

Arizona Peace Officer Standards and Training

Basic Curriculum Model Lesson Plan

LESSON TITLE: DOMESTIC VIOLENCE 3.3

SUBJECT:	Domestic Violence
AZ POST DESIGNATION:	3.3
HOURS:	12
COURSE CONTENT:	An examination of the issues involved in understanding domestic violence, procedures for responding effectively to domestic violence and managing crisis situations. This will include applicable law, specific authority granted to law enforcement agencies, services for victims and the purpose and processes of court orders.
PERFORMANCE OBJECTIVES:	Upon completion of this course of instruction, students using notes, handouts and other support materials as references, within the allotted time, will: <ul style="list-style-type: none">3.3.1 Identify and recognize the significance of the following as factors to consider when responding to domestic violence incidents:<ul style="list-style-type: none">A. Frequency of occurrence, changing nature and lethality/risk.B. Impact on victims, children and abusers.C. Forms of abuse and types of abusers.D. Cycle of violence.E. Dynamics of domestic violence. (including counterintuitive behavior of victims, such as staying with an abuser and recanting.)F. Cultural awareness and influences.G. Effectiveness and impact of law enforcement intervention.H. Abusers quite often are manipulative.I. Myths and facts.J. Victim safety.

- K. Specific investigative techniques.
- 3.3.2 Given a simulated domestic violence crime, identify the responding officer's authority and responsibility as per A.R.S. §13-3601 to take appropriate action including:
- A. Arrest.
 - B. Documentation.
 - C. Provision of assistance to victims.
 - D. Seizure of firearms.
- 3.3.3 Identify the following as the services most commonly provided by resource agencies to victims of domestic violence:
- A. Community services.
 - B. Information/education about domestic violence.
 - C. Orders of Protection.
 - D. Domestic violence shelter services.
- 3.3.4 Identify the process, purpose and authority of the following:
- A. Order of Protection. (A.R.S. §13-3602)
 - B. Emergency Order of Protection. (A.R.S. §13-3624)
 - C. Injunction Against Harassment. (A.R.S. §12-1809)
 - D. Lifetime no-contact Injunction. (A.R.S. §13-719, 13-105, 13-706, Title 13, Chapter 14 or chapter 35.1, 13-705, 13-706(F)(1))
- 3.3.5 Identify a peace officer's responsibility and enforcement authority regarding the following court orders as per A.R.S. §13-2810(A)(2) – Interfering with Judicial Proceedings:
- A. Injunction Against Harassment.
 - B. Order of Protection.
- 3.3.6 Identify the following advantages of separating parties in domestic

violence incidents:

- A. Provides independent statements from involved parties.
- B. Prevents involved parties from attacking each other.
- C. Allows the officer to compare the parties' statements.
- D. Increases officer safety.
- E. Decreases abuser's attempt to intimidate.

3.3.7 Identify what constitutes domestic violence as per A.R.S. §13-3601:

- A. Definition.
- B. Crimes.
- C. Relationship.

3.3.8 Identify ways a peace officer can intervene when responding to a domestic situation where probable cause does not exist:

- A. Act as referee for a peace disturbance and de-escalate the situation.
- B. Ask a party to leave.
- C. Write the appropriate report with written statements.
- D. Make the appropriate referrals/provide parties with resource information.

3.3.9 Identify federal laws and their impact on domestic violence:

- A. Full faith and credit.
- B. Lautenberg.

3.3.10 Given a simulation involving a domestic violence situation, the student will **demonstrate** a tactically sound and safe approach, entry and resolution including the proper use of contact and cover as described in the current AZ POST approved lesson plan.

DATE FIRST PREPARED: September 1996

PREPARED BY: Charles Masino

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REVIEWED – REVISED :	Judge Elizabeth Finn	DATE: October 1999
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INSTRUCTOR REFERENCES: Arizona Revised Statute Title 13 and Domestic Abuse Intervention Project, Duluth, Minnesota, Centers for Disease Control and Prevention, Intimate Partner Violence. Maricopa County Legal Remedies and Victim Resource Guide for Elder Abuse and pocket card.

CLASS LEVEL: Student

TRAINING AIDS: PowerPoint, videos, dry-erase board, and student handouts.
<http://www.azleg.gov/ArizonaRevisedStatutes.asp>

INSTRUCTIONAL STRATEGY: Interactive lecture, group problem solving and discussion and practical exercises.

SUCCESS CRITERIA: 70% or higher on a written, multiple-choice examination.

COMPUTER FILE NAME: 3.3 Domestic Violence

DATE RELEASED TO THE SHARE FILE: November 2023

I. INTRODUCTION

- A. Instructor – (self) introduction.
- B. Preview of performance objectives. **INSTRUCTOR NOTE:** *Play AZPOST DV 3 minute video*

II. DOMESTIC VIOLENCE (D.V.) – A HISTORICAL OVERVIEW

- A. Definition – crime versus family issue.
 - 1. Past perspective: Historically, this was viewed as a private, family matter in which the criminal justice system did not intervene. Even the Puritans had laws that militated against DV within homes.
 - 2. Current perspective: Domestic violence is a crime with consequences, it is unacceptable behavior.
- B. Legal definition – outlined per A.R.S. §13-3601.
- C. Social definition: The scope and issues related to domestic violence go beyond the legal definition. **INSTRUCTOR NOTE:** *Video clip: Evan Stark on Coercive control. Source: Evan Stark, Coercive Control: How Men Entrap Women in Personal Life. Oxford University Press, 2007. Michael P. Johnson, A Typology of Domestic Violence. Northeastern University Press, 2010.*
 - 1. Domestic violence is a complex phenomenon that takes several forms:
 - a. Coercively controlling violence is a course of conduct involving physical and sexual violence, intimidation, isolation and control. It includes coercively controlling physical violence and coercive controlling psychological abuse.
 - b. Situational couple violence is the use of violence in the context of a specific conflict.
 - c. Violent resistance is the use of violence to protect oneself from a partner's aggression.
 - 2. Identifying the type of violence requires knowledge of patterns of behavior within the relationship not necessarily apparent from the specific incident to which an officer responds. But gathering information on risk can help determine the nature of domestic violence and the reactions of victims and abusers.
- D. History of law enforcement's response:
 - 1. Prior to 1980, officers were trained to mediate and keep the peace. **INSTRUCTOR NOTE:** *Typically told one (1) party to take a walk, to "cool off".*

2. Law enforcement treated domestic violence as a civil matter.
 3. In 1980, the Arizona legislature enacted legislation defining domestic violence and the role of law enforcement (A.R.S. §§13-3601 and 13-3602). The law has evolved to reflect current knowledge and best practices.
 - a. Allows officers to arrest on misdemeanors not committed in their presence with probable cause.
 - b. Requires officers to arrest in cases involving the infliction of serious injury or the use of a weapon with probable cause.
 - c. Allows victims to apply for Orders of Protection.
 - d. In 1992, the Governor's Commission to Prevent Violence Against Women was established. **INSTRUCTOR NOTE:** Focus on training, data collection for law enforcement and addressing legislative initiatives.
 - e. Legislative changes continue with the creation of Aggravated Harassment and Aggravated Domestic Violence, two (2) important domestic violence felonies.
- E. The extent of the problem today:
1. National statistics:

INSTRUCTOR NOTE: Sources: Smith, S.G., Zhang, X., Basile, K.C., Merrick, M.T., Wang, J., Kresnow, M., Chen, J. (2018). *The National Intimate Partner and Sexual Violence Survey (NISVS): 2015 Data Brief – Updated Release*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

Matthew J. Breiding, Sharon G. Smith, Kathleen C. Basile, et al. *Prevalence and Characteristics of Sexual Violence, Stalking, and Intimate Partner Violence Victimization — National Intimate Partner and Sexual Violence Survey, United States, 2011*. *MMWR* 2014;63(8). 1-18.

D’Inverno, A.S., Smith, S.G., Zhang, X., Chen, J. (2019). *The Impact of Intimate Partner Violence: A 2015 NISVS Research-in-Brief*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M.R. (2011). *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

Breiding, M.J., Chen J., & Black, M.C. (2014). *Intimate Partner Violence in the United States — 2010*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control

and Prevention.

Petrosky E, Blair JM, Betz CJ, Fowler KA, Jack SP, Lyons BH. Racial and Ethnic Differences in Homicides of Adult Women and the Role of Intimate Partner Violence — United States, 2003–2014. MMWR Morb Mortal Wkly Rep 2017;66:741–746. DOI: <http://dx.doi.org/10.15585/mmwr.mm6628a1External>

Source: David Finkelhor, Heather Turner, Anne Shattuck, Sherry Hamby, and Kristen Kracke, Children’s Exposure to Violence, Crime and Abuse: An Update. US Department of Justice, Office of Justice Programs, September 2015. www.ojp.usdoj.gov.

Source: Arizona Department of Economic Security, Domestic Violence Services Fund Report SFY 2018 (A.R.S. §36-3007

Source: Arizona Coalition to End Sexual and Domestic Violence

- a. One in four women and one in seven men have experienced serious physical domestic violence in their lifetime.
- b. Racial/ethnic minorities are disproportionately affected by domestic violence.
- c. Approximately 4 out of every 10 non-Hispanic Black or American Indian/Alaska Native women and 1 in 2 multiracial non-Hispanic women have experienced domestic violence in their lifetime.
- d. Nearly half of American Indian/Alaska Native men and nearly 4 in 10 Black and multiracial men have experienced domestic violence in their lifetime.
- e. Domestic violence victimization is associated with lower household income and housing and food insecurity.
- f. Women are more likely to suffer serious consequences of domestic violence, including physical injury, PTSD, missing work, requiring medical and social services, and feeling fearful. They are also more likely to suffer more severe physical violence and multiple forms of domestic violence.
- g. Many people first experience domestic violence at a young age. Among those who ever experienced rape, physical violence, or stalking by an intimate partner, more than 1 in 5 female victims (22.4%) and more than 1 in 7 male victims (15.0%) experienced some form of domestic violence for the first time between the ages of 11 and 17 years. Nearly half of female victims and over one third of male victims were between 18 and 24 years of age when they first experienced violence by an intimate partner.
- h. More than half of female victims of homicide are killed by their intimate partners. Non-Hispanic Black and American Indian/Alaska Native women have the highest rates of intimate partner homicide. (Reference the Violence Policy Center, When Men Murder Women, annual reports)

- i. About 17% of children in the US are exposed to parental domestic violence in their homes during their lifetime.
 2. Arizona statistics:
 - a. Shelter
 - i. In 2018, 6,138 clients received emergency shelter and 308 received transitional housing.
 - ii. In 2018, 22,293 clients received mobile and community based services and 38,674 hotline calls were received.
 - iii. Domestic violence programs are unable to meet all the requests for housing, child care and transportation as well as behavioral health services.
 - b. Domestic violence-related homicides in Arizona:
 - i. In 2019, there were 96.
 - ii. In 2018, there were 86.
 - iii. Victims include intimate partners, new partners, children, other family members, bystanders and suicides.
 - c. Arizona's law enforcement response:
 - i. In most jurisdictions, family violence calls remain the number one (1) call for service. ***INSTRUCTOR NOTE:*** *Impact on law enforcement, it is the #1 call for violent crime.*

III. COMPLEX DYNAMICS OF DOMESTIC VIOLENCE – WHY IS IT IMPORTANT?**P. O. 3.3.1I**

- A. Myths vs Facts:
 1. Myths.
 - a. Affects only minorities/low income areas.
 - b. Alcohol/drugs cause domestic violence.
 - c. Victims would leave if it was that bad.
 - d. Violence is a private matter so others should not intervene.

- e. Abusers are violent in all relationships.
 - f. The abuse is a result of an anger problem.
2. Facts:
- a. Occurs in all socioeconomic, racial and ethnic groups, although rates are higher in low income, marginalized groups.
 - b. Alcohol/drugs increase the frequency and severity of the abuse, but the causes of domestic violence are complex.
 - c. No one deserves domestic violence. Victims stay for a variety of reasons – Relationship commitment, no place to go, lack of resources, low self-esteem and fear play a strong role.
 - d. Leaving a violent relationship does not always end the violence. Leaving or giving the impression of planning to leave can increase danger.
 - e. D.V. is a learned behavior and is a crime. **P. O. 3.3.1E**
 - f. It is a community problem which impacts everyone and without intervention, it will repeat itself and may be learned by the next generation. **INSTRUCTOR NOTE:** *Emphasize that to outsiders, abusers can appear like wonderful people and try to manipulate and charm law enforcement which is part of the “Jekyll and Hyde” personality.*
 - g. Many abusers are not violent towards anyone else but their families.
 - h. Anger may be present but does not justify or cause domestic violence.
- B. Types of Abusers: **P. O. 3.3.1C**

INSTRUCTOR NOTE: Holtzworth-Munroe, A. & Meehan, J. (2004) “Typologies of men who are maritally violent: Scientific and clinical implications.” *Journal of Interpersonal Violence* 19: 1369-1389,

- 1. Family only:
 - a. Abusers who are violent only within their own family, not to people outside the family.
 - b. Lower levels of violence, no evidence of psychopathology, best treatment outcomes.
- 2. Dysphoric/borderline: dependent on partner, fears abandonment, explosively violent.

3. Generally violent/antisocial: most severely abusive, violent outside the home, least likely to succeed in treatment.

IV. OUTLINED BELOW IS THE DIFFERENCE BETWEEN AN ABUSIVE AND NON-ABUSIVE RELATIONSHIP:

- A. Abusive relationship (power and control): **INSTRUCTOR NOTE:** *“Equality and Power/Control Wheels.” H.O. Power & Control wheel.*

1. Using intimidation.
2. Using emotional control.
3. Using isolation.
4. Minimizing, denying and blaming.
5. Using children.
6. Using male privilege. All privileges- money, size, employment, head of household.
7. Using economic abuse.
8. Using coercion and threats.

- B. Non-abusive relationship (equality):

1. Non-threatening behavior.
2. Respect for emotional needs.
3. Trust and support.
4. Honesty and accountability.
5. Responsible parenting.
6. Shared responsibility.
7. Economic partnership.
8. Negotiation and fairness.

- C. The complex dynamics of Intimate Partner Violence.

P. O. 3.3.1C

P. O. 3.3.1D

1. Cycle of Violence: Escalation of force. **INSTRUCTOR NOTE:** *EMPHASIZE- This is the abuser's complex dynamic of violent behavior that can entrap the victim and children.*
 - a. Not all relationships follow this pattern.
 - b. Tension building:
 - i. During this stage, conflicts occur regularly, stress levels are high and communication is cut off.
 - ii. The victim tries to smooth things over, is compliant, tries to stay out of the way and attempts to anticipate the abuser's whims.
 - iii. The abuser becomes more controlling; jealousy (insecurity) is often prevalent.
 - c. Explosion: Usually some form of abuse which evokes fear, usually a violent acting out.
 - d. Reconciliation (used to be called Honeymoon, but this term inaccurately describes a happy, romantic time not typical of abusive relationships).
 - i. This is a time of reconciliation when both minimize and rationalize the abuse.
 - ii. The abuser begs for forgiveness and promises it will not happen again.
 - iii. The abuser may be loving and shows he/she can change.
 - iv. The victim believes this time will be different, the past is behind him/her and this loving person is the abuser's real self.
 - v. Victim blaming by the abuser and the victim accepting the blame that brought about the violence.

INSTRUCTOR NOTE: *The cycle will repeat itself over and over again until something breaks it (i.e., arrest, death, etc.). Source: Sandra K Burge, David A. Katerndahl, Robert C. Wood, et al. 2016. "Using Complexity Science to Examine Three Dynamic Patterns of Intimate Partner Violence." *Families, Systems, and Health* 34(1):4-14. Source: M. Haselschwerdt, R. Savasuck-Luxton, & K. Hlavaty, 2017, "Review and Critique of the 'Intergenerational Transmission of Violence Literature.'" *Trauma, Violence and Abuse*: 1-15. 10.1177/1524838017692385*

- e. This tends to keep the victim tied to the relationship and may lead them to reject intervention or help.

- f. Research suggests this is not the most typical dynamic. Many abusers never acknowledge their abuse or apologize. Rather, their abuse is frequent, unpredictable and there is no cycle of reconciliation, tension building, and abuse.
2. Intergenerational cycle.
 - a. Children witnessing DV in their family of origin.
 - b. May repeat that behavior in adult relationships. This is not inevitable or automatic.
 - c. Children’s repetition of the cycle is influenced by the presence of other traumas, and can be mitigated by positive interventions and support.
 3. Abuser Relationship History.
 - a. The abuse will continue with each relationship and may increase in severity with each successive relationship if no intervention.
- D. The complex dynamics of domestic violence and barriers for victims reaching out for help.
- P. O. 3.3.1D & E**
1. Counterintuitive behavior of victims: Victims will not always react or behave in predictable ways.
 - a. Rejecting help, including law enforcement.
 - b. Siding with the abuser.
 - c. Recanting prior statements. **INSTRUCTOR NOTE:** Video clip: Ferraro on victim worldview.
 2. Victims often have a different worldview than law enforcement reflecting prior victimization and unsuccessful attempts to get help. **P. O. 3.3.1B**
 3. The impact of trauma:
 - a. Victims may be intensely traumatized, unable or unwilling to speak or share details.
 - b. Trauma affects memory. Do not be surprised or exhibit surprise if victim accounts are not consistent, or their recall does not always seem “accurate”. This is a situation seen commonly with victims of strangulation.
 - c. Victims may be reacting to the entire experience of coercive control rather than the specific incident. Their reactions are based on a history of abuse and control.

- d. Try to be “present” as human beings and listen as if listening to a beloved family member.
4. Fear/Danger:
 - a. Fear of harm to self or children – separation or the perception of imminent separation can be the most dangerous time for a victim, so fear of being hurt or killed is very real.
 - b. Fear of the unknown – imagine what it would be like if tomorrow morning you became homeless, with three (3) children and no place to go, imagine you only had \$10 in your pocket with no other support.
 - c. Fear of losing kids to DCS or to abusers.
 5. Economic dependency – this means who has control of the money and who does not.
 - a. A woman who works outside of the home or a man who is the primary earner may be economically dependent if they don’t have control of the finances.
 - b. Some victims are not permitted to work due to the possibility of working with men.
 6. Belief the abuser will change:
 - a. Self-blame: Victims may believe they cause the abusive behavior so they try to change themselves; however, regardless of what the victim does, the abuse stays the same, the abuser’s excuses just change.
 - b. Blame shifting: Victims may believe that some outside factor causes their partner’s abuse so they believe if the factors (i.e., alcohol, no job, etc.) are changed or eliminated, their partner will no longer be abusive. **INSTRUCTOR NOTE:** *Abusers work to make their victim believe it is their fault, if only they had not talked about their mother this would not have happened, or if they would have just had the house cleaned the way they said, this would not have happened.*
 7. Isolation:
 - a. Cutting off ties to the outside world allows for greater control.
 - b. In extreme cases, victims are not allowed to talk to anyone or leave their homes.
 - c. It is common to see victims who are not allowed to see their families, go to their place of worship or have outside interests.

- d. Isolation can occur outside the home if the abuser monitors and harasses the victim, eg., constant phone calls, appearing at the workplace, monitoring odometer and phone. **INSTRUCTOR NOTE:** *This creates loneliness and prevents the victim from having any connection to the outside world.*
8. Situation sometimes not taken seriously:
 - a. Even when help is sought, some (family, law enforcement, friends, clergy, doctors, etc.) discount the severity of the problem or do not believe the victim.
 - b. Doctors have been known to address this problem with tranquilizers and some clergy tell the victim to go home and be a better “wife/husband or to pray”.
9. Cultural influences: **P. O. 3.3.1F**
 - a. Historically and still present today, is the influence of male dominance.
 - b. Children are still raised with sex role messages which are influenced by tradition and set values.
 - c. Traditional gender roles encourage male authority and female subservience which abusive men use to justify coercive control.
10. Immigration status:
 - a. Abusers may use immigration status against the victim.
 - b. An undocumented victim has certain protections under VAWA. Abuser may have misinformed the victim about her status.
11. Religion – many faiths do not believe in divorce, leaving victims with the idea that this is another “cross to bear.”
12. Low self-esteem:
 - a. Having been shamed and put down by their partner, victims suffer from low self-esteem and feelings of unworthiness.
 - b. Because they have had no control over their life, they begin to believe they cannot care for themselves.
13. For the children – some victims believe their children need two (2) parents and often the children do not want to leave. Some perpetrators will emphasize this and manipulate the partner and children. The victim may also fear losing custody and worry about the children’s safety if left alone with the abuser.

14. Love – abusers can be very loving and caring individuals and often victims do not want the relationship to end, they just want the abuse to end.
 15. Failure of the system. (Inadequate resources)
 - a. Maybe the victim finally called the police, only to be arrested along with his/her abuser or as the predominant aggressor.
 - b. Maybe the victim agreed to prosecute, only to find out that the abuser pleaded to disturbing the peace and received a small fine.
 - c. These responses send strong messages to the victim that help does not exist and even if he/she does take action, his/her abuser will not be punished or held accountable.
 - d. Maybe the victim was not given the opportunity to request victims’ rights, which means that the victim could not have any input, be involved or be notified of any progress in the case.
 16. Lack of resources, inadequate resources, shelter space, legal help, affordable housing, and lack of job training.
 17. Social image:
 - a. Traditionally, women have been raised to get married and have children, keep the family together and this functioned.
 - b. Men are raised to be strong and fear humiliation from admitting a woman abused them.
 - c. People do not want others to perceive them as failures in family life or as victims.
 18. Nowhere to leave their pets.
- E. Assisting the victim – keeping the victim safe: **P. O. 3.3.1J**

INSTRUCTOR NOTE: Remember to call out or partner with your local resources or advocates, etc.

1. Always emphasize and take steps to ensure the victim’s safety regardless of the decision to stay or leave. **INSTRUCTOR NOTE:** The decision to stay may be the decision to live. Include safety planning. Express your concern for their safety (and that of their children)
2. Empower the victim with information which will increase his/her options.
3. Never ask the victim why he/she stays, this insinuates they are part of the problem and

can be shaming.

4. Be aware of your own attitude, experiences and reactions to abuse; you can disagree with the victim's choices/behavior, but must remain objective, empathetic and understanding.
 5. Recognize that victims' reactions and responses may change frequently and be unpredictable. Reactions can range from resistance/anger to cooperative/fearful.
 6. Avoid becoming cynical because the victim fails to take action or respond in a way you want them to.
 7. Victim blaming, by officers, is a consequence of not understanding the victim's perspective or the potential threat posed by the abuser.
- F. Holding the abuser accountable:
1. Predominant Aggressor: **INSTRUCTOR NOTE:** *Optional video: "Predominant Aggressor". 4 minute video.*
 - a. Reacting to the threat of being battered.
 - b. Establish who used the most significant amount of force; determine intent of force vs. impact of force.
 2. Self-defense. **INSTRUCTOR NOTE:** *Remember, self-defense is justified. Victim's rights would be provided to both parties in this instance. Optional videos include; Scenario 1- 4 minutes, Scenario 2- 2 minutes, Scenario 3- 6 minutes.*
 - a. An act of self-defense which is legally justified (A.R.S. §13-404) is NOT deemed an act of domestic violence.
 3. Dual Arrest – A.R.S. §13-3601(B). can exist in less than 5% of the arrests. (This should be a last resort)
 - a. In order to arrest both parties, the officer shall have probable cause to believe that both parties independently committed an act of domestic violence. (Requires two separate acts.)
 4. Abusers quite often are manipulative. Be aware of the tactics they use against Law Enforcement.

P. O. 3.3.1H

 - a. Do not be fooled by an abuser's appearance, demeanor, articulate style and cooperation, s/he is sophisticated in his/ her manipulation.
 - b. Be aware of the abuser's remarks which avoid responsibility and blame the

- victim.
- c. Anticipate the possibility the abuser will present himself or herself as the victim.
 - d. Be aware of the abuser's acceptance of violence, he/she tends to view his/her actions as justified or right with something like, "He/she deserved it."
 - e. Domestic violence is a crime, not a family problem (or disagreement); arrest can send strong messages to the kids that abusive behavior is unacceptable, wrong and results in consequences.
 - f. Focus on the abuser's choice to be violent/ abusive rather than on why the victim stays. Accountability needs to be placed on the offender.
5. Ways abusers manipulate law enforcement officers when they respond to a domestic violence call:
- a. Abusers will pretend to be asleep when the officers arrive.
 - b. They might be friendly, polite, apologetic and very courteous to the officer.
 - c. They might express frustration/sadness over their inability to get help for the victim's drug (prescribed or illegal drugs) or alcohol problem.
 - d. They might attempt to get sympathy by presenting himself/herself as a "victim" to his/her partner's nagging and verbal abuse or alleged mental illness.
 - e. They might attempt to get the officer to relate to his/her situation (i.e., "You know how those women/men are.").
 - f. They might lie and fabricate a story that blames someone or something.
 - g. They might be calm and surprised by an officer's arrival.
 - h. They might minimize the incident by describing it as "a little disagreement" or a "family" issue.
 - i. The frequency of occurrence, escalating nature and degrees of risk are indicators which will help officers identify the potential dangers of a situation.
- P. O. 3.3.1A**
6. Risk Assessment - The objective in using a risk assessment tool in intimate partner violence cases is primarily to identify the associated risk factors that face victims and then predict, within reasonable expectations, the probability of re-assault. (H.O. Form 4C)
- P. O. 3.3.1K**
7. In 2017, the Arizona Supreme Court amended rule 41 of the Arizona rules of criminal

procedure to create a standardized statewide risk assessment tool for use in intimate partner violence. The validated tool is known as the Arizona intimate Partner Risk Assessment Instrument System (APRAIS) Form 4C.

- a. The APRAIS Form 4C risk assessment allows law enforcement to look deeper into the dynamics of an intimate partner relationship and possibly uncover potential danger signs to raise the awareness of victims, triage resources for them, and help hold offenders accountable.
- b. APRAIS is the only validated tool to be considered by the courts when determining release conditions or terms of release for suspects accused of DV charges.
- c. Pursuant to 13-3967.B.5 it states in part: "In determining the method of release or the amount of bail, the judicial officer, on the basis of available information, shall take into account all of the following: ...5. The results of a risk or lethality assessment in a domestic violence charge that is presented to the court. "
INSTRUCTOR NOTE: *Optional videos: AZPOST Command Staff Unit 1 module 3.50 minutes, "Telling Amy's Story, 40 minutes. telling.psu.edu*

Arizona intimate Partner Risk Assessment
Instrument System(APRAIS) form

Defendant's Name _____ DOB _____ Booking No. _____
 Law Enforcement Agency _____ Report No. _____
 Victim's Name _____ Incident Date _____

Questions are asked on the scene; Victim participation is voluntary	Yes	No	Decline
Tier 1			
1. Has physical violence increased in frequency or severity over the past six months? Alternate wording: Is the pushing, grabbing, hitting, or other violence happening more often			
2. Is he/she violently and constantly jealous of you?			
3. Do you believe he/she is capable of killing you?			
4. Have he/she ever beaten you while you were pregnant? (e.g. hit, kicked, shoved, pushed, thrown, or physically hurt with a weapon or object)			
5. Has he/she ever used a weapon or object to hurt or threaten you?			
6. Has he/she ever tried to kill you?			
7. Has he/she ever choked/strangled/suffocated you?			
7a. Has this happened more than once? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decline			
Yes to 2 or 3 Tier 1 questions = "Elevated Risk" Yes to 4 or more Tier 1 questions = "High Risk"	Total Yes: _____ Elevated <input type="checkbox"/> High <input type="checkbox"/>		
Tier 2			
8. Does he/she control most or all of your daily activities?			
9. Is he/she known to carry or possess a gun ?			
10. Has he/she ever forced you to have sex when you did not wish to do so?			
11. Does he/she use illegal drugs or misuse prescription drugs? (e.g. meth, cocaine, painkillers)			
12. Has he/she threatened to harm people you care about?			
13. Did you end your relationship with him/her within the past six months? Does he/she know or sense you are planning on ending your relationship?			
14. Has he/she experienced significant financial loss in the last six months?			
15. Is he/she unemployed?			
16. Has he/she ever threatened or tried to commit suicide?			
17. Has he/she threatened to kill you?			
18. Has he/she threatened or abused your pets?			

Yes to 2 or 3 Tier 1 questions = "Elevated Risk" Yes to 4 or more Tier 1 questions = "High Risk"

"Elevated Risk" and "High Risk" scores trigger law enforcement officers to offer follow up responses in the form of providing or connecting victims to supportive resources or resource information.

- Victim referred for follow up based on responses to the tool
- Victim referred for follow up based on the officer's professional judgment
- No referral

* To be considered at Initial Appearance. See A.R.S. § 13-3967(B).

8. The Form 4(c) risk assessment is completed after the initial on-scene investigation. The victim must be advised their participation is voluntary, and their answers are discoverable during court proceedings. Victim participation must always be voluntary, however by giving the victim a choice it may allow them to have some control over the traumatic events they are faced with.
 - a. Only Tier 1 questions are scored. Each question is marked as a "yes," "no," or

“decline.” Two or 3 “yes” answers indicate an “elevated risk”; 4 or more “yes” answers indicate “high risk.” Officers also have the option to use their professional judgment to indicate their concerns and recommend follow up.

- b. The risk referred to in the scoring, is regarding the "elevated" or "high" risk of severe re-assault or a near lethal experience within seven months.
- c. If a victim scores as elevated or high risk, officers refer the victim to supportive resources. They offer to contact a victim advocate and on scene services are provided to the victim where available.

INSTRUCTOR NOTE: Source: Jill Rable, MSN-Ed, RN, AFN-BC, SANE-A

“Serving Survivors of Domestic Violence Strangulation.” September, 2018, available at

https://www.bwjp.org/resource-center/resource-results/serving_survivors_of_dv_strangulation.html

9. The completed form is attached to the law enforcement release questionnaire or charging sheet and provided to the Court at Initial Appearance for consideration in determining release conditions.
10. As with most cases, patrol officers play a critically important role in the criminal justice system. Patrol officer behavior and the application of the Form 4C might improve victim safety and offender accountability.
 - a. Those in public safety should remember that this is a human interaction when dealing with victims in domestic violence situations.
 - b. After the scene is secured and the offender removed officers/deputies must have empathy, compassion and understanding when interacting with domestic violence victims.
 - c. When interacting with a victim an officer should take the time to understand the position the victim may be in.
 - d. Remember to treat victims in the same manner as you would want one of your family members treated when conducting the risk assessment.
11. Importance of recognizing and documenting strangulation (strangulation investigations):
 - a. Definitions:
 - i. Strangulation: external pressure to the neck that blocks airway or blood flow.
 - ii. Choking: internal block of airway from object.

- iii. Suffocation. (blocked respiration)
 - iv. Victims may describe choking, being held by the neck, being pinned by the neck, but officers should put the victim's language in quotes and use the correct term for the act.
- b. Nature of strangulation:
- i. A particularly dangerous and frightening form of assault.
 - ii. It does not take much pressure or time to cut off oxygen supply and cause unconsciousness and serious damage.
 - iii. An important risk marker for future violence, especially repeated strangulation.
 - iv. Effects of strangulation are often not visible at the scene. Some effects are internal and some may require time to become visible. Specialized forensic examinations are desirable when possible.
 - v. Lack of visible injuries does not mean it did not happen. ***INSTRUCTOR NOTE: If strangulation is suspected, a Forensic Nurse Examiner should be used whenever possible, to examine the victim for physical injuries associated with the crime.***
- c. What to look for in strangulation cases:
- i. Keep asking questions: look behind their ear, in their ears, on their scalp, but you may not be able to photograph injuries. What is said is more important than what is seen. LISTEN to the victim as their account helps you determine what happened more than what you are able to see.
 - ii. Petechiae = ruptured capillaries or small blood vessels; tiny red, flat, non-tender spots. Occurs with increased venous pressure. Lack of petechiae in strangulation cases means nothing. Petechial hemorrhage is NOT required. They may have life threatening injuries without petechiae.
 - iii. Pain and discomfort: Ask them where it hurts and what it feels like:
 - (a.) Neck and throat pain.
 - (b.) Limited range of motion.
 - (c.) Lump in throat.
 - (d.) Burning sore throat.

- iv. Ask how it affected their breathing:
 - (a.) Hyperventilate.
 - (b.) Gasp for breath.
 - (c.) Suffer delayed lung problems.

- v. Ask if there are Voice changes from the act:
 - (a.) Immediate or delayed?
 - (b.) Raspy voice/hoarse.
 - (c.) Dysphonia—pain with talking.
 - (d.) Aphonia—loss of voice.
 - (e.) Directly related to trauma to the larynx and common in about half of cases.

- vi. Ask if there are swallowing changes:
 - (a.) Pain with swallowing.
 - (b.) Difficulty swallowing.
 - (c.) Constant or frequent clearing of throat.
 - (d.) Increased drooling, eyes watering, nose running.
 - (e.) Unable to swallow saliva.
 - (f.) May be immediate or delayed.

- vii. Brain – Ask if there was a(n) altered level of consciousness:
 - (a.) Memory loss, gaps.
 - (b.) Passed out.
 - (c.) Lightheaded, dizzy.
 - (d.) Behavior changes. (combative, agitated, restless, immediate or delayed)

- viii. Neurological effects:
 - (a.) Facial droop.
 - (b.) One-side of the body is weak.
 - (c.) Hearing changes. (ringing in ears)
 - (d.) Vision changes. (Everything went black; blurred vision)
 - (e.) Loss of bladder or bowel control. (may soil clothes)
 - (f.) Miscarriage. (rates high with strangulation; dangerous to unborn baby)
- ix. Other injuries:
 - (a.) Abrasions-scratches. (from victim or suspect; self injury while struggling and injuries to suspect).
 - (b.) Contusions-bruising; Thumb or finger impressions on neck; Delay in visibility.
 - (c.) Ecchymosis-blood filled bruising.
 - (d.) Erythema—redness
 - (e.) Ligature marks vs. patterned impression injury (neckless, t-shirt seams).
 - (f.) Ruptured vessels, blood in white of the eye.
 - (g.) Biting of the tongue.
 - (h.) Bruising and petechiae on the back of the ear.
- 12. Suffocation injuries different:
 - a. Skin abrasions; may be on the face.
 - b. Abrasions over nostrils.
 - c. Lip incised abrasions where lips are pushed against teeth.
 - d. Many have no visible injury.

- e. Victims suffering from severe natural disease or medical condition, or if intoxicated or physically restrained, may have no physical marks.
- f. If there are no teeth, lip injuries are not likely.
- g. Suffocation with a medical device, such as obstruction of endotracheal tube, turning off ventilator, withholding oxygen leaves no visible injury.

13. Understanding and supporting victims of strangulation:

- a. Listen carefully and ask what it felt like and how they feel currently. Common feelings include: dizziness, room spinning, feeling head is going to explode, numbness, tingling, shooting pains in hands, room went black, saw stars, unusual look in attacker's eyes.
- b. Victims may not remember the whole assault because of loss of consciousness. Other witnesses may be available to fill in gaps.
- c. Allow victims to tell where they're hurting then look for injuries.
- d. Look for marks on abusers, such as nail digs or bite marks to face and upper body and nail marks on the victim's neck. These are defensive injuries resulting from the victim's attempt to protect themselves.
- e. Ask specific questions about the incident. Try to build a picture of what's happening in the relationship. This helps establish probable cause, complete a thorough risk assessment and provide the most effective intervention.
- f. Explain possible consequences of strangulation and the importance of a medical exam. Without alarming victim, provide facts on the delayed consequences following strangulation, including increased risk of brain damage, stroke, miscarriage and death and offer to contact an EMS. Encourage an examination and follow-up care.

V. ARIZONA'S DOMESTIC VIOLENCE STATUTE AND RELATED LAWS (A.R.S. §13-3601) – CITE DEFINITION FROM TITLE 13 P. O. 3.3.7

A. Relationships:

- 1. Living together or have lived together.
- 2. Child in common or pregnant or adopted through the courts.
- 3. Marriage or former marriage.

4. Related by marriage-victim is related: Spouse, parent-in-law, step- child, brother and sister-in-law, step-parent and step grandparents.
 5. Related by blood; parent, child, grandparent, brother, sister, etc.
 6. Current or previous romantic or sexual relationship (teens or adults who are dating).
 7. Child who lives or lived with Defendant and was related by blood to Defendant's former spouse or roommate.
- B. Domestic violence crimes:
1. A.R.S. §13-705 (amended 2008 to 13-705; updated 2018) – Dangerous Crimes Against Children (DCAC).
 2. DCAC applies to any of the following crimes committed against a minor under 15 years of age:
 - a. Second degree murder.
 - b. Aggravated assault.
 - i. Resulting in serious physical injury, or
 - ii. Committed by the use of a deadly weapon or dangerous instrument.
 - c. Sexual assault.
 - d. Molestation of a child.
 - e. Sexual conduct with a minor.
 - f. Commercial sexual exploitation of a minor.
 - g. Sexual exploitation of a minor.
 - h. Child abuse as defined in A.R.S. §13-3623(B).
 - i. Kidnapping.
 - j. Sexual abuse.
 - k. Taking a child for the purpose of prostitution as defined in A.R.S. §13-3206.
 - l. Child sex trafficking as prescribed in § 13-3212.

- m. Involving or using minors in drug offenses.
 - n. Continuous sexual abuse of a child.
 - o. Attempted first degree murder.
 - p. Sex trafficking.
 - q. Manufacturing methamphetamine under circumstances that cause physical injury to a minor.
 - r. Bestiality as prescribed in § 13-1411 subsection A, paragraph 2.
 - s. Luring a minor for sexual exploitation.
 - t. Aggravated luring a minor for sexual exploitation. (use of an electronic device)
 - u. Unlawful age misrepresentation.
 - v. Unlawful mutilation.
 - w. Sexual extortion as prescribed in §13-1428.
3. A.R.S. §13-1102 – Negligent Homicide.
 4. A.R.S. §13-1103 -- Manslaughter.
 5. A.R.S. §13-1104 – Second Degree Murder.
 6. A.R.S. §13-1105 – First Degree Murder.
 7. A.R.S. §13-1201 – Endangerment. **INSTRUCTOR NOTE:** *For child prostitution as defined in A.R.S. §13-3212 for specifics.*
 8. A.R.S. §13-1202 – Threatening or Intimidating.
 9. A.R.S. §13-1203 – Assault.
 10. A.R.S. §13-1204 – Aggravated Assault. **INSTRUCTOR NOTE:** *Under A.R.S. §13-1204(A). (12) if a person commits an assault and s/he is in violation of an Order of Protection issued against the person, the assault is aggravated and felony charges may be filed.*
 11. A.R.S. §13-1302 – Custodial Interference.
 12. A.R.S. §13-1303 – Unlawful Imprisonment.

13. A.R.S. §13-1304 – Kidnapping.
14. A.R.S. §13-1406 – Sexual Assault .
15. A.R.S. §13-1425 – Unlawful Disclosure of Nude Pictures.
16. A.R.S. §13-1502 – Criminal Trespass, 3rd Degree.
17. A.R.S. §13-1503 – Criminal Trespass, 2nd Degree.
18. A.R.S. §13-1504 – Criminal Trespass, 1st Degree.
19. A.R.S. §13-1602 – Criminal Damage.
20. A.R.S. §13-2810 – Interfering with Judicial Proceedings.
21. A.R.S. §13-2904(A)(1)(2)(3) – Disorderly Conduct.
22. A.R.S. §13-2904(A)(6) – Disorderly Conduct by Reckless Handling, Displaying or Discharging a Deadly Weapon or Dangerous Instrument.
23. A.R.S. § 13-2910(A)(8) – Animal Cruelty; subjecting animal under their control to cruel neglect or abandonment that result in serious physical injury.
24. A.R.S. §13-2910(A)(9) – Animal Cruelty: Intentionally or knowingly subjects any animal to cruel mistreatment.
25. A.R.S. § 13-2915(A)(3) – Preventing Use of Telephone in an Emergency Situation.
26. A.R.S. §13-2916 – Telephone to Harass.
27. A.R.S. §13-2921 – Harassment.
28. A.R.S. §13-2921.01 – Aggravated Harassment.
29. A.R.S. §13-2933 – Stalking.
30. A.R.S. §13-3019 – Surreptitious Photo, Video, Film or Recording.
31. A.R.S. §13-3623 – Child or Vulnerable Adult Abuse.
32. A.R.S. §13-3601.02 – Aggravated Domestic Violence. (added a new crime of Aggravated Domestic Violence)

C. Domestic violence felonies:

1. Aggravated Domestic Violence: (Homicide Prevention)
 - a. A third or subsequent Domestic Violence offense (not conviction) while the suspect has two prior Domestic Violence convictions within 84-months.
 - i. The violation date is used to determine if it is within 84-months not the conviction date. (Verify requirements for Aggravated Domestic Violence through your agency or County Attorney's office)
 - b. Any domestic violence crime will be able to serve as the basis for the prior conviction for any other domestic violence crime. (Example: A criminal damage could serve as the prior conviction for an assault or disorderly conduct as long as it was DV)
 - c. The victim need not be the same in every case for a felony to be filed for the third (3rd) offense.
 - d. When a defendant is being charged with an act of domestic violence, law enforcement should check the defendant's record for prior domestic violence convictions. (All possible charges should be alleged)
2. Aggravated Harassment:
 - a. A person commits aggravated harassment if the person commits harassment against the same victim and if any of the following applies:
 - b. A court issued order/injunction is a Class 6 felony for the first (1st) offense and a Class 5 felony for the second (2nd) offense.
 - c. The person was previously convicted of a domestic violence crime.
 - d. Increased penalty if felony is committed against pregnant victims and the perpetrator knew she was pregnant.
 - i. This is a Class 5 felony.
3. Aggravated Assault §13-1204 A.
 - a. Strangulation §13-1204 B.
 - b. Order of Protection Aggravated Assault §13-1204 A7.
4. Stalking §13-2923.
 - a. Knowingly or an intentional act that causes fear.

5. Dangerous Crimes Against Children § 13-604.01.
 - a. Crime committed against a minor under 15 years of age.
6. Child or Vulnerable Adult Abuse §13-3623.
 - a. Produces death or serious physical injury.

VI. PROTECTIVE ORDERS

- A. There are four types of protective orders – Order of Protection, Injunction Against Harassment, Injunction Against Workplace Harassment, and a Lifetime no-contact Injunction.
- B. In January of 2020, Arizona launched an online self-help website for plaintiffs seeking a protective order. The system is called the Arizona Protective Order Initiation and Notification Tool (AZPOINT).
 1. AZPOINT is found at <https://azpoint.azcourts.gov/>.

INSTRUCTOR NOTE: *The AZPOINT portal helps the applicant figure out whether their situation qualifies for an Order of Protection, an Injunction Against Harassment, or an Injunction Against Workplace Harassment. When the petition is ready, the applicant must go to any court in Arizona to request that the petition be filed.*

- C. It is an online protective order initiation and notification tool. Through an interview on the portal, the applicant can quickly fill out the petition to ask a court for a protective order from any location. The information is saved in the portal for up to 90 days and can be updated at any time until it is filed with the court.
- D. Process purpose and authority – Orders of Protection.

P. O. 3.3.4A

P. O. 3.3.5B

INSTRUCTOR NOTE: *If the judge issues the Order of Protection, the court sends it to law enforcement for service. Applicants for Injunctions must arrange for service if the judge issues the Injunction. Fees for service are waived if the petition arises out of a dating relationship or sexual violence has occurred.*

1. An Order of Protection is a court order to stop a person from committing domestic violence.
2. Orders may be granted if qualifying relationship and crime are met as defined in A.R.S. §13-3601(A).

INSTRUCTOR NOTE: *Orders of Protection are limited to parties with special relationships: married, formerly married, reside(d) together, child in common, related (parent, grandparent, brother/sister & other), current or previous romantic or sexual relationship.*

The superior court has exclusive jurisdiction to issue Orders of Protection if it appears from the Petition that an action for maternity or paternity, annulment, legal separation or dissolution is pending between the parties.

3. The judge shall review the petition and other pleadings and evidence offered by the plaintiff to determine whether an Order should be issued without a hearing.
4. The judge shall issue an Order of Protection if the judge determines there is “reasonable cause to believe the defendant may commit an act of domestic violence or has committed an act of domestic violence within the past year...” (Only after a hearing)
5. Any court may issue an Order of Protection under A.R.S. §13-3602((A)).

INSTRUCTOR NOTE: *Important: The named defendant should be served with an order, this is true even if the defendant is a minor. It may be faxed, but must be returned no later than seven (7) days after service and remember, the order cannot be filed by the court with the sheriff’s office until the certificate is received by the court. The other party may return to the residence one time to retrieve belongings if he/she is accompanied by a law enforcement officer.*

6. The Order can include the following:
 - a. Prohibit defendants from committing an act of domestic violence.
 - b. Grant exclusive use of the parties’ residence.
 - c. No contact directly or indirectly (email, personal).
 - d. Prohibit defendant’s presence at (or near) child, residence, employment, school or any other specific location or address.
 - e. Prohibit defendants from possessing or purchasing a firearm and require the defendant to surrender firearms to a certain law enforcement agency upon service of order, but no later than 24 hours after service.
 - f. Require defendants to participate in domestic violence offender treatment programs. (Only after a hearing)
 - g. Grant plaintiff exclusive care, custody or control of animal(s) owned or kept by plaintiff or minor child.
 - h. Prohibit defendant from contact with animal(s) owned or kept by plaintiff or minor child.
7. The Declaration of Service by a law enforcement officer should clearly indicate the law enforcement status including the name of the agency and the officer’s serial number and the certificate should be returned to the court as soon as possible so it may be

recorded with the clerk of the issuing court.

- a. Orders of Protection are served by a Law Enforcement Agency, Process Server, or a Constable.
 - b. The completion of the Declaration of Service in AZPONT activates a process wherein the plaintiff, if they opted in, is notified automatically of the service and confirmation of the service is entered into NCIC automatically; otherwise, the agency serving the Order shall provide confirmation of service to the plaintiff as soon as practicable. It is imperative officers complete the DOS as soon as possible after service.
 - c. The zip code plus issuing court determines what agency will serve the Order.
 - d. If the Order is not served within 15 days, the plaintiff must be notified. Law enforcement must continue to attempt service for the year that the Order is valid until served.
8. Generally, judges will not include children unless they have been harmed or were involved in a domestic violence incident. There is no exception to the order.
9. An Order of Protection is valid for 12 months from the date of service and even if modified, the new order still expires 12 months from the original date of service of the original order. An Order that is not served on the defendant within one year of the date of the Order expires. ***INSTRUCTOR NOTE:*** *Cannot arrest a plaintiff, they cannot violate their own order.*
10. The law states that the Arizona Supreme Court is the central repository for orders of protection. A.R.S. § 13-3602(P). The law also requires the Sheriff in a county with a population of less than 100,000 to maintain a central repository for emergency release orders in that county so that the existence and validity of the orders can be easily verified. A.R.S. § 13-3624(B).
11. Violation of an Order of Protection is enforced by an arrest for A.R.S. §13-2810 (Interfering with Judicial Proceedings, a Class 1 misdemeanor). ***INSTRUCTOR NOTE:*** *A peace officer may arrest a person with or without a warrant if the officer has probable cause to believe the person has violated A.R.S. §13-2810.*
12. The cite and release provisions of A.R.S. §13-3903 does not apply.
13. If arrested, the defendant must see a judicial officer to determine release conditions for the protection of the alleged victim. Any court in Arizona has jurisdiction to enforce a valid Order of Protection that is issued in Arizona and that has been violated in any jurisdiction in this state.
- a. Defendant has a right to request one hearing to contest the Order at any time

- the Order is in effect. If exclusive use of the home is awarded to one party, the court may hold additional hearings if there is a change in circumstances related to the primary residence.
- b. The court must set a date within 5 days if exclusive use of the home is involved or 10 days in all other circumstances.
14. Upon request, the address of the plaintiff can be withheld, but only if it is unknown to the defendant.
 15. An Order of Protection is valid against the defendant only; it does not control the plaintiff's actions.
 - a. Consensual contact by the plaintiff does not null and void the order. There is no exception to the order.
 - b. Only a court can quash or dismiss the Order of Protection.
 - c. If the plaintiff invites the defendant over to the house, and then the police are called, the defendant gets arrested for violating the order. The plaintiff did not commit a crime, no charges against the plaintiff.
 16. Process, Purpose and Authority – Emergency Orders of Protection (A.R.S. §13-3624).

P. O. 3.3.4B
 17. During non-business hours, in counties with a population of 150,000 or more, a judge shall be available to issue emergency orders of protection by telephone.
 18. In counties with a population of less than 150,000, a judge may issue an emergency order by telephone. **INSTRUCTOR NOTE:** *In these counties, the law requires the court to make a judge available to issue emergency orders by telephone.*
 19. Within 24 hours after a defendant is arrested for an act of domestic violence, the court shall register a certified copy of the release order with the local sheriff's office.
 20. The judge may issue a written or oral ex parte emergency order of protection if a peace officer states that the officer has reasonable grounds to believe the person is in immediate danger of domestic violence based on an allegation of a recent incident of actual domestic violence.
- E. Procedure for Emergency Orders of Protection (EOP) available during non-business hours.
1. Victim (or 3rd party representative) can request an EOP. (Officers should offer/encourage an EOP)
 2. Officer calls the sheriff's office.

3. The Sheriff's office transfers the officer to the judge on call.
4. If the judge authorizes the issuance of the Order of Protection, the officer:

INSTRUCTOR NOTE: *The judge who issues an oral emergency order shall document the issuance of the order as soon as practicable. The officer who receives the verbal order from the judge shall write and sign the order. The officer shall file the certificate of service with the court and register the emergency order with the national crime information center as soon as practicable.*

- a. Completes the form.
 - b. Follow your Department's policy to obtain the EOP case number.
 - c. Serves the defendant.
 - d. Leaves a copy with the victim.
 - e. Files original form with the Superior Court.
 - f. If the defendant is not present, the form with all copies may be left with the plaintiff so a call to law enforcement may be made when the defendant reappears.
5. EOP's expire seven calendar days after issuance, unless otherwise continued by the court.
 6. A defendant can be in violation of the EOP if there is an oral notice of its existence even if the order has not been served. **INSTRUCTOR NOTE:** *Applies to EOP's only, critical for the officer to document contact.*
 7. The law requires the sheriff in a county with a population of less than 100,000 to maintain a central repository for emergency release orders in that county so that the existence and validity of the orders can be easily verified. A.R.S. § 13-3624(B)
 - a. Release orders contain prohibitions on the conduct of the defendant such as "do not return to the scene" and/or "no contact with the victim."
 - b. If a defendant violates the release order, a complaint may be filed under A.R.S. §13-2810. (Interfering with Judicial Proceedings)

F. Peace officers responsibility – enforcing court orders:

P. O. 3.3.5B

1. Interfering with Judicial Proceedings (A.R.S. §13-2810):
 - a. This is a Class 1 misdemeanor.

- b. To knowingly disobey or resist the lawful order, process or other mandate of a court. (Applies only after the notice is served)
 - c. This charge is for violation of various civil or criminal orders. (Victim's actions do not impact the violation)
 - d. This is a bookable offense. (Even if the Plaintiff does not have a copy of the order, if it can be verified, still enforce the order).
 - e. Multiple violations of an order may constitute felony aggravated harassment and is a lethality indicator.
- G. Peace Officers Responsibilities – Injunctions Against Harassment (A.R.S. §12-1809):
- P. O. 3.3.4C**
 - P. O. 3.3.5A**
- 1. May be issued against a person who has committed harassing acts.

INSTRUCTOR NOTE: *Injunctions Against Harassment are for non-DV relationships such as neighbors or other civil relationships. Orders of Protection and Emergency Orders of Protection are for DV relationships.*

H. Lifetime no-contact injunctions

P. O. 3.3.4D

- 1. Lifetime no-contact injunctions are available for certain crime victims. This type of injunction is different from an injunction against harassment and is not available through AZPOINT. If granted, this court order would prohibit the defendant from contacting the victim and is valid for the duration of the defendant's natural lifetime and can only be dismissed under the specific circumstances set out in A.R.S. §13-719. The lifetime no-contact injunction may be requested for an eligible offense at sentencing or after the conviction.
 - a. **AT SENTENCING.** The court will issue a lifetime no-contact injunction if (1) the victim or prosecutor makes a request **at the time of sentencing**, and (2) the defendant is **convicted of an eligible offense**. The lifetime no-contact injunction does not expire and becomes effective immediately upon issuance.
 - b. **AFTER THE CONVICTION.** A victim may request a lifetime injunction if a defendant was already sentenced for an eligible offense. The victim must file a petition and confidential victim information sheet with the sentencing court. After the defendant is provided notice and if the court issues the lifetime no-contact injunction, it becomes effective upon service on the defendant.
 - c. **SERVICE.** Officers are required to serve the Lifetime no-contact Injunction per A.R.S. §13-719(D) (A law enforcement agency SHALL serve an injunction issued pursuant to this subsection at no charge to the victim.) The jurisdiction in which the defendant lives is responsible for the issuance of the order.

INSTRUCTOR NOTE: See attached addendum at the end of this lesson plan for a complete list of offenses eligible for Lifetime no-contact injunctions. Because AZPOINT does not have this form on their portal, a second addendum is attached with a copy of the order application.

2. Arrest laws and procedures:
 - a. Permits arrest with or without a warrant for a felony or misdemeanor upon probable cause whether committed either within or outside of the officer's presence and regardless of whether or not the victim wants to "press charges."
INSTRUCTOR NOTE: Makes A.R.S. §§13-3833(4) and 13-3903 release provisions for a misdemeanor committed without the officer's presence inapplicable. This is important; when you make an arrest for a D.V. misdemeanor not committed in your presence, you shall not cite and release.
 - b. Normal release conditions of A.R.S. §13-3903 do not apply.
 - c. Law mandates arrest when infliction of bodily injury or involving a deadly weapon or dangerous instrument (unless the officer has reasonable grounds to believe the victim will be protected from further injury).
3. Law enforcement must provide a form that allows the victim to request or waive applicable victims' rights to which the victim is entitled upon request per A.R.S. § 13-4405. This form will include:
 - a. A written list of resources to the victim:
 - b. How to obtain an Order of Protection.
 - c. Emergency telephone number for the local police agency.
 - d. Websites for DV resources.
 - e. Date, time, and place of the initial appearance as well as police report information because the victim has the right to be present and heard.
 - f. *If form was provided previously and this is a delayed arrest, notify the victim of the arrest and the date/time/place of the initial appearance.
4. All paperwork must be designated, by the letters "DV," as cases involving domestic violence.
 - a. Form IV must have your probable cause written out.

- b. A Final Disposition Report (FDR) should be prepared when the defendant is fingerprinted or arrested and should contain the letters “DV” next to the offense code.
- c. All booking slips should clearly indicate domestic violence.

H. Law Enforcement Authority and Responsibility for Seizure of Firearms – A.R.S. §13-3601(C-F).
******* THIS IS A MANDATORY STATUTE***** P. O. 3.3.2D**

- 1. If it is in plain view or consent to a search was received. **INSTRUCTOR NOTE:** *Consent can come from a person in the house with standing.*
 - a. Victim can give consent to search.
- 2. The officer believes there is a risk of serious bodily injury or death.
- 3. A receipt must be given to the owner or possessor of each firearm. **INSTRUCTOR NOTE:** *Cannot be taken if solely owned by the victim unless the victim requests it or unless probable cause exists for separate acts.*
- 4. May be held for a minimum of 72 hours; must be returned or the prosecutor must file a “Notice of Intent to Retain Weapon.”
- 5. The victim must be notified by law enforcement if a weapon is returned.
- 6. The owner or possessor has the right to have a hearing held within 10 days of request for the return of the weapon.

VII. FEDERAL LAWS

- A. The Violent Crime Control and Law Enforcement Act of 1994, Crime Control Act.
 - 1. Became law on September 14, 1994.
 - 2. A portion of this law is in Title IV, which is called the Violence Against Women Act (VAWA).
- B. Full faith and credit: **P. O. 3.3.9A**
 - 1. One (1) section of VAWA (18 U.S.C. §2265) requires that full faith and credit be given to protective orders issued by states and Indian tribes.
 - 2. What that means is that any order issued by any state or tribe is valid in any state and,

therefore, if an order/injunction is issued in another state or by a tribal court, a violation of the order is to be treated the same as if it were an Arizona Order of Protection/Injunction Against Harassment. **INSTRUCTOR NOTE:** *A person who has violated the order/injunction should be arrested pursuant to A.R.S. §13-2810*

3. Though states are required to give full recognition of tribal orders, the reverse is not true, each tribe is a sovereign nation and establishes its own laws, and each tribe is a separate nation. **INSTRUCTOR NOTE:** *Law enforcement is encouraged to contact the tribes in question to determine the policies and procedures for enforcement of state Orders of Protection/Injunctions against Harassment.*
 - a. One (1) tribe may allow state orders/ injunctions to be enforced on tribal land with no additional recording requirements.
 - b. Another may require the state order/ injunction to be registered or a new Order of Protection/Injunction Against Harassment to be issued.
 4. Information about orders/injunctions contained in NCIC and AZPOINT will prove to be a very useful tool. **INSTRUCTOR NOTE:** *Verify orders issued in other jurisdictions.*
 - a. However, just because you can't find it in NCIC, if the victim says she was served, you may have to check other databases (CPOR).
 - i. The language of the federal law referring to the registration of protection orders applies to all Orders of Protection and to most Injunctions Against Harassment issued in Arizona.
 - ii. If the injunction was issued for the purpose of preventing violent or threatening acts or harassment against, or contact with, or physical proximity to another person, it is covered by the VAWA full faith and credit provisions.
- C. Brady after a hearing:
1. The Violent Crime Control and Law Enforcement Act of 1994, 18 USC 922, also known as Brady, Prohibits certain defendants from firearms possession.
 2. Applies to those served with protective orders with certain findings.
 3. Only applies after hearing.
 4. The Defendant of an Order of Protection has the opportunity to attend this hearing.
- D. Lautenberg:
1. The Lautenberg amendment to 18 U.S.C. §925(a)(1) prohibits any person convicted of a

P. O. 3.3.9B

misdeemeanor crime of domestic violence from possessing a firearm.

- a. The crime must be one that has “an element, the use or attempted use of physical force or the threatened use of a deadly weapon, committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parents or guardian or by a person similarly situated to a spouse, parent or guardian of the victim.” **INSTRUCTOR NOTE:** *What this means is that some Arizona domestic violence crimes, such as criminal damage, may not qualify.*
2. The Lautenberg law applies to convictions which occurred prior to its passage on September 30, 1996.
3. Under state law, a person may have a conviction set aside pursuant to A.R.S. §13-907 if no serious physical injury occurred, if a deadly weapon was not involved or if the victim was not under 15 years of age. **INSTRUCTOR NOTE:** *If a “set aside” of the conviction has occurred, the person may then possess a firearm as long as no other disqualification exists.*
4. Violations of the Lautenberg amendment should be referred to the Bureau of Alcohol, Tobacco and Firearms for follow up:
 - a. This is not a violation of a state statute.
 - b. If a person is prohibited from possessing a firearm by the Order of Protection, it is a violation of A.R.S. §13-2810, Interfering with Judicial Proceedings, and an arrest should be made.
 - c. Agencies should work closely with each other on these multi-level charges since a conviction on one (1) offense could bar prosecution on another under double jeopardy.

VIII. TACTICAL RESPONSES TO DOMESTIC VIOLENCE SCENE (Optional video: “Time Clock- 1 minute)

- A. Pre-arrival:
 - B. The dispatcher should provide the officer with as much information as possible, specifically if it is helpful for the officer to know: **INSTRUCTOR NOTE:** *Students should check with their agency regarding dispatch policies. Domestic violence calls can be among the most stressful and difficult calls to which an officer may respond. Beginning at the point of dispatch, it is important to be continually aware of the victim, witnesses (especially children) and officer safety.*
 1. Who called the police (a neighbor, a child, the victim, etc.).
 2. Whether or not any weapons or injuries were mentioned.

3. Whether or not there is a record of previous calls to the same address.
4. Alleged violator description and whereabouts (other information like relationship of parties and whether drugs or alcohol were involved may be helpful).
5. Nature of incident (verbal or physical, in-progress or just occurred, noises, cause, etc.).
6. Whether there are children at the scene.

C. Approach:

1. These are recommended procedures and may not be applicable in every situation, coordinate with back-up units:
2. The responding officer should approach the scene of a domestic dispute as one of high risk and whenever possible, two (2) officers should respond to a domestic violence call.
3. The officer should obtain all available information from the dispatcher before arriving at the scene and should notify the dispatcher upon arrival.
4. Arrive at the scene quietly, turn off police lights and sirens on your patrol car before arriving at the scene of the call and reduce radio volume early. ***INSTRUCTOR NOTE: This will help avoid forming a crown at the scene and will also give you the advantage of surprise. Survey the entire area carefully.***
5. Park a safe distance away from the scene.
6. The officer should be alert for assailants leaving the scene and for the deployment of weapons from doors, windows or nearby vehicles.
7. The officer should use standard precautionary measures in approaching.

D. Arrival:

1. Confer with the back-up officer on information received and plan a coordinated approach to handle the situation.
2. Scan the outside of the residence for any indicators of a violent disturbance and check for side and rear exits from the premises.
3. When approaching the residence, use cover and concealment, whenever possible, approaching the door to the residence single file and tactically spaced apart.
4. Contact officer, position to the side of the door away from the hinges with the cover officer in a position to see through the crack in the door (hinge side) when it is opened in

order to cover contact officer. (Never stand in front of any door or window.)

5. Listen at the door for 10-15 seconds to hear what is happening inside, this might be useful if the officers hear a violent confrontation and are considering forced entry. **INSTRUCTOR NOTE:** *Some officers have placed their portable radios against the door in order to let dispatch know what is happening at the scene.*
6. Take a “quick” look through the window, if possible, it may help in establishing probable cause.
7. Knock and announce your presence.

E. Entry:

1. Identify yourself as a police officer, explain your presence, request entry in the home and ask to see the person who is the subject of the call. **INSTRUCTOR NOTE:** *The officer should **not** reveal the reporting party’s name.*
2. After entering, if consent has been given to do so, conduct a search of the premises relevant to the incident:
 - a. Watch the hands.
 - b. Keep parties in front of you.
 - c. Close the door behind you.
 - d. Look for, ask for and take immediate control of weapons/potential weapons and “pat down” when appropriate:
 - i. (Example) – “We do not want anyone getting hurt.”
 - ii. (Example) – “Will be returned” (unless evidence). **INSTRUCTOR NOTE:** *Unless it is an emergency, avoid entering until all parties are visible and unarmed. Always scan the room before engineering.*
 - iii. Unload guns, then temporarily pocket, separate or hide the ammunition.
3. If refused entry, be persistent about seeing and speaking alone with the party of the call, but if access to the party is refused, the officer should request the dispatcher to contact the caller (if the caller is one (1) of the parties).
4. If access is still refused, the officer must decide whether to leave, remain and observe or force entry. (Notify your supervisor)

- a. If the officer leaves the scene, he/she should drive by and observe frequently.
 - b. If the officer remains to observe, he/she should move to the public property (the street) and observe the premises.
 - c. In some circumstances, forced entry will be necessary and appropriate.
INSTRUCTOR NOTE: *Tactical entries should be coordinated with a supervisor's input and specialized units.*
- F. Stabilization/assessment.
1. Immediate concerns upon entering the residence:
 - a. If violence is in progress, intervene immediately to restore order. (Use reasonable force, if necessary.)
 - b. Evaluate the threat level of the situation. (Err on the side of caution.)
 - c. Visually frisk the people involved to scan for weapons.
 - d. Remove any visible weapons.
 - e. Assess the need for immediate medical assistance for any injured person(s).
 - f. Get and keep all persons in sight; ask for, look for and reassure children. (Children may hide in closets or under beds for safety or out of fear.)
 2. If the situation is "hot," use the following tactics to neutralize the threat to your safety and help prevent an escalation of violence:
 - a. Keep your voice calm and assertive. (Do not shout.)
 - b. Avoid crowding, threatening, grabbing or touching an already hostile person or a traumatized person.
 - c. Look and document non-verbal signs of potential attack, such as clenched fists, grinding teeth or flared nostrils.
 3. Separate the people involved. ***INSTRUCTOR NOTE:*** *If separate rooms are not possible, have the parties keep their backs to each other.*
 - a. Speak to the parties in separate rooms when possible, but always try to be in a position where you can see the other officer.
 - b. Position yourself away from windows and stairwells.

- c. Do NOT turn your back on the parties.
 - d. Advantages of separating parties: **P. O. 3.3.6**
 - i. Allows independent statements from involved parties. **P. O. 3.3.6A**
 - ii. Prevents involved parties from attacking each other. **P. O. 3.3.6B**
 - iii. Allows the officer to compare the involved parties' statements. **P. O. 3.3.6C**
 - iv. Increases officer safety. **P. O. 3.3.6D**
 - v. Decreases the abuser's attempt to intimidate the victim. **P. O. 3.3.6E**
 - 4. Remove any distractions. (Loud radio, TV, etc.)
 - 5. Assess the condition of parties and be aware of the emotional level of parties.
 - 6. Take time to allow someone who is hostile to calm down before you begin questioning. Any excited utterance statements, and demeanor of both parties should be documented.
- G. Factors to consider when responding without backup:
- 1. Arrange extra support from the dispatcher.
 - a. Welfare checks via phone or radio shortly after arrival and then periodically thereafter.
 - b. Pre-arranged code. (Instructor can give examples)
 - 2. Consider option of getting parties outside immediately:
 - a. Less access to potential weapons.
 - b. Fewer problems and areas of responsibility to monitor.
 - c. Getting parties off their property will eliminate their territorial protection instincts.
 - 3. Instruct one party to stand at a distance from you (yet within peripheral vision) and remain quiet. (Do not assume the calm party is **NOT** the abuser.)
 - 4. Increased need for command presence. (Firm but NOT aggressive.)

IX. SPECIFIC INVESTIGATIVE TECHNIQUES

P. O. 3.3.1K

- A. A thorough investigation at the scene, and subsequently a thorough report, is essential to the evaluation and prosecution of these cases.
1. Ensure privacy by interviewing the victim in an area apart from the assailant, witnesses and bystanders:
 - a. Tape record interviews per your agency's policies, or County Attorney's Office procedures.
 - b. Photograph injuries/scene, or document/describe in great detail.
 2. In questioning the victim:
 - a. Use supportive interview techniques.
 - b. Ask about previous domestic incidents, their frequency and severity.
 - c. Do not tell the victim what action will be taken until all available information has been collected.
 - d. Ask APRAIS questionnaire to victims of intimate partner crimes after the initial investigation has been completed, and with the victim's consent.
 3. Let the person you are interviewing know the purpose of your questions.
 4. Make the person as comfortable as possible.
 5. Avoid leading questions that give the person the answer you might be expecting.
 6. Allow time for an answer and allow silence while the person gathers his/her thoughts.
 7. Nod your head and utilize short comments such as "I see," "Go on," to let the person know that you are listening.
 8. Do not jump to conclusions. Ask yourself, "How do you know what you know?"
INSTRUCTOR NOTE: *The narrative of the incident may be disjointed, not linear. This is typical of someone experiencing trauma. In a crisis situation, people may become confused regarding the facts of the case. Provide an opportunity for clarification.*
 9. Clarify discrepancies; if you have information from a witness or the victim which contradicts some of what another person has said or if the individual contradicts himself/herself during questioning, point this out or ask it in a different way and allow the person to respond.

10. Explain the options and what you are obligated to do, based on the facts of the case.
 11. Interview any witness as fully and as soon as circumstances allow and if witnesses provide information about prior incidents, document such incidents to establish a pattern.
 12. Children should be interviewed in a manner appropriate to the child's age and signs of trauma and/or any apparent healing of abuse wounds on the child should be noted by the officer.
 13. Request 911 tape. (Check with your department policy on this)
 14. Document all sources to prove the relationship between the victim and defendant.
 15. Once the situation is secure, if the victim is making spontaneous statements, do not say calm down, record exactly what the person is doing that shows they are still under the pressure of the situation (arms flailing, irregular breathing, pacing, crying, etc.).
INSTRUCTOR NOTE: Admission from the defendant, statements from the victim, statements from others present such as neighbors or children can verify the relationship.
- B. Officers' authority and responsibility – arrest. **P. O. 3.3.2A**
- C. If probable cause exists and an arrest of a suspect is forthcoming, the following factors should be considered: **INSTRUCTOR NOTE:** Emphasize the statute reads: "If there is probable cause to believe domestic violence has occurred, and the crime is an assault with injury or the use of a weapon, officers are **MANDATED** to arrest. It doesn't matter if the victim says they will or will not want or do not want to press charges. Know your department's policies on DV arrests.
- D. Establish offensive and defensive evidence. (There are a number of charges which frequently arise in domestic violence cases.)
1. Determine the appropriate crime(s) to charge the offender.
 2. If the offender and/or the situation need to be calmed down, do so before making the arrest.
 3. Try to place the victim in another room or out of sight when making an arrest. (Place the children in a room where they cannot view the arrest.)
 4. If children are in the home, avoid making an arrest in their presence, if at all possible.
 5. Call for backup, if you believe it is necessary.
 6. As with all arrests, use objectively reasonable force; that force which is reasonable and immediately necessary to make the arrest.

7. Move the suspect near an appropriate exit in the home or apartment, this action will reduce the possibility of struggling throughout the house with a resisting offender.
 8. Inform the suspect of the charges against him/her and give the Miranda warning when conducting a custodial interrogation.
 9. Inform the victim regarding the arrest and bonding procedure.
 10. Sometimes the victim does not want the offender to be arrested, they just want the police to stop the violence and when an arrest is made, some victims may become belligerent toward the officers. (Officers should be aware of this possibility and always be concerned about their own safety)
 11. Do not say to the suspect, "I do not want to arrest you."
 12. Do not empathize with the perpetrator; inform the suspect that, "Both state and department policy mandate that I arrest you."
 13. Check criminal history to determine if the defendant has any domestic violence prior convictions, determine the appropriate crimes for which the offender can be charged and charge the offender with all possible crimes.
- E. Options for non-arrest situations (conflict resolution): **P. O. 3.3.8**
1. De-escalate the situation. **P. O. 3.3.8A**
 2. If no PC exists for an arrest act as a referee / mediator and try to calm the situation with the parties involved. **INSTRUCTOR NOTE:** *Notify a supervisor and be aware of your agency's policies on this specific situation!*
 3. Ask someone to leave, ideally the perpetrator. **P. O. 3.3.8B**
 4. Write an appropriate report with written statements, advise and warn. **P. O. 3.3.8C**
 5. Make appropriate referrals and provide parties with resource information. **P. O. 3.3.8D**
 - a. National hotline phone number (1-800-799-SAFE). (See list provided)
 - b. Local Shelter Number.
 - c. Provide safety plans and information, if appropriate.
 - d. Explain Orders of Protection.
- F. Officers' authority with regard to evidence collection/ documentation. **P. O. 3.3.2B,D**

- G. A clear and detailed written report should be completed by the officer responding to any domestic violence call to include the following information:
1. Names, addresses and telephone numbers of the victim, the accused, any witness and the 911 caller.
 2. A second permanent address and telephone number for the victim, such as a close family member or friend. **INSTRUCTOR NOTE:** Do not cite in the report a domestic violence shelter address, as it might put the victim at risk.
 3. A statement of the relationship between the victim and accused.
 - a. Aggravated Domestic Violence, may require that the relationship between the victim and defendant be proven in every domestic violence offense in order for an offense to serve as a prior condition for enhancement purposes. **INSTRUCTOR NOTE:** Detailed note taking and written statements signed by the victim can be valuable. Taking photos and tape recordings statements are also recommended.
 - b. Document as many resources as possible to prove the relationship such as: Excited utterance of the victim, admission by the defendant or statement from a witness such as a neighbor or child.
 4. A narrative of the incident including the date, time and whether the accused appeared intoxicated or under the influence of a controlled substance.
 5. Document in detail the condition of the scene (i.e., things broken, items overturned, etc.) Document the absence of evidence that is claimed by a party. (Explain commonality of “recanting victim” (threats by perpetrator, etc) and the effects of the perpetrator’s cycle of violence.)
 6. Document victims’ and suspects’ demeanors.
 7. What, if any, weapons were used or threatened to be used.
 8. A description of any injuries.
 9. A description of any injuries described by the victim, but not observed by the officer. Determine how the victim received an injury: do not make assumptions.
 10. Document spontaneous statements.
 11. Interview and document the presence of witnesses and children (regardless of age).
 12. Document any evidence that would tend to establish that a crime was committed.

13. Determine events that lead to crime.
 14. Document victim(s) identification of suspect.
 15. The crimes with which the accused was charged.
 16. Notation of previous incidents.
 17. If an officer was injured in the incident, the nature and circumstances of the injury should be documented. (Optional video): 16 Types of Evidence. 5 minutes.
- H. Special issues in domestic violence cases.
1. Evidence Based Prosecution.
 - a. Proceeding without a victim.
 2. Excited utterances.
 - a. Record statements made by the victim or witnesses in quotes and the report should be very specific about the location and description of observable symptoms such as visible injuries. **INSTRUCTOR NOTE:** *Prosecution may occur without a victim's cooperation.*
 - b. Develop a procedure to capture statements.
 - c. Develop a procedure for recording excited utterances: (An excited utterance is very important in evidence based prosecution)
 - i. Make sure the victim and officers are safe.
 - ii. Record dispatch and arrival times.
 - iii. Record observations of the scene upon arrival. (Broken property, disarray and injuries to the victim. Do not assume you will remember the injuries or all of the details.)
 - iv. Report should be very specific about location and description of observable symptoms, such as visible injuries.
 - v. Record names, address and important information of any witness (i.e., children, neighbors or relatives).
 - d. Allow the victim to continue talking in an excited manner. (Prosecutors may move forward with the case without the cooperation of the victim.)

- i. Record the time of interview and include when the crime occurred in relation to the interview.
- ii. Note changes in demeanor from arrival to interview.
- iii. Note on the report if comments were spontaneous or answers to questions.
- iv. Utterance may be admissible if the victim is still under stress or pressure of the event because it reduces the opportunities to fabricate statements. (DO NOT tell a victim to calm down! If quotes are used, make sure they are exact!)
- v. List all of the observations made to help show that the victim was under stress of the event: Flailing arms, pacing, irregular breathing, crying, rubbing arms, etc. (DO NOT say a victim was upset and crying, be more specific.)

X. OFFICER AUTHORITY AND RESPONSIBILITY FOR DOMESTIC VIOLENCE INTERVENTION – PROVISION OF ASSISTANCE TO VICTIM P. O. 3.3.2C

- A. Written referral information in the Victims' Rights Request/Waiver form. Know the resources in your community.
1. A list of services should be given to the victim so he/she can connect with agencies that can assist him/her.
 2. Increasing a victim's options can be very empowering.
 3. Referral information should include local domestic violence shelters, courts for obtaining Orders of Protection, 24-hour crisis treatment programs and other related services.

B. Domestic violence shelter and safe home services. P. O. 3.3.3D

1. Shelters/safe homes. ***INSTRUCTOR NOTE: H.O. SHELTER/SAFE HOMES LISTING*** *Most believe that shelters are ONLY a place to stay, emphasize they offer many advocacy and support services. Great support system for the victim. Try to get them into contact with a victim advocate or at least call a shelter to connect with them, this can be a big step! Check with the local programs for services available in your community.*
 - a. Length of stay at shelters and safe homes vary throughout the state. Some have transitional or long term housing.
 - b. Some shelters and safe homes have a 24-hour hotline number and someone available to speak to victims giving resources, information about domestic

violence or just someone to talk to about their anxieties, fears, etc.

- c. Shelters also provide advocacy and support services.
- d. Some other resources that shelters can provide:
 - i. Clothing and hygiene items for both victims and their children.
 - ii. Household items if victims choose to leave their abuser and set up their own households.
 - iii. Some shelters have volunteers in the community who will provide pro bono assistance for dental, legal and medical.
 - iv. Do not document if the victim went to shelter.
 - v. Support groups.

2. Other services provided by resource agencies to victims:

- a. Orders of Protection. **P. O. 3.3.3C**
- b. Safety plans.
- c. Medical.
- d. Legal services.
- e. Counseling.
- f. Safe housing referrals.
- g. Food stamps/welfare application.
- h. Information/education about domestic violence. **P. O. 3.3.3B**
- i. Community services. **P. O. 3.3.3A**

XI. AN EFFECTIVE LAW ENFORCEMENT RESPONSE TO DOMESTIC VIOLENCE IS IMPORTANT BECAUSE OF THE IMPACT ON VICTIMS, CHILDREN AND BATTERERS **P. O. 3.3.1B**

- A. Power of arrest.
- B. Arrest can break the abuser's cycle of violence by exposing the victim to resources and a support system and it can also give the abuser the opportunity to change his/her behavior

through court-ordered treatment.

P. O. 3.3.1G

- C. Response sends a strong message.
- D. Law enforcement officers can send a message to the victim, children, abuser and community that domestic violence is wrong, criminal and results in negative consequences.
- E. Increases safety.
- F. Officers can increase safety for the victims and their children by providing information and increasing the victim's options, which in many cases has facilitated the change process.
INSTRUCTOR NOTE: *Instructors to explain in detail his/her department's safety plan.*
- G. Impact on children.
- H. The impact on children varies by the type of violence, its severity and frequency as well as other challenges facing the family. ***INSTRUCTOR NOTE:*** *Instructors to explain in detail his/her department's safety plan.*
 - 1. Ways children may be affected:
 - a. They feel the violence is their fault.
 - i. They develop a belief system that they cause another's behavior.
 - ii. They feel guilty, helpless and have a sense of failure.
 - iii. They may either withdraw or act out.
 - b. They are behind developmentally.
 - i. They lack the parental nurturing necessary to develop trust.
 - ii. They have anxiety and difficulty paying attention and forming positive relationships.
 - c. Studies have found that children from homes where DV occurs engage in:
 - i. "externalizing" behavior, becoming loud, impulsive and using anger to intimidate.
 - ii. "internalizing" behavior, becoming dependent, depressed and anxious. Both boys and girls display both reactions.
 - d. They lose respect for their parents.

- i. They love and hate them at the same time which is confusing.
 - ii. They are prone to running away.
 - e. They have poor self-esteem and are fearful and lonely.
 - f. They become accidental victims because children are injured when trying to intervene.
 - g. They have a high risk for alcohol/drug abuse because substance abuse becomes a coping mechanism; it “numbs” the fear and anxieties.
2. Outcome: Children model and accept violent behavior as normal.
- a. Authority/discipline is viewed as a right to control by force.
 - b. Negotiation is rejected as loss of authority or giving in.
 - c. Needs and wants are viewed as unwarranted demands.

XII. CONCLUSION

- A. Review of performance objectives.
- B. Final questions and answers.
- C. Instructor closing comment(s).
 - 1. Re-emphasize that law enforcement plays a critical role in breaking the “abuser’s cycle of violence” And helping families be safe in their homes.
 - 2. Others are personal to the instructor.

Serious Offenses

OFFENSES	STATUTES
Aggravated assault resulting in serious physical injury or involving discharge, use or threatening exhibition of a deadly weapon or dangerous instrument	ARS 13-1204
Any dangerous crime against children	<i>see Dangerous Crimes Against Children section</i>
Armed robbery	ARS 13-1904
Arson of an occupied structure	ARS 13-1704
Burglary in the first degree	ARS 13-1508
Child sex trafficking	ARS 13-3212
First degree murder	ARS 13-1105
Kidnapping	ARS 13-1304
Manslaughter	ARS 13-1103
Second degree murder	ARS 13-1104
Sexual assault	ARS 13-1406
Sexual conduct with a minor under fifteen years of age	ARS 13-1405

Violent or Aggravated Felonies

OFFENSES	STATUTES
Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous	ARS 13-1204

instrument

Armed robbery ARS 13-1904

Arson of an occupied jail or prison facility ARS 13-1705

Arson of an occupied structure ARS 13-1704

Burglary in the first degree committed in a residential structure if the structure is occupied ARS 13-1508

Child sex trafficking ARS 13-3212

Commercial sexual exploitation of a minor ARS 13-3552

Committing assault with intent to incite to riot or participate in riot ARS 13-1207

Continuous sexual abuse of a child ARS 13-1417

Dangerous or deadly assault by prisoner ARS 13-1206

Discharging a firearm at a residential structure if the structure is occupied ARS 13-1211

Drive by shooting ARS 13-1209

First degree murder ARS 13-1105

Kidnapping ARS 13-1304

Leading or participating in a criminal street gang ARS 13-2321

Manslaughter ARS 13-1103

Molestation of a child ARS 13-1410

Participating in or assisting a criminal syndicate ARS 13-2308

Second degree murder ARS 13-1104

Sexual conduct with a minor that is a class 2 felony	ARS 13-1405
Sexual assault	ARS 13-1406
Sexual exploitation of a minor	ARS 13-3553
Taking a child for the purpose of prostitution	ARS 13-3206
Terrorism	ARS 13-2308.01
Unlawful introduction of disease or parasite as prescribed by ARS § 13-2912(A)(2)-(3)	ARS 13-2912(A)(2)-(3)
Violent sexual assault	ARS 13-1423

ARS, Title 13, Chapter 14 Felonies**OFFENSES****STATUTES**

Bestiality	ARS 13-1411
Continuous sexual abuse of a child	ARS 13-1417
Indecent exposure	ARS 13-1402
Molestation of a child	ARS 13-1410
Public sexual indecency to a minor	ARS 13-1403(A)-(B)
Sexual abuse	ARS 13-1404
Sexual assault	ARS 13-1406
Sexual conduct with a minor	ARS 13-1405
Sexual extortion	ARS 13-1428

Sexual misconduct by a behavioral health professional	ARS 13-1418
Unlawful disclosure of images depicting states of nudity or specific sexual activities	ARS 13-1425
Unlawful sexual conduct, correctional facilities	ARS 13-1419
Unlawful sexual conduct by adult probation department employees or juvenile court employees	ARS 13-1409
Unlawful sexual conduct by a peace officer	ARS 13-1412
Violent sexual assault	ARS 13-1423
Voyeurism	ARS 13-1424

ARS, Title 13, Chapter 35.1 Felonies**OFFENSES****STATUTES**

Admitting minors to public displays of sexual conduct	ARS 13-3558
Aggravated luring a minor for sexual exploitation	ARS 13-3560
Commercial exploitation of a minor	ARS 13-3552
Luring a minor for sexual exploitation	ARS 13-3554
Sexual exploitation of a minor	ARS 13-3553
Unlawful age misrepresentation	ARS 13-3561

Dangerous Crimes Against Children:

any of the following that is committed against a minor who is under fifteen years of age

OFFENSES**STATUTES**

Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument	ARS 13-1204
Aggravated luring a minor for sexual exploitation	ARS 13-3560
Attempted first degree murder	ARS 13-1105 & ARS 13-1001
Bestiality as prescribed in ARS § 13-1411(A)(2)	ARS 13-1411(A)(2)
Child abuse as prescribed in ARS § 13-3623(A)(1)	ARS 13-3623(A)(1)
Child sex trafficking as prescribed in ARS § 13-3212	ARS 13-3212
Commercial sexual exploitation of a minor	ARS 13-3552
Continuous sexual abuse of a child	ARS 13-1417
Involving or using minors in drug offenses	ARS 13-3409
Kidnapping	ARS 13-1304
Luring a minor for sexual exploitation	ARS 13-3554
Manufacturing methamphetamine under circumstances that cause physical injury to a minor	ARS 13-3407.01
Molestation of a child	ARS 13-1410
Second degree murder	ARS 13-1104
Sex trafficking	ARS 13-3212
Sexual abuse	ARS 13-1404
Sexual assault	ARS 13-1406
Sexual conduct with a minor	ARS 13-1405

Sexual exploitation of a minor	ARS 13-3553
Sexual extortion as prescribed in ARS § 13-1428	ARS 13-1428
Taking a child for the purpose of prostitution as prescribed in ARS § 13-3206	ARS 13-3206
Unlawful age misrepresentation	ARS 13-3561
Unlawful mutilation	ARS 13-1214

For Clerk's Use
Only

**SUPERIOR COURT OF ARIZONA IN_
COUNTY**

Case Number: _____

Plaintiff

Defendant

**DECLARATION OF SERVICE OF
ORDER FOR LIFETIME
NO-CONTACT INJUNCTION
(A.R.S. § 13-719)**

I, being first duly qualified by law, swear or certify that a copy of the Order for Lifetime No-Contact Injunction was personally served on the defendant, _____,

on this date: _____ at this time: _____ at
the following location: _____

Name of Person Serving Document: _____

Agency: _____ ID # _____

Registered process server Peace/correction/detention officer

SEX	RACE	DOB	HT	WT
EYES	HAIR			
DRIVER LICENSE # OR STATE IDENTIFICATION		STATE	EXP DATE	

I declare under penalty of perjury that the foregoing is true and correct.

Date

Signature of Person Serving Document (Declarant)