



Domestic Violence

Annual In-Service Training Curriculum 2026

Version: NM260012

INSTRUCTOR LESSON

Version: NMLEA Accreditation Number: NM260012

Lesson Purpose: Provide the students with basic understanding of the New Mexico statutes regarding domestic violence
Provide officer safety and survival considerations during domestic violence calls
Recognize signs and symptoms of non-lethal strangulation.

Learning Objectives: During this lesson, students will receive information and instruction on how to do the following:

1. Identify the 5 key indicators associated with domestic violence calls where there is an increased likelihood that officers will be assaulted.
2. Remember the key safety considerations for officer safety and survival during domestic violence calls for service.
3. Understand the concept of a trauma informed interview of the victim/ victims of domestic violence.
4. Be familiar with the New Mexico state laws governing domestic violence investigations as well as case law associated with domestic violence crime.
5. Understand the different types of orders of protection.
6. Understand Search Warrants in relationship to DV Shelters
7. Explain the elements of criminal damage to property or deprivation of property against a household member (30-3-18)
8. Define an officer's responsibilities as described in dual arrest (40-13-1.1)
9. Be familiar with the changes to the stalking statute as it applies to domestic violence (30-3A-3)
10. Recall all other associated criminal activity related to DV Investigations i.e; stalking, sexual assault, non-lethal strangulation and protection order violations

Hours: 1 hr

Instructional Methods: Presentation Facilitation, Active Learning, small group discussions, with video content, testing

**Required Materials,
Aids & Equipment:** Lesson Materials, PowerPoint, Audio-Visual classroom equipment, Flip Chart or Dry Erase Board

Handouts: Strangulation Assessment Card PDF
Domestic Violence Checklist PDF
Only Signs Strangulation PDF
Only Symptoms Strangulation PDF
Identifying Stalking as SLII Strategies
Response Stalking Checklist
Response Sexual Assault Checklist
Power and Control

Testing Requirements: End-of-course written test

- Videos:**
- Alliance for HOPE International. (2019, April 30). Strangulation Roll Call Video. YouTube.**
<https://www.youtube.com/watch?v=cOiyd6UOeko>
- International Association of Chiefs of Police. (2017, January 23). The Crime of Domestic Violence Roll-Call Video. Segment One: Critical Context.**
<https://www.theiacp.org/resources/video/the-crime-of-domestic-violence-roll-call-video>
- International Association of Chiefs of Police. (2017, January 23). The Crime of Domestic Violence Roll-Call Video. Segment Three: Threats to Officers.**
<https://www.theiacp.org/resources/video/the-crime-of-domestic-violence-roll-call-video>
- SPARC. (2025, March 25). SLII Framework Video (no captions). YouTube.** <https://www.youtube.com/watch?v=PVFniZetHuo>

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- New Mexico Statutes. § 30-1-12. "Definitions." 2026
<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#30-1-12>
- New Mexico Statutes. § 30-22-1. "Resisting, evading or obstructing an officer." 2026
<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#30-22-1>
- New Mexico Statutes. § 30-22-2.1. "Entry into domestic violence safe house or shelter; search warrant." 2026
<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#30-22-2.1>
- New Mexico Statutes. § 30-22-4. "Harboring or aiding a felon." 2026
<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#30-22-4>

New Mexico Statutes. § 30-3-11. "Definitions." 2026
<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#30-3-11>

New Mexico Statutes. § 30-3-16. "Aggravated battery against a household member." 2026
<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#30-3-16>

New Mexico Statutes. § 30-3-18. "Criminal damage to property of household member; deprivation of property of household member." 2026
<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#30-3-18>

New Mexico Statutes. § 30-3A-3. "Stalking; penalties." 2026
<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#30-3A-3>

New Mexico Statutes. § 30-3A-3.1. "Aggravated stalking; penalties." 2026
<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#30-3A-3.1>

New Mexico Statutes. § 30-3-3.2. "Ex parte emergency orders of protection." 2026
<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-3.2>

New Mexico Statutes. § 31-19-1. "Sentencing authority[;] misdemeanors; imprisonment and fines; probation." 2026
<https://nmonesource.com/nmos/nmsa/en/item/4379/index.do#31-19-1>

New Mexico Statutes. § 40-13. "Family Violence Protection." 2026
<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#a13>

New Mexico Statutes. § 40-13-1.1. "Legislative findings; state policy; dual arrests." 2026
<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-1.1>

New Mexico Statutes. § 40-13-2. "Definitions." 2026
<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-2>

New Mexico Statutes. § 40-13-4. "Temporary order of protection; hearing; dismissal." 2026
<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-4>

New Mexico Statutes. § 40-13-5. "Order of protection; contents; remedies; title to property not affected; mutual order of protection." 2026
<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-5>

New Mexico Statutes. § 40-13-6. "Service of order; duration; penalty; remedies not exclusive." 2026
<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-6>

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https://www.forensicnurses.org/wp-content/uploads/2022/01/strangulation_documentation_.pdf

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Reviewed By: Robert Girmendonk
LEO
General Instructor
Domestic Violence Instructor
02/2026

Guide Notes

SLIDE: Slide, including all text on the slide.

INSTRUCTOR NOTE: Additional Information for instructor to share or discuss during course

I. Introduction Domestic Violence

A. Domestic Violence

SLIDE
Domestic Violence

B. Instructional Goal

SLIDE
INSTRUCTIONAL GOALS

1. Provide the students with basic understanding of the New Mexico statutes regarding domestic violence
2. Provide officer safety and survival considerations during domestic violence calls
3. Recognize signs and symptoms of non-lethal strangulation.

C. Objectives

SLIDE

Instructional Objectives

1. Identify the 5 key indicators associated with domestic violence calls where there is an increased likelihood that officers will be assaulted.
2. Remember the key safety considerations for officer safety and survival during domestic violence calls for service.
3. Understand the concept of a trauma informed interview of the victims of domestic violence.
4. Be familiar with the New Mexico state laws governing domestic violence investigations as well as case law associated with domestic violence crime.
5. Understand the different types of protection.

SLIDE

INSTRUCTIONAL OBJECTIVES:

6. Understand Search Warrants in relationship to DV Shelters
7. Explain the elements of criminal damage to property or deprivation of property against a household member (30-3-18)
8. Define an officer's responsibilities as described in dual arrest (40-13-1.1)
9. Be familiar with the changes to the stalking statute as it applies to domestic violence (30-3A-3)
10. Recall all other associated criminal activity related to DV Investigations i.e.; stalking, sexual assault, non-lethal strangulation and protection order violations

D. Definition Domestic Violence

SLIDE

Domestic Violence/Interpersonal Violence (DV/IPV) is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, psychological, or technological actions or threats of actions or other patterns of coercive behavior that influence

another person within an intimate partner relationship. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone

<https://www.justice.gov/ovw/domestic-violence>

<https://www.cdc.gov/intimate-partner-violence/about/index.html>

<https://www.ilcadv.org/more-than-physical-a-look-at-domestic-violence-today/>

<https://www.womenslaw.org/about-abuse/forms-abuse/domestic-violencedating-violence>

II. Domestic Violence and Officer Safety

A. Danger to Officers

SLIDE

Video

The Crime of Domestic Violence: Segment One Critical Context

<https://www.theiacp.org/resources/video/the-crime-of-domestic-violence-roll-call-video>

<https://vimeo.com/323480899?fl=pl&fe=v/>

0 to 6:26

SLIDE

Danger to Officers

1. Environmental advantage by suspect
2. Highly emotionally charged
3. Access to unknown weapons
4. Other parties involved
5. Rush into scene

Instructor Note

There are many things that can pose a threat to officers on a DV call. The suspect has the environmental advantage because he knows the space. DVs are highly emotionally charged situations. The suspect has access to unknown weapons. There is the opportunity for friends and family to become

involved potentially putting an officer at risk. And Officers may rush into the scene without proper backup or information.

B. Predicting Assaults at DV Calls

SLIDE

Predicting assaults at DV calls

FIVE characteristics were found to predict whether an officer assault occurred

1. Batterer unemployed
2. Batterer has damaged property during the incident
3. Batterer resides with the DV victim
4. Batterer displays hostile demeanor toward the officers upon arrival
5. Batterer Impaired

Recent studies have linked Emotional arousal and aggression are intrinsic to many Domestic Violence situations, creating highly volatile environments that significantly jeopardize police safety.

The situational dynamics—specifically the higher likelihood of active incidents and public-initiated interactions—highlight areas where police officers may face increased risks

<https://journals.sagepub.com/doi/epub/10.1177/0032258X251363818>

<https://doi.org/10.1177/0032258x251363818>

C. Officer Survival Factors and Tactics

1. Factors

SLIDE

Factors associated with officer survival during potentially deadly force incidents in DV assaults

Wearing body armor

Distance between the officer and the shooter

Cover and concealment

https://www.cna.org/quick-looks/2021/Officer%20Safety_BJA%20Final.pdf

2. Tactics for Survival

a. Intel

SLIDE

1. Intel

Officers are too frequently dispatched to a DV call with very little information about what they're walking into. Try to obtain as much information as possible about the residents and known associates at the location of the incident. This begins with a reminder to 911 call takers and dispatchers to gather as much information at the time of the 911 call.

- i. Have police been there before for previous offenses?
- ii. How many times and how recently?
- iii. What were the outcomes of those calls?
- iv. Ideally, the call taker is still on the line as you arrive to the scene, providing near-real-time intelligence on what is likely to be a situation in flux.

<https://www.policemag.com/blogposts/11-tips-for-responding-to-domestic-violence-calls>

b. Backup

SLIDE

2. Backup

Responding to a domestic violence call is not a solo activity. Unless there are exigent circumstances in which someone's safety is in immediate peril, wait for backup to arrive before entering the household. This is not just for contact and cover tactics—although that's a big part of it. Dealing with two parties who have recently been in an altercation can turn messy in a hurry, and there is strength in numbers.

<https://www.policemag.com/blogposts/11-tips-for-responding-to-domestic-violence-calls>

c. Approach

SLIDE

1. Approach

- i. Don't park your patrol vehicle directly in front of the residence. Park some distance away and approach on foot.
- ii. An attack with a firearm on an officer responding to a domestic call is most likely to occur when making the approach to the residence, with the attacker lying in wait for an ambush.
- iii. Be stealthy in your approach, taking time to take in what you can about the scene. And don't stand directly in front of the door when you knock

<https://www.policemag.com/blogposts/11-tips-for-responding-to-domestic-violence-calls>

d. Observation

SLIDE

4. Observation

Once inside the home, be sure to very carefully survey the scene.
Read the room.

- i. Ask yourself, "Who is here at the scene?."
- ii. Who among the people present appears to pose a threat?
- iii. Are there firearms or edged weapons visible?
- iv. Where are the places where such weapons might be secreted away?
- v. What can be used as an improvised weapon?
- vi. Would it be safer if we took this discussion outside?

<https://www.policemag.com/blogposts/11-tips-for-responding-to-domestic-violence-calls>

e. Impairment

SLIDE

5. Impairment

Impairment is a factor in a fairly significant proportion of such incidents. Drunken people—and those under the influence of illegal narcotics—have a tendency to do stupid and wildly unpredictable things.

<https://www.policemag.com/blogposts/11-tips-for-responding-to-domestic-violence-calls>

f. Barriers

SLIDE

6. Barriers

- i. The most likely room for an interaction with a domestic violence suspect and their victim is the living room.
- ii. The second most likely is the kitchen.
- iii. Both rooms typically present natural barriers—couches, chairs, kitchen tables, and the like—that you can use to make an attack on you more difficult.
- iv. On the subject of kitchens: if the initial contact is made in the kitchen, do your level best to relocate to another location.
- v. There are always edged weapons present in the kitchen, as well as other objects that can be turned into improvised weapons.

<https://www.policemag.com/blogposts/11-tips-for-responding-to-domestic-violence-calls>

g. Separation

SLIDE

7. Separation

- i. In an ideal world, four officers would respond to any DV call.
- ii. This would allow two officers to interview the victim and two to interview the accused. This is not always possible—especially for smaller agencies with limited personnel on the streets at any one time.
- iii. Most agencies' SOPs require a minimum of two officers for a DV response. Know your agencies policy.
- iv. At the very minimum, you want your victim and the subject as far from each other as possible, but still within view. Ideally, the accused cannot see the victim (and vice versa), but officers have eyes on both of them.

<https://www.policemag.com/blogposts/11-tips-for-responding-to-domestic-violence-calls>

h. Assumptions

SLIDE

8. Assumptions

- i. Don't immediately assume that the victim is not also a potential assailant.
- ii. Domestic violence victims have launched sudden attacks on officers when they come to the realization that the arrest of their attacker will also have adverse effects on them.
- iii. They may have called the police to "just make it stop" not comprehending at the time that their spouse or partner would end up handcuffed in the back of a squad car.
- iv. They suddenly realize that the person being hauled away to jail may not be able to pay the rent if found guilty and incarcerated.
- v. And don't assume that the victim wasn't also guilty of domestic violence as well. Be mindful that your subject may also have sustained injuries during the incident.

<https://www.policemag.com/blogposts/11-tips-for-responding-to-domestic-violence-calls>

i. Other Investigative Considerations

SLIDE

Other investigative Considerations

- i. What is the history of the relationship? (Include frequency of any violence, intimidation, and threats)
- ii. Were all witnesses interviewed and documented? Were weapons/objects used?
- iii. What was the emotional state of the victim (what did they report they were thinking and feeling)?
- iv. What evidence was collected?
- v. Is evidence of fear articulated in the report?

<https://evawintl.org/wp-content/uploads/ResponsetoSexualAssaultChecklist2017.pdf>

j. Video

SLIDE

Video

The Crime of Domestic Violence Segment Three: Offender Realities and Threats to Officer

<https://www.theiacp.org/resources/video/the-crime-of-domestic-violence-roll-call-video>

<https://vimeo.com/323513652?fl=pl&fe=vl>

III. Trauma Informed Interviewing

A. Definition

SLIDE

Trauma Informed Interviewing

Detailed interviews with a victim may be the most important component in an investigation

1. Directs the investigation for evidence collection, witness interviews and suspects
2. Communicates to the victim whether law enforcement will take them seriously
3. Helps the victims decide if they want to stay involved in the process

<https://www.theiacp.org/resources/document/successful-trauma-informed-victim-interviewing>

B. How to ask questions

SLIDE

Trauma –Informed Interview

Ask questions in a non-threatening, non-judgmental way. This is done by:

1. Establishing trust
2. Acknowledge the victim's trauma or pain
3. Create an environment that is physically and emotionally safe
4. Communicate in a way the victim understands
5. Be patient and give them time to answer

6. No why questions
7. Don't demand chronological order
8. Ask sensory questions
9. No rapid-fire questions
10. Explain the hard questions
11. Meet them where they are
12. Let them speak in a narrative style
13. Sit down, listen and shut up

C. Examples

SLIDE

Example 1 - rather than asking a domestic violence victim "did he strangle you", instead ask, "did he put his hands on your neck or body?", "were you able to breathe at all?".

Example 2- rather than asking a victim of intimate partner violence or stalking, "has he/SHE ever abused you or beat you?", instead ask, "can you tell me about the times he/she hurt you or made you feel afraid?"

D. Safety and Security

SLIDE

Safety and Security

1. Introduce yourself
2. Use their name
3. Give them choices
4. Have an open posture
5. Use active listening
6. Show interest in what they are saying
7. Empathetic eye contact

Instructor Note

Safety and security are paramount for crime victims as they are essential for recovery, well-being, and overall stability. Feeling safe helps victims process the trauma, access support services, and rebuild their lives. Security also

extends to financial, emotional, and social aspects, impacting their ability to function and thrive. There are ways to help a victim feel safe during questioning:

Introduce yourself

Use their preferred name:

Give them choices:

Have an open posture:

Use active listening:

Show interest in what they are saying:

Show empathetic eye contact

E. Ventilation and Validation

SLIDE

Ventilation and Validation

The victim controls the narrative. The victim should be doing most of the talking

“Where would you like to start?”

“Would you tell me what you are able to remember about your experience?”

Be encouraging.

“I know this is hard. Let me tell you the reason we need this information.”

Emphasize questions with emotional or sensory experiences

“If anything, what do you remember hearing, seeing, smelling, tasting or feeling during the event?”

Instructor Note

Ventilation and Validation.

Ventilation and validation are crucial for crime victims to process their traumatic experiences and begin healing. Ventilation, which involves sharing their story and emotions, helps victims express their pain and move towards closure. Validation, on the other hand, involves acknowledging and affirming

the victim's feelings and experiences, helping them feel understood and supported.

Here are some examples:

The victim controls the narrative. The victim should be doing most of the talking.

“Where would you like to start?”

“Would you tell me what you are able to remember about your experience?”

Be encouraging.

“I know this is hard. Let me tell you the reason we need this information.”

F. Predict and Prepare

SLIDE

Predict and Prepare

Manage expectations

This is what happens next

Contact information

This is how to get a hold of me or my supervisor. You can always email me or leave a message with dispatch..

Support

I have the numbers for a victims advocate or a crisis center

Criminal Justice Information

After I present the evidence to the prosecutor, they will determine...

Instructor Note

Predicting and preparing crime victims is crucial for their well-being and for the effectiveness of the criminal justice system. It helps victims anticipate potential challenges, reduce stress, and make informed decisions throughout the process. It helps victims and witnesses manage their expectations. Make sure that you provide contact information and resources for support. It is also helpful to provide to them the next steps in the criminal justice process.

IV. New Mexico Statutes

A. Domestic Abuse

SLIDE

NM Statute Definition of Domestic Abuse:

Means an incident of stalking or sexual assault whether committed by a household member

Means an incident by a household member against another household member consisting of or resulting in:

1. Physical harm
2. Severe emotional distress
3. Bodily injury or assault
4. A threat causing imminent fear of bodily injury by a household member
5. Criminal trespass

<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-2>

SLIDE

NM Statute Definition of

Domestic Abuse

(continued):

Also Includes

6. Criminal damage to property
7. Repeatedly driving by a residence or workplace
8. Telephone harassment
9. Harassment
10. Harm or threatened harm to children as set forth in this paragraph
11. Does not mean the use of force in self-defense or the defense of another

<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-2>

B. Statute Definitions

SLIDE

As used in the Crimes Against Household Members Act:

A. "household member" means a spouse, former spouse, parent, present or former stepparent, present or former parent in-law, grandparent, grandparent-in-law, a co-parent of a child or a person with whom a person has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for the purposes of the Crimes Against Household Members Act;

B. "continuing personal relationship" means a dating or intimate relationship;

<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#>

As used in the Crimes Against Household Members Act:

C. "strangulation" means the unlawful touching or application of force to another person's neck or throat with intent to injure that person and in a manner whereby great bodily harm or death can be inflicted, the result of which impedes the person's normal breathing or blood circulation; and

- D. "suffocation" means the unlawful touching or application of force that blocks the nose or mouth of another person with intent to injure that person and in a manner whereby great bodily harm or death can be inflicted, the result of which impedes the person's normal breathing or blood circulation.

<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#30-3-11>

C. Orders of Protection

SLIDE

Orders of Protection

"Mutual order of protection" means an order of protection that includes provisions that protect both parties

"Order of protection" means an injunction, or a restraining or other court order granted for the protection of a victim of domestic abuse;

“Protected party” means a person protected by an order of protection; and

“Restrained party” means a person who is restrained by an order of protection

<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-2>

D. Ex-parte emergency orders of Protections

SLIDE

Ex parte emergency orders of Protections (40-13-3.2)

Emergency order of protection and the court finds reasonable grounds to believe that the alleged victim or the alleged victim’s child is in immediate danger of domestic abuse following an incident of domestic abuse.

The written statement shall include the location and telephone number of the alleged perpetrator, if known.

L.E.O. sworn statement to court in person/phone/email/fax through district court

<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-3.2>

SLIDE

Ex parte emergency orders of Protections (40-13-3.2)

A Law enforcement officer who receives an emergency order of protection, whether in writing, by telephone or by facsimile transmission, from the court shall:

If possible, immediately serve a signed copy of the order on the restrained party and complete the appropriate affidavit of service

Immediately provide the protected party with a signed copy of the order

Provide the original order to the court by the close of business on the next judicial day.

<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-3.2>

SLIDE

Ex parte emergency orders of Protections (40-13-3.2)

The court may grant the following relief in an emergency order of protection upon a probable cause finding that domestic abuse has occurred:

Enjoin the restrained party from threatening to commit or committing acts of domestic abuse against the protected party or any designated household members;

<https://www.merriam-webster.com/dictionary/enjoin>

<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-3.2>

Instructor Note

The court may grant the following relief in an emergency order of protection upon a probable cause finding that domestic abuse has occurred:

Prohibit the restrained party from threatening to commit or committing acts of domestic abuse against the protected party or any designated household members;

SLIDE

Ex parte emergency orders of Protections (40-13-3.2)

The court may grant the following relief in an emergency order of protection upon a probable cause finding that domestic abuse has occurred:

Bar the restrained party from any contact with the protected party, including harassing, telephoning, contacting or otherwise communicating with the protected party; and

Grant temporary custody of any minor child in common with the parties to the protected party, if necessary.

<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-3.2>

SLIDE

Ex parte emergency orders of Protections (40-13-3.2)

A district judge shall be available as determined by each judicial district to hear petitions for emergency orders of protection.

An emergency order of protection expires seventy-two hours after issuance or at the end of the next judicial day, whichever time is latest. The expiration date shall be clearly stated on the emergency order of protection.

<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-3.2>

SLIDE

Ex parte emergency orders of Protections (40-13-3.2)

A person may appeal the issuance of an emergency order of protection to the court that issued the order. An appeal may be heard as soon as the judicial day following the issuance of the order.

Emergency orders of protection are enforceable in the same manner as other orders of protection issued pursuant to the provisions of Family Violence Protection Act.

<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-3.2>

E. Temporary Order of Protection

SLIDE

Temporary order of protection (40-13-4)

Petition is filed by victim in District Court

Upon a proper petition, a district court may issue a temporary order of protection that is based upon the same incident of domestic abuse that was alleged in an emergency order of protection.

<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-4>

SLIDE

Temporary Order Of Protection (40-13-4)

Order of Protection can be issued if there is probable cause to show specific facts shown by the affiant or by the petition to give the judge reason to believe that an act of domestic abuse has occurred.

A hearing will be held within ten days to question continuing the order

If notice of hearing cannot be served within seventy-two hours, the temporary order of protection shall be automatically extended for ten days.

If the court grants a temporary order of protection, it may award temporary custody and visitation of any children involved when appropriate

Except for petitions alleging stalking or sexual assault, if the court finds that the alleged perpetrator is not a household member, the court shall dismiss the petition.

<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-4>

SLIDES

ORDER of Protection

Upon finding that domestic abuse has occurred or upon stipulation of the parties, the court shall enter an order of protection ordering the restrained party to refrain from abusing the protected party or any other household member. The court shall specifically describe the acts the court has ordered the restrained party to do or refrain from doing. As a part of any order of protection, the court may:

Grant sole possession of the residence or household to the protected party during the period of the order of protection is effective or order the restrained party to provide temporary suitable alternative housing for the protected party

Award temporary custody of any children involved when appropriate and provide for visitation rights, child support and temporary support for the protected party on a basis that gives primary consideration to the safety of the protected party and the children.

Order that the restrained party shall not initiate contact with the protected party

Restrain a party from transferring, concealing, encumbering or otherwise disposing of the other party's property or the joint property of the parties except in the usual course of business or for the necessities of life and require the parties to account to the court for all such transferences, encumbrances and expenditures made after the order is served or communicated to the restrained party;

The order of protection shall contain a notice that violation of any provision of the order constitutes contempt of court and may result in a fine or imprisonment or both.

If the order of protection supersedes or alters prior orders of the court pertaining to domestic matters between the parties, the order shall say so on its face.

If an action relating to child custody or child support is pending or has concluded with entry of an order at the time the petition for an order of protection was filed, the court may enter an initial order of protection, but the portion of the order dealing with child custody or child support will then be transferred to the court that has or continues to have jurisdiction over the pending or prior custody or support action.

A MUTUAL ORDER OF PROTECTION shall be issued only in cases when both parties have petitioned the court, and the court makes detailed findings of fact indicating that both parties acted primarily as aggressors and that neither party acted primarily in self-defense.

No order issued under the family violence protection act shall affect title to any property or allow a party to transfer, conceal, encumber or otherwise dispose of another party's property or the joint or community property of the parties.

Either party may request a review hearing to amend an order of protection. An order of protection involving child custody or support may be modified without proof of a substantial or material change or circumstances.

An order of protection shall not be issued unless a petition or a counter petition has been filed.

<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-5>

F. Service of Order

SLIDE

Service of Order (40-13-6)

- An order of protection granted under the Family Violence Protection Act shall be filed with the clerk of the court, the order shall be filed and served without cost to the protected party.

- A local law enforcement agency receiving an order of protection from the clerk of court that was issued under the Family Violence Protection Act shall have the order entered in the national crime information center's order of protection file within seventy-two hours of receipt.

<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-6>

SLIDE

Service of Order (40-13-6)

An order of protection granted by the court involving custody or support shall be effective for a fixed period of time not to exceed six months. The order may be extended for good cause upon motion of the protected party for an additional period of time not to exceed six months.

A peace officer shall arrest without a warrant and take into custody a restrained party whom the peace officer has probable cause to believe has violated an order of protection that is issued pursuant to the family violence protection act or entitled to full faith and credit.

<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-6>

SLIDE

State courts shall give full faith and credit to tribal court orders of protection and orders of protection issued by courts of other states.

A restrained party convicted of violating an order of protection granted by a court under the Family Violence Protection Act is guilty of a misdemeanor and shall be sentenced in an accordance with section 31-19-1 NMSA 1978.

Upon a second or subsequent conviction, an offender shall be sentenced to a jail term of not less than seventy-two consecutive hours that shall not be suspended, deferred or taken under advisement.

<https://nmonesource.com/nmos/nmsa/en/item/4379/index.do#31-19-1>

SLIDE

An order of protection issued in another jurisdiction is enforceable when:

- The order appears to be valid
- There is probable cause to believe that a violation of the order occurred in the enforcing jurisdiction

Other verification methods:

- Confirmation of the order in NCIC
- Confirmation through communication with the issuing agency
- Review of the elements of an order in the state or local protection order registry of the issuing jurisdiction
- Review of the elements of an order if previously filed with authorities in the enforcing jurisdiction

G. Entry into Domestic Violence Safe House or Shelter**SLIDE**

Entry into domestic violence safe house or shelter; search warrant

It is not a violation of section 30-22-1 NMSA 1978 for a person who is a member, resident, employee or volunteer of or is otherwise associated with a domestic violence safe house or shelter to request that a law enforcement officer show a valid search warrant before allowing the officer to enter the domestic violence safe house or shelter.

Nothing in this section shall prevent a law enforcement officer from executing a valid search warrant.

<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#30-22-2.1>

SLIDE

Entry into domestic violence safe house or shelter; search warrant

Prior to attempting to serve an arrest warrant within a domestic violence safe house or shelter, a law enforcement officer shall obtain a valid search warrant, unless exigent circumstances exist necessitating immediate entry.

<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#30-22-2.1>

H. Criminal Damage to Property of a household member

SLIDE

Criminal damage to property of household member

Criminal damage to property of a household member consists of intentionally damaging real, personal, community or jointly owned property of a household member with the intent to intimidate, threaten or harass the household member

Whoever commits criminal damage to the property of household member is guilty of a misdemeanor, except that when the damage to the household member's interest in the property amounts to more than one thousand dollars (\$1,000), the offender is guilty of a fourth-degree felony

<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#30-3-18>

SLIDE

Deprivation of the property of a household member (30-3-18 NMSA)

- Deprivation of the property of a household member consists of intentionally depriving a household member of the use of separate, community or jointly owned personal property of the household member with the intent to intimidate or threaten that household member
- Whoever commits deprivation of the property of a household member is guilty of a misdemeanor

<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#30-3-18>

I. Dual Arrest

a. Definition

SLIDE

Dual Arrests

Dual arrest occurs when law enforcement detains multiple individuals involved in a domestic violence incident. It's a situation where two or more people present at the scene of a suspected domestic violence are taken into custody.

<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-1.1>

SLIDE

Dual Arrests (40-13-1.1)

The legislature finds that domestic abuse incidents are complex and require special training on the part of law enforcement officers to respond appropriately to domestic abuse incidents.

The State of New Mexico discourages dual arrests of persons involved in incidents of domestic abuse. A law enforcement officer, in making arrests for domestic abuse, shall seek to identify and shall consider whether one of the parties acted in self-defense and identify the “primary aggressor” (bully).

<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-1.1>

b. Primary Aggressor

SLIDE

How to Determine Primary Aggressor

In domestic violence cases, determining the primary aggressor involves a comprehensive assessment to identify the individual posing the most significant threat, not just who started the altercation. This assessment considers factors like the history of violence, severity of injuries, likelihood of future harm, witness statements, and whether one party acted in self-defense. Police often make this determination based on available evidence at the scene, and in some cases, may make a dual arrest if they are unable to clearly identify the primary aggressor.

<https://www.domesticshelters.org/articles/legal/help-police-determine-who-is-the-primary-aggressor>

SLIDE

Take note of anything you see or hear that might be relevant to your safety or your case

When you make contact, separate the parties for safety and investigative purposes

Attempt to identify through investigative means the “dominant aggressor” (bully/batterer) at a DV call.

<https://www.theiacp.org/resources/predominant-aggressor-determination>

J. Stalking

a. Video

SLIDE

Stalking Video

SLII Framework Awareness Video

Identifying Stalking Behaviors | Stalking Awareness & Prevention | SPARC

Identifying Stalking: SLII Strategies

Recognizing Stalking Behaviors: SLII Framework (with captions)

<https://www.youtube.com/watch?v=njUwDLIvoQE>

b. Stalking

SLIDE

Stalking (30-3A-3)

Stalking consists of knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, confinement or restraint of the individual or another individual.

“Pattern of conduct” means two or more acts, on more than one occasion, in which the alleged stalker by an action, method, device or means directly, indirectly or through third parties, follows monitors, surveils, threatens or communicates to or about a person.

<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#30-3A-3>

SLIDE

Stalking (continued)

Whoever commits stalking is guilty of a misdemeanor. Upon a second or subsequent conviction, the offender is guilty of a fourth-degree felony.

In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted of stalking to participate in and complete a program of professional counseling at the person's own expense or a domestic violence offender treatment or intervention program.

<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#30-3A-3>

c. Aggravated Stalking

SLIDE

Aggravated Stalking (30-3A-3.1)

Aggravated stalking consists of stalking perpetrated by a person: Who knowingly violates a permanent or temporary order of protection issued by a court, except that mutual violations of such orders may constitute a defense to aggravated stalking;

In violation of a court order setting conditions of release and bond when the person is in possession of a deadly weapon; or when the victim is less than sixteen years of age.

Whoever commits aggravated stalking is guilty of a fourth-degree felony. Upon a second or subsequent conviction, the offender is guilty of a third-degree felony.

<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#30-3A-3.1>

V. DV Checklist

A. Questions

SLIDE

Domestic Violence Report Review Checklist

Does the report include all needed information?

How was the case received?

Is the time of the call recorded (including time of incident, time of dispatch, time of arrival)?

Are the elements of the crime articulated?

What were the observations upon approach?

Is there a valid protection order in place?

Is the scene concisely described/diagrammed?

Were photos taken and details recorded?

Is the relationship of the parties identified?

What is the history of the relationship? Include frequency of any violence, intimidation, and threats

Were all witnesses interviewed and documented?

Were there children on the scene?

Was information about previous incidents documented?

<https://www.theiacp.org/sites/default/files/all/p-r/ResponsetoDomesticViolenceChecklist2017.pdf>

SLIDE

Domestic Violence Report Review Checklist

Does the report include all needed information?

Were weapons/objects used?

What was the emotional state of the victim

(what did they report they were thinking and feeling)?

What evidence was collected?

Is evidence of fear articulated in the report?

Have all threats been clearly documented?

Is the use of coercion and/or force articulated?

Have all injuries (visible and non-visible) been documented? Were injuries existing or new?

Was there any property damage? Theft? Burglary?

Are stalking behaviors identified? (E.G., Following, repeated calling, sending unwanted gifts)

Did the officer inquire about possible strangulation (hands, ligature, etc.)?
Did the victim report being strangled ("choked")? If so, was it described in detail?

Did the victim request/need medical attention?

Did the victim report sexual violence?

Were all spontaneous statements captured?

<https://www.theiacp.org/sites/default/files/all/pr/ResponsetoDomesticViolenceChecklist2017.pdf>

VI. Non-Lethal Strangulation

A. Choking Vs Strangulation

SLIDE

Choking Vs Strangulation

Choking:

a medical emergency that occurs when a foreign object lodges in the throat, blocking the airway

<https://www.medicalnewstoday.com/articles/what-is-choking#definition>

Strangulation:

obstruction or compression of blood vessels and/or airways by external pressure to the neck impeding normal breathing or circulation of the blood

<https://ifas.org.uk/what-is-strangulation/>

B. Video

SLIDE

Strangulation Roll Call Video

<https://www.youtube.com/watch?v=cOiyd6UOeko>

C. Definition Statute

SLIDE

Family Violence Protection Act (VPA),
Abuse & Neglect,
& Crimes Against Household Member (HHM) Act

Strangulation means the unlawful touching or application of force to another person's neck or throat with intent to injure that person and in a manner whereby great bodily harm or death can be inflicted, the result of which impedes the person's normal breathing or blood circulation

Suffocation

The unlawful touching or application of force that blocks the nose or mouth of another person with the intent:

Great Bodily Harm(GBH): an injury to a person which creates a high probability of death... SECTION 30-1-12A NMSA 1978

Aggravated battery against a household member (GBH): the defendant cause GBH or acted in a way that would likely result in death or GBH Section 30-3-16(C)

<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#a13>

<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#30-3-11>

D. Strangulation Facts

SLIDE

Strangulation Facts

Approximately 50%* of strangulation victims will have no visible injuries at time of police response, and some survivors may not even recall the strangulation incident because of cerebral hypoxia during the assault

*Zilkens, R. R., Phillips, M. A., Kelly, M. C., Mukhtar, S. A., Semmens, J. B., & Smith, D. A. (2016). Non-fatal strangulation in sexual assault: A study of clinical and assault characteristics highlighting the role of intimate partner violence. *Journal of forensic and legal medicine*, 43, 1–7. <https://doi.org/10.1016/j.jflm.2016.06.005>

<https://www.myamericannurse.com/strangulation-a-silent-but-deadly-form-of-intimate-partner-violence/>

<https://www.supremecourt.ohio.gov/docs/JCS/courtSvcs/resources/Non-FatalStrangulationBenchcard.pdf>

SLIDE

STRANGULATION FACTS

Strangulation for any length of time can be exceedingly dangerous. It can cause loss of consciousness within 5 to 10 seconds and death within 1 to 3 minutes. Conversely, death can also occur days to weeks after being strangled due to blood flow complications, stroke, or respiratory complications such as pneumonia.

It is a good idea for strangulation victims to be around someone they trust for 24 to 72 hours after an incident to help them be on the lookout for signs and symptoms such as these that may indicate a serious issue is developing.

<https://www.dvsn.org/strangulation-dangers-misconceptions/>

E. Symptoms of Strangulation

SLIDES & AUDIO

Symptoms of Strangulation

the injuries not visible to the naked eye, observable only to the victim

Neurological

- Loss of Memory
- Loss of Consciousness
- Behavioral Changes
- Loss of Sensation
- Extremity Weakness
- Difficulty Speaking
- Fainting
- Urination
- Defecation
- Vomiting
- Dizziness
- Headaches

<https://mivan.org/2022/04/06/signs-and-symptoms-of-strangulation/>

SLIDE**Symptoms of Strangulation**

the injuries not visible to the naked eye, observable only to the victim

Voice & Throat Changes

- Raspy or Hoarse Voice

- Unable to speak

- Trouble Swallowing

- Painful to Swallow

- Clearing the Throat

- Coughing

- Nausea

- Drooling

- Sore Throat

- Stridor (high pitch wheezing)

Breathing Changes

- Difficulty Breathing

- Respiratory Distress

- Unable to Breathe

<https://mivan.org/2022/04/06/signs-and-symptoms-of-strangulation/>

F. Signs of Strangulation**SLIDE****Signs of Strangulation**

visible evidence of injury, observable to others as well as the victim

Note, Petechiae is tiny red spots, slightly red or florid spots

Pee-teakey-aah

Visible signs on Scalp

- Petechiae

- Bald Spots (from hair being pulled)

- Bump to the Head (from blunt force trauma or falling to the ground)

Visible signs on Eyes & Eyelids

- Petechiae to Eyeball

- Petechiae to Eyelid

- Bloody Red Eyeball(s)

- Vision changes

Droopy Eyelid
Visible signs on Face
Petechiae
Scratch Marks
Facial Drooping
Swelling

<https://mivan.org/2022/04/06/signs-and-symptoms-of-strangulation/>

SLIDE

Signs of Strangulation:

visible evidence of injury, observable to others as well as the victim.

Note:

Petechiae; are tiny red spots, slightly red or florid spots.

- Chest
- Chest Pain
- Redness
- Scratch Marks
- Bruising
- Abrasions
- Ears
- Ringing in Ears
- Petechiae on Earlobes
- Bruising Behind the Ear
- Bleeding in the Ear

<https://mivan.org/2022/04/06/signs-and-symptoms-of-strangulation/>

SLIDE**Signs of Strangulation:**

visible evidence of injury, observable to others as well as the victim.

Note:

Petechiae; are tiny red spots, slightly red or florid spots.

Neck

Redness

Scratch Marks

Fingernail Impressions

Bruising (thumb or fingers)

Swelling

Ligature Marks

Mouth

Bruising

Swollen Tongue

Swollen Lips

Cuts/Abrasions

Internal Petechiae

<https://mivan.org/2022/04/06/signs-and-symptoms-of-strangulation/>

G. Checklist**SLIDE**

Ask about and capture details regarding
non-visible injuries that occur from strangulation

Difficulty breathing/unable to breathe, hyperventilation

Raspy voice, hoarse voice, coughing, unable to speak

Trouble swallowing, painful to swallow

Neck pain

Nausea, vomiting

<https://www.strangulationtraininginstitute.com/wp-content/uploads/2021/09/IACP-Response-to-Strangulation-Checklist-1.pdf>

SLIDE

Remember

- Always call for medical aid- death can occur later
- Describe if any ligature was used
- Describe the strangulation
- For how long?
- Describe the amount of force used

SLIDE

Response to Non-Lethal Strangulation:

Does the report include all needed information?

- What was used to strangle the victim (one hand, two hands, forearm, other body part, ligature, etc.)?
- Were other weapons involved?
- Did the strangulation take place from the front or behind?
- Was the victim wearing jewelry?
- Was the suspect wearing jewelry? Gloves?
- Is the suspect right or left-handed, if known?
- How long did the strangulation last? How many times was the victim strangled?
- Was the victim also smothered?
- Was the victim also shaken while being strangled?
- Was the victim's head pushed into a wall, floor, or other surface?

<https://www.forensicnurses.org/page/STAssessment>

<https://www.strangulationtraininginstitute.com/wp-content/uploads/2021/09/IACP-Response-to-Strangulation-Checklist-1.pdf>

SLIDE

Response to Non-Lethal Strangulation:

Does the report include all needed information?

- Did the victim attempt to protect themselves?
- Did the suspect say anything to the victim before/while/after the strangulation occurred?
- What was the suspect's demeanor before, during and after the incident?

Did the victim describe what the suspect's face looked like during the incident?

Why and how did the suspect stop strangling the victim?

<https://www.strangulationtraininginstitute.com/wp-content/uploads/2021/09/IACP-Response-to-Strangulation-Checklist-1.pdf>

SLIDE

Ask about and capture details regarding non-visible injuries that occur from strangulation

Involuntary urination or defecation

Dizziness, fainting/light-headed

Headaches, head "rush", ears ringing

Loss of consciousness

Change in mental status

(disoriented, combative, memory loss, "spaced out")

<https://www.strangulationtraininginstitute.com/wp-content/uploads/2021/09/IACP-Response-to-Strangulation-Checklist-1.pdf>

SLIDE

Ask about and document visible injuries from strangulation

Petechiae (pinpoint red spots above the area of constriction)

Hemorrhaging, bruising

Scratch marks, scrapes, abrasions

Bloody nose, broken nose

Fingernail impressions

Swelling of the neck or face

Pulled/missing hair, bumps on head

Skull fracture, concussion

Swollen tongue, swollen lips

Were there any existing (old) injuries?

<https://www.strangulationtraininginstitute.com/wp-content/uploads/2021/09/IACP-Response-to-Strangulation-Checklist-1.pdf>

SLIDE

Did you discuss the following with the victim?

The need for follow-up photos.

Receiving medical attention. Symptoms and injuries can develop over days or weeks after the strangulation,

Information about local service providers.

<https://www.strangulationtraininginstitute.com/wp-content/uploads/2021/09/IACP-Response-to-Strangulation-Checklist-1.pdf>

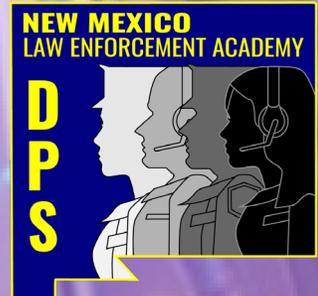
VII. Conclusion

- Officer(s) and first responders should be aware of the dynamic circumstances they are facing when heightened human emotions are at play in a call for service at domestic violence incidents.

First and foremost is the consideration and planning for officer safety. Tactical and situational awareness will make these calls for service safer for the officer and the community.

Domestic Violence

NM260012



INSTRUCTIONAL GOALS

- Provide the students with basic understanding of the New Mexico statutes regarding domestic violence
- Provide officer safety and survival considerations during domestic violence calls
- Recognize signs and symptoms of non-lethal strangulation.



INSTRUCTIONAL OBJECTIVES:

1

Identify the 5 key indicators associated with domestic violence calls where there is an increased likelihood that officers will be assaulted.

2

Remember the key safety considerations for officer safety and survival during domestic violence calls for service.

3

Understand the concept of a trauma informed interview of the victim/ victims of domestic violence.

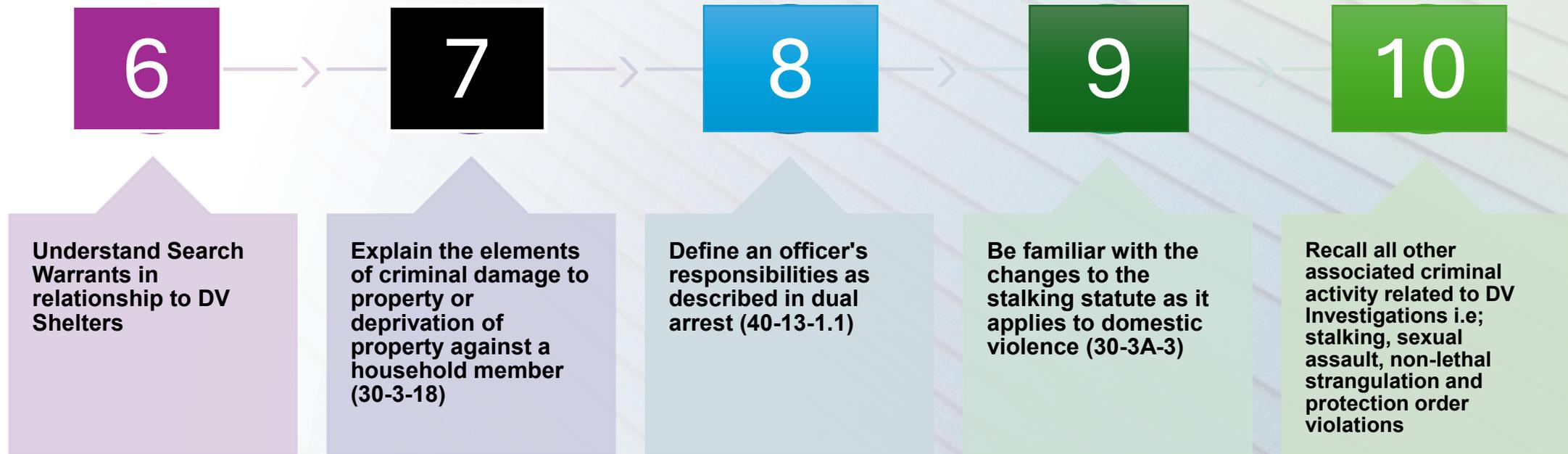
4

Be familiar with the New Mexico state laws governing domestic violence investigations as well as case law associated with domestic violence crime.

5

Understand the different types of orders of protection.

INSTRUCTIONAL OBJECTIVES:



INTRODUCTION

Domestic Violence/Interpersonal Violence (DV/IPV) is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner.

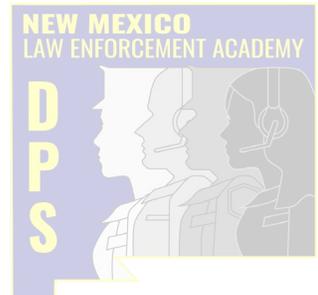
Domestic violence can be physical, sexual, emotional, economic, psychological, or technological actions or threats of actions or other patterns of coercive behavior that influence another person within an intimate partner relationship.

This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

<https://www.justice.gov/ovw/domestic-violence>

<https://www.cdc.gov/intimate-partner-violence/about/index.html>

<https://www.ilcadv.org/more-than-physical-a-look-at-domestic-violence-today/>



Dangers to Officers

- Environmental advantage by suspect
- Highly emotionally charged
- Access to unknown weapons
- Other parties involved
- Rush into scene



Predicting assaults at DV calls

FIVE characteristics were found to predict whether an officer assault occurred.

1. *Batterer unemployed*
 2. *Batterer has damaged property during the incident*
 3. *Batterer resides with the DV victim*
 4. *Batterer displays hostile demeanor toward the officers upon arrival*
 5. *Batterer Impaired*
- Emotional arousal and aggression are intrinsic to many DV situations, creating highly volatile environments that significantly jeopardize police safety.
 - The situational dynamics—specifically the higher likelihood of active incidents and public-initiated interactions—highlight areas where police officers may face increased risks.

<https://journals.sagepub.com/doi/epub/10.1177/0032258X251363818>

<https://link.springer.com/article/10.1007/s10896-010-9346-0>

<https://doi.org/10.1177/0032258x251363818>

Factors associated with officer survival during potentially deadly force incidents in DV assaults

- **Wearing body armor**
- **Distance between the officer and the shooter**
- **Cover and concealment**

Tactics for Survival: Intel

Officers are too frequently dispatched to a DV call with very little information about what they're walking into. Try to obtain as much information as possible about the residents and known associates at the location of the incident. This begins with a reminder to 911 call takers and dispatchers to gather as much information at the time of the 911 call.

- Have police been there before for previous offenses?
- How many times and how recently?
- What were the outcomes of those calls?
- Ideally, the call taker is still on the line as you arrive to the scene, providing near-real-time intelligence on what is likely to be a situation in flux.

Tactics for Survival: Backup

Responding to a domestic violence call is not a solo activity. Unless there are exigent circumstances in which someone's safety is in immediate peril, wait for backup to arrive before entering the household. This is not just for contact and cover tactics—although that's a big part of it. Dealing with two parties who have recently been in an altercation can turn messy in a hurry, and there is strength in numbers.

Tactics for Survival: Approach

- Don't park your patrol vehicle directly in front of the residence. Park some distance away and approach on foot.
- An attack with a firearm on an officer responding to a domestic call is most likely to occur when making the approach to the residence, with the attacker lying in wait for an ambush.
- Be stealthy in your approach, taking time to take in what you can about the scene. And don't stand directly in front of the door when you knock.

Tactics for Survival: Observation

Once inside the home, be sure to very carefully survey the scene. Read the room.

- Ask yourself, "Who is here at the scene?"
- Who among the people present appears to pose a threat?
- Are there firearms or edged weapons visible? Where are the places where such weapons might be secreted away? What can be used as an improvised weapon?
- Would it be safer if we took this discussion outside?"

Tactics for Survival: Impairment

Impairment is a factor in a fairly significant proportion of such incidents. Drunken people—and those under the influence of illegal narcotics—have a tendency to do stupid and wildly unpredictable things.

Tactics for Survival: Barriers

- The most likely room for an interaction with a domestic violence suspect and their victim is the living room. The second most likely is the kitchen.
- Both rooms typically present natural barriers—couches, chairs, kitchen tables, and the like—that you can use to make an attack on you more difficult.
- On the subject of kitchens: if the initial contact is made in the kitchen, do your level best to relocate to another location.
- There are always edged weapons present in the kitchen, as well as other objects that can be turned into improvised weapons.

Tactics for Survival: Separation

- In an ideal world, four officers would respond to any DV call.
- This would allow two officers to interview the victim and two to interview the accused. This is not always possible—especially for smaller agencies with limited personnel on the streets at any one time.
- Most agencies' SOPs require a minimum of two officers for a DV response. Know your agencies policy.
- At the very minimum, you want your victim and the subject as far from each other as possible, but still within view. Ideally, the accused cannot see the victim (and vice versa), but officers have eyes on both of them.

Tactics for Survival: Assumptions

- Don't immediately assume that the victim is not also a potential assailant.
- Domestic violence victims have launched sudden attacks on officers when they come to the realization that the arrest of their attacker will also have adverse effects on them.
- They may have called the police to "just make it stop" not comprehending at the time that their spouse or partner would end up handcuffed in the back of a squad car.
- They suddenly realize that the person being hauled away to jail may not be able to pay the rent if found guilty and incarcerated.
- And don't assume that the victim wasn't also guilty of domestic violence as well. Be mindful that your subject may also have sustained injuries during the incident.

Other Investigative Considerations

What is the history of the relationship? (Include frequency of any violence, intimidation, and threats)

Were all witnesses interviewed and documented? Were weapons/objects used?

What was the emotional state of the victim (what did they report they were thinking and feeling)?

What evidence was collected?

Is evidence of fear articulated in the report?

Trauma Informed Interviewing

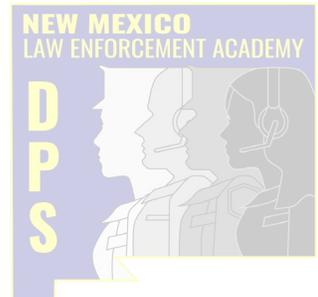
Detailed interviews with a victim may be the most important component in an investigation

- Directs the investigation for evidence collection, witness interviews and suspects
- Communicates to the victim whether law enforcement will take them seriously
- Helps the victims decide if they want to stay involved in the process

Trauma –Informed Interview

Ask questions in a non-threatening, non-judgmental way. This is done by:

- Establishing trust
- Acknowledge the victim's trauma or pain
- Create an environment that is physically and emotionally safe
- Communicate in a way the victim understands
- Be patient and give them time to answer
- No why questions
- Don't demand chronological order
- Ask sensory questions
- No rapid-fire questions
- Explain the hard questions
- Meet them where they are
- Let them speak in a narrative style
- Sit down, listen and shut up



Example 1 - rather than asking a domestic violence victim "*did he strangle you*", instead ask, "*did he put his hands on your neck or body?*", "*were you able to breathe at all?*".

Example 2- rather than asking a victim of intimate partner violence or stalking, "*has he/she ever abused you or beat you?*", instead ask, "*can you tell me about the times he/she hurt you or made you feel afraid?*"

Safety and Security



- Introduce yourself
- Use their name
- Give them choices
- Have an open posture
- Use active listening
- Show interest in what they are saying
- Empathetic eye contact

Ventilation and Validation



The victim controls the narrative

The victim should be doing most of the talking

- “Where would you like to start?”
- “Would you tell me what you are able to remember about your experience?”

Be encouraging

- “I know this is hard. Let me tell you the reason we need this information.”

Emphasize questions with emotional or sensory experiences

- “If anything, what do you remember hearing, seeing, smelling, tasting or feeling during the event?”

Predict and Prepare

Manage Expectations

- “This is what happens next...”

Contact Information

- “This is how to get a hold of me or my supervisor. You can always email me or leave a message with dispatch...”

Support

- “I have the numbers for a victims advocate or a crisis center.”

Criminal Justice Information

- “After I present the evidence to the prosecutor, they will determine...”

NM Statute Definition of Domestic Abuse:

Means an incident of stalking or sexual assault whether committed by a household member

Means an incident by a household member against another household member consisting of or resulting in:

- Physical harm
- Severe emotional distress
- Bodily injury or assault
- A threat causing imminent fear of bodily injury by a household member
- Criminal trespass

NM Statute Definition of Domestic Abuse (continued):

Also Includes

- Criminal damage to property
- Repeatedly driving by a residence or workplace
- Telephone harassment
- Harassment
- Harm or threatened harm to children as set forth in this paragraph
- Does not mean the use of force in self-defense or the defense of another

As used in the Crimes Against Household Members Act:

A. "household member" means a spouse, former spouse, parent, present or former stepparent, present or former parent in-law, grandparent, grandparent-in-law, a co-parent of a child or a person with whom a person has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for the purposes of the Crimes Against Household Members Act;

B. "continuing personal relationship" means a dating or intimate relationship;

As used in the Crimes Against Household Members Act:

- C. "strangulation" means the unlawful touching or application of force to another person's neck or throat with intent to injure that person and in a manner whereby great bodily harm or death can be inflicted, the result of which impedes the person's normal breathing or blood circulation; and
- D. "suffocation" means the unlawful touching or application of force that blocks the nose or mouth of another person with intent to injure that person and in a manner whereby great bodily harm or death can be inflicted, the result of which impedes the person's normal breathing or blood circulation.

ORDERS OF PROTECTION

“Mutual Order of Protection” means an order of protection that includes provisions that protect both parties

“Order of Protection” means an injunction, or a restraining or other court order granted for the protection of a victim of domestic abuse;

“Protected Party” means a person protected by an order of protection; and

“Restrained Party” means a person who is restrained by an order of protection

Ex parte emergency orders of Protections (40-13-3.2)

Emergency order of protection and the court finds reasonable grounds to believe that the alleged victim or the alleged victim's child is in immediate danger of domestic abuse following an incident of domestic abuse.

The written statement shall include the location and telephone number of the alleged perpetrator, if known.

L.E.O. sworn statement to court in person/phone/email/fax through district court

Ex parte emergency orders of Protections (40-13-3.2)

A Law enforcement officer who receives an emergency order of protection, whether in writing, by telephone or by facsimile transmission, from the court shall:

- If possible, immediately serve a signed copy or the order on the restrained party and complete the appropriate affidavit of service
- Immediately provide the protected party with a signed copy of the order
- Provide the original order to the court by the close of business on the next judicial day.

<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-3.2>

Ex parte emergency orders of Protections (40-13-3.2)

The court may grant the following relief in an emergency order of protection upon a probable cause finding that domestic abuse has occurred:

- Enjoin the restrained party from threatening to commit or committing acts of domestic abuse against the protected party or any designated household members;

<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-3.2>

<https://www.merriam-webster.com/dictionary/enjoin>

Ex parte emergency orders of Protections (40-13-3.2)

The court may grant the following relief in an emergency order of protection upon a probable cause finding that domestic abuse has occurred:

- Bar the restrained party from any contact with the protected party, including harassing, telephoning, contacting or otherwise communicating with the protected party; and
- Grant temporary custody of any minor child in common with the parties to the protected party, if necessary.

Ex parte emergency orders of Protections (40-13-3.2)

- A district judge shall be available as determined by each judicial district to hear petitions for emergency orders of protection.
- An emergency order of protection **expires seventy-two hours after issuance or at the end of the next judicial day, whichever time is latest.** The expiration date shall be clearly stated on the emergency order of protection.

Ex parte emergency orders of Protections (40-13-3.2)

- A person may appeal the issuance of an emergency order of protection to the court that issued the order. An appeal may be heard as soon as the judicial day following the issuance of the order.
- Emergency orders of protection are enforceable in the same manner as other orders of protection issued pursuant to the provisions of Family Violence Protection Act.

Temporary Order Of Protection (40-13-4)

Petition is filed by victim in District Court

Upon a proper petition, a district court may issue a temporary order of protection that is based upon the same incident of domestic abuse that was alleged in an emergency order of protection.

<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-4>

Temporary Order Of Protection (40-13-4)

Order of Protection can be issued if there is probable cause to show specific facts shown by the affiant or by the petition to give the judge reason to believe that an act of domestic abuse has occurred.

- A hearing will be held within **ten** days to question continuing the order
- If notice of hearing cannot be served within seventy-two hours, the temporary order of protection shall be automatically extended for ten days.
- If the court grants a temporary order of protection, it may award temporary custody and visitation of any children involved when appropriate
- Except for petitions alleging stalking or sexual assault, if the court finds that the alleged perpetrator is not a household member, the court shall dismiss the petition.

Order of Protection

Upon finding that domestic abuse has occurred or upon stipulation of the parties, the court shall enter an order of protection ordering the restrained party to refrain from abusing the protected party or any other household member. The court shall specifically describe the acts the court has ordered the restrained party to do or refrain from doing. As a part of any order of protection, the court may:

- Grant sole possession of the residence or household to the protected party during the period of the order of protection is effective or order the restrained party to provide temporary suitable alternative housing for the protected party

Order of Protection

- Award temporary custody of any children involved when appropriate and provide for visitation rights, child support and temporary support for the protected party on a basis that gives primary consideration to the safety of the protected party and the children.
- Order that the restrained party shall not initiate contact with the protected party

Order of Protection

- Restrain a party from transferring, concealing, encumbering or otherwise disposing of the other party's property or the joint property of the parties except in the usual course of business or for the necessities of life and require the parties to account to the court for all such transferences, encumbrances and expenditures made after the order is served or communicated to the restrained party;
- The order of protection shall contain a notice that violation of any provision of the order constitutes contempt of court and may result in a fine or imprisonment or both.

Order of Protection

- If the order of protection supersedes or alters prior orders of the court pertaining to domestic matters between the parties, the order shall say so on its face.
- If an action relating to child custody or child support is pending or has concluded with entry of an order at the time the petition for an order of protection was filed, the court may enter an initial order of protection, but the portion of the order dealing with child custody or child support will then be transferred to the court that has or continues to have jurisdiction over the pending or prior custody or support action.

Order of Protection

- A MUTUAL ORDER OF PROTECTION shall be issued only in cases when both parties have petitioned the court, and the court makes detailed findings of fact indicating that both parties acted primarily as aggressors and that neither party acted primarily in self-defense.
- No order issued under the family violence protection act shall affect title to any property or allow a party to transfer, conceal, encumber or otherwise dispose of another party's property or the joint or community property of the parties.

Order of Protection

- Either party may request a review hearing to amend an order of protection. An order of protection involving child custody or support may be modified without proof of a substantial or material change or circumstances.
- An order of protection shall not be issued unless a petition or a counter petition has been filed.

Service of Order (40-13-6)

- An order of protection granted under the Family Violence Protection Act shall be filed with the clerk of the court, the order shall be filed and served without cost to the protected party.
- A local law enforcement agency receiving an order of protection from the clerk of court that was issued under the Family Violence Protection Act shall have the order entered in the national crime information center's order of protection file within seventy-two hours of receipt.

Service of Order (40-13-6)

An order of protection granted by the court involving custody or support shall be effective for a **fixed period of time not to exceed six months**. The order may be extended for good cause upon motion of the protected party for an additional period of time not to exceed six months.

A peace officer shall arrest without a warrant and take into custody a restrained party whom the peace officer has probable cause to believe has violated an order of protection that is issued pursuant to the family violence protection act or entitled to full faith and credit.

State courts shall give full faith and credit to tribal court orders of protection and orders of protection issued by courts of other states.

A restrained party convicted of violating an order of protection granted by a court under the Family Violence Protection Act is guilty of a misdemeanor and shall be sentenced in an accordance with section 31-19-1 NMSA 1978.

Upon a second or subsequent conviction, an offender shall be sentenced to a jail term of not less than seventy-two consecutive hours that shall not be suspended, deferred or taken under advisement.

Verification of a Protection Order

An order of protection issued in another jurisdiction is enforceable when:

- The order appears to be valid
- There is probable cause to believe that a violation of the order occurred in the enforcing jurisdiction

Other verification methods:

- Confirmation of the order in NCIC
- Confirmation through communication with the issuing agency
- Review of the elements of an order in the state or local protection order registry of the issuing jurisdiction
- Review of the elements of an order if previously filed with authorities in the enforcing jurisdiction

Entry into domestic violence safe house or shelter; search warrant

It is not a violation of section 30-22-1 NMSA 1978 for a person who is a member, resident, employee or volunteer of or is otherwise associated with a domestic violence safe house or shelter to request that a law enforcement officer show a valid search warrant before allowing the officer to enter the domestic violence safe house or shelter.

Nothing in this section shall prevent a law enforcement officer from executing a valid search warrant.

Entry into domestic violence safe house or shelter; search warrant

Prior to attempting to serve an arrest warrant within a domestic violence safe house or shelter, a law enforcement officer shall obtain a valid search warrant, unless exigent circumstances exist necessitating immediate entry.

<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#30-22-2.1>

Criminal damage to property of household member

Criminal damage to property of a household member consists of intentionally damaging real, personal, community or jointly owned property of a household member with the intent to intimidate, threaten or harass the household member

Whoever commits criminal damage to the property of household member is guilty of a misdemeanor, except that when the damage to the household member's interest in the property amounts to more than one thousand dollars (\$1,000), the offender is guilty of a fourth-degree felony

Deprivation of the Property of a Household Member

- Deprivation of the property of a household member consists of intentionally depriving a household member of the use of separate, community or jointly owned personal property of the household member with the intent to intimidate or threaten that household member
- Whoever commits deprivation of the property of a household member is guilty of a misdemeanor

Dual Arrests

Dual arrest occurs when law enforcement detains multiple individuals involved in a domestic violence incident. It's a situation where two or more people present at the scene of a suspected domestic violence are taken into custody.

<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#40-13-1.1>

Dual Arrests (40-13-1.1)

The legislature finds that domestic abuse incidents are complex and require special training on the part of law enforcement officers to respond appropriately to domestic abuse incidents.

The State of New Mexico discourages dual arrests of persons involved in incidents of domestic abuse. A law enforcement officer, in making arrests for domestic abuse, shall seek to identify and shall consider whether one of the parties acted in self-defense and identify the “primary aggressor” (bully).

How to determine Primary Aggressor

In domestic violence cases, determining the primary aggressor involves a comprehensive assessment to identify the individual posing the most significant threat, not just who started the altercation. This assessment considers factors like the history of violence, severity of injuries, likelihood of future harm, witness statements, and whether one party acted in self-defense. Police often make this determination based on available evidence at the scene, and in some cases, may make a dual arrest if they are unable to clearly identify the primary aggressor.

- 
- Take note of anything you see or hear that might be relevant to your safety or your case
 - When you make contact, separate the parties for safety and investigative purposes
 - Attempt to identify through investigative means the **“dominant aggressor” (bully/batterer) at a DV call.**

Stalking (30-3A-3)

- Stalking consists of knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, confinement or restraint of the individual or another individual.
- “Pattern of conduct” means two or more acts, on more than one occasion, in which the alleged stalker by an action, method, device or means directly, indirectly or through third parties, follows, monitors, surveils, threatens or communicates to or about a person.

<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#30-3A-3>

Stalking (continued)

- Whoever commits stalking is guilty of a misdemeanor. Upon a second or subsequent conviction, the offender is guilty of a fourth-degree felony.
- In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted of stalking to participate in and complete a program of professional counseling at the person's own expense or a domestic violence offender treatment or intervention program.

<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#30-3A-3>

Aggravated Stalking (30-3A-3.1)

Aggravated stalking consists of stalking perpetrated by a person:

Who knowingly violates a permanent or temporary order of protection issued by a court, except that mutual violations of such orders may constitute a defense to aggravated stalking;

In violation of a court order setting conditions of release and bond when the person is in possession of a deadly weapon; or when the victim is less than sixteen years of age.

Domestic Violence Report Review Checklist

<https://www.theiacp.org/sites/default/files/all/p-r/ResponsetoDomesticViolenceChecklist2017.pdf>

Does the report include all needed **information**?

- How was the case received?
- Is the time of the call recorded (including time of incident, time of dispatch, time of arrival)?
- Are the elements of the crime(s) articulated to meet state and/or federal laws that address domestic violence? Firearms?
- What were the observations upon approach?
- Is there a valid protection order in place?
- Is the scene concisely described/diagramed?

Domestic Violence Report Review Checklist

<https://www.theiacp.org/sites/default/files/all/p-r/ResponsetoDomesticViolenceChecklist2017.pdf>

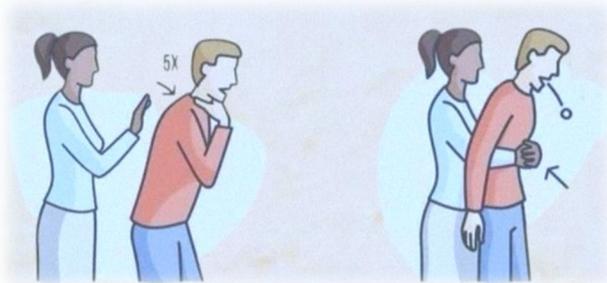
Does the report include all needed **information**?

- Were weapons/objects used?
- What was the emotional state of the victim (what did they report they were thinking and feeling)?
- What evidence was collected?
- Is evidence of fear articulated in the report?
- Have all threats been clearly documented?
- Is the use of coercion and/or force articulated?
- Have all injuries (visible and non-visible) been documented? Were injuries existing or new?

Choking vs Strangulation

Choking:

*a medical emergency that occurs when a foreign object lodges in the throat, blocking the airway



*<https://www.medicalnewstoday.com/articles/what-is-choking#definition>

Strangulation:

^obstruction or compression of blood vessels and/or airways by external pressure to the neck impeding normal breathing or circulation of the blood



^ <https://ifas.org.uk/what-is-strangulation/>

NM LAW- STRANGULATION

Family Violence Protection Act (VPA),
Abuse & Neglect,
& Crimes Against Household Member (HHM) Act

Strangulation means the unlawful touching or application of force to another person's neck or throat with intent to injure that person and in a manner whereby great bodily harm or death can be inflicted, the result of which impedes the person's normal breathing or blood circulation

<https://nmonesource.com/nmos/nmsa/en/item/4375/index.do#a13>

<https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#30-3-11>

NM LAW- STRANGULATION

Suffocation

The unlawful touching or application of force that blocks the nose or mouth of another person with the intent:

Great Bodily Harm(GBH): an injury to a person which creates a high probability of death... **SECTION 30-1-12A NMSA 1978**

Aggravated battery against a household member (GBH): the defendant cause GBH or acted in a way that would likely result in death or GBH **Section 30-3-16(C)**

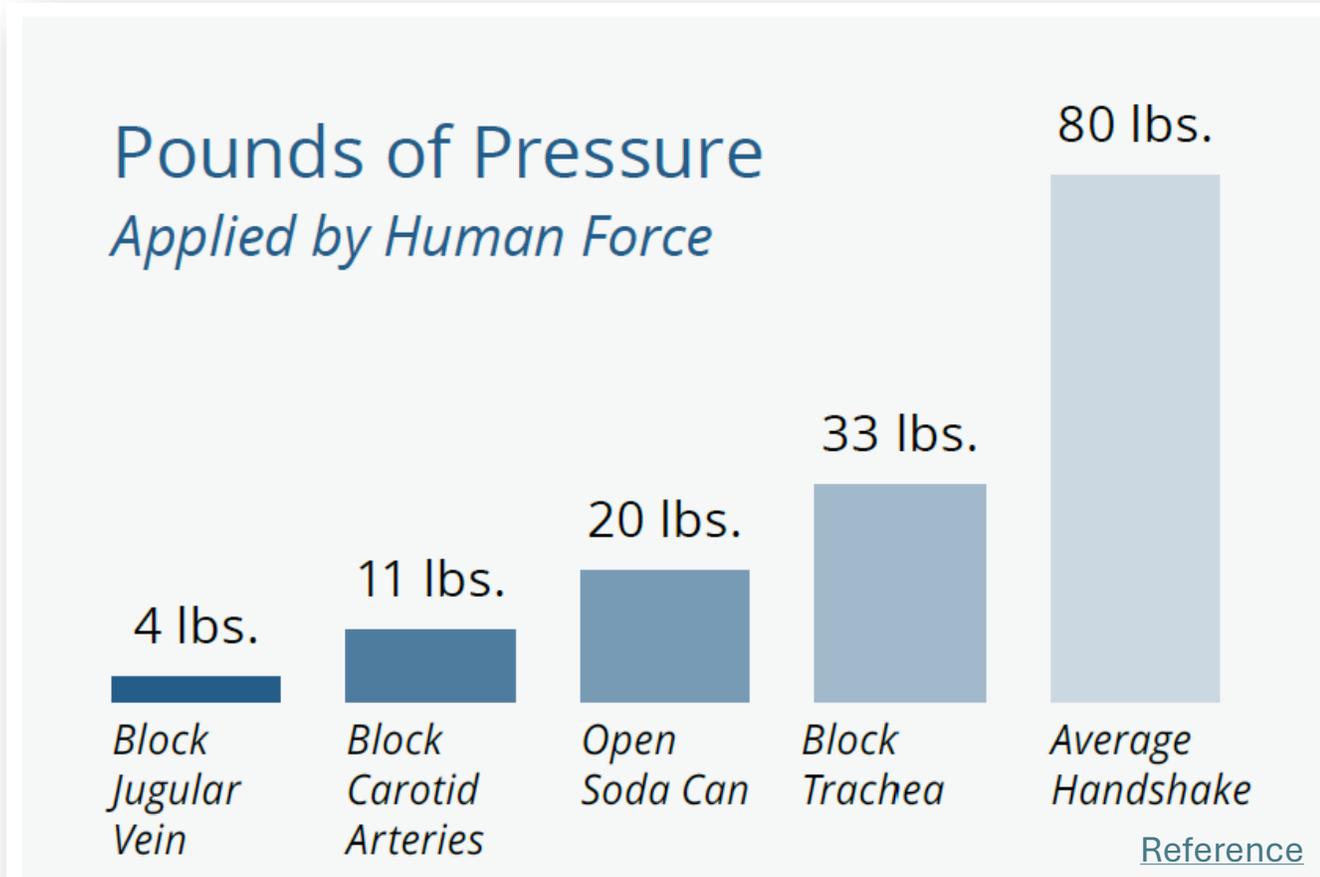
[30-3-11](#)

[30-1-12](#)

[30-3-16](#)

[40-13-2](#)

STRANGULATION FACTS



Approximately 50%* of strangulation victims will have no visible injuries at time of police response, and some survivors may not even recall the strangulation incident because of cerebral hypoxia during the assault

*Zilkens, R. R., Phillips, M. A., Kelly, M. C., Mukhtar, S. A., Semmens, J. B., & Smith, D. A. (2016). Non-fatal strangulation in sexual assault: A study of clinical and assault characteristics highlighting the role of intimate partner violence. *Journal of forensic and legal medicine*, 43, 1–7. <https://doi.org/10.1016/j.jflm.2016.06.005>

STRANGULATION FACTS

Strangulation for any length of time can be exceedingly dangerous. It can cause loss of consciousness within 5 to 10 seconds and death within 1 to 3 minutes.

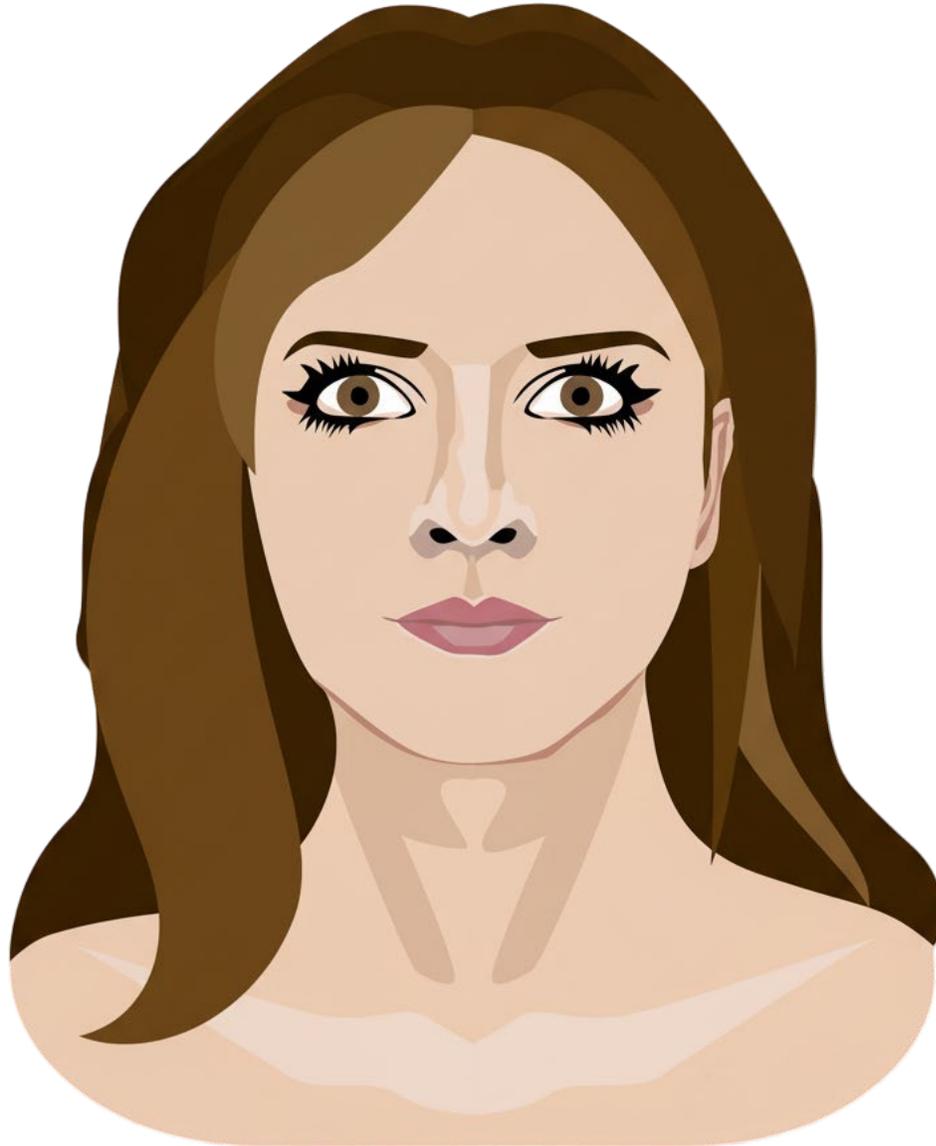
Conversely, death can also occur days to weeks after being strangled due to blood flow complications, stroke, or respiratory complications such as pneumonia.

It is a good idea for strangulation victims to be around someone they trust for 24 to 72 hours after an incident to help them be on the lookout for signs and symptoms such as these that may indicate a serious issue is developing.

<https://www.dvsn.org/strangulation-dangers-misconceptions/>

Symptoms of Strangulation

the injuries
not visible
to the
naked eye,
observable
only to the
victim



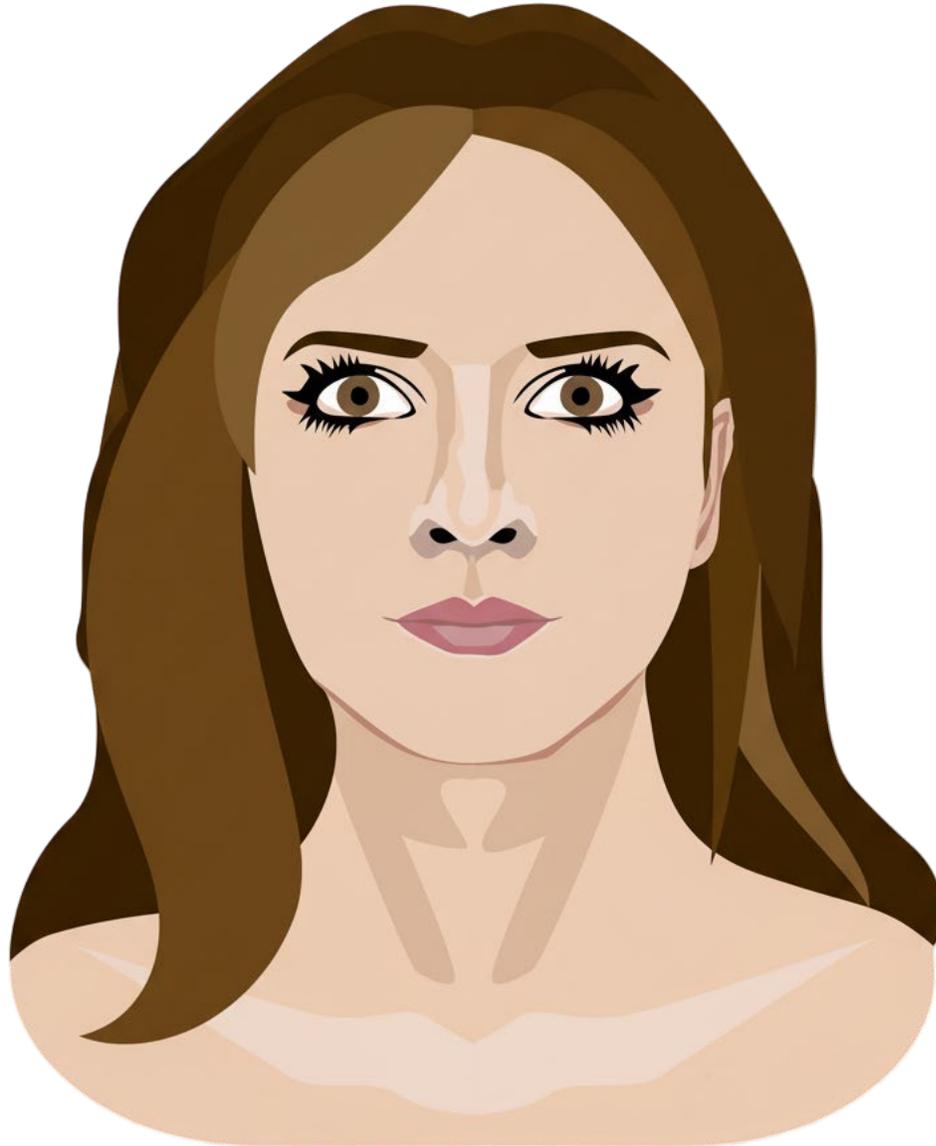
Neurological

- Loss of Memory
- Loss of Consciousness
- Behavioral Changes
- Loss of Sensation
- Extremity Weakness
- Difficulty Speaking
- Fainting
- Urination
- Defecation
- Vomiting
- Dizziness
- Headaches

<https://mivan.org/2022/04/06/signs-and-symptoms-of-strangulation/>

Symptoms of Strangulation

the injuries
not visible
to the
naked eye,
observable
only to the
victim



Voice & Throat Changes

- Raspy or Hoarse Voice
- Unable to speak
- Trouble Swallowing
- Painful to Swallow
- Clearing the Throat
- Coughing
- Nausea
- Drooling
- Sore Throat
- Stridor (high pitch wheezing)

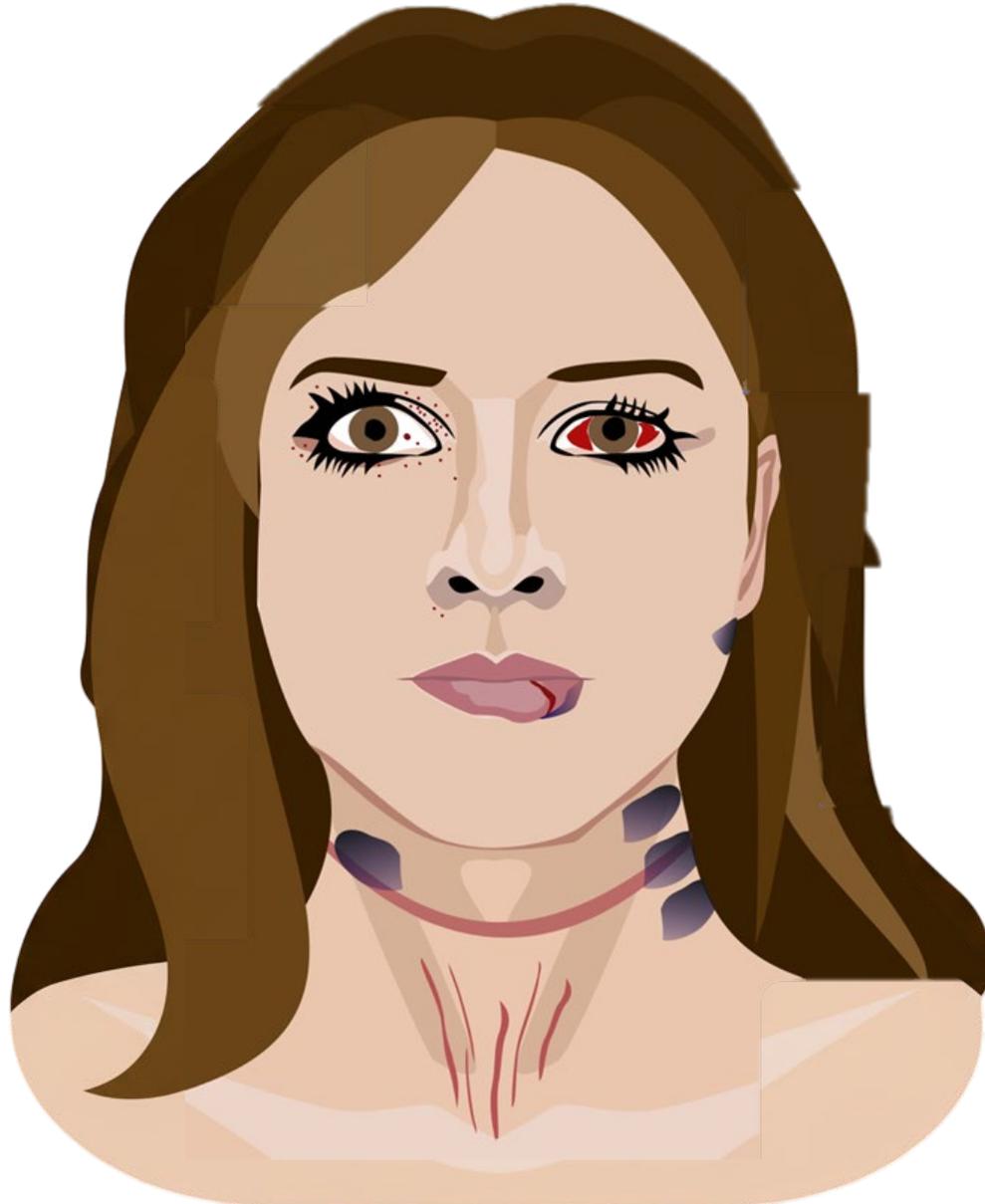
Breathing Changes

- Difficulty Breathing
- Respiratory Distress
- Unable to Breathe

<https://mivan.org/2022/04/06/signs-and-symptoms-of-strangulation/>

Signs of Strangulation

visible evidence of injury, observable to others as well as the victim



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

Face

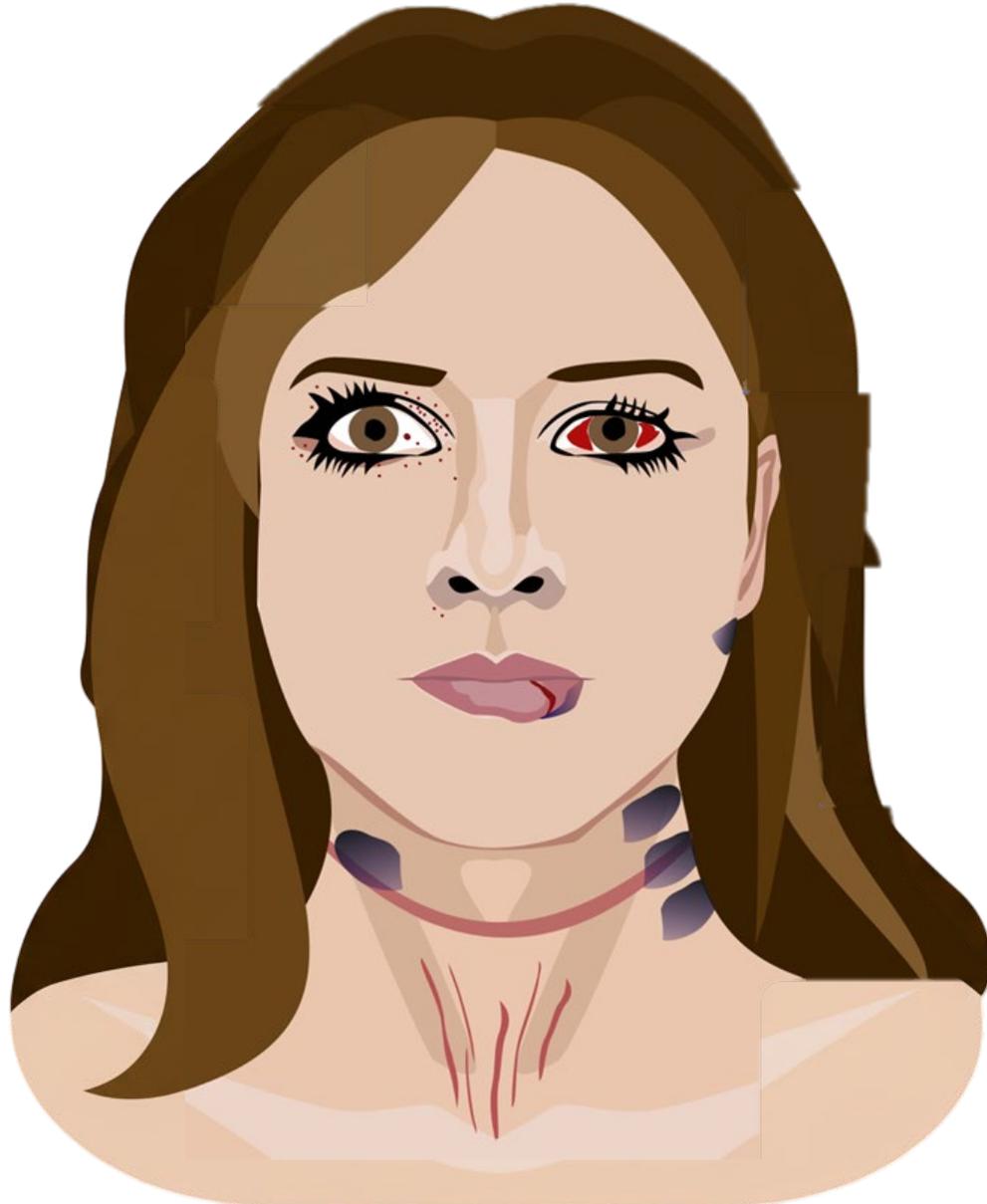
- Petechiae
- Scratch Marks
- Facial Drooping
- Swelling

<https://mivan.org/2022/04/06/signs-and-symptoms-of-strangulation/>

Petechiae – tiny red spots- slightly red or florid

Signs of Strangulation

visible evidence of injury, observable to others as well as the victim



Chest

- Chest Pain
- Redness
- Scratch Marks
- Bruising
- Abrasions

Ears

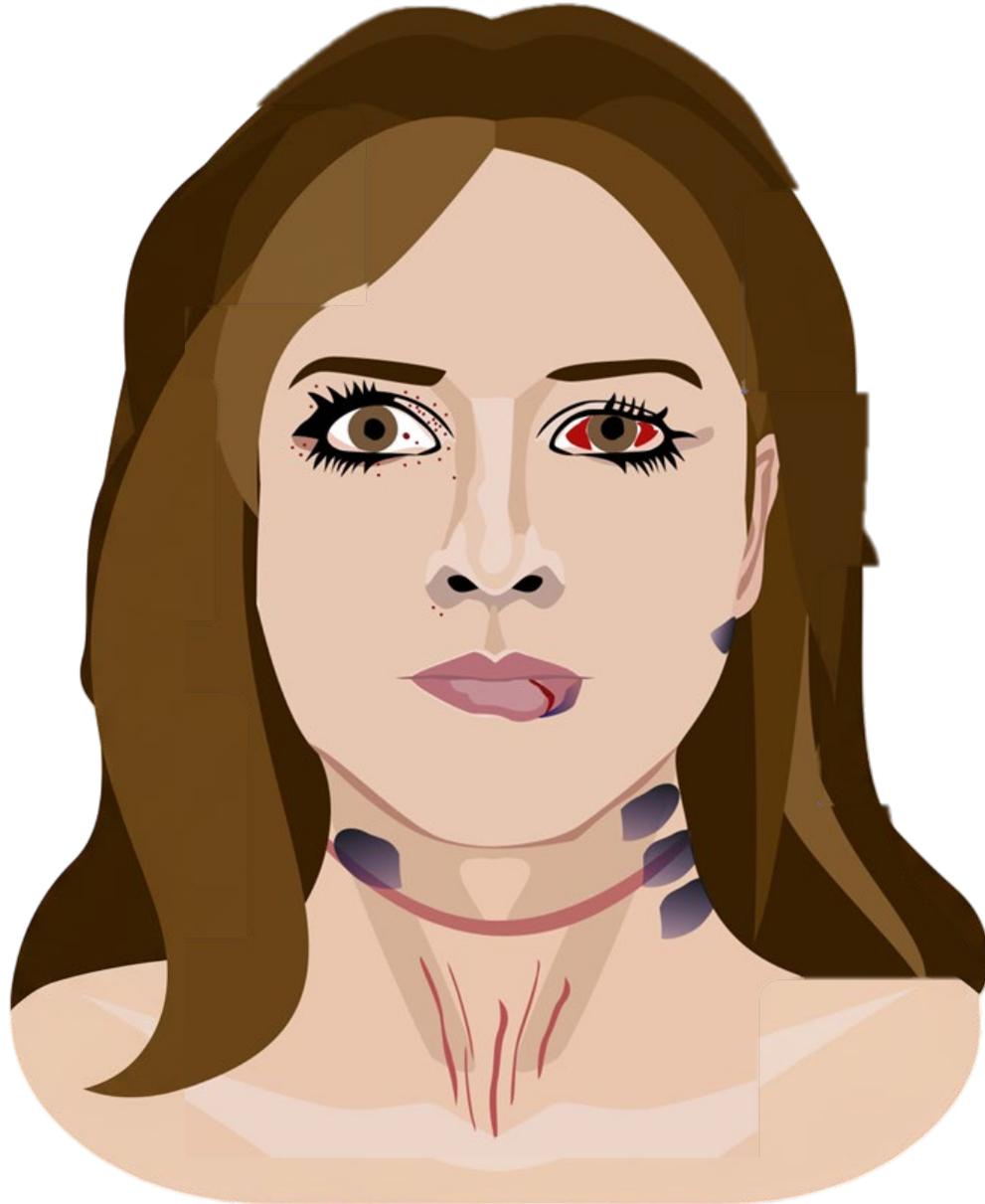
- Ringing in Ears
- Petechiae on Earlobes
- Bruising Behind the Ear
- Bleeding in the Ear

<https://mivan.org/2022/04/06/signs-and-symptoms-of-strangulation/>

Petechiae – tiny red spots- slightly red or florid

Signs of Strangulation

visible evidence of injury, observable to others as well as the victim



Neck

- Redness
- Scratch Marks
- Fingernail Impressions
- Bruising (thumb or fingers)
- Swelling
- Ligature Marks

Mouth

- Bruising
- Swollen Tongue
- Swollen Lips
- Cuts/Abrasions
- Internal Petechiae

<https://mivan.org/2022/04/06/signs-and-symptoms-of-strangulation/>

Petechiae – tiny red spots- slightly red or florid

Strangulation Injuries



Strangulation Injuries



Strangulation Injuries



<https://www.clinician.com/articles/148916-strangulation-and-related-injuries>

Ask about and capture details regarding non-visible injuries that occur from strangulation

- Difficulty breathing/unable to breathe, hyperventilation
- Raspy voice, hoarse voice, coughing, unable to speak
- Trouble swallowing, painful to swallow
- Neck pain
- Nausea, vomiting

IACP NATIONAL LAW ENFORCEMENT LEADERSHIP INITIATIVE ON
VIOLENCE AGAINST WOMEN

Response to Non-Lethal Strangulation
Report Review Checklist

Remember

- Always call for medical aid- death can occur later
- Describe if any ligature was used
- Describe the strangulation
- For how long?
- Describe the amount of force used

Response to Non-Lethal Strangulation: Does the report include all needed information?

IACP NATIONAL LAW ENFORCEMENT LEADERSHIP INITIATIVE ON
VIOLENCE AGAINST WOMEN

Response to Non-Lethal Strangulation
Report Review Checklist

- What was used to strangle the victim (one hand, two hands, forearm, other body part, ligature, etc.)?
- Were other weapons involved?
- Did the strangulation take place from the front or behind?
- Was the victim wearing jewelry?
- Was the suspect wearing jewelry? Gloves?
- Is the suspect right or left-handed, if known?
- How long did the strangulation last? How many times was the victim strangled?
- Was the victim also smothered?
- Was the victim also shaken while being strangled?
- Was the victim's head pushed into a wall, floor, or other surface?

<https://www.forensicnurses.org/page/STAssessment>

Response to Non-Lethal Strangulation: Does the report include all needed information?

- Did the victim attempt to protect themselves?
- Did the suspect say anything to the victim before/while/after the strangulation occurred?
- What was the suspect's demeanor before, during and after the incident?
- Did the victim describe what the suspect's face looked like during the incident?
- Why and how did the suspect stop strangling the victim?

Ask about and capture details regarding non-visible injuries that occur from strangulation

- Involuntary urination or defecation
- Dizziness, fainting/light-headed
- Headaches, head “rush”, ears ringing
- Loss of consciousness
- Change in mental status
(disoriented, combative, memory loss, “spaced out”)

IACP NATIONAL LAW ENFORCEMENT LEADERSHIP INITIATIVE ON
VIOLENCE AGAINST WOMEN

Response to Non-Lethal Strangulation
Report Review Checklist

Ask About and Document Visible Injuries from Strangulation

- Petechiae (pinpoint red spots above the area of constriction)
- Hemorrhaging, bruising
- Scratch marks, scrapes, abrasions
- Bloody nose, broken nose
- Fingernail impressions
- Swelling of the neck or face
- Pulled/missing hair, bumps on head
- Skull fracture, concussion
- Swollen tongue, swollen lips
- Were there any existing (old) injuries?

IACP NATIONAL LAW ENFORCEMENT LEADERSHIP INITIATIVE ON
VIOLENCE AGAINST WOMEN

Response to Non-Lethal Strangulation
Report Review Checklist

Did you discuss the following with the victim?

- The need for follow-up photos.
- Receiving medical attention. Symptoms and injuries can develop over days or weeks after the strangulation,
- Information about local service providers.

SUMMARY:

Officer(s) and first responders should be aware of the dynamic circumstances they are facing when heightened human emotions are at play in a call for service at domestic violence incidents.

First and foremost is the consideration and planning for officer safety. Tactical and situational awareness will make these calls for service safer for the officer and the community.

Domestic Violence Report Review Checklist

Does the report include all needed information?

- How was the case received?
- Is the time of the call recorded (including time of incident, time of dispatch, time of arrival)?
- Are the elements of the crime(s) articulated to meet state and/or federal laws that address domestic violence? Firearms?
- What were the observations upon approach?
- Is there a valid protection order in place?
- Is the scene concisely described/diagramed?
- Were photos taken and details recorded?
- Is the relationship of the parties identified?
- What is the history of the relationship? (include frequency of any violence, intimidation, and threats)
- Were all witnesses interviewed and documented?
- Were there children on the scene?
- Was information about previous incidents documented?
- Were weapons/objects used?
- What was the emotional state of the victim (what did they report they were thinking and feeling)?
- What evidence was collected?
- Is evidence of fear articulated in the report?
- Have all threats been clearly documented?
- Is the use of coercion and/or force articulated?
- Have all injuries (visible and non-visible) been documented? Were injuries existing or new?
- Was there any property damage? Theft? Burglary?
- Are stalking behaviors identified? (e.g. following, repeated calling, sending unwanted gifts)
- Did the officer inquire about possible strangulation (hands, ligature, etc.)?
- Did the victim report being strangled (“choked”)? If so, was it described in detail?
- Did the victim request/need medical attention?
- Did the victim report sexual violence?
- Were all spontaneous statements captured?

Did the officer ask about firearms? Is the officer aware of the laws that address domestic violence and firearms?

- Did the suspect use firearms during the incident that occurred? In previous incidents?
- Did the suspect make threats— real or implied— to use firearms during the incident that occurred? In previous incidents?
- Does the suspect have access to firearms? If so, what are the details of the firearms? Where are they located?
- Did the victim express fear about the suspect’s access to firearms? If so, how was this captured in the report?
- Were firearms/weapons confiscated? If so, on what grounds?

- Is this individual prohibited from possessing firearms due to:
 - a conviction for a misdemeanor crime of domestic violence
 - a qualifying order of protection
 - dishonorable discharge from the military

Did the officer assist the victim with safety planning?

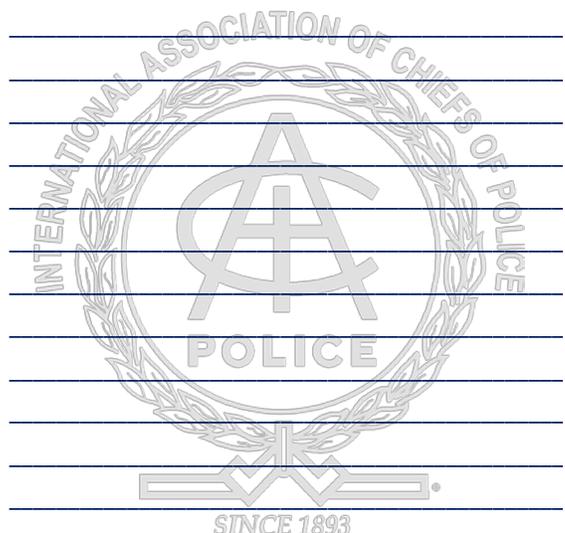
- Was information provided about obtaining an order of protection (if laws permit)?
- Was information provided to the victim about local service providers?
- Was a threat/risk assessment tool used with the victim?

If both parties used force, were the proper steps taken to determine if one acted in self-defense?

Did the officer gather comprehensive information about the suspect?

- Was an arrest made?
 - If an arrest was **not** made, is a detailed explanation of the reasoning in the report?
- Was more than one arrest made? If so, was probable cause articulated for the arrests in separate reports?
- What was the emotional state of the suspect (what did they report they were thinking and feeling)?
- Was a threat/risk assessment tool used with the suspect?
- Was the proper protocol followed if the suspect was not on the scene?
- Are there any active warrants out for the suspect?
- Has the suspect been the respondent to a protection order in the past?

Additional Notes



Response to Stalking Report Review Checklist

Does the report include all needed information?

- How was the case received?
- Is the time of the call recorded (including time of incident, time of dispatch, time of arrival)?
- Is the relationship of the parties identified?
- What is the history of the relationship? (include frequency of any violence, intimidation, and threats)
- Are stalking behaviors articulated? (e.g. following, repeated calling, sending unwanted gifts)
- Is there a valid protection order in place? Was it verified?
- Were all witnesses interviewed and documented?
- Was information about previous incidents documented?
- What evidence was collected?
- Was electronic/technological evidence collected?
- Were all incidents of stalking behavior on cell phones, computers, and recording devices captured?
- Is the scene(s) concisely described/diagrammed?
- Were weapons/objects used?
- What was the emotional state of the victim (what they were thinking and feeling)?
- Is evidence of fear articulated in the report?
- Have all threats been clearly documented?
- Is the use of coercion and/or force articulated?
- Have all injuries (visible and non-visible) been properly documented? Were injuries existing or new?
- Was there any property damage? Theft? Burglary?
- Were photos taken and details recorded?
- Did the victim report being strangled ("choked")? If so, was it described in detail?
- Did the victim request/need medical attention?
- Were all spontaneous statements captured?

Are your officers aware of the state's stalking statute/law?

- Does the report thoroughly articulate the elements of the stalking crime that occurred?

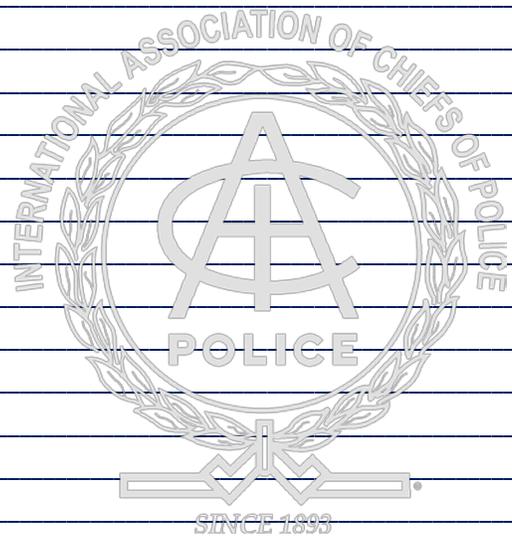
Did your officers assist the victim with safety planning?

- Was information provided about obtaining an order of protection? (*if laws permit*)
- Was information about local service providers supplied to the victim?
- Was a threat/risk assessment tool utilized with the victim?
- Was the use of a "stalking kit" and/or stalking log discussed with the victim?
- Does the suspect have access to weapons?

Did your officer gather comprehensive information about the suspect?

- Was an arrest made?
- What was the emotional state of the suspect (what they were thinking and feeling)?
- Did the officer(s) utilize a threat/risk assessment tool with the suspect?
- Was the proper protocol followed if the suspect was not on the scene?
- Are there any active warrants out for the suspect? If so, is this information documented?
- Has the suspect been the respondent to a protection order in the past?
- Is this individual prohibited from possessing firearms due to:
 - a conviction for a misdemeanor crime of domestic violence
 - a qualifying order of protection

Additional Notes



Sexual Assault Report Review Checklist

Does the report include all needed information?

- How was the case received?
- Is the time of the call recorded (including time of incident, time of dispatch, time of arrival)?
- Are the elements of the crime(s) articulated to meet state and/or federal laws?
- What were the observations upon approach?
- Is the scene(s) concisely described/diagrammed?
- Were photos taken and details recorded?
- Is the relationship of the parties identified?
- What is the history of the relationship? (include frequency of any violence, intimidation, and threats)
- Were all witnesses interviewed and documented?
- Were "outcry witness" interviewed?
- Were weapons/objects used?
- What was the emotional state of the victim (what did they report they were thinking and feeling)?
- What evidence was collected?
- Have all injuries (visible and non-visible) been documented? Were injuries existing or new?
- Is trauma documented in the report?
- Have all threats been clearly documented?
- Is the victim's fear effectively documented?
- Is the use of coercion and/or force articulated?
- Was there any property damage? Theft? Burglary?
- Are stalking behaviors identified in the report?
- Did the victim report being strangled ("choked")? If so, was it described in detail?
- Was the victim asked about possible strangulation (hands, ligature, etc.)?
- Did the victim request/need medical attention?
- Were advocates called to the scene?
- Is there a valid protection order in place? Was it verified?
- Was the case coded properly?
- Has sexual abuse by the suspect been ongoing?
- Were all spontaneous statements captured?

Was the victim incapacitated or incapable of giving consent?

- Were drugs or alcohol used by victim? Are amounts and timespan articulated?
- Does the victim believe he/she was drugged?
- If drug facilitated sex assault is suspected, were blood and urine collected?
- Have mental and/or physical incapacities been documented?

Did the officers assist the victim with safety planning?

- Was the victim provided with information about local service providers?
- Was a forensic examination of the victim conducted?
- Was a threat/risk assessment tool used with the victim?

Did the officer ask about firearms?

- Did the suspect use firearms during the incident that occurred? In previous incidents?
- Did the suspect make threats— real or implied— to use firearms during the incident that occurred? In previous incidents?
- Does the suspect have access to firearms? If so, what are the details of the firearms? Where are they located?
- Did the victim express fear about the suspect's access to firearms? If so, how was this captured in the report?
- Is this individual prohibited from possessing firearms due to:
 - a conviction for a misdemeanor crime of domestic violence
 - a qualifying order of protection
 - dishonorable discharge from the military

Did your officer gather comprehensive information about the suspect?

- Was an arrest made?
- What was the emotional state of the suspect (what did they report they were thinking and feeling)?
- Were drugs or alcohol used by the suspect? Are amounts and time span articulated?
- Was a threat/risk assessment tool used with the suspect?
- Were firearms/weapons confiscated? If so, on what grounds?
- Was a suspect exam conducted?
- Were the suspects pre-incident behaviors documented?
- Was the proper protocol followed if the suspect was not on the scene?
- Are there any active warrants out for the suspect?
- Has the suspect been the respondent to a protection order in the past? Past arrests?
- Are there any other identified victims?

Additional Notes

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE
POLICE
SINCE 1893

STRANGULATION ASSESSMENT CARD

v 10.12.18

SIGNS	SYMPTOMS	CHECKLIST	TRANSPORT
<ul style="list-style-type: none">● Red eyes or spots (Petechiae)● Neck swelling● Nausea or vomiting● Unsteady● Loss or lapse of memory● Urinated● Defecated● Possible loss of consciousness● Ptosis – droopy eyelid● Droopy face● Seizure● Tongue injury● Lip injury● Mental status changes● Voice changes	<ul style="list-style-type: none">● Neck pain● Jaw pain● Scalp pain (from hair pulling)● Sore throat● Difficulty breathing● Difficulty swallowing● Vision changes (spots, tunnel vision, flashing lights)● Hearing changes● Light headedness● Headache● Weakness or numbness to arms or legs● Voice changes	<p>S Scene & Safety. Take in the scene. Make sure you and the victim are safe.</p> <p>T Trauma. The victim is traumatized. Be kind. Ask: what do you remember? See? Feel? Hear? Think?</p> <p>R Reassure & Resources. Reassure the victim that help is available and provide resources.</p> <p>A Assess. Assess the victim for signs and symptoms of strangulation and TBI.</p> <p>N Notes. Document your observations. Put victim statements in quotes.</p> <p>G Give. Give the victim an advisal about delayed consequences.</p> <p>L Loss of Consciousness. Victims may not remember. Lapse of memory? Change in location? Urination? Defecation?</p> <p>E Encourage. Encourage medical attention or transport if life-threatening injuries exist.</p>	<p>If the victim is Pregnant or has life-threatening injuries which include:</p> <ul style="list-style-type: none">● Difficulty breathing● Difficulty swallowing● Petechial hemorrhage● Vision changes● Loss of consciousness● Urinated● Defecated <p>DELAYED CONSEQUENCES</p> <p>Victims may look fine and say they are fine, but just underneath the skin there would be internal injury and/or delayed complications. Internal injury may take a few hours to be appreciated. The victim may develop delayed swelling, hematomas, vocal cord immobility, displaced laryngeal fractures, fractured hyoid bone, airway obstruction, stroke or even delayed death from a carotid dissection, blood clot, respiratory complications, or anoxic brain damage.</p> <p>Taliaferro, E., Hawley, D., McClane, G.E. & Strack, G. (2009), Strangulation in Intimate Partner Violence. <i>Intimate Partner Violence: A Health-Based Perspective</i>. Oxford University Press, Inc.</p> <p>This project is supported all or in part by Grant No. 2014-TA-AX-K008 awarded by the Office on Violence Against Women, U.S. Dept. of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.</p>

ADVISAL TO PATIENT

- After a strangulation assault, you can experience internal injuries with a delayed onset of symptoms. These internal injuries can be serious or fatal.
- Stay with someone you trust for the first 24 hours and have them monitor your signs and symptoms.
- Seek medical attention or call 911 if you have any of the following symptoms: difficulty breathing, trouble swallowing, swelling to your neck, pain to your throat, hoarseness or voice changes, blurred vision, continuous or severe headaches, seizures, vomiting or persistent cough.
- The cost of your medical care may be covered by your state's victim compensation fund. An advocate can give you more information about this resource.
- The National Domestic Violence Hotline number is **1-800-799-SAFE**.

NOTICE TO MEDICAL PROVIDER

- The Medical Advisory Board of the Training Institute on Strangulation Prevention has developed recommendations for the radiologic evaluation of the adult strangulation victim. In patients with a history of a loss of consciousness, loss of bladder or bowel control, vision changes or petechial hemorrhage, medical providers should evaluate the carotid and vertebral arteries, bony/cartilaginous and soft tissue neck structures and the brain for injuries. A list of medical references is available at www.strangulationtraininginstitute.com
- Life-threatening injuries include evidence of petechial hemorrhage, loss of consciousness, urination, defecation and/or visual changes. If your patient exhibits any of the above symptoms, medical/radiographic evaluation is strongly recommended. Radiographic testing should include: a CT angiography of carotid/vertebral arteries (most sensitive and preferred study for vessel evaluation) or CT neck with contrast, or MRA/MRI of neck and brain. Strangled patients with arterial injuries can present with strokes months or years post-strangulation.
- ED/Hospital observation should be based on severity of symptoms and reliable home monitoring.
- Consult Neurology, Neurosurgery and/or Trauma Surgery for admission.
- Consider an ENT consult for laryngeal trauma with dysphonia, odynophagia, dyspnea.
- Discharge home with detailed instructions to return to ED if neurological signs/symptoms, dyspnea, dysphonia or odynophagia develops or worsens.

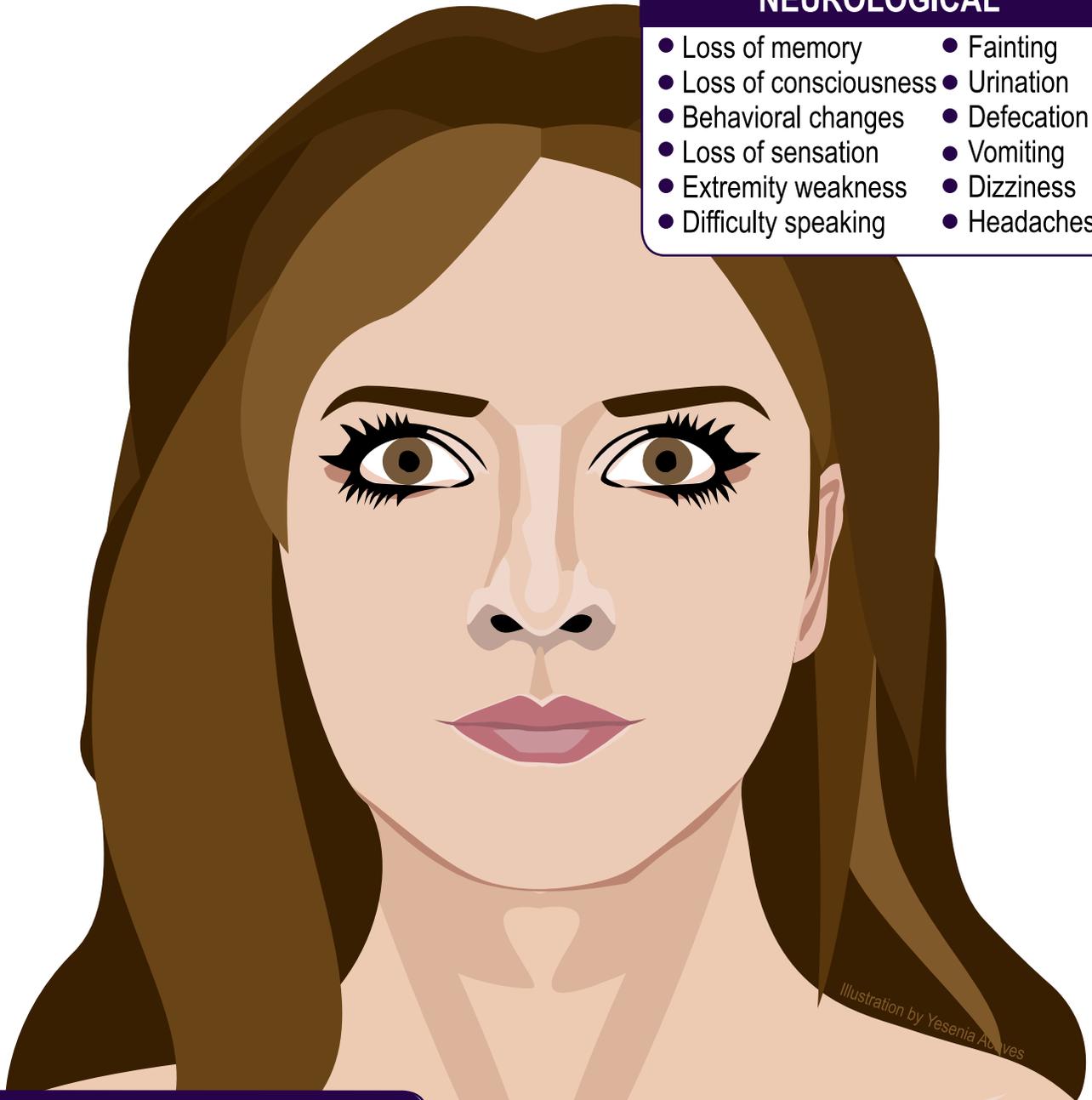


StrangulationTrainingInstitute.com

SYMPTOMS of Strangulation

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

Injuries not visible to the naked eye; observable only to the victim*



NEUROLOGICAL

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

VOICE & THROAT CHANGE

- 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

* Visible signs may also be present.



strangulationTrainingInstitute.com

SIGNS of Strangulation

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

Visible evidence of injury, observable to others as well as to the victim*

SCALP

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

EARS

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

EYES & EYELIDS

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

MOUTH

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

FACE

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

NECK

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

CHEST

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

Illustration by Yesenia Aceves



strangulationtraininginstitute.com

* The lack of visible signs does not eliminate the possibility of strangulation; invisible symptoms may also be present.

Identifying Stalking: SLII Strategies

Adapted from T.K. Logan's "Connecting the Dots: Advocates," 2017

Stalking is its own crime with its own risks, safety planning needs, and legal responses. Many stalking victims do not use the words "stalking" or "fear" to describe their experience(s).¹ They are more likely to say something like "my ex is bothering me," "an old coworker is being weird," or "my neighbor is harassing me." Victims respond to trauma differently, and may present as annoyed, frustrated, angry, or show no emotion at all rather than appearing scared.

As responders, it can be beneficial to determine if stalking victimization and/or fear is present in order to effectively assess risk, consider legal options, and/or safety plan.

Stalking behaviors are varied and may change over time. Most stalkers engage in multiple tactics to scare their victims.² Ask specific questions about the major stalking categories—surveillance, life invasion, intimidation, and interference (SLII)³—to better assess if a victim is experiencing stalking. These categories overlap and build on each other.



Stalking Behavior Screening Questions:

- Is the offender following you, watching you, showing up unexpectedly, or communicating with you in ways that seem obsessive or make you concerned for your safety?
- Has the offender repeatedly initiated unwanted contact with you (for example, repeated phone calls, texts, messages, emails, gifts, etc. or through third parties)?
- Has the offender threatened you or done other things to intimidate you? What have they done that has frightened or alarmed you?
- Has the offender significantly and directly interfered with your life? Have they assaulted you while stalking, harassing, or threatening you? Have they forcibly kept you from leaving or held you against your will, caused you to have a serious accident, physically assaulted your friends or family members, or seriously attacked you in other ways?

Key questions about fear/concern for safety:

- Have the offender's actions made you afraid for your safety or the safety of others?
- Have you changed your life in any way because you are afraid? If so, how? (for example, installed door locks, cameras, or lights; moved; changed jobs; altered schedule, route, and/or routines)
- What are you most afraid of happening?

SURVEILLANCE

Surveillance is the most commonly identified stalking tactic and includes watching and gathering information about the victim.

Has the offender...

- followed you?
- watched you?
- shown up unexpectedly?
- gone through your mail or trash?
- sought information about you from friends, family, or other acquaintances?
- communicated with you in ways that seemed obsessive or made you concerned for your safety?
- accessed your accounts (for example, social media, online finances)?
- planted a camera, GPS tracker, or other device on your vehicle or in your home?
- used tracking software on your phone, tablet, or computer to track you?
- monitored your activity online?

“He knows everything about me...I am so frightened.”⁴

- Stalking Survivor

LIFE INVASION

Life invasion describes ways that the offender is showing up in the victim’s life without the victim’s consent. “It is referred to as invasion because it means entry directly or through electronic means into the private sphere of victim lives—even though it can occur in public settings.”⁵ This may include excessive contact, showing up, spreading rumors, and/or sending gifts.

Has the offender...

- repeatedly initiated unwanted contact with you (for example, repeated phone calls, texts, messages, emails?)
- sent gifts to you or left objects/items for you to find?
- tried to initiate contact with you through third parties?
- spread rumors about you?
- humiliated, or tried to humiliate, you in public?
- impersonated you online?
- hacked into your accounts?
- harassed friends, family members, or other third parties?
- sent photos of themselves or of you in locations that you frequent?
- invaded your property (like letting themselves into your home or vehicle)?
- shown up at places you frequent (for example, your gym, child’s daycare, grocery store)?

“My entire life has been stolen from me. My privacy has been taken from me. I’m humiliated daily. It’s a living hell.”⁶

- Stalking Survivor

INTIMIDATION

Context is critical in stalking cases. Many behaviors are intimidating when considered within the totality of stalking behaviors and with the victim and offender's relationship and history in mind.

Has the offender...

- threatened you explicitly or implicitly, in-person or online?
- threatened family, friends, pets, or others that you care about?
- threatened to destroy property, harm pets, or to sabotage you in other ways?
- blackmailed you?
- threatened to share/post private information about you unless you perform sexual acts?
- engaged in symbolic violence (like a crushed soda can or burnt doll) that you perceived as a threat?
- threatened to or actually harmed themselves?
- done anything that has intimidated, frightened, or alarmed you?

INTERFERENCE *THROUGH SABOTAGE OR ATTACK*

Stalkers may interfere in a victim's life in many ways, affecting everything from the victim's reputation to their employment and/or physical safety. A common and significant consequence is victims losing financial and other resources, which can quickly spiral.

Has the offender...

- significantly and directly interfered with your life?
- damaged your property or stolen from you?
- disrupted your professional and/or social life?
- caused you to have a serious accident?
- meddled in online accounts (social media, finances, etc.)?
- posed as you and created harm?
- forcibly kept you from leaving or held you against your will?
- assaulted you while stalking, harassing, or threatening you?
- assaulted your friends, family, or pets, or seriously attacked you in other ways?
- shared with others and/or posted online private photos of you and/or information about you?

“It’s not easy to describe the fear you have when you see the stalker, or signs of the stalker, everywhere you go. I have given up all hopes of ever having a safe life.”

- Stalking Survivor

The Stalking and Harassment Assessment and Risk Profile (SHARP) is a free, web-based tool with more questions, available at www.CoerciveControl.org. It is designed specifically to examine stalking and assess the “big picture” of the stalking situation and a victim's risk in the moment.

Citations

- ¹ Tjaden, P. & Thoennes, N. (2001). Stalking: Its Role in Serious Domestic Violence Cases, Executive Summary. Center for Policy Research: Denver, CO.
- ² Mohandie, K., Meloy, J.R., McGowan, M.G., & Williams, J. (2006). The RECON Typology of Stalking: Reliability and Validity Based upon a Large Sample of North American Stalkers. *Journal of Forensic Sciences*, 51(1), 147-155.
- ³ Logan, T.K. & Walker, R. (2017). Stalking: A Multidimensional Framework for Assessment and Safety Planning. *Trauma, Violence & Abuse*, 18(2): 200-222.
- ⁴ Kelly, K. (2020, March 24). Sinister stalker bugged his ex-girlfriend's car and turned up on her new boyfriend's doorstep. *The Shields Gazette*.
- ⁵ Logan, T.K. & Walker, R. (2017). Stalking: A Multidimensional Framework for Assessment and Safety Planning. *Trauma, Violence & Abuse*, 18(2): 200-222.
- ⁶ Greenberg, A. (2017 Jan 31). Spoofed Grindr Accounts turned One Man's Life Into a 'Living Hell.' *Wired Magazine*.

NMLA DV helpline - assistance with legal representation for: DV order of protection hearings, advice and counsel on divorce, custody, housing, poverty issues facing DV victims

- **1-877-974-3400 or helpline@nmlegalaid.org**
- Monday through Friday 9am to 5pm.
- No income guidelines
- Funded by CVRC

Resources

National Domestic Violence Hotline:

1-800-799-SAFE (7233)

<https://www.thehotline.org/>



UNM Mental Health: 505-272-2800

<https://unmhealth.org/locations/psychiatric-center.html>



AGORA NM Crisis Center: 505-277-3013

<http://www.agoracares.org/>

A promotional graphic for the AGORA Crisis Center. It features a yellow box with the 'AGORA CRISIS CENTER' logo, a green box with a telephone icon and the text 'talk about it phone | chat online', an orange box with the phone number '505.277.3013', a dark blue box with the website 'www.AgoraCares.org', and a light blue box with the toll-free number '855.505.4505'.

AGORA
CRISIS CENTER

505.277.3013

talk about it
phone | chat online

www.AgoraCares.org

855.505.4505

Child Abuse Hotline:

1 (855) 333 – SAFE (7233)

<https://www.cyfd.nm.gov/contact-us/>



**Children, Youth &
Families Department**
STATE OF NEW MEXICO

SEE SOMETHING,
SAY SOMETHING!
REPORT ABUSE & NEGLECT!

(855) 333 – SAFE
#SAFE (MOBILE)



Adult Protective Services:

1-866-654-3219 or 1-505-476-4912

<https://aging.nm.gov/protecting-adults>

Adult Protective Services Intake FAX

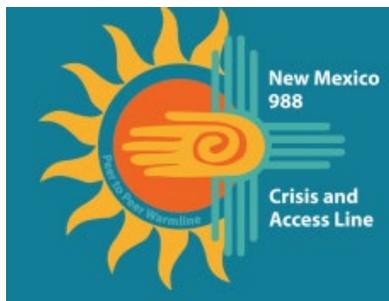
1-855-414-4885.



New Mexico Crisis and Access Line:

855-662-7474 and/or dial 988

<https://nmcrisisline.com/>





DOMESTIC ABUSE INTERVENTION PROGRAMS

202 East Superior Street
Duluth, Minnesota 55802
218-722-2781
www.theduluthmodel.org