

SHIFTING THE BURDEN

Domestic Violence: Ensuring Offender Accountability and Victim Safety



OKLAHOMA DISTRICT ATTORNEYS COUNCIL
FEDERAL GRANTS DIVISION

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MAKING THE MARK

Highlighting Coordinated Community Response Team Accomplishments

The Rogers County Coordinated Community Response (CCR) Team was established in August, 2008, when members of the team attended training sponsored by the District Attorneys Council. The team's first official meeting was held on September 5, 2008. The team's initial actions included developing a mission and confidentiality statement, establishing short and long term goals, and conducting a review of the roles of each agency. Existing agency roles were then compared to those provided at the Coordinated Community Response Team training to determine if necessary changes were needed.

As team members have continued to work together, many goals have been reached including the following:

- Partnership training on Evidence Based Prosecution was offered to community law enforcement officers in November, 2008;
- Adoption of the Rogers County District Attorney's Order of Rules and Conditions of Probation form;
- Establishment of a communication system between the District Attorney Supervision staff and the C.H.A.N.G.E.S. counselor from Safenet Services, Inc.;
- Development of a team protocol; and
- Participation in a team panel discussion of the benefits of a CCR Team and the basics of getting started during the statewide Partnership Conference in September, 2009.

In showing appreciation to team members, in October, 2009, Safenet Services, Inc. personnel presented certificates of recognition to prosecution, law enforcement, and probation and parole for their service to the Rogers County CCR Team.

The current focus of the Rogers County CCR Team includes extending invitations to other community professionals and agencies to be a part of the team and evaluating the communication system between agencies. The team seeks to review and evaluate individual agency domestic violence protocols on an on-going basis.

The Rogers County CCR Team has discussed and intervened in many situations within the community resulting in improved victim safety and increased awareness of offender accountability. The success of the team is a direct result of the trust, training, commitment, partnership, and respect shared by all members of the team.

Pictured from left to right: Back Row—Tim Wantland, Assistant District Attorney, Rogers County; Lt. Adam Hull; and Shane Reynolds, both of the Rogers County Sheriff's Office. Front Row—Patty Raulston, Court Advocate, Safenet Services, Inc.; Melissa Tyler, Dept. of Human Services; Andrea Griffith, Probation and Parole; Donna Grabow, Executive Director, Safenet Services, Inc.; and Lucy Simpson, C.H.A.N.G.E.S. Counselor.



Rogers County CCR Team

The District Attorneys Council (DAC), Federal Grants Division publishes this Summer edition of *Shifting the Burden*, a newsletter for domestic violence prosecutors and members of Coordinated Community Response Teams.

The bi-annual newsletter is a product of the Domestic Violence Resource Prosecutor and Coordinated Community Response Project at DAC. We hope to provide you with information on current issues, legal updates, and activities and accomplishments of local CCR Teams.

Very Truly Yours,
Melissa Blanton,
DVRP
Sandra Thompson,
CCR Specialist

SHIFTING THE BURDEN

An Empowered Team



- ◆ An empowered team is one in which the team leader and team members share authority and responsibility
- ◆ The key to the success of an empowered team is mutual trust, respect, and openness.
- ◆ By eliciting input from people who are doing a job, you are likely to pick up ideas that may not have occurred to you.
- ◆ Ownership is the feeling of being a full partner in the development and implementation of a project and being committed to its successful achievement.
- ◆ Empowerment enhances collaborative efforts to get a job accomplished by giving every member of a team the power to get things done.
- ◆ All team members should be fully informed about team projects, free to interact with the team leader and other members, and encouraged to use their initiative in planning and implementing projects.

The Complete Idiot's Guide To Team Building—Arthur R. Pell, Ph.D.

Newly Revised Uniform Protective Order Forms Now Available!

Last year, Mike Evans, Director of the Administrative Office of the Courts (AOC), began a review of the existing protective order forms for amendments. To fully address the issues, the AOC developed a task force. Members of the task force included Debra Charles and Terri Calloway, AOC; Special Judge Jequita Napoli, Cleveland County; Special Judge Charles Hogshead, Tulsa County; Irene Asai, Assistant District Attorney, Garfield County; Gail Stricklin, Civil Attorney; Donna Mathews, Domestic Violence Intervention Services, Tulsa; and Susan Krug, Chief, Victims Services Unit, Office of the Attorney General.

The following newly amended protective order forms are now available:

Petition for Protection Order
Petition for Emergency Temporary Protective Order
Emergency Order of Protection
Notice of Hearing on Petition for Protective Order
Final Return of Service for Protective Order
Final Order of Protection

The forms may be accessed on OSCN at this location: http://www.oscn.net/static/forms/aoc_forms/protectiveorders.asp

At the New Judges Orientation, which was held in May, Special Judge Jequita Napoli, Cleveland County, presented and discussed the revised forms. The AOC also sent out a "blast email" notifying judges and court clerks about the new forms. CCR Teams may want to verify that their local judges have been notified that the new forms are available for use.

District 27 Takes Coordinated Community Response to a Higher Level

By Sandra Thompson



The Brag Corner

The District 27 District Attorney District encompasses four counties: Adair, Cherokee, Sequoyah, and Wagoner, all of which have Coordinated Community Response (CCR) Teams. The teams meet monthly to engage in improving the communities' response to domestic violence, sexual assault, and stalking. The district has taken the idea of a coordinated community response to a new and different level through two innovative practices.

Mr. Jerry Moore, District Attorney for District 27 and Ms. Deana Franke, Executive Director of Help-In-Crisis, meet monthly to review the tough domestic violence cases that need more focus and extra attention.

"This is accomplished in the spirit of mutual respect," Ms. Franke said. "Both agencies benefit from this process. Information is shared to ensure that all systems are doing their very best to increase victim safety and offender accountability. We have a better understanding of what the District Attorney requires and are doing a better job of documenting, educating staff and victims, and bringing information forward. We have learned a lot and through this process have increased education for victims regarding the importance of prosecuting cases."

Through this process, Mr. Moore is able to share important information with the Assistant District Attorneys throughout the four counties. In the past, this information might have been overlooked or lost in translation.

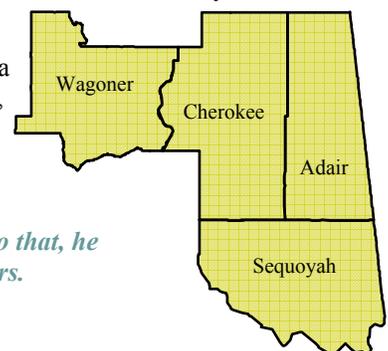
The second unique practice may only be taking place in District 27. By request of the Help-In-Crisis shelter residents, District Attorney Moore visits directly with the shelter residents monthly.

"Victims are assured there is someone in their corner," Moore said. "Victims have the opportunity to deal face-to-face with the District Attorney and know that we are going to address this issue." Moore spends about an hour with the victims, listens to concerns, and provides information.

Mr. Moore identifies that this process has opened lines of communication with victims and has seen evidence of this in the courtroom. "I do think if they trust you, the victims will cooperate, and this has definitely helped to build that trust," Moore said. According to Ms. Franke, "Jerry Moore has demonstrated a servant's heart by reaching out."

Achieving a truly coordinated response by those in the community often takes a willingness to step out and take unconventional actions. District Attorney Jerry Moore has taken the road less traveled by not only working directly with victim service personnel, but by personally interacting with victims to gain a better understanding of their needs. His leadership in this area has revealed how important a coordinated response is to better serve victims of domestic abuse, sexual assault, and stalking, and in turn, how the criminal justice system may increase accountability for the offenders who commit these crimes.

District Attorney District 27



Jerry Moore has served as the elected District Attorney for District 27 for four years. Prior to that, he served as an Assistant District Attorney for ten years and was in private practice for four years.



Risk Assessment and Intimate Partner Sexual Abuse: The Hidden Dimension of Domestic Violence

By Lynn Hecht Schafran*

“There was no greater divergence in what victims and perpetrators reported than in the area of sexual violence. If we are to believe the killers, none of them had ever been sexually violent or even coercive to the women they killed...The victims of abuse painted a very different picture. Nearly three-fourths of the women [who survived a near-murder] said their abusive partners had raped them.”¹

Risk assessment is of critical concern to judges in every kind of domestic violence case. Recent research documents the importance of a largely ignored sign of risk and potential lethality in these cases: intimate partner sexual abuse. To assist in recognizing and addressing intimate partner sexual abuse in the contexts of civil, criminal, family and juvenile law, the National Judicial Education Program created a comprehensive Web course, *Intimate Partner Sexual Abuse: Adjudicating this Hidden Dimension of Domestic Violence*. Funded by the State Justice Institute and the Department of Justice Office on Violence Against Women, registration at www.njep-ipsacourse.org is free and open to all.

In 13 modules the Web course presents an overview of intimate partner sexual abuse, as well as in-depth treatment of issues from immigrant victims to jury selection. Four civil and four criminal case scenarios, self-tests and reflection questions provide opportunity for application of the curriculum and assessment of comprehension. The Web course contains links to much of the source material, including case law and articles on the subjects discussed, providing a comprehensive resource for judges and others. This article highlights the issues relating to risk assessment, addressed in the course.²

A Hidden Problem

Until recently, the marital rape exemption foreclosed legal recognition of intimate partner sexual abuse. Although by 2005 every state and the military eliminated the complete exemption, 26 states still provide lesser protection for victims, such as lesser penalties for the rapist and imposition of a limited reporting period. These diluted sexual assault laws reflect cultural adherence to the misguided belief that rape by a loved one is less harmful than rape by a stranger.

Some victims do not know that marital rape is against the law, and perpetrators often do not perceive their behavior as sexual abuse. Many victim advocates, police, prosecutors and court personnel are not trained to ask the questions that would elicit this information. Even a victim who understands that an assault has occurred may hesitate to disclose this most personal form of violence and humiliation, sometimes out of fear that her credibility will be destroyed if she does.

The fact that the parties have had a consensual sexual relationship does not mitigate the horror of marital rape. In *Coercive Control* (2007), Professor Evan Stark, a leading researcher in this field, writes,

“Marital rape...should be treated differently and **more severely** than similar crimes committed by strangers...sexual assault is far more likely to be repeated when it is committed by partners and almost always occurs amid other forms of violence, intimidation, and control. The level of unfreedom, subordination, dependence, and betrayal associated with marital rape has no counterpart in public life.” [Emphasis supplied.]³

When this aspect of a domestic violence case is hidden, judges are deprived of essential information. In the words of Louisville, Kentucky Judge Janice Martin, “As a judge, when I assess lethality, my assessment is only as effective as the information that I receive...And my orders are only as good as the information that I receive.”⁴

Prevalence

Prevalence data about intimate partner sexual abuse have been developed in research with abusive men and abused women. These studies report intimate partner sexual abuse rates from 40 to 75% of the sample and a high rate of repeated sexual assault. For example, in a study of more than 200 men in a batterer intervention program in a Northeastern city, more than half admitted to acts that constituted intimate partner sexual assault. Yet when asked, “Have you ever

***Lynn Hecht Schafran** is director of the National Judicial Education Program, a Project of Legal Momentum in cooperation with the National Association of Women Judges (lschafran@legalmomentum.org).



sexually abused your partner?” only 8% answered “yes.”⁵ Behavior not recognized as constituting sexual assault included forced sex under threat or use of force, including weapons, forced participation in sex with other people or animals, and forced enactment of pornography.

A study of abused women in Houston based its findings on interviews concerning sexual assault with nearly 150 women seeking orders of protection, not one of whom reported sexual violence in her application for an order of protection. When interviewed, however, more than two-thirds of the group described sexual assault in addition to physical violence. One-fifth had a rape-related pregnancy. Significantly, the women who were being both physically and sexually abused reported more of the risk factors for femicide, such as strangulation and threats to children, than did those subjected to physical abuse only.⁶

Finally, a National Institute of Justice study found that over half of women raped by an intimate partner were victimized repeatedly by that partner.⁷

Risk Assessment

Risk assessment in domestic violence cases is typically limited to the risk that a batterer will kill his victim. But there are actually six types of risk, all heightened by the co-occurrence of sexual and physical violence. According to risk assessment expert Professor Jacquelyn Campbell, a physically-abused woman also subjected to forced sex is over seven times more likely than other abused women to be killed.⁸

1. Will the batterer kill his victim? On average, each day in the U.S. more than three women are murdered by their current or ex husbands or boyfriends.⁹ In a multi-city study of completed and attempted domestic violence femicide cases, Professor Campbell found that in more than half there was intimate partner sexual abuse. “Woman forced to have sex when not wanted” was the fifth most predictive factor in her risk assessment table, ahead of such factors as escalating physical violence and partner’s drug abuse.¹⁰

2. Will the batterer kill his partner’s or the couple’s children? Newspapers across the country frequently report cases of men murdering their or their partner’s children in the context of killing the mother, as punishment for the mother’s leaving the abusive relationship or as part of a custody struggle. Thus, any situation that heightens the risk of lethality for the mother heightens the risk of lethality for her children.

3. Will the batterer kill third parties? In domestic violence murders there are often third-party victims. Family members, bystanders, co-workers, police and court personnel who come to the principal victim’s aid, or who are simply nearby at the wrong moment, may themselves be killed.

4. Will the victim kill herself? Intimate partner sexual abuse is more psychologically damaging than physical violence alone. Two studies found far higher rates of suicide attempts among sexually assaulted battered women.¹¹

5. Will the victim kill the batterer? In Anne Brown’s 1987 study, *When Battered Women Kill*, three-quarters of the women reported having been raped at least once by their abusers. For her book *Wife Rape* (1996), Raquel Kennedy Bergen interviewed 40 victims of intimate partner sexual assault and reported that more than half had thoughts of killing their abusers.¹²

6. Will the violence continue/escalate after the relationship has ended? *Estranged husband of marital rape victim taped a photograph of a gravesite on her door.* State v. Morrison, 426 A. 2d 47 (N.J. 1981).

There is a widespread but mistaken belief that if women in abusive relationships would just leave, the violence would end. In fact leaving is the most dangerous time for the woman because the batterer is outraged to be losing control over her.¹³ Much of the worst physical violence and most murders occur at or after separation.¹⁴ Intimate partner sexual assault often begins when the woman tries to leave and continues after separation and divorce. Professors David Finkelhor and Kersti Yllo, two of the earliest researchers in the field, wrote in *License to Rape: Sexual Abuse of Wives* (1985), “A wife’s leaving or threatening to leave her marriage frequently provokes a marital rape. . . [o]ver two-thirds of the women in our sample were raped in the waning days of a relationship, either after previous separation or when they were making plans to get out.”¹⁵ Raquel Kennedy Bergen similarly found that 20% of the women in her sample were raped post-separation. One woman was frequently raped by her partner when he arrived to pay child support.¹⁶

Custody and Visitation

The negative impact of domestic violence on children, and the reasons why batterers should not be awarded sole or joint custody or unsupervised visitation, are well-documented.¹⁷ When the mother has been sexually as well as physically assaulted, the potential for harm to the children is particularly grave. In *Children's Exposure to Intimate Partner Sexual Assault*, Kathryn Ford writes, “[I]ntimate partner sexual assault is associated with more severe depression, anxiety, and behavior problems in the children of adult victims, as compared to those whose mothers have been physically, but not sexually, abused.” Children exposed to intimate partner sexual abuse in their parents’ relationship often “internalize distorted and unhealthy messages about gender and sexual consent.”¹⁸

Victims should be encouraged to disclose sexually abusive behavior to enhance both their own safety and the safety of their children, and judges should take disclosures seriously. Presuming that such assertions are a ploy to deprive fathers of access to their children can have devastating consequences for a child’s health and safety.¹⁹

Recommendations

Judges can have tremendous impact on law enforcement, court, and probation and parole personnel, prosecutors, victim advocates, treatment providers and custody evaluators by informing them of the need to develop information about intimate partner sexual abuse and provide it to the court. Court intake forms for domestic violence victims and risk assessment instruments should include behaviorally-based questions on the subject. Model samples can be found in the *Intimate Partner Sexual Abuse* Web course, Module III, Risk Assessment.



Judges can enhance victim and community safety and educate the community by treating intimate partner sexual abuse with the seriousness it deserves. Judges can require that batterer intervention programs address intimate partner sexual abuse (many currently ignore it) and, in criminal cases, sentence offenders in accordance with the gravity of the crime and the unique impact on victims. Both pre-sentence investigations and post-conviction assessments should probe for co-occurring physical and sexual abuse, even if this was not raised in court, in order to determine whether sex offender treatment would be appropriate. If treatment is imposed as a sentencing condition, judges should require specialized, rigorous sex offender group treatment using a state of the art cognitive behavioral approach of the kind that can lead to lower recidivism rates for motivated offenders.²⁰

Judges need to know about intimate partner sexual abuse in order to assess risk, craft appropriate orders, effectively resolve custody/visitation matters, and impose appropriate sentences. Judges can take a leadership role in recognizing the significance of co-occurring domestic violence and sexual abuse by urging all stakeholders to address the issue comprehensively, creating a supportive courtroom environment, and utilizing all legal remedies available to ensure the safety of the victim and community through all stages of the court process.

1. David Adams, *WHY DO THEY KILL?* (2007), at 171-172. Adams’s book is based on in-depth interviews with 31 incarcerated wife murderers, 20 wives who survived attempted homicide and 19 additional women who were victims of potentially life-threatening intimate partner assault.

2. Instructional technology and design was provided by the Rozier E. Sanchez Judicial Education Center of the Institute of Public Law of the University of New Mexico.

3. Evan Stark, *COERCIVE CONTROL* 388 (2007).

4. Judge Janice Martin, Battered Women’s Justice Project Audio Conference, November 13, 2008.

5. Raquel Kennedy Bergen & Paul Bucovec, *Men and Intimate Partner Rape: Characteristics of Men Who Sexually Abuse their Partners*, 21 *J. OF INTERPERSONAL VIOLENCE* 1375 (2006).

6. Judith McFarlane & Anne Malecha, *SEXUAL ASSAULT AMONG INTIMATES: FREQUENCY, CONSEQUENCES AND TREATMENTS*, National Institute of Justice, 2005, available at <http://www.ncjrs.gov/pdffiles1/nij/grants/211678.pdf>.

7. Patricia Tjaden & Nancy Thoennes, *EXTENT, NATURE AND CONSEQUENCES OF INTIMATE PARTNER VIOLENCE*, National Institute of Justice (2000), available at <http://www.ncjrs.gov/pdffiles1/nij/181867.pdf>.

8. Jacquelyn C. Campbell, et al, *Risk Factors for Femicide in Abusive Relationships*, 93 *J. OF AMERICAN PUBLIC HEALTH* 1089 (July 2003).

9. U.S. Department of Justice, Bureau of Labor Statistics, *Homicide Trends in the U.S.*, available at www.ojp.usdoj.gov/bjs/homicides/tables/intimatestab.htm.

10. Campbell, *supra* n. 8, at 1098-1099.

11. McFarlane & Malecha, *supra* n. 6, at 37; Raquel Kennedy Bergen, *WIFE RAPE: UNDERSTANDING THE RESPONSE OF SURVIVORS AND SERVICE PROVIDERS* 59 (1996).

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12. Bergen, *supra* n. 11 at 59-60.

13. This belief also ignores the high likelihood that the batterer will go on to abuse his next partner. As Professor Walter DeKeserdy has written, "Any woman is a possible object of violence. What differs is not the woman, but the man. If the man is sexually abusive, he will victimize any woman with whom he lives or has lived." Walter S. DeKeseredy & McKenzie Rogness, *Separation/Divorce Sexual Assault: The Current State of Social Scientific Knowledge*, 9 *AGGRESSION AND VIOLENT BEHAV.* 675 (2004).

14. Tjaden & Thoennes, *supra* n. 7, at 22-25.

15. David Finkelhor & Kersti Yllo, *LICENSE TO RAPE: SEXUAL ABUSE OF WIVES* (1985), at 6-7.

16. Bergen, *supra* n. 11, at 21.

17. *See, e.g.*, Lundy Bancroft & Jay G. Silverman, *THE BATTERER AS PARENT: ADDRESSING THE IMPACT OF DOMESTIC VIOLENCE ON FAMILY DYNAMICS* (2002); Lundy Bancroft, *UNDERSTANDING THE BATTERER AS PARENT* (1998).

18. Kathryn Ford, *Children's Exposure to Intimate Partner Sexual Assault*, 1 *FAMILY AND INTIMATE PARTNER VIOLENCE Q.* 141 (2008).

19. Lynn Hecht Schafran, *Evaluating the Evaluators: The Problem with 'Outside Neutrals'*, 42 *JUDGES' J.* 10 (Winter 2003).

20. Robert J. McGrath, et al, *Outcomes of a Treatment Program for Adult Offenders*, 18 *J. OF INTERPERSONAL VIOLENCE* 3 (2003).

"Risk Assessment and Intimate Partner Sexual Abuse: The Hidden Dimension of Domestic Violence," by Lynn Hecht Schafran, published in *Judicature*, vol. 93, no. 4, January-February 2010. © 2010 American Judicature Society.

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For Information on
**Local Law Enforcement Training on Domestic Violence,
Sexual Assault, and Stalking**

Please Contact:

Dawn Stover

Oklahoma Regional Community Policing Institute
(405) 671-8742

Beth Stanford

Oklahoma Coalition Against Domestic Violence and
Sexual Assault
(918) 647-5814

Tamatha Mosier

Office of the Attorney General
(405) 521-3921

Melissa Blanton or Sandra Thompson

District Attorneys Council
(405) 264-5008



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**VINE Protective Order
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Courses accredited for a total of 6
hours CLEET credit including 2 hours
Mental Health Credits.



Making Arrests in Domestic Violence Cases: What Police Should Know

By David Hirschel, Ph.D.

About the Author: Dr. David Hirschel is a Professor of Criminal Justice and Criminology at the University of Massachusetts, Lowell. Dr. Hirschel joined the faculty at UMass Lowell in 1998 after teaching for over 20 years at the University of North Carolina-Charlotte. Before starting his career in education, Dr. Hirschel worked as the Criminal Justice Coordinator for the Erie County New York Department of Anti-Rape and Sexual Assault and as a house-parent in half way houses both in England and the USA. He has a law degree from Cambridge University in England and an M.A. and Ph.D. in criminal justice from the State University of New York at Albany. Dr. Hirschel's research interests, and publications, have covered a wide range of criminal justice topics including domestic violence, search and seizure, comparative criminal justice, burglary, and drugs and crime. His major focus is on victims of crime. Dr. Hirschel currently serves as Coordinator of the graduate program in criminal justice.

The Problem

Police have been making more arrests in domestic violence incidents. In 2000, about 50 percent of intimate partner violence cases* resulted in arrests, compared to 7 to 15 percent in the 1970s and 1980s. Research has revealed that some aspects of the change cause problems: too many victims are arrested and too few cases are accepted by prosecutors.

The problem appears to arise in part from the practice of dual arrests—situations in which police arrest both parties involved in the altercation rather than trying to identify the primary aggressor. About 2 percent of domestic violence incidents result in dual arrests.

The research comes from a study that examined data from the National Incident-Based Reporting System**, and involved a multistate survey of incident records kept by police. See the full report at: <http://www.ncjrs.gov/pdffiles/nij/grants/218355.pdf>.

Findings point to a number of practices that could improve the effectiveness of arrests, conserve police resources and raise conviction rates.

The Findings

- ◆ Contrary to previous beliefs, arrests do not appear to be gender biased. The research showed that police arrested men and women with equal frequency when other factors, such as seriousness of offense, were taken into account. Additionally, police were equally likely to make arrests in same-sex and heterosexual incidents.
- ◆ Officers were four times more likely to make an arrest if an offender stayed at the scene of the crime. If the offender left, the officers were unlikely to follow up and obtain an arrest warrant. Even if a warrant was obtained, it might not be served.
- ◆ Police were more likely to make dual arrests when responding to an incident that involved a same-sex couple. For example, if the domestic incident involved two males, officers apparently assumed that, as in a barroom fight, both men were equally responsible and thus both should be arrested.
- ◆ Police made the highest number of dual arrests in jurisdictions with mandatory arrest laws, particularly if state laws or department policies did not instruct officers to arrest only the main offender at a domestic violence incident. Jurisdictions with such primary aggressor laws reported one-fourth the dual arrest rate observed in jurisdictions without such policies or laws.

The Solution

Police executives and lawmakers can do several things to lower dual arrest rates and make arrest more effective:

- ⇒ Police can arrest offenders who have left the crime scene. Officers should canvass the area more thoroughly to find and arrest offenders who have left the crime scene.
- ⇒ Police can make fewer dual arrests in incidents involving same-sex couples. High rates of dual arrest in these incidents indicate a need to train officers to recognize patterns of abuse in same-sex relationships and identify the primary aggressor. Policies and training should address potential gender-role stereotyping and the significance of victimization for same-sex couples.
- ⇒ Police executives and lawmakers can institute primary aggressor laws and policies. States and police departments that wish to lower dual arrest rates may want to institute primary aggressor laws and policies, and enhance officer training on how to identify the primary offender in an incident. Officers should, for example, be able to distinguish between injuries inflicted in attacking someone and injuries inflicted in self-defense, such as biting an offender to make him/her let go of a stranglehold.



Changes such as these may help law enforcement departments better detect the real offender in a domestic violence incident and secure the arrest of that offender. More effective policies and procedures can increase the likelihood that offenders will be prosecuted and convicted for their crimes.

*These are cases of aggravated assault, simple assault and intimidation that involve spouses, ex-spouses, same-sex couples, and boyfriends and girlfriends.

**For more information about the National Incident-Based Reporting System, see <http://www.fbi.gov/ucr/faqs.htm>, and Hirschel, D. *Expanding Police Ability to Report Crime: The National Incident-Based Reporting System*, Washington, DC: U.S. Department of Justice, - National Institute of Justice, June 2009, NCJ 225459.

Article originally published by the U.S. Department of Justice Office of Justice Programs, National Institute of Justice, IN SHORT Toward Criminal Justice Solutions, June 09, NCJ 225458. www.ojp.usdoj.gov



HATS OFF! To These CCR Teams for Their Recent Accomplishments!

Adair County - is planning a motorcycle fun run in October to promote Domestic Violence Awareness Month.

Bryan County - recently launched their website, "Silence Hides Violence" and is developing public service announcements for Domestic Violence Awareness Month.

Creek County - coordinated resources with local churches and hotels to provide immediate safe shelter to victims.

Cherokee County - is coordinating law enforcement training for new officers and has increased team membership to include representation from the Cherokee Nation.

Cherokee Nation - has restructured their team and plans to develop a batterer's intervention program.

Cleveland County - developed law enforcement training curriculum for domestic violence that involves live interactive training sessions to be used during the Norman Police Academy in August.

Custer County - developed law enforcement, prosecution, and victim advocacy protocol to address domestic violence, sexual assault, and teen dating violence.

Garfield County - is developing protocol regarding courtroom procedures during protective order hearings.

Mayes County - law enforcement networks with the victim advocacy agency to facilitate forensic exams with the Family Justice Center in Tulsa and law enforcement officers provide transportation for victims to protective order court.

McCurtain County - developed a victim information envelope for distribution by law enforcement and victim advocates and the team coordinated with the Choctaw Nation to provide the printing for the envelopes.

Oklahoma County - developed an ad hoc committee made up of all certified batterers intervention program providers in Oklahoma County to address offender accountability related issues and suggest standardized expectations.

Rogers County - developed domestic violence team protocols in December, 2009 and is developing stalking protocols for law enforcement, victim advocacy, the judiciary, prosecution, and probation & parole.

Sequoyah County - rotates team meeting locations in order to more easily accommodate the various law enforcement agencies throughout the county.

Texas County - is developing and implementing a batterer's intervention program.

Wagoner County - is developing strategies to utilize Sexual Assault Nurse Examiner (SANE) nurses as expert witnesses in court.

Woodward County - developed a CCR Team brochure to provide education and awareness to the community regarding the team's mission and goals.

Coming together is a beginning.

Keeping together is progress.

Working together is success.

-Henry Ford



Determining the Dominant Aggressor in Domestic Violence Cases

Title 22, Oklahoma Statutes, Section 60.16

Oklahoma law gives officers specific guidelines in domestic violence cases. Unlike many other misdemeanor crimes, officers may arrest the offender without a warrant under certain circumstances.

Under Oklahoma Statutes Title 22, Section 60.16, law enforcement officers are allowed to make a warrantless arrest up to 72 hours after the crime is reported in misdemeanor cases of domestic abuse if the following factors are met:

- The officer has made a determination that probable cause exists, and
- The officer observes a recent physical injury or impairment to the victim as a result of the domestic abuse.

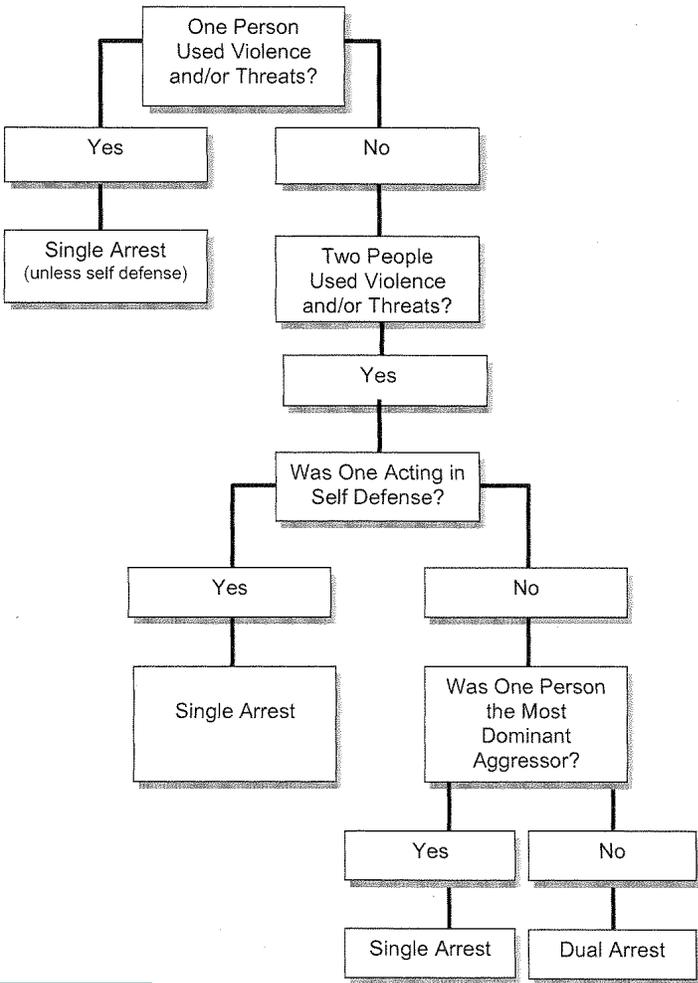
When officers make an arrest based on this section of law, they **SHALL** make an investigation including the following:

- The circumstances surrounding the incident,
- Past history of violence between the parties,
- Statements of any children present in the residence,
- And any other relevant factors.

A determination by the officer **SHALL** be made pursuant to the investigation as to which party is the **dominant aggressor** in the situation. An officer may arrest the dominant aggressor.

The following flowchart may be used by law enforcement officers as a tool to aid them in determining who to arrest in a domestic violence incident where both parties may have used some type of force.

DOMINANT AGGRESSOR “DECISION TREE”



“There is the golden hour - the first time and maybe the only time you have a chance to intervene for this family. If you mess it up, there may never be another chance. The victim stays longer, you may see a homicide, a suicide, or child abuse.”

- Lt. Mark Wynn

Did You Know... ?

- Immigrant victims of domestic violence are at greater risk of longer exposure to and greater impact from domestic violence due to their lack of access to culturally responsive services.
- Immigrant victims of domestic violence, sexual assault and other crimes face many challenges in navigating the criminal justice system.
 - These challenges may include:
 - Fear of deportation
 - Language barriers
 - Misinformation about the police and U.S. legal system
 - Fear of being ostracized by their ethnic, religious or cultural community
 - Fear of losing custody of children
- The Violence Against Women Act (VAWA) provides several remedies to immigrant victims of domestic violence.

The U visa is a crime victim visa, given to immigrant victims of certain types of crime. The crimes covered under the U visa include:

Rape	Being held hostage	Witness tampering
Torture	Involuntary servitude	Obstruction of justice
Trafficking	Slave trade	Perjury
Incest	Kidnapping	
Domestic violence	Abduction	Attempt, conspiracy or solicitation to commit any of the above crimes
Sexual assault	Unlawful criminal restraint	
Abusive sexual conduct	False imprisonment	
Prostitution	Blackmail	
Sexual exploitation	Extortion	Any similar activity in violation of federal, state or local law

Information gathered from, *Assisting Immigrant Victims of Domestic Violence, PROSECUTOR'S GUIDE*, Battered women's Justice Project, 1-800-903-0111, <http://www.bwjp.org>

A 2004 STUDY IN NEW YORK FOUND THAT 51% OF INTIMATE PARTNER HOMICIDE VICTIMS WERE FOREIGN-BORN, WHILE 45% WERE BORN IN THE U.S.



48% OF LATINAS IN ONE STUDY REPORTED THAT THEIR PARTNER'S VIOLENCE AGAINST THEM HAD INCREASED SINCE THEY IMMIGRATED TO THE U.S.



A SURVEY OF IMMIGRANT KOREAN WOMEN FOUND THAT 60% HAD BEEN BATTERED BY THEIR HUSBANDS.



MARRIED IMMIGRANT WOMEN EXPERIENCE HIGHER LEVELS OF PHYSICAL AND SEXUAL ABUSE THAN UNMARRIED IMMIGRANT WOMEN, 59.5% COMPARED TO 49.8%.

<http://endabuse.org>



Teamwork divides the task and doubles the success.

~Unknown Author

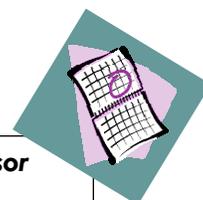
For further assistance and information on working with battered immigrant women and immigrant victims of crime, sexual assault and trafficking or for referrals in your community to programs with this expertise, please contact the National Network to End Violence Against Immigrant Women at <http://www.immigrantwomennetwork.org>



421 NW 13th Street, Suite 290
Oklahoma City, Oklahoma
73103

To access an additional copy of this newsletter go to
http://www.ok.gov/dac/Federal_Grants/Domestic_Violence_Resource_Prosecutor_/
For further information, please contact Melissa Blanton or Sandra Thompson at (405) 264-5008.

2010 Training Opportunities



Date(s)	Title	Location	Sponsor
July 21	Domestic Violence I: Investigations & Report Writing	Shawnee, OK	ORCPI
August 11	Domestic Violence III: Stalking	OKC	ORCPI
August 24 - 25	Basic CCR Team Training	OKC	DAC
August 31	Domestic Violence I: Investigations & Report Writing	OKC	ORCPI
September 8 - 9	OK Partnership Conference on Domestic & Sexual Violence and Stalking	Norman, OK	Various Agencies
September 14 - 17	National Institute on the Prosecution of Domestic Violence	TBA	AEquitas
September 28	Advanced Domestic Violence	OKC	ORCPI
October 5	Domestic Violence I: Investigations & Report Writing	Lawton, OK	ORCPI
October 12	Domestic Violence II: The Law Enforcement Response	Lawton, OK	ORCPI
October 19	Domestic Violence III: Stalking	Spencer, OK	ORCPI
October 20 - 21	Advanced CCR Team Training on Strangulation	OKC	DAC
October 26	Domestic Violence III: Stalking	Lawton, OK	ORCPI
October 27 - 31	National Conference on Domestic Violence	Washington, DC	NDAAs

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