution

Evidence Based Prosecution

- Aren't all prosecutions "evidence based"
- Yes but we know these cases are different

Evidence Based Prosecution

- Different how?
- Our victims are not as RELIABLE
- Unlike Burglary, Credit Card Theft, etc.

Evidence Based Prosecution

But why?

Evidence Based Prosecution

- Same reasons that make Domestic Violence such an underreported crime
 - Fear
 - Culture
 - Economic Pressure
 - Shame
 - Etc.

Evidence Based Prosecution

- So what do we do about it?
- Build cases that assume our victims will not be there for us

Evidence Based Prosecution

- How we collect, preserve and memorialize evidence in connection with these cases
- Good practice here
- Good practice for all investigations

Evidence Based Prosecution

- Initial Call
 - Document parties and their relationship
 - "responded to an assault" NOT "responded to a domestic"

Evidence Based Prosecution

- Injuries to victim
 - In report
 - "victim had red bruise on left side of her face"
 - NOT
 - "victim had injury"
 - In photographs

Evidence Based Prosecution

- Injuries to victim
 - Pilot program-
 - Soon to be expanded to everyone
 - Emailing photos directly to Family Court
 - As part of invest when TRO is obtained
 - monfamilydv.mailbox@judiciary.state.nj.us

Evidence Based Prosecution

- Injuries to victim
 - You were taking the pictures anyway
 - Now you will be emailing them before they go in evidence
 - monfamilydv.mailbox@judiciary.state.nj.us

Evidence Based Prosecution

- Injuries to DEFENDANT
 - Absence of injury is often significant
 - He is claiming self defense, no marks, document it!

Evidence Based Prosecution

- Other damage, mayhem or destruction
 - Describe it in report
 - "Victims cell phone was broken and there was visible damage to the wall where it was thrown"
 - Photos

Evidence Based Prosecution

- Statements of Witnesses
 - "Excited Utterances"
 - What someone says immediately following a shocking or startling event
 - Put them in quotes when quoting

Evidence Based Prosecution

- Statements of Witnesses
 - Please be aware of recent court ordered guidelines for retaining notes of witness interviews in certain cases
 - See handouts

Evidence Based Prosecution

- Statements of Defendants
 - What they say at the scene
 - "I don't care about that friggin restraining order"
 - What they say at HQ
 - "I can't believe I can't go into my own home, that I paid for, because that cow lied to some judge"
 - Put them in quotes when quoting

Evidence Based Prosecution

- Statements of Witnesses
 - Formal Statements
 - Absent "excited utterance" what victim or witness tells you is NOT admissible in court
 - Want it admissible? Get it in writing

Evidence Based Prosecution

- Preserving Evidence (Phone/ Text)

- Do it now the easy way

- PHOTOGRAPH
 - AUDIO

Evidence Based Prosecution

- Preserving Evidence (Phone/ Text)

- or do it later the HARD WAY

- Preservation letter
 - Subpoena
 - CDW



MANDATORY ARREST

- One of the areas in which DV is different from all other types of cases

- Here there are rules that have MANDATORY arrest

MANDATORY ARREST

- Must arrest if have PC to believe an act of domestic violence has occurred and

- VISIBLE SIGN OF INJURY
- ACTIVE WARRANT
- WEAPON USED
- VIOLATION OF COURT ORDER

MANDATORY ARREST

- VISIBLE SIGN OF INJURY

- Any injury will do

- “Bodily Injury” is very broadly interpreted

MANDATORY ARREST

- VISIBLE SIGN OF INJURY

- Any injury will do



MANDATORY ARREST

- BOTH PARTIES HAVE INJURIES??

- What kind?
 - Where are they?

- HOW DID THEY GET THEM????

DID SOMEONE ACT IN SELF DEFENSE?

MANDATORY ARREST

- BOTH PARTIES HAVE INJURIES??

- If someone acted in self defense, they should not be arrested

MANDATORY ARREST

- ACTIVE WARRANT

- An active warrant for domestic violence must be executed immediately

- No “I’ll turn myself in next week”

MANDATORY ARREST

- WEAPON USED

- Any weapon will do



MANDATORY ARREST

- VIOLATION OF COURT ORDER

- We will talk about how to charge the violation later

MANDATORY ARREST

- The question that gets asked most often

“What if I don’t have P.C.?”

MANDATORY ARREST

“What if I don’t have P.C.?”

- Are you done?
 - All witnesses interviewed?
 - Corroborated statements
 - Physical evidence

MANDATORY ARREST

- If still no PC, the remember V can sign his own complaint
- Private citizen complaints get put on summonses.
- All DV complaints YOU sign will be put on warrants

Warrant/ Summons

- R. 7: 2-2 requires warrants when
- 5. There is reason to believe the defendant is dangerous to himself or herself, others or property

Doesn’t this sound a lot like DV defendants ? ? ?

MANDATORY ARREST

- If not mandatory arrest situation
 - Then back to discretionary rules

Charging the Violation

- Special rules for charging a violation of a Domestic Violence Restraining Order

R.I.S.A. 26-29-9

a. A person is guilty of a crime of the fourth degree if he purposely or knowingly disobeys a judicial order or hinders or obstructs or impedes the effectuation of a judicial order or the exercise of jurisdiction over any person, thing or controversy by a court, administrative body or investigative agency.

b. Except as provided below, a person is guilty of a crime of the fourth degree if that person purposely or knowingly violates any provision in an order entered under the “Prevention of Domestic Violence Act of 1990” when the conduct which constitutes the violation would also constitute a crime or a disorderly persons offense. In all other cases a person is guilty of a disorderly persons offense if that person knowingly violates an order entered under the provisions of this act.

1). Except as provided below, a person is guilty of a crime of the fourth degree if that person purposely or knowingly violates any provision in an order entered under the "Prevention of Domestic Violence Act of 1990" . . . when the conduct which constitutes the violation would also constitute a crime or a disorderly persons offense. In all other cases a person is guilty of a disorderly persons offense, if that person knowingly violates an order entered under the provisions of this act.

Huh???

Charging the Violation

- What did he DO to violate the RO?
- What else are you charging??
- What is in Box 2?

Charging the Violation

Just Contact?

DP

Charging the Violation

By any PDP?

(Harassment, Defiant Trespass)

DP

Charging the Violation

By any Crime or DP?

(Simple Assault, Sexual Assault, Terroristic Threats, Agg. Assault, etc.)

4 th

Charging the Violation

- Not everything in a T.R.O./F.R.O. can be enforced with the criminal law.
- Restraining order regulates a lot of conduct

No 29-9B Violation for . . .

- Payment of support (child, spousal, rent, utilities)
- Temporary custody of tangible objects (checkbook, car)
- Requirement of compliance with batterer's education

No 29-9B Violation for . . .

- Parenting time (pick up/ drop off)
 - Fails to pick up Johnny at 7

NO 2C: 29-9B violation

Interference with Custody is a separate lecture. No PD should sign complaint for Interference without approval of MCPO Family Division.

No 29-9B Violation for . . .

- Parenting time (pick up/ drop off)
 - Fails to pick up Johnny at 7. When he shows up, he threatens her

THAT is a 2C: 29-9B violation

Charging the Violation

- OUT OF STATE RESTRAINING ORDERS
 - Full Faith and Credit Clause
 - Even if would not be eligible for RO here
- Charge as 4th degree violation of

NJSA 2C: 29-9 A

Charging the Violation

- OUT OF STATE RESTRAINING ORDERS
- Efforts to confirm the RO

Charging the Violation

- OUT OF STATE RESTRAINING ORDERS
- Special Problems with other states' ROs
 - Time limits
 - Mutual ROs
 - Some states require r.o.'s work both ways

Charging the Violation

- OUT OF STATE RESTRAINING ORDERS
- Obviously, a new DV incident here can give rise to an additional NJ DV RO

BAIL ON CONTEMPT

- Who sets bail???

• Contempt	=	Municipal Ct.
• Contempt + PDP	=	Municipal Ct.
• Contempt + DP	=	Municipal Ct.
• Contempt + Felony	=	Superior Ct.

BAIL ON CONTEMPT

Remember- will be on warrant unless otherwise approved by MCPO

Bail conditions

- No victim contact
- No return to scene
- No weapons
- Etc

Even if
redundant to
TRO

JURISDICTION

- Jurisdiction for RO is not always the same as jurisdiction for criminal complaint
 - V assaulted in Long Branch
 - Goes to live with aunt in Belmar
 - Goes to Belmar PD to report crime and get RO

Arrest Procedures

- If he makes bail . . .
 - From your department- YOU let victim know
 - From MCCI- the VINE System will let them know

Other paperwork

- NJ State Police DV reporting form
 - Needed for statistics
- Confidential Victim Information
 - So we can contact them

Other paperwork

- Victim's Rights Form
 - On the back of Victim Information Form
 - Summary of Rights and Help Available

WEAPON SEIZURES

The Other Civil Remedy

WEAPONS-SEIZURE

In response to EVERY DV call, you must

1. Ask about the presence of weapons
2. Seize all weapons and permits if available

WEAPONS-SEIZURE

Weapon means . . .

guns
knives
bow & arrow
pellet gun
decorative swords
etc.

WEAPONS- SEIZURE

Weapons can be seized

1. In response to scene
2. As directed by TRO/FRO
3. As directed by bail order

WEAPONS-SEIZURE

As part of TRO / FRO

- Court can issue order
1. Prohibiting possession of weapons
 2. Allowing to search for weapons

WEAPONS-SEIZURE

- If executing RO search warrant
- Treat it like a warrant
 - Search only areas where weapon could be
 - If find possibility of weapon outside scope of warrant
 - Consent
 - New warrant

WEAPONS-SEIZURE

- If executing RO search warrant
- What if you find evidence of other crimes?
 - Bag of cocaine
 - Assault firearm
 - Dead hobo

PLAIN VIEW- TRO

- Anything that falls in "plain view" exception to warrant requirement is sizeable and chargeable
- Most of plain view requirements already taken care of . . .
- But you have to know it is contraband when you see it

- Anything that falls in "plain view" exception to warrant requirement is sizeable and chargeable
- Most of plain view requirements already taken care of . . .
- But you have to know it is contraband when you see it

PLAIN VIEW- TRO

- But you have to know it is contraband when you see it
- So have to charge it then
- Write it up properly

- But you have to know it is contraband when you see it
- So have to charge it then
- Write it up properly

WEAPONS- NOW WHAT?

- Weapons are stored locally
- Notice must be given to MCPO

- Weapons are stored locally
- Notice must be given to MCPO

[illegible]

- With all reports
- With inventory
- Faxed within 24 hrs.

IF WE DON'T KNOW YOU TOOK
THEM

WE CAN'T MOVE TO KEEP THEM

IF WE CAN'T MOVE TO KEEP
THEM

WE MIGHT HAVE TO GIVE THEM
BACK

IF WE CAN'T MOVE TO KEEP
THEM

WEAPONS-AFTER SEIZURE

- Case is open and reviewed
- If case is declined- we send a letter to the Chief approving release of weapons
- If case is accepted . . .

- Case is open and reviewed
- If case is declined- we send a letter to the Chief approving release of weapons
- If case is accepted . . .

WEAPONS-MOTION

- Filed with court within 45 days
- (Not a lot of time)
- Hearing or Settlement
- We win- weapons and permits destroyed
- He wins- weapons and permits returned

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- (Not a lot of time)
- Hearing or Settlement
- We win- weapons and permits destroyed
- He wins- weapons and permits returned

WEAPONS-MOTION

- NO weapon seized in a DV will be released without authorization from MCPO

– Ever

– Ever

– Ever



- NO weapon seized in a DV will be released without authorization from MCPO
 - Ever
 - Ever
 - Ever
- 



WEAPONS-MISC.

- Got a RO against you?
 - If you have a firearm and are the subject of a restraining order you are in violation of N.J.S.A. 2C: 39-7- Certain Persons

- Got a RO against you?
 - If you have a firearm and are the subject of a restraining order you are in violation of N.J.S.A. 2C: 39-7- Certain Persons

WEAPONS-MISC.

- Got a RO against you?
- Had it dismissed?
- Want to apply for permits?
 - Gotta wait 2 years from the date of dismissal or the length of the restraining order whichever is more (F.R.O. only)

WEAPONS-MISC.

- Want to apply for permits?
 - If you have a conviction for an "act of domestic violence," even a DP, you are barred by law.
 - Obviously other convictions are a problem too

WEAPONS-POLICE

- OBVIOUSLY special problems exist when it is a law enforcement officer accused of domestic violence

WEAPONS-POLICE

- SAME RULES apply
 - Mandatory arrest
 - Mandatory weapons seizure

WEAPONS-POLICE

- Weapons Seizure
 - Duty weapon &
 - Personal weapons

WEAPONS-POLICE

- Weapons
 - Even if criminal complaint dismissed
 - Even if RO withdrawn
 - NO AUTOMATIC RETURN OF WEAPONS
 - Review by department and MCPO in accordance with AG Guidelines

DOMESTIC VIOLENCE AND LAW ENFORCEMENT

Prevention and Response

Law Enforcement and Domestic Violence

- As we know, domestic violence issues cross all genders, races, social and economic boundaries.
- Law enforcement are not immune
- L.E.O. risk a lot for becoming involved in acts of domestic violence.

Policy on Handling DV in LEO

- December 2009 AG announced new directives dealing with policy and procedure to be employed to increase awareness of and response to domestic violence in the law enforcement community.
- Adopted by the Monmouth County Prosecutor's Office and municipalities.

Policy on Handling DV in LEO

- The AG has promised it will produce training on this new initiative.
- In the meantime what follows is a summary of some of the provisions of the policy.
- Please refer to the policy itself for a full description of the policy.

DV and LEO

- Pre-Hire Procedures
- Education and Training
- Warning Signs
 - Response to Warning Signs
 - Supervisor Responsibilities

DV and LEO

- Domestic Violence Incident
 - Response to Domestic Violence Incident
 - Communications Response
 - First Responder
 - Shift Supervisor
 - Contact Person
 - Officer Involved
 - Follow up

DV and LEO

- Record Keeping
- Misc.

PRE-HIRE & SCREENING

PRE-HIRE/ SCREENING

- Currently a background check is completed for all new hires
- That check will be expanded to include
 - Prior acts of domestic violence, sexual abuse, elder abuse or child abuse *(IVA & BJ)*
 - Prior or current restraining orders *(IVA & BJ)*

PRE-HIRE/ SCREENING

- Currently a psych. check is completed on all new hires
- That check will be expanded to include
 - An inquiry into violent or abusive tendencies or behaviors including domestic violence. *(IVA & BJ)*

EDUCATION & TRAINING

EDUCATION & TRAINING

- Currently there are 4 hrs of training required for all members of law enforcement annually on domestic violence.

EDUCATION & TRAINING

- That training will now include
 - Annual training for dispatchers on how to handle a domestic violence call. [VI.E]
 - The impact of domestic violence in the law enforcement community and this new policy. [VI.C]

EDUCATION & TRAINING

- That training will now include
 - Training for supervisors on
 - Potential indicators of domestic violence
 - How to investigate those indicators
 - How to notify the Chief LEO of that investigation
 - Programs available to LEOs in need of counseling and assistance. [VI.D]

SUPERVISOR RESPONSIBILITIES

What are the signs?
What are the levels?
What to do about it?

DIFFERENT LEVELS- DIFFERENT RESPONSES

- Guidelines are triggered by steps in the officer's behavior
 - Knowing the level of problem dictates response by supervisor

DIFFERENT LEVELS- DIFFERENT RESPONSES

- Potential warning signs
- Pattern of behavior potentially indicative of domestic violence
- Act of Domestic Violence

SUPERVISORS: POTENTIAL WARNING SIGNS

[VII]

POTENTIAL WARNING SIGNS

- These are potential indicators that a LEO may have a domestic violence problem.
- These are in addition to those signs which your training and experience will guide you on.
- The goal is to provide intervention before the situation escalates

POTENTIAL WARNING SIGNS

- Aggressiveness
 - Excessive or increased force on the job
 - Inappropriate surveillance activities
 - Unusually high incidents of physical altercations or verbal disputes
 - Complaints of unwarranted aggression or verbal abuse
 - Inappropriate treatment of animals
 - Unexplained injuries [VII.B.1.a]

POTENTIAL WARNING SIGNS

- Domestic Violence Related Issues
 - Monitoring, controlling or harassing the victim
 - Either directly or indirectly or through third parties [VII.B.1.b]
- Be aware of times of stress in lives of those you supervise (divorce/separation)

POTENTIAL WARNING SIGNS

- Deteriorating Work Performance
 - Tardiness
 - Excessive absences
 - Alcohol and Drug Abuse [VII.B.1.c]

RESPONSE TO POTENTIAL WARNING SIGNS

- Department should offer non-punitive avenues of help either at the request of the officer or in response to observations made.
- Department should offer help to officer, their family, the subject of the suspected domestic violence. [VII.A]

RESPONSE TO POTENTIAL WARNING SIGNS

- Department will make referrals to Employee Assistance or any other program for counseling and treatment as appropriate. [VII.A]
- See also <http://njspba.com> for services available.

SUPERVISORS: PATTERN OF BEHAVIOR POTENTIALLY INDICATIVE

PATTERN

What is the difference between a “pattern” and “possible indicators”

??????????.

More than just a hunch. Things that are documented. Greater indication of problem, greater our response should be.

RESPONSE TO PATTERN

- When a supervisor finds a “pattern of behavior potentially indicative of domestic violence” [VII.B.2]
- That supervisor will . . .

RESPONSE TO PATTERN

- That supervisor will . . .
 - Address the behavior with the officer consistent with Internal Affairs policy
 - Forward reports of behavior to Chief LEO through chain of command
 - Prepare and submit a request for psych. eval/ counseling. And forward reports to MCPO (Prof. Responsibility). [VII.B.2]

RESPONSE TO PATTERN

- That supervisor will . . .
 - Ensure that identity of reporting victim or witness is kept confidential [VII.B.2]

SUPERVISORS: RESPONSE TO A DV INCIDENT

RESPONSE TO DV INCIDENT

- When a supervisor finds that an officer has engaged in domestic violence. . . [VII.B.3]
- That supervisor will . . .

RESPONSE TO DV INCIDENT

- That supervisor will . . .
 - Prepare and submit to the Chief LEO a written request for a psych evaluation. The evaluator will include contact and input from the victim.
 - Request Chief LEO order the officer to "seek assistance from a program for batterers" [VII.B.2]

RESPONSE TO DV INCIDENT

- That supervisor will . . .
 - That evaluation should be made available to the officer if adverse action is taken against him/her unless doing so would pose a risk of harm to the victim [VII.B.2]

RESPONSIBILITY OF FELLOW OFFICERS

RESPONSIBILITY OF FELLOW OFFICERS

- If you know or are made aware of abuse or violence involving a fellow officer you are required to report that knowledge to a supervisor.
- Cooperate with investigation [VII.C.1]

RESPONSIBILITY OF FELLOW OFFICERS

- Obviously. . .
- Interfering with investigation, intimidating, threatening or coercing the victim or witnesses or attempting to do so will subject officer to internal discipline and possible criminal prosecution. [VII.C.2]

DOMESTIC VIOLENCE INCIDENTS

RESPONSIBILITIES OF THOSE INVOLVED AT EACH STAGE

RESPONSIBILITY OF COMMUNICATIONS

COMMUNICATIONS

- Communications will assign a high priority to domestic violence calls. Including those involving law enforcement.
- Will notify their supervisor if call appears to involve a LEO
- Prepare and preserve records of the call [VIII.B]

RESPONSIBILITY OF OFFICER ON SCENE

FIRST RESPONDER TO DV INVOLVING LEO [VIII.C.]

FIRST RESPONDER

- Upon arrival and determination of LEO involved.
- Call shift supervisor for immediate response
- Follow all policies and procedures for response to domestic violence. [VIII.C.]

SHIFT SUPERVISOR

[VIII.D.]

SHIFT SUPERVISOR

- Immediately respond to scene and take command of the investigation
- Ensure that all policies and procedures are complied with including. . .

SHIFT SUPERVISOR

- Ensure that all policies and procedures are complied with including
 - Mandatory arrest, if warranted
 - Ensure claims of self-defense are investigated
 - Seizure of firearms

SHIFT SUPERVISOR

- Arrest of officer if probable cause exists
 - An arrest warrant should be served by at least two officers. One of which should be a higher rank than the involved officer. [VIII.F.3]

SHIFT SUPERVISOR

- Attempt to locate the victim and review
 - Victim's Rights as set forth in Victim Notification
 - Option for Restraining Order
 - Access to DVRT if applicable
 - Access to confidential transportation to safe location
 - Resources available for victims of abuse

SHIFT SUPERVISOR

- Immediately notify
 - MCPO
 - Director, Family Unit (A.P. Kathleen Bycsek)
 - Backup-
 - Director, Professional Responsibility Unit (Jennifer Lipp)

SHIFT SUPERVISOR

- As soon as possible notify
 - Chief LEO of your department
 - If involved officer is from another town, their Chief LEO

SHIFT SUPERVISOR

- You may, but are not required to notify
 - Communications Supervisor

SHIFT SUPERVISOR

- If no charge is filed, you will write a narrative report which explains the reasons why.
 - That report gets forwarded to the IA unit

SHIFT SUPERVISOR

- If RO filed
 - Ensure RO is served on officer promptly
 - Ensure weapons seized
 - Notify MCPO as outlined
 - Contact the Principal Law Enforcement Contact Person [N/A]

SHIFT SUPERVISOR

- Obviously...
- If the involved officer is your Chief LEO, you should not be conducting the investigation.
- Notify the Professional Responsibility Unit immediately

RESPONSIBILITIES OF "PRINCIPAL LAW ENFORCEMENT CONTACT"

Principal L.E. Contact

- Guidelines require the creation of a Designated Law Enforcement Contact Person - "Pointman"
- Idea is that information is streamlined and there is one contact point per department

Principal L.E. Contact

- Person must be approved by MCPO
- However you know your departments and personnel.
- So make it
 - A supervisor
 - Who makes sense in your structure
 - Who is available to do all these jobs

Principal L.E. Contact

- Person must be approved by MCPO
- However you know your departments and personnel.
- So make it
 - A supervisor
 - Who makes sense in your structure
 - Who is available to do all these jobs
- Your IA officer is a good choice

Responsibilities of Principal L.E. Contact

- Contact point for victim [N/A]
- Any problems by involved officer or any other i.e.o.
- Provide them with contact information for Victim/Witness Unit
- Provide contact information for resources for victims
- Discuss safety planning with victim
- Conduct welfare checks
- Keep victim apprised of situation

Responsibilities of Principal L.E. Contact

- Contact point for department [VII.A.6]
 - Keep chain of command informed

FOLLOW-UP

[VIII.F]

FOLLOW-UP

- "In a timely manner"
- The Chief LEO shall debrief all officers involved in case and
 - Review confidentiality guidelines
 - Order officers not to discuss case outside of official inquiry
 - Make a clear delineation of assignments

FOLLOW-UP

- Inquiry into any other orders of protection that were not discovered in prescreen, or not reported before this event.
- If any found, consult MCPO for possible additional criminal charges. [VIII.F]

FOLLOW-UP

- A full IA investigation even if RO is dismissed. [VIII.F.4]
 - (But you were doing this anyway as part of weapons cases)

FOLLOW-UP

- SAFETY of VICTIM
 - Provide follow-up safety checks including welfare checks, drive bys, etc.

(Should be coordinated by LEO Contact and reviewed with victim in advance)

FOLLOW-UP

- SAFETY of VICTIM
 - Provide follow-up safety checks including welfare checks, drive bys, etc.
 - Ensure previous efforts to get confidential transportation in emergency
 - Ensure previous efforts to give victims information on services

RESPONSIBILITIES OF OFFICER INVOLVED

If you are the one in trouble

INVOLVED OFFICER

- Notify on call supervisor immediately if charged with crime of domestic violence or become subject of a restraining order
- Must keep chain of command informed about court dates and status of any criminal or restraining order hearings. [VII.C.33.4; VIII.G.1]

RECORD KEEPING

[VIII.A.]

RECORD KEEPING

- All calls involving domestic violence will be accepted and preserved as "on the record" events
- A detailed Criminal Investigation Report will be generated even if no arrest/ ro.
[VII.A.1]

RECORD KEEPING

- All reports of possible DV activity implicating a LEO will be documented in the same manner as all other DV cases.
- A copy of that report will be forwarded through chain of command to IA. [VII.A.2&3]

RECORD KEEPING

- Reports can be made available to involved officer and/or victim. [VII.A.4&5]
- With approval of Director of Family Division (Kathleen Bycsek)

OTHER NOTES

[VIII.E, etc.]

MISC.

- Weapons seizures
- EXACTLY THE SAME AS REGULAR PEOPLE- FOLLOW SAME PROCEDURE

MISC.

- If the involved officer is employed in another town?
 - Follow the same guidelines

MISC.

- If the involved officer is a victim
 - Treat them by the same rules as a victim

MISC.

- If both the victim and the involved officer are LEO?
 - Follow all policies for victims and this guideline

MISC.

- Officers are not permitted to attend court as "moral support" for involved officer.
- Only reason you have to go to court is because you were subpoenaed. *[KDJ]*
- Idea is to prevent appearance of intimidation.

MISC.

- Obviously, victim information must be kept strictly confidential. That means strictly confidential. *[KDJ]*

Questions, Problems ???

- M.C.P.O. Family Division
 - Main 732-431-7182
 - Fax 732-866-3644
- Kathleen Bycsek
 - Office 732-431-7182 Ext 7296
 - Email kbycsek@co.monmouth.nj.us

Resources

- Monmouth County Prosecutor's Office of Victim Witness Advocacy
- (Another contact to all victims even if does not rise to prosecution level)
 - Nancy Frankie, Director
 - 732-431-7160 Ext. 7244

Resources

- New Jersey Coalition for Battered Women
 - <http://www.njcaw.org/index.html>
 - 800-572-SAFE (7233) 24/7 Hotline

Resources

- 180 Turning Lives Around
One Bethany Road, Building 3, Suite 42
Hazlet, NJ 07730
- Emergency Shelter
24-Hr. Hotline: (732) 264-4111
Toll free: 1-888-THE-WCMC (843-9262)
TTY: (732) 264-3089
Office: (732) 264-4390
Fax: (732) 264-8655
Email: info@180turn.org
Web: www.180turn.org
- Outreach
Phone: (732) 264-4111
- IN COURT LIASON (EAST WING BASEMENT)

Resources

New Jersey Resource Guide for Women

www.state.nj.us/dca/divisions/dow/resources/pdfs/section_vii_domesticviolence09.pdf