



Domestic
Violence
&
Child
Victims

NEVADA COUNTY DISTRICT
ATTORNEY'S OFFICE

Primary DV Charges

PC 273.5 (FELONY OR MISDEMEANOR)

Inflicting Injury on Spouse, etc. → Traumatic Condition

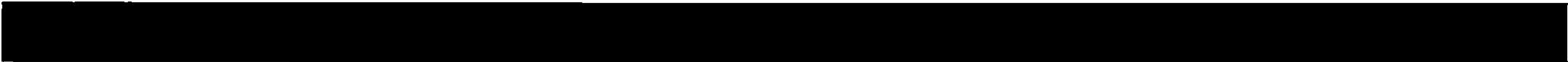
ELEMENTS:

1. Suspect unlawfully inflicted physical injury on Spouse, etc.;
2. Injury resulted in traumatic condition;
3. Not in self-defense

PC 243(E)(1) (MISDEMEANOR)

Simple Battery Against Spouse, etc.

ELEMENTS:

1. Suspect unlawfully touches Victim (harmful and offensive manner);
 2. RELATIONSHIP Definition;
 3. Not in self-defense.
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Relationship Defined

- ❖ Get BOTH Suspect & Victim to describe Relationship
 - ❖ LENGTH of TIME TOGETHER and/or SEPARATED
 - ❖ LIVING or LIVED TOGETHER
 - ❖ MARRIED
 - ❖ KIDS →→ Were they there? Ages?
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INJURY

- ❖ TAKE PICTURES, BODYCAM, WATCHGUARD, ETC.
 - ❖ DESCRIBE THE INJURY IN THE REPORT
 - ❖ When possible get BOTH Suspect & Victim to describe the mechanism of the injury
 - ❖ Medical? DOCUMENT NAMES of EMTs, etc.
 - ❖ Provide email address, etc. so they can EMAIL/TEXT pictures of progression of injury – at a minimum ask them to continue documenting with photos the progression of their injury
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Other Issues in DV Invests

- ❖ OTHER CHARGES? Think 273a/b, 236, 646.9, 273.6, 459, 594, Firearms and GBI enhancements
 - ❖ OFFER EPO – DVSAC for obtaining TRO/RO
 - ❖ PRIOR Incidents?
 - ❖ Ok to just mention in report, or document with CFS,
 - ❖ Think about the follow-up/referral to invest, DAIs →→ TIMING (will vic/kids/etc. always be pro-prosecution?)
 - ❖ Did Suspect leave? DOES VIC HAVE PHOTO?
 - ❖ ID – for PX purposes when you don't have Suspect there and you aren't familiar
 - ❖ Witnesses?
 - ❖ Who called it in?
 - ❖ KIDS? Witnesses? Think about the follow-up/referral to invest, DAIs →→ TIMING
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Child Victims / Witnesses

❖ KEY CONSIDERATIONS:

- Family violence or sexual assault?
 - Is the child the victim of the crime(s) or a witness to them (e.g. saw stepdad hit mom)
 - Is the perp a family member/someone child resides with?
 - Has the child been threatened if he/she/they discloses?
 - What is the living arrangement for the child? If alleged perp is a parent, child custody dispute?
 - Is the child adequately protected by guardians or justifiably fearful of retribution if he/she/they disclose?
 - Is CPS involved? Prior referrals against the parent/guardian? What is the nature of the referrals? Outcomes (e.g. sustained petitions, unfounded allegations)?
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Child Victims / Witnesses

INITIAL INTERVIEW AND SUBSEQUENT, DETAILED INTERVIEW BY FORENSIC INTERVIEWER:

- ❖ Initial interview – brief, establish who/what/where/when/why without going into too many details. **AGE-APPROPRIATE QUESTIONS!** (See: NCPTC flyer)
- ❖ Be cautious about leading questions/be as open ended as possible → narrative from child.
- ❖ Hand-off to trained forensic interviewer/MCU detective to conduct appropriate interview of child at DA's MDI room.
- ❖ Advocate present!
- ❖ Safe, comfortable, neutral space for interviews – AVOID NCSO interrogation room, place where crime(s) occurred, no weapons to extent possible.

Child Victims / Witnesses

❖ GOING BEYOND CHILD V/W STATEMENTS: GETTING CORROBORATION

- PHOTOGRAPHS of injuries! And then follow-up a few days later!
 - If injuries are present and dealing with a baby/toddler, WHERE are the injuries and HOW OLD is the child? (Consult with Dr. Vickers at Sutter BEAR Clinic) → relevant to claims of ACCIDENTAL injury
 - Has the child engaged in SELF-MUTILATION/CUTTING? (photograph/document)
 - SART Exam (in sex assault/sex abuse cases)?
 - Pretext call with suspect?
 - Disclose abuse to friend(s) – follow-up (“FRESH COMPLAINT” doctrine)
 - Keep diary/journal (paper or electronic)?
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MDI (multi-disciplinary interview)

- Things to consider
- Who is it for
- How to do it

Victim Witness

- ❖ Brief overview of The Nevada County District Attorney's Victim Witness Assistance Center (VWAC)
 - More than 37 years strong
 - Two full time advocates, two part time advocates (One Bi-lingual and Bi-cultural advocate)
 - Grant funded through Victims of Crime Act (VOCA)

- ❖ Partnering Agencies
 - CASA
 - Community Beyond Violence (CBV)
 - Sierra Community House, East County (Truckee)

Victim Witness Continued

- ❖ Who is considered a victim per CalVCB?
 - **Direct victim** – the individual who is the victim of a qualifying crime involving physical injury, threat of physical injury or death, and for certain crimes emotional injury.
 - **Derivative victim** – based on the relationship to the direct victim; an individual who sustains monetary loss or emotional injury because of injury or death of a victim of a qualifying crime. Can be a spouse, parent, sibling, child and grandparent.

- ❖ Significance of VWAC's relationship with law enforcement
 - Marsy's cards
 - Notification of victim rights; Victim contact information
 - Pre-filed vs. filed cases
 - Providing LE reports
 - CalVCB *Law Enforcement Relocation Verification Request Form*
 - Even when our office elects to not file, all victims of crime are entitled to the assistance of the VWAC - CalVCB *Law Enforcement Clarification Request Form*

SIGNS AND SYMPTOMS OF STRANGULATION

NEUROLOGICAL

- Loss of memory
- Loss of consciousness
- Behavioral changes
- Loss of sensation
- Extremity weakness
- Difficulty speaking
- Fainting
- Urination
- Defecation
- Vomiting
- Dizziness
- Headaches

SCALP

- Petechiae
- Bald spots (from hair being pulled)
- Bump to the head (from blunt force trauma or falling to the ground)

EYES & EYELIDS

- Petechiae to eyeball
- Petechiae to eyelid
- Bloody red eyeball(s)
- Vision changes
- Droopy eyelid

EARS

- Ringing in ears
- Petechiae on earlobe(s)
- Bruising behind the ear
- Bleeding in the ear

FACE

- Petechiae (tiny red spots - slightly red or florid)
- Scratch marks
- Facial drooping
- Swelling

MOUTH

- Bruising
- Swollen tongue
- Swollen lips
- Cuts/abrasions
- Internal Petechiae

CHEST

- Chest pain
- Redness
- Scratch marks
- Bruising
- Abrasions

NECK

- Redness
- Scratch marks
- Finger nail impressions
- Bruising (thumb or fingers)
- Swelling
- Ligature Marks

VOICE & THROAT CHANGES

- Raspy or hoarse voice
- Unable to speak
- Trouble swallowing
- Painful to swallow
- Clearing the throat
- Coughing
- Nausea
- Drooling
- Sore throat
- Stridor

BREATHING CHANGES

- Difficulty breathing
- Respiratory distress
- Unable to breathe

Source: *Strangulation in Intimate Partner Violence, Chapter 16, Intimate Partner Violence. Oxford University Press, Inc. 2009.*



www.strangulationtraininginstitute.com

Graphics by Yesenia Aceves