

NC BLET Domestic Violence Study Guide

1. Overview & Definitions

- **Domestic Violence Defined:**
A pattern of abusive behavior in any relationship used by one partner to gain or maintain power and control over another intimate partner.
 - **Officer-Involved Domestic Violence:**
Incidents involving law enforcement in domestic violence are estimated to occur at least as often as in the general population, emphasizing the need for specialized tactics and caution.
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2. Victim Dynamics and Decision Factors

- **Why Victims Stay or Leave Repeatedly:**
 - **Situational Factors:**
Dependence, fear, children, isolation, language barriers, cultural or religious restraints, and age.
 - **Emotional Factors:**
Hope that the partner will change, attachment, guilt, feelings of helplessness/hopelessness, and fear of the partner's reaction.
 - **Support Systems:**
Victims' decisions are heavily influenced by the level of support they receive from family, law enforcement, coworkers, advocates, and other community resources.
 - **Misconceptions:**
Factors such as wealth or transportation do not factor into why a victim stays or leaves. A false emotional factor is when the abuser provides emotional support, which should not be misinterpreted as a healthy relationship dynamic.
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3. Communication and Pre-Arrival Considerations

- **Role of the Telecommunicator:**

Technically the first person on the scene, they provide essential details. Prior to arrival, officers should obtain all pertinent information (weapons, number of people, prior incidents, distance for backup, etc.) from the telecommunicator.

- **Tactical Pre-Approach Planning:**

- Determine if weapons are present.
 - Ask about the number of individuals involved.
 - Ascertain any history of violence and prior incidents.
 - Plan your parking and approach to remain unobtrusive.
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4. Tactical Approach & Scene Management

- **On-Scene Approach:**

- **Driving Tactics:**

Do not pass the residence; park the patrol vehicle in a discreet location (several houses away and positioned between you and the residence) to avoid drawing attention.

- **Foot Approach:**

Utilize a tactical approach on foot. Listen before knocking, and do not “knock like a cop.” Ideally, have someone inside open the door.

- **Officer Positioning:**

Use a triangulation position. Establish a clear division of roles:

- **Contact Officer:** Initiates all activities—conducts interviews, takes notes, manages radio communications, and initiates arrest procedures.

- **Cover Officer:** Observes suspect(s), protects the contact officer, and prevents escape routes.

- **During the Incident:**

Continually assess the situation as it evolves. Be mindful that the first officer typically arrives 5–10 minutes after the call is made, and tensions may escalate quickly. About 41% of officer fatalities during domestic situations occur during the arrival/approach phase, often due to ambushes.

- **Tactical Departure:**

- The officer furthest inside should be the first to leave.
- Avoid parting remarks that could escalate the situation (e.g., “if I have to come back, I’ll arrest you”).
- Listen carefully and watch your back as you exit; remain nearby (but not in the immediate area) to review the call details.

- **Additional Approach Considerations:**

- When entering, verify that the person answering the door is indeed the complainant.
 - If uncertain, state that a call was received and ask for clarification regarding the situation.
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5. Legal Considerations and Orders

- **Interference with a Victim:**

If an offender interferes with a victim (e.g., preventing testimony), officers should charge them with felony interference with a state's witness.

- **Types of Protective Orders:**

- **50-B:** Domestic Violence Protective Order (DVPO) – For aggrieved parties with a personal relationship (spouse, family member, dating relationship).
- **50-C:** Interpersonal Restraining Order – Applies to situations like roommate disputes or stalking (includes no-contact orders for stalking or non-consensual sexual conduct).

- **Ex Parte Orders:**

Temporary no-contact orders that are signed by a judge or magistrate and last for 10 days. The aggrieved party must then return to request an extension.

- **Filing and Enforcement:**

- Victims can file for a DVPO at the County Clerk's Office free of charge (or at the magistrate's office if necessary).
- DVPOs (including emergency/ex parte orders) are enforced by all NC law enforcement agencies.
- Officers can look up the terms of a DVPO using the NCIC/DCIN system.
- Although it is not required for a victim to carry a copy of the DVPO, enforcement remains mandatory.

- **Violations and Penalties:**

- **First-Time Violation:** A person knowingly violating a DVPO is guilty of a Class A1 misdemeanor.
- **Repeat or Aggravated Violations:**
 - Two prior DVPO violations.
 - Violation involving a deadly weapon.
 - Entering property operated as a safe house.These circumstances can result in a Class H felony.

- **Additional Legal Points:**

- Self-defense is not considered a criminal act.
 - Written statements in the victim's own handwriting can help prosecutors prove a case and reduce redactions or denials.
 - Out-of-state DVPOs are valid in North Carolina.
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6. Arrest Procedures and Use of Force

- **When to Arrest:**

An arrest is warranted when there is sufficient evidence, but officers should avoid rushing the process. Take time to:

- Engage in longer dialogue.
- Wait for backup.
- Use verbal stall tactics.
- Anticipate the offender's next moves.

- **Use of Force Considerations:**

- Force applied in self-defense should be proportional and not greater than necessary.
- During an arrest, do not rush—proper tactical planning minimizes risk.
- Officers should be aware that many arrests occur under intense stress, and effective communication is key.

- **Behavioral Cues and Resistance:**

- **Non-Verbal Cues:**

- Observing non-verbal cues (e.g., heavy breathing, clenching, unusual sweating, weight shifting, target glancing) can predict potential resistance levels (50–90% prediction accuracy).

- **Clusters of Behavior:**

- No single behavior predicts an attack; look for clusters of behaviors that indicate escalating resistance.

- **Additional Warning:**

- Strangulation injuries can be fatal within 36 hours, so timely and measured intervention is crucial.

7. Post-Incident and Follow-Up Procedures

- **Incident Reporting:**

- If no crime or evidence is present, complete the incident report and depart.

- **Follow-Up Investigation:**

- Focus on gathering evidence that can help prove the case—even if the victim later declines to participate. Collect written statements in the victim's handwriting when possible.

- **Role and Behavior Adjustments:**

- Roles (contact and cover officer) should be determined before arriving on the scene based on each officer's experience and prior knowledge.
 - The most aggressive officer should not serve as the contact officer to prevent unnecessary escalation.

- **Additional Considerations:**

- If both parties are injured, determine whether one acted in self-defense. If so, arrest only the primary aggressor.
 - Never recommend that a victim hire a private attorney; instead, direct them to legal aid (e.g., Legal Aid of NC provides free legal aid).
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8. Summary of Key Tactical and Legal Best Practices

- **Before Arrival:**
Gather comprehensive information from the telecommunicator.
- **Upon Arrival:**
Use a cautious, tactical approach with defined roles.
Always assess the situation and be prepared for potential ambushes.
- **During the Incident:**
Maintain clear communication, observe non-verbal cues, and use cover and contact roles effectively.
- **Legal and Procedural Follow-Up:**
Understand the different types of protective orders (50-B and 50-C) and their enforcement.
Be familiar with the penalties for DVPO violations and the proper process for filing and enforcing them.
- **Final Considerations:**
Always act based on the situation's specifics—continuous assessment and adherence to protocol are key to both victim safety and officer security.