



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
Performance Objective Reference Material

The Performance Objective Reference Material is designed to accompany the P.O.S.T. mandated Performance Objectives of each N.A.C. mandated course for Category I, II, III, and Reserve peace officers.

Thoroughly reviewing this document will help in your preparation to teach the related course.

An instructor will not be successful by reviewing the Performance Objective Material the night before or the day of instruction. Instructors are expected to spend time studying this reference material, researching supplemental material, and developing student activities which will in effect enhance the learning for students. DO NOT be an instructor who shows up unprepared and expects a "canned" presentation to be given based on this reference material.

The Performance Objective Reference Material is to be used for the purpose of understanding the Course Performance Objectives and to be used as a guide for lesson plan development.

P.O.S.T. would like to thank you for being a part of the training of new Peace Officers in the State of Nevada.

Updated: August 2019- Significant changes or notable sections are highlighted in red.



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Title: Domestic Violence
Category: I II III Reserve Reciprocity
NAC: 289. 140 150 170 200

Defining Domestic Violence (*NRS 33.018*) (PO A)

Domestic violence means a listed act committed upon an adult or minor where there exists a statutory relationship (custodial or guardianship) between the victim and the suspect. The required relationship must be one or more of the following;

- Spouse
- Former spouse
- Relative by blood or marriage (**except siblings & cousins**)-**siblings and cousins must be in a guardianship or custodial relationship**
- Anyone they have had or are having a dating relationship
- With anyone they have a child in common
- The minor child of any of the above
- Their own minor child or;
- The legal guardian or custodian of the persons minor child

NOTE: There is no time limit on how long ago the relationship existed.

Identify the Impact of Domestic Violence (PO B)

Domestic violence causes tremendous harm to victims and society as a whole. Each member in an abusive or violent household suffers physically and/or emotionally, and often violence is spread from one generation to the next. Current law affords peace officers greater opportunity to assist victims and provides protection and education to help stop the cycle of violence.

Domestic violence usually involves a pattern of increasingly frequent and severe assaultive and abusive behavior that is used against intimate partners; however, it can be isolated as one-time occurrence. Its purpose is to control the victim and other members of the household. The pattern may include physical, sexual, and psychological attacks as well as economic coercion. The pattern is usually purposeful behavior and includes both criminal and noncriminal acts. The goal is to gain power and control.



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Domestic violence is not a private family matter; it is serious, often criminal conduct and should be treated as such. Peace officers play a critical role in erasing myths about domestic violence, increasing victim safety, stopping the violence, and holding abusers accountable.

Peace officers should remember that batterers or abusers can be either men or women, but the crime disproportionately affects women.

Batterer and Victim Characteristics (PO B1)

Batterers use a variety of tactics to gain power and control over intimate partners. Some, like physical and sexual violence, are only used occasionally. Some are used one or more times every day. These include:

- using intimidation
- using emotional abuse
- using isolation
- minimizing, denying, and blaming
- using children
- using male privilege
- using economic abuse
- using coercion and threats

Power and control

The chart below presents generalized characteristics of batterers and those affected by the battering to help peace officers understand some of the situational dynamics that may be at work in a domestic violence call.

NOTE: These dynamics are complex, and not all victims and batterers act the same or demonstrate the same emotional behaviors; however, many do exhibit these characteristics. Peace officers can use this information to assist in their understanding of the involved parties.



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Characteristics of a Batterer

- Uses violence as a tool to feel powerful
- May have low self-esteem
- As a child, often witnessed or experienced violence
- Avoids responsibility for violent behavior by blaming:
 - children
 - work
 - victim or others
 - drugs or alcohol
- Often afraid, jealous, and/or obsessed with controlling a partner's activities
- May be desperately afraid of living without a partner
- Chooses to use violence or aggression against an intimate in response to conflict
- May not be violent outside the home

Characteristics of a Victim

- May have physical injuries including injuries from sexual assault
- May have low self-esteem
- Suffers emotional trauma
- As a child, often witnessed or experienced violence
- Fears further violence to self or family members
- Has damaged self-image, ego, and self-respect
- May feel shame or guilt
- May believe that he or she is to blame for the violence
- May suffer Post-Traumatic Stress Disorder, which may include Battered Woman Syndrome
- May use alcohol or drugs as a coping mechanism

Characteristics of Children

- Often learn that violence is an acceptable and expected part of relationships
- May have low self-esteem
- Often learn to use violence to express frustration, anger, or needs
- Often suffer delayed development and/or psychological damage
- Develop a high tolerance for inappropriate behavior
- May blame themselves for the violence
- May suffer Post-Traumatic Stress Disorder
- May believe the use of violence is appropriate
- May be emotionally or physically neglected



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- May believe the use of violence is appropriate
- Reluctant to admit extent of violence
- May express remorse and say or even believe he or she will not repeat the violence
- Often uses intimidation and threats of reprisal
- May be cruel to animals
- Is often met by disbelief from friends, relatives, and service agencies
- May give up hope if no one believes him or her or helps
- May ultimately resort to homicide and/or suicide
- May be injured accidentally, intentionally, or while trying to intervene

Domestic Violence Effect on Children (PO B2)

Children are affected by domestic violence, even if they are not the direct target of the abuse. Peace officers should be aware that domestic violence is never effectively hidden from children; they are always affected by it.

Even though children are not directly abused, the effects of witnessing violence, especially by one parent against the other parent, is traumatic and may lead to the development of Post-Traumatic Stress Disorder, a recurrent emotional reaction to a terrifying, uncontrollable, or life-threatening event that may include nightmares, overwhelming fear and anxiety, flashbacks, difficulty concentrating, and increased stress in relationships.

NOTE: This abuse may also constitute child endangerment under certain circumstances.

Children can act out learned behavior, resulting in new problems. They may take on the role of protecting the victim and other siblings. The need to provide protection may lead the child to mimic destructive or violent behavior.

When children see a perpetrator of domestic violence suffer no consequences, they begin to see violence as an accepted mode of behavior. This shapes how they deal with



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situations themselves and perpetuates the violence into the next generation. This is known as the intergenerational chain of violence.

NOTE: Domestic violence, like other forms of violence, profoundly affects children, whether they are witnesses or direct victims.

Peace officers play a critical role in reassuring, protecting, and meeting other needs of children at every contact.

Nationally, Child Protective Services (CPS) organizations have determined that children who witness domestic violence are victims of child abuse. In Nevada, CPS has stated that witnessing "severe" domestic violence is child abuse. As first responders (and mandatory reporters), where the child has witnessed, heard or called 911 in reference to the violence, should contact CPS in their area to report the incident, even where the child abuse may not amount to a criminal act.

Acts Constituting Domestic Violence; Elements

Battery (PO C1)

"Battery" means any willful and unlawful use of force or violence upon the person of another. In domestic violence situations the battery must be upon someone who meets the relationship requirement. Whether or not a warrant has been issued, a *peace officer shall*, unless mitigating circumstances exist, *arrest* a person when the peace officer has probable cause to believe that the person to be arrested has, within the *preceding 24 hours*, committed a battery upon his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, a person with whom he or she is or was actually residing, a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons or his or her minor child.

A person convicted of a battery which constitutes domestic violence:

- For the first and second offense within 7 years, is guilty of a misdemeanor
- For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

Assault (PO C2)

Where the requisite relationship exists and the suspect:

- Unlawfully attempts to use physical force against another person; or



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- Intentionally places the other person in reasonable apprehension of immediate bodily harm.
- The suspect is guilty of assault and domestic violence

Sexual Assault (PO C2i)

Where the requisite relationship exists and the suspect:

- Subjects another person to sexual penetration, or forces another person to make a sexual penetration on himself or herself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct; or
- Commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast.
- The suspect is guilty of sexual assault and domestic violence.

Force or threat to perform an unwilling act (PO C3)

Where the requisite relationship exists and the suspect:

- Physically forces (possible battery) or by threat forces, the victim to perform and act they have a right to refuse, or refrain from an act they have a right to complete.
- This could include everything from financial concerns, i.e. sign loan papers, close bank accounts, to issues related to child care and custody.
- Suspect may be guilty of domestic violence, but also may be guilty of the underlying act where it is criminal in nature (fraud, false imprisonment, etc.)

Harassment (PO C4)

Where the request relationship exists and the suspect;

- Engages in an intention or reckless course of conduct
- Intended to harass (see definition of harassment below).



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False Imprisonment (PO C5)

Where the requisite relationship exists and the suspect:

- Confines or detains the victim without legal authority by the suspect
- Suspect is guilty of domestic violence and false imprisonment.

Unlawful or Forcible Entry into Residence (PO C6)

Where the requisite relationship exists and the suspect:

- Enters the victim's residence and there is a reasonable and foreseeable risk of harm

Buglary (PO C7)

Where the requisite relationship exists and the suspect:

- By day or night, enters any house, room, etc. (see NRS 205.060)
- With the intent to commit larceny, assault, battery or any felony
- Or to obtain money or property by false pretenses

Home Invasion (PO C8)

Where the requisite relationship exists and the suspect:

- By day or night, forcibly enters an inhabited dwelling
- Without permission of the owner, resident or lawful occupant
- Whether or not a person is present at the time of the entry



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Coercion (PO C9)

Where the requisite relationship exists and the suspect, with the intent to compel the victim to do or abstain from doing an act which the victim has a right to do or abstain from doing:

- Use violence or inflict injury upon the victim or any of the victim's family, or upon the victim's property, or threaten such violence or injury;
- Deprive the victim of any tool, implement or clothing, or hinder the victim in the use thereof
- Attempt to intimidate the victim by threats or force

Pandering (PO C10)

Where the requisite relationship exists and the suspect, without physical force or the immediate threat of physical force:

- induces the victim to unlawfully become a prostitute or
- to continue to engage in prostitution, or
- to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution

Requirement under the law

In general police officers may exercise discretion in terms of arrest. Officer discretion is unique and makes American policing and tactics far different than policing around the world. Discretion encourages pride, encourages learning and in combination with other factors results in less unethical behavior. But, due to the unique nature of domestic violence crimes involving victims and other influences, officer discretion is suspended and arrests are mandated in specific situations.



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When an Arrest is Mandatory (PO D1)

Mandatory Arrest

Where the officer determines that a domestic violence battery has occurred, he/she is **required** to take the primary aggressor into custody. The law does not allow for officer discretion in these situations. This requirement is twofold. First it relieves the need for a victim to make a citizen's arrest. Given the dynamics of a domestic violence situation, forcing the victim to arrest the suspect would add to the emotional trauma and result in fewer convictions. Secondly, it allows first responders to intervene more directly in the situation.

Under the law, officers shall make an arrest when;

1. The domestic violence act is a battery and;
2. The battery has occurred within the last 24 hours and;
3. The officer has determined the primary aggressor,
4. If the peace officer has probable cause to believe that a domestic violence battery was a mutual battery, the peace officer shall attempt to determine which person was the primary physical aggressor. If the peace officer determines that one of the persons who allegedly committed a battery was the primary physical aggressor involved in the incident, the peace officer is not required to arrest any other person believed to have committed a battery during the incident. In determining whether a person is a primary physical aggressor for the purposes of this subsection, the peace officer shall consider:
 - (a) Prior domestic violence involving either person;
 - (b) The relative severity of the injuries inflicted upon the persons involved;
 - (c) The potential for future injury;
 - (d) Whether one of the alleged batteries was committed in self-defense; and
 - (e) Any other factor that may help the peace officer decide which person was the primary physical aggressor.

A peace officer shall not base a decision regarding whether to arrest a person pursuant to this section on the peace officer's perception of the willingness of a victim or a witness to the incident to testify or otherwise participate in related judicial proceedings.

The domestic violence battery is an exception to the misdemeanor arrest rule and the officer shall arrest the primary aggressor.



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Generally, arrest of the batterer is one of the most effective deterrents in preventing continued violence.

Note: A suspect who is arrested for the crime of Domestic Violence cannot be allowed bail for 12 hours after the time of arrest. (NRS 178.484)

Identifying the Primary Aggressor (PO D2)

Domestic crimes have common traits. The crime is related to control and in general low self-esteem for both the victim and the suspect. An officer should understand the dynamics when investigating these crimes. If the officer fails to recognize the primary aggressor in the situation, and arrests the victim, the officer only serves to make matters worse, puts the victim in a more dangerous position, inhibits the possibility of the victim being able to leave the relationship and leaves no chance for the primary aggressor to change. Under the NRS officer are tasked with identifying the primary aggressor. If officers fail to identify the primary aggressor, it can be argued they did not do the job required by the NRS. As such the officer should avoid arresting both parties or labeling the violence as "mutual combat". It is very rare that a domestic violence situation involves two primary aggressors. Some factors to consider when determining the primary aggressor include;

1. Injury type and location (defensive wounds)
2. Injuries consistent with statement
3. Victim demeanor. Remember domestic violence is about control. The victim is often submissive, has little authority in the relationship (money matters, kids, leaving the house etc.), and is afraid to speak to the police. They often do not want the suspect to go to jail because of the financial or other support.
4. Prior calls for service. This is an extremely important factor. The primary aggressor rarely changes. Determine what actions were taken in previous calls.
5. History of suspect. Again related to prior calls, generally a violent history is instructive in investigating domestic violence.
6. Witness statements. Clearly what third parties observe and know is valuable in determining the primary aggressor.
7. "person who is the custodian or guardian of his or her minoe child" NRS 171.137-AB 60



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Actions Regarding the Domestic Violence Scene (PO E)

When peace officers respond to a domestic violence call, it is essential that they proceed cautiously to ensure the protection of all people involved.

Domestic violence calls create a dangerous situation that must be handled with great caution and attention to safety. Based on simple volume and the volatile/ emotional nature of the incident, historically, domestic violence calls result in more injuries and death to peace officers than any other calls for service. Because of the potential for danger, officers must protect the safety of all parties at the scene, including themselves.

The following are guidelines that peace officers should follow as a precaution before entering the premises. In all cases, when responding to a call, peace officers should proceed to the scene in a safe and expeditious manner.

Before entering, peace officers should consider the following guidelines:

- coordinate units and plan of approach
- request additional (backup) officers if necessary, and
- confirm the address
- attempt to obtain a history of calls to the location
- attempt to obtain a history of the parties, including mental health flags
- make a tactical and undetected approach to the scene
- observe the surroundings
- stand to the side of the door and listen
- attempt to determine how many people are involved
- try to determine the nature of the dispute
- try to determine the level of aggression
- knock and identify themselves as peace officers

Scene Security (PO E1)

Upon entering the premises, peace officers should:

- locate and identify all parties in the residence



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- make a protective sweep of the location, if warranted
- scan and take control of any weapons
- take control of the scene
- determine who else is at the location
- determine if medical assistance is required
- request additional (backup) officers, if necessary

It is essential that peace officers maintain control over the situation at all times. The following chart provides guidelines to help peace officers establish control.

Before questioning...

separate all parties

keep a watch on all parties

prevent eye contact between all parties

position yourself within eye contact of your partner

in order to...

prevent responses from one party influencing statements of the other parties

ensure officer safety

prevent victim intimidation

maintain officer safety

NOTE: Peace officers should interview everyone involved in the domestic violence incident and all additional witnesses before deciding who the dominant aggressor is.

Once peace officers have entered the premises, they need to determine who is present, their condition, and if a crime has occurred. If any party is injured, peace officers should call for medical help. The peace officers need to:

- separate the parties
- control the suspect; remove from premises if necessary
- determine the relationship between the involved parties
- note and document the physical and emotional conditions of all parties and other witnesses
- record all spontaneous statements



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- obtain statements from all witnesses and parties (subject to Miranda requirements as to the suspect)

Evidence in Domestic Violence Incidents (PO E2)

Injuries

When attempting to identify the dominant aggressor, peace officers may need to distinguish between defensive and offensive injuries. Peace officers need to ask about all injuries, including those concealed by clothing, make-up, hair, and glasses, as well as areas which are painful as a result of a domestic violence incident.

The area's most commonly injured during domestic violence incidents are the head, face, neck, chest, breasts, and abdomen. Peace officers should check for injuries on the scalp and behind the ears.

Aggressors may be injured by victims trying to protect themselves. These injuries may include:

- scratch marks on the aggressor's face, back, and chest
- bite marks on the aggressor's face, chest, and arms
- scratch marks on aggressor's hands and arms, particularly when the victim is being strangled
- injuries to the groin or tops of feet from being kicked or stomped by a victim being strangled or held against a wall or floor

Defensive injuries are found on the victim attempting self-defense and may include:

- injuries on inner forearms
- injuries on the backs of hands and arms from deflecting blows or covering face and upper body
- injuries to the back, legs, buttocks, and top and back of head from curling into the fetal position
- injuries to bottoms of feet from kicking at the aggressor

NOTE: Peace officers should note, fully describe, and photograph all injuries and areas of complaints of pain. Peace officers should look for, document, and photograph any injuries and/or blood on the aggressor's knuckles and under fingernails. Evidence under fingernails of either party should be collected for possible later DNA testing.



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Self-defense

People have a legal right to defend themselves, their property, and a third person such as a child. The force must be reasonable. The use of reasonable force to protect oneself is not criminal conduct.

The elements of self-defense are the:

- person must reasonably believe that he or she is about to be assaulted (Prior history of domestic violence is relevant in determining the reasonableness of the belief.)
- assault must be imminent
- amount of force used must be reasonable (i.e.; sufficient to prevent the injury but not excessive)
- victim is not required to retreat or leave to avoid the assault

Other evidence

- Weapons used to injure or threaten (i.e. guns, knives, ligatures, other objects)
- Destruction of personal property
- Destruction of telecommunication device (to prevent summoning help)
- Victim, witness, children statements
- 911 recording
- Animal control reports
- Prior calls for service

Documentation and collection of evidence (PO E3)

Photo evidence

To ensure that the correct evidence is collected, the peace officer needs to be aware of the types of documentation required to support the case.

In addition to observations of the environment and the parties involved, the peace officer must document specific conditions, including injuries and weapons.

Photograph the following:



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- the crime scene
- all parties whether they are injured or not
- injuries on all parties, including children
- areas where any party complains of being injured where no injuries are observed (often injuries will be visible a day or two later)
- areas where there are no injuries where you would expect to see them were the batterer or victim's account accurate
- displays of emotion by involved parties such as crying, trembling, flushed face, or the absence of obvious emotion
- locations where children are found

Photographing the victim and children is helpful in the event they are unavailable for future court appearances and the prosecutor elects to proceed without them.

Weapons seized

Document all weapons seized. Indicate:

- the type of weapon
- how it was used (if at all)
- location where seized
- basis for seizure
- evidence (used in the crime)
- contraband (weapon is illegal or batterer is prohibited from having the weapon)
- safekeeping
- provide receipt for any or all weapons received

Document all evidence seized. Indicate:

- pre-existing photographs that tend to indicate a relationship between the parties
- any evidence of prior abuse in victim's possession



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Peace Officer Actions Required in a Domestic Violence Investigation (PO F)

The law requires that every law enforcement agency record all domestic violence-related calls for assistance and that all such calls be supported with a written incident report.

Why is the report important?

The report may be the only available information used to prosecute the batterer. Additionally, a series of reports assists in the documentation of the pattern of abuse in a relationship.

When a Report is required (NRS 171.1227) (PO F1)

Domestic violence report requirements

If a peace officer investigates an act that constitutes domestic violence pursuant to NRS 33.018, the peace officer shall prepare and submit a written report of the investigation to the peace officer's supervisor or to another person designated by the peace officer's supervisor, regardless of whether the peace officer makes an arrest.

If the peace officer investigates a mutual battery that constitutes domestic violence pursuant to NRS 33.018 and finds that one of the persons involved was the primary physical aggressor, the peace officer shall include in the report:

- (a) The name of the person who was the primary physical aggressor; and
- (b) A description of the evidence which supports the peace officer's finding.

If the peace officer does not make an arrest, the peace officer shall include in the report the reason the peace officer did not do so.

The information contained in a report made pursuant to a domestic violence incident shall also include:

- (a) The gender, age and race of the persons involved;
- (b) The relationship of the persons involved;
- (c) The date and time of day of the offense;
- (d) The number of children present, if any, at the time of the offense;
- (e) Whether or not an order for protection against domestic violence was in effect at the time of the offense;



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- (f) Whether or not any weapons were used during the commission of the offense;
- (g) Whether or not any person required medical attention;
- (h) Whether or not any person was given a domestic violence card that contains information about appropriate counseling or other supportive services available in the community in which that person resides;
- (i) Whether or not the primary physical aggressor, if identified, was arrested and, if not, any mitigating circumstances explaining why an arrest was not made; and
- (j) Whether or not any other person was arrested.

In addition the officer should include the following where applicable:

- a notation of whether peace officers observed any sign that the batterer (abuser) was under the influence of alcohol or controlled substance
- a notation of whether peace officers determined if any law enforcement agency had previously responded to a domestic violence call at the same location involving the same abuser and victim

NOTE: It is important to include the relationship between the victim and the batterer in the report.

NOTE: Though it is important to document whether the batterer was under the influence, it is also helpful to note if either party was under the influence of alcohol and/or controlled substance.

NOTE: Obviously, it is important in determining the primary aggressor to note previous calls for service at the same location, but, if you are aware or discover previous calls involving the same parties at other locations, this should also be noted.

Additional information to assist in prosecution

For a successful prosecution, it is useful to document the following information:

- full description of the crime scene
- number of prior incidents and known injuries
- responding agencies and case numbers



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- protective orders (expired, valid, or obtained at the scene)
- domestic violence resource information provided to the victim
- copy of the "9-1-1" incoming call requested or obtained
- victim and batterer location upon arrival
- victim's physical and emotional condition
- batterer's physical and emotional condition
- physical and emotional condition of all witnesses, including children, elders, other household members, and neighbors
- verbatim spontaneous statements from victim, batterer, and witnesses, including all children
- names and ages of all children living in the home, if any
- contact person if victim goes into hiding
- relevant physical evidence
- batterer's probation and/or parole status
- medical assistance requested/refused
- medical records release request signed by the injured party

Information required to be Provided to a Victim of Domestic Violence (NRS 171.1225) (PO F2)

When investigating a domestic violence incident, the officer is required to provide specific information to the victim. The officer must explain the mandatory arrest requirement, the availability of a shelter and victim support services, the officer must provide written notification of the following;

1. The officers name
2. The mandatory arrest provisions
3. The availability of requesting charges from the District Attorney (where no mandatory arrest situation exists)
4. The availability of a protective order



5. The areas the protective order can protect
6. Where to go and how to get a protective order
7. The availability of an emergency protective order.

Investigation and Documenting Strangulation (PO G)

In a domestic violence situation, a disturbing progression often seen in the cycle of violence, is occurrences of strangulation.

Many victims will report they have been "choked" when in technical terms they were the victims of strangulation.

Choking = an internal obstruction of the airway.

Strangulation = a form of asphyxia characterized by closure of the blood vessels and air passages of the neck as a result of external pressures on the neck.

Signs and Symptoms of Strangulation

- Neck pain
- Sore throat
- Scratch marks
- Tiny red spots, red linear marks, bruising
- Hoarseness
- Loss of voice
- Difficulty swallowing
- Light headed or head rush

Types of Strangulation officers may encounter

- Hanging -- nearly always suicide.
- Ligation Strangulation -- if death results, these are almost always homicides.
- Garroting by telephone cord, rope, wire, clothing, or other means.
- Manual Strangulation; Hands, Forearms, Standing or kneeling on the neck



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- Fainting or unconsciousness
- Nausea or vomiting
- Loss of bodily function
- Red eye (petechial hemorrhage)
- Rope or cord burns
- Neck swelling
- Miscarriage
- Chin abrasions

The Lethality of Strangulation

"The use of an object in strangulation increases the likelihood of lethality. Similarly, if the victim blacks out, she is in great danger of not regaining consciousness or sustaining brain damage from lack of oxygen."— George McClain, MD, San Diego Emergency Department

No Visible Injuries

Officers should always call EMS due to potential internal injuries that can be fatal, and might not be apparent.

Because of underlying brain damage by lack of oxygen during strangling, victims have died up to several weeks later.

Routinely ask every abuse victim, "Did the suspect strangle ("choke") you?" If she says "no," then ask, "Did he put his hands or object around your neck?"

Did the suspect use his hands? One or two?

Did the suspect use an object? Plastic bag? Clothing?

How long did the suspect strangle you?

Documentation

Officers should include in their report any information related to strangulation, including the fact they asked the victim about any incident and their response.



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Identify the Elements of Stalking and Aggravated Stalking (PO H)

Stalking occurs when any person willfully, maliciously, and repeatedly follows or harasses another person and makes a credible threat with the intent of placing that person in reasonable fear for his or her safety, or that of his or her immediate family.

Stalking (NRS 200.575)

A person who, without lawful authority, willfully or maliciously engages in a course of conduct, **directed at the victim**, that would cause a reasonable person **under similar circumstances** to feel terrorized, frightened, intimidated or harassed, **or fearful for his/her immediate safety, or the immediate safety of a family or household member, and actually causes the victim to feel in the manner(s) described**, commits the crime of stalking.

1st Offense – misdemeanor

2nd Offense – gross misdemeanor

3rd and subsequent Offense, category C felony

A person who commits the crime of stalking, where the victim is under the age of 16, and the suspect is 5 or more years older, is guilty of:

1st Offense- gross misdemeanor

2nd Offense- category C felony

3rd and subsequent- category B felony

A person who commits the crime of stalking with the use of an Internet or network site or electronic mail or any other similar means of communication to publish, display or distribute information in a manner that substantially increases the risk of harm or violence to the victim shall be punished for a Category C Felony.

Aggravated Stalking (PO H1)

If the person who commits the crime of stalking and in conjunction therewith threatens the person with the intent to cause him to be placed in reasonable fear of death or substantial bodily harm commits the crime of aggravated stalking.

Category B Felony – 2-15 years Nevada State Prison

Stalking may also be aggravated stalking if under the following circumstances:

While a proceeding for dissolution of marriage is pending for which a person has actual or legal notice or within 6 months after the final divorce decree and that person commits



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the crime of stalking as outlined in NRS 200.575 they shall be guilty of Aggravated Stalking.

If during a child custody dispute a person commits the crime of stalking on a person with whom he/she has a child in common, while the proceeding for custody of the child is pending, that person shall be guilty of Aggravated Stalking.

If a person is found guilty of Aggravated Stalking during a divorce or custody dispute:

1st offense – gross misdemeanor

2nd and subsequent – Category B Felony

Investigative Steps for stalking (PO I)

Definitions:

Course of conduct means a pattern of conduct composed of a series of acts over a period of two years (AB 60), however short, evidencing a continuity of purpose. The course of conduct must be such as to cause a reasonable person to suffer substantial emotional distress, and the victim must actually suffer substantial emotional distress.

NOTE: When documenting the stalking incident the peace officer should ask about changes in victim's daily patterns. Substantial emotional distress can be established through changes in victim's daily patterns, seeking medical or psychological help, contacting services for victims of domestic violence, moving, etc.

Harass means a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person and serves no legitimate purposes.

Identification of Common Evidence (PO I1)

The peace officer needs to research the pattern of stalking before proceeding with an arrest. The following chart explains the process for collecting evidence.

The peace officer should:	in order to establish:
interview the victim	the pattern of stalking
document the abuser's activities	if there are closed or pending cases
	if there are noncriminal acts of harassment



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	if there have been any annoying phone calls or letters
determine if restraining orders exist	the number and date obtained the date they expire if they have been served
determine past history	patterns or conduct that precede acts of violence

Examples

(1) A woman received another letter from her ex-husband threatening to follow her home from work and give her "what is coming to her."

(2) A woman answered the door to find her husband drunk, cursing, and threatening to abduct their children. This is the second time he has come over this week in violation of a valid Domestic Violence Restraining Order.

Documentation and collection of evidence. (PO 12)

Have the victim:

Save all letters and notes from the stalker

Keep a journal noting time/date/location information for all incidents

Record indirect contact with the stalker through friends or family members

Take pictures of the stalker as they follow or drive by if possible and safe.

Collect

Digital or hardcopies of emails

Voice messages

Notes

Any other evidence of contacts/ attempted contacts

Witness statements

Employer records

Any evidence which would establish a course of conduct.

Stalking is deemed to have been committed where the conduct occurred.

If a threat was made, the jurisdiction can either be at the place the threat was made or where the threat was received.



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Grounds for the issuance of an anti-stalking protective order (PO I3)

The court may issue a temporary or extended order to restrict the conduct of the suspect. Where a person can demonstrate to the court a reasonable belief that the crime of stalking, aggravated stalking or harassment is being committed against him or her, they may petition the court for a protective order.

The order may direct the suspect to;

(a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

A person who intentionally violates a temporary protective order is guilty of a gross misdemeanor.

A person who intentionally violates an extended order is guilty of a Category C felony.

Identify the Elements of Harassment (PO J)

A person is guilty of harassment if:

The person knowingly threatens:

(1) To cause bodily injury in the future to the person threatened or to any other person;

(2) To cause physical damage to the property of another person;

(3) To subject the person threatened or any other person to physical confinement or restraint; or

(4) To do any act which is intended to substantially harm the person threatened or any other person with respect to his or her physical or mental health or safety; and

(b) The person by words or conduct places the person receiving the threat in reasonable fear that the threat will be carried out.



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A **credible threat** means a verbal, written, and/or electronically communicated statement, and/or a threat implied by a pattern of conduct made with the intent of placing the targeted person in reasonable fear for his or her safety or that of his or her immediate family.

NOTE: A credible threat can be established through 9-1-1 calls, restraining order violations, victim's actions to avoid contact (e.g., leaving residence), taped conversations, evidence left by abuser (e.g., bullet taped on the victim's windshield), or prior acts of domestic violence.

A person who is guilty of harassment:

- (a) For the first offense, is guilty of a misdemeanor.
- (b) For the second or any subsequent offense, is guilty of a gross misdemeanor.

Requirements of Assistance for Victims of Domestic Violence (PO K)

Because victims of domestic violence are often traumatized, they will likely need support, advice, and services to assist them in seeking safety and a sense of security.

Medical attention

Many victims are in shock and may not be aware of how badly they are injured, or they may complain of injuries that may not be visible. In all cases, the peace officer should request the appropriate medical attention.

NOTE: Remember, an injured victim can be encouraged and helped to get medical attention, but cannot be forced to do so. Document any refusal to obtain medical attention.

Provisions of NRS 171.137 (PO K1)

Before leaving the scene of a domestic violence incident, peace officers must provide the victim with domestic violence resource information. Peace officers need to provide all victims of domestic violence with follow-up information. Peace officers should;

- the case or incident identification number
- the contact information for the appropriate investigative unit



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- provide the domestic violence resource information
- advise the victim of the availability of protective orders
- inform the victim about victim/witness services
- refer the victim to a shelter for emergency housing
- offer and provide, when requested, civil (police) stand-bys for removing personal property and assistance in safe passage out of the victim's residence

Explaining available resources and protective action

The peace officer should encourage the victim to follow through with criminal prosecution. Peace officers should explain available resources and protective action the victim may take, including:

- confidentiality
- complaint warrant processes
- private person arrest procedures
- restraining orders
- available community shelters and other services
- any available Victim's Compensation Programs
- civil suit for losses suffered as a result of the abuse
 - hot-line phone numbers for domestic violence and sexual assault centers
 - availability of changing their Social Security number

Personal safety options

The following table offers some additional information peace officers should provide to victims to help them protect themselves:



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Topic	Information
Increasing Victim and Family Safety	Suggest to victims that they: <ul style="list-style-type: none">▪ develop safety and/or escape plans▪ change the locks▪ stay with friends, relatives, etc.▪ change work and travel routines
Locating a Safe Place to Stay	Inform victims of the existence of local shelters
Calling for Law Enforcement Protection Protective Orders	Encourage victims to call for help when they feel threatened Inform victims that Protective Orders are valid and enforceable throughout the United States

NOTE: If the victim fears a confrontation with the suspect, the peace officer may suggest that the victim develop a safety and/or escape plan.

Grounds for Enforcement of a Domestic Violence Protective Order (PO L1-2)

Domestic violence is dangerous. However, the law does provide for protective orders that are designed to protect the victim, children, and other family members.

Community policing

There are many potential partners working to reduce domestic violence. Some of these are court advocates, prosecutors, church leaders, and teachers. One important strategy of these partnerships is to identify and monitor high-risk cases. Peace officers can replace the incident response approach with the problem solving approach to prevent partner abuse, child abuse, and homicide in domestic violence cases.

Value of enforcing restraining orders

Protective orders do not, in themselves, fully provide a barrier of protection for victims of domestic violence. What they do is give peace officers the ability to act if the order is violated.



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A protective order is issued to protect the victim from the batterer. These orders are issued to stop the batterer from having contact with, beating, threatening, or harassing the victim and those living with the victim.

Types of protection orders

There is a distinction between a temporary protective order and an extended protective order.

Foreign orders

A foreign order is a valid domestic violence-related order, issued by a court of another state, commonwealth, territory, insular possession subject to U.S. jurisdiction, military tribunal, or tribe, must be honored and enforced in this state. It is treated like orders issued by local courts. The authority to arrest applies to these orders.

Issuance of a Protective Order:

If it appears to the satisfaction of the court from specific facts shown by a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence, the court may grant a temporary or extended order.

The court shall rule upon an application for a temporary order within 1 day after it is filed. (NRS 33.020).

The court shall order the appropriate law enforcement agency to serve the adverse party personally with the temporary order and to file with the clerk of the court proof of service.

If the law enforcement agency is unable to personally serve the order, the law requires the law enforcement agency to leave a notice at the adverse party's residence stating that the adverse party may respond to the notice within 24 hours.

A law enforcement agency shall enforce a temporary or extended order without regard to the county in which the order was issued.

If a law enforcement officer cannot verify that the adverse party was served with a copy of the application and order, he shall:

- Inform the adverse party of the terms of the order
- Inform the adverse party that violations of the terms of the order will result in arrest
- Inform the adverse party of the court issuing the order



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Enforcement of Domestic Violence Restraining/Protective Orders

If an officer contacts a suspect who is in violation of a restraining order then the officer must arrest that suspect for violation of the order, IF:

The officer can verify that the adverse party has already been served with the order.

Temporary restraining orders are valid for up to 45 days.

Extended restraining orders are valid for up to 2 years.

Restraining orders from other jurisdictions that are deemed valid by the officer shall be enforced as if they were issued in this jurisdiction.

Validity of Restraining/Protective Orders

Restraining orders can be presumed valid if they:

- Give the names of the parties involved
- Contain the date the order was issued
- Contain an expiration date that has not yet passed
- Specify terms and conditions against the adverse party
- Contain the name of the issuing court and are signed by a judicial officer

Crime Classification of a Violation of a Temporary or Extended Restraining Order

A person who violates a temporary or extended order is guilty of a misdemeanor. As with a first offense domestic violence, there is an exception to the misdemeanor rule where it is a violation of a domestic violence restraining order. The officer must arrest even if the violation did not occur in the officers presence.

A person who violates a temporary or extended order a second time is guilty of a gross misdemeanor. A person who violates a temporary or extended order three or more times is guilty of a category D felony.

Liability of Officers

An officer who enforces a TPO or EPO based upon a reasonable belief that the order is valid is immune from civil and criminal liability.

An officer who refuses to enforce a TPO or EPO based upon a reasonable belief that the order is not valid is immune from civil and criminal liability.



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Recognize the crime classification for the crime of domestic violence as a misdemeanor, gross misdemeanor or felony (PO M)

Domestic violence first offense is a misdemeanor and falls under the exception to the misdemeanor rule where it is a battery and the battery occurred within 24 hours (meaning a peace officer can make the arrest even though it is a misdemeanor that did not occur in his or her presence). It is important to understand the classification in that if the incident is a felony, the 24 hour rule and the need for an exception no longer exists. In the case of a felony an officer simply needs probable cause to make the arrest.

Classification for the crime of domestic violence;

- For the 1st offense within 7 years, the crime classification is misdemeanor
- For the second offense within 7 years the crime classification is misdemeanor (with increased punishment)
- For the third offense within 7 years, the crime classification is a **category B felony**

Where a defendant has two prior convictions, and is found guilty of a third offense, the conviction is a **category B felony**. Any subsequent conviction is designated as a felony with in the 7 year rule.