

Closing the Gap – Leveraging Resources for Impact

John Guard
Chief Deputy
Pitt County Sheriff's Office
Greenville, NC 27834
252-902-2701
john.guard@pittcountync.gov
jeguard4@gmail.com



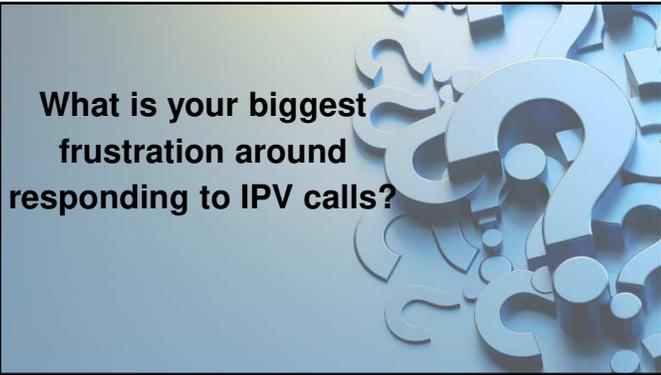


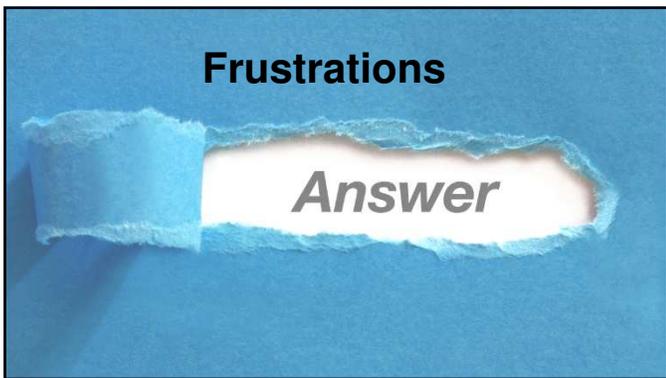
This project was supported by Grant No. 2020-WE-AX-0022 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice.

Training Objectives

- Identify specific frustrations experienced by allied professionals.
- Review voids that exist within the traditional response protocol.
- Learn the strategies offenders use to exploit gaps within the criminal justice system.
- Discuss how research, evaluation, and data collection continue to fuel advances in practice.





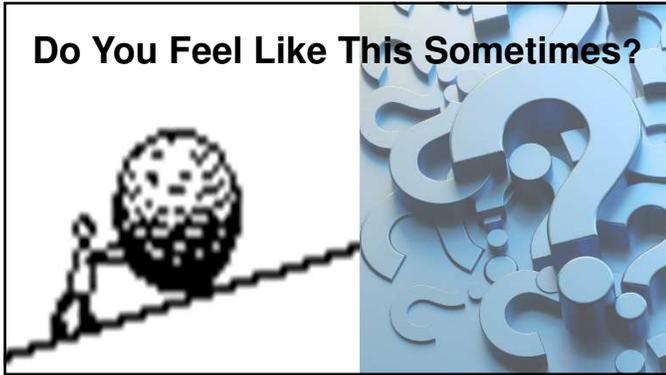




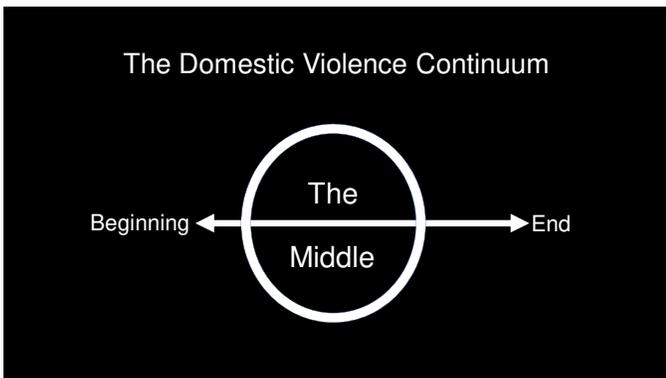










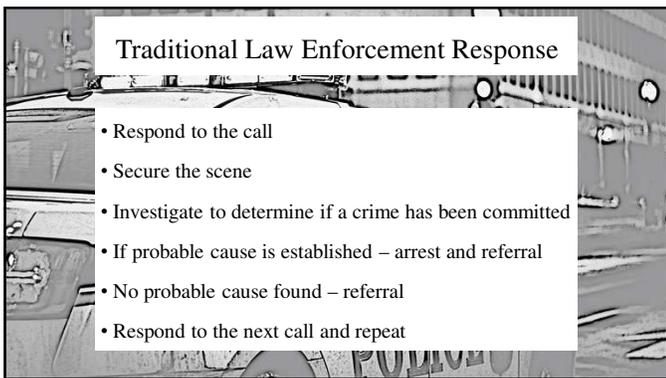


We can change this by getting back to the basics

“By understanding and embracing the deep rooted dynamics of domestic violence and utilizing that understanding to guide you through your initial response, on-scene investigation, subsequent interviews, and referrals to both systems-based and community-based victim advocates”

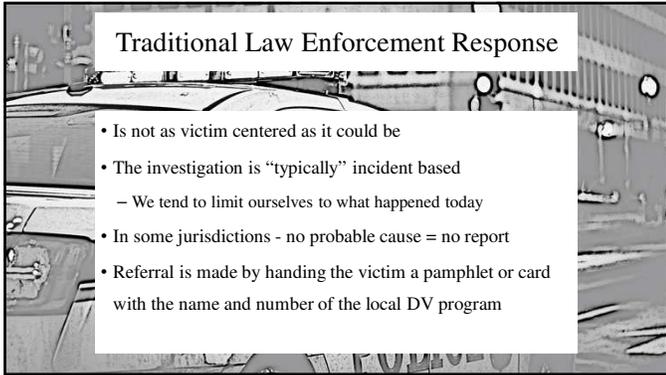


In order to improve, we must understand the gap's we create as allied professionals during our traditional response



Traditional Law Enforcement Response

- Respond to the call
- Secure the scene
- Investigate to determine if a crime has been committed
- If probable cause is established – arrest and referral
- No probable cause found – referral
- Respond to the next call and repeat

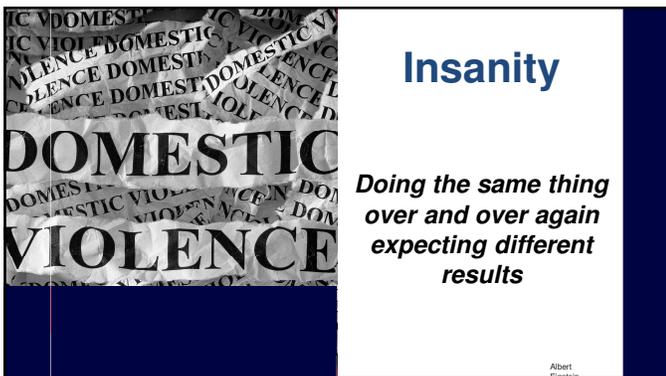


Traditional Law Enforcement Response

- Is not as victim centered as it could be
- The investigation is “typically” incident based
 - We tend to limit ourselves to what happened today
- In some jurisdictions - no probable cause = no report
- Referral is made by handing the victim a pamphlet or card with the name and number of the local DV program



What am I saying?



Insanity

Doing the same thing over and over again expecting different results

Albert Einstein

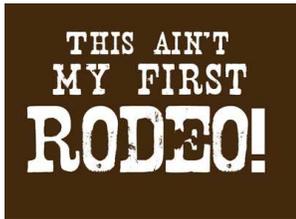


Insanity

*If you always do what
you've always done,
you always get what
you've always gotten*

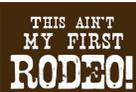
Jessie Potter

Major GAP #1



Major GAP #1

Offenders evolve much quicker
than most allied professionals



Major GAP #1

Our response must evolve too

Major GAP #1

As allied professionals, we have to be willing to adapt and overcome rather than doing something the same way because it has “always been done that way”.



Major GAP #2



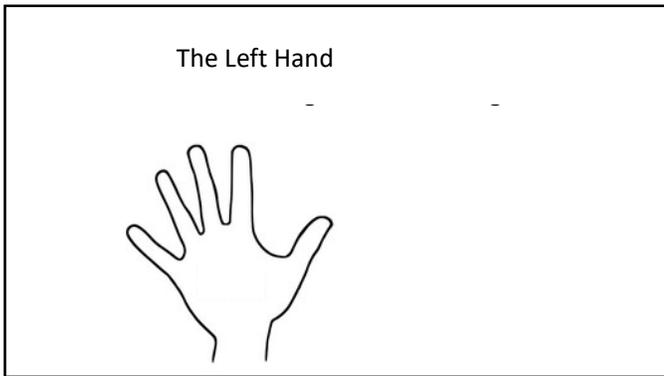
We ALL Tend to Work in Silos



As a result

**Communication
is limited**

Therefore





This makes it easier for an abuser to leverage and/or exploit the barriers victims face to leaving an abusive relationship

Major GAP #3

How well do we know the victims we serve?



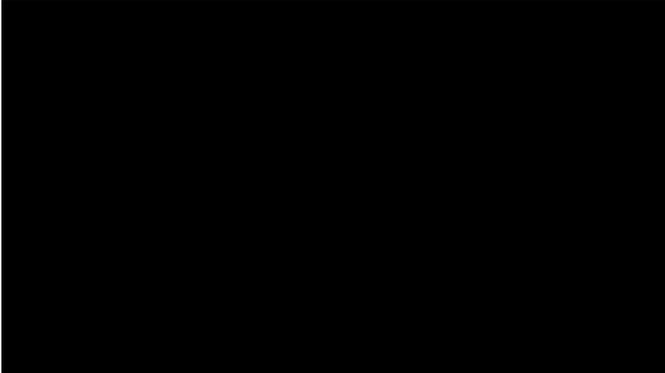
Major GAP #3

Does the abuser know the victim better?



Do we ever ask ourselves what are the victim's frustrations?







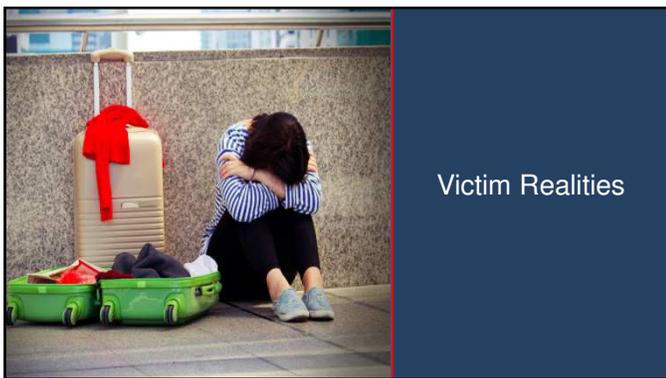
“At the end of the day people won't remember what you said or did, they will remember how you made them feel.”

— **Dr. Maya Angelou**

April 4, 1928 - May 28, 2014









Victim Realities

- Lack of resources:
 - no public transportation
 - limited affordable housing/no shelter space
 - limited community resources
 - limited economic opportunities



Victim Realities

- Intimidation and threats
- Minimizes, denies, or rationalizes behavior, blame shifter
- Stalking (uses family and friends in rural communities)



Victim Realities

- Quick Involvement in Relationship
- Isolation
- Low Self Esteem
- Promises of Change
- Hope
- Fear



You cannot address a person's need of security, belongingness, and self-worth without addressing their BASIC physiological needs first (food, shelter, water, air, clothing and sleep).

Maslow's Hierarchy of Needs

- Self-Actualisation**
Morality, Creativity, Spontaneity, Acceptance, Experience purpose, meaning and inner potential
- Self-Esteem Needs**
Confidence, achievements, respect of others, connections, need for individuality
- Love and Belongingness Needs**
Friendship, family, intimacy, connections
- Safety and Security Needs**
Health, employment, property, family, stability
- Physiological Needs**
Air, food, water, shelter, clothing, sleep

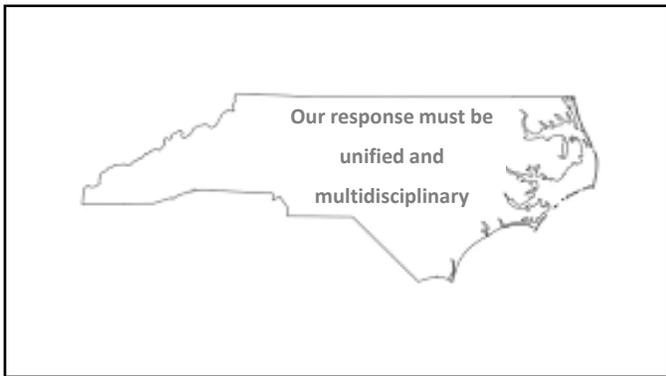
Major GAP #4

Do we do what we say and say what we do?

Does the abuser do it better?

It's all about consistency between our own words and subsequent related behavior or actions.

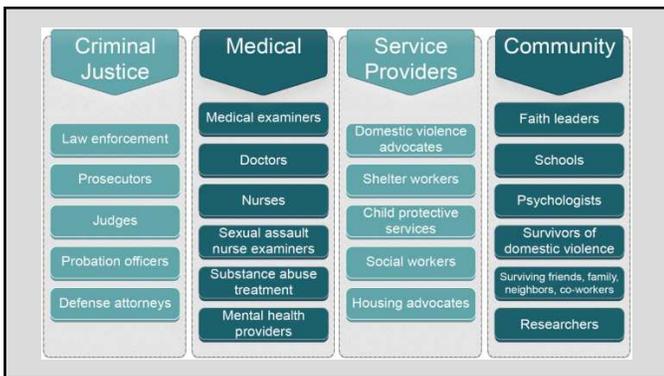




It's more than just partnerships between law enforcement, prosecutors, and advocates.



Just look at the DV
Fatality Review Team
and FJC Models.



TEAMWORK
MAKES THE
DREAM WORK

There is nothing we
can not accomplish
when we have strong
relationships,
communications, and
cooperation across all
disciplines.

Remember this slide?

You cannot address a person's need of security, belongingness, and self-worth without addressing their BASIC physiological needs first (food, shelter, water, air, clothing and sleep).

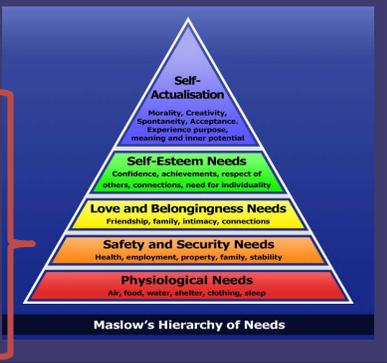


Maslow's Hierarchy of Needs

The diagram shows a pyramid with five levels from bottom to top: 1. Physiological Needs (food, shelter, water, air, clothing and sleep) - red; 2. Safety and Security Needs (work, money, property, family) - orange; 3. Love and Belongingness Needs (friendship, affection, sense of belonging) - yellow; 4. Self-Esteem Needs (achievement, respect) - green; 5. Self-Actualization (self-fulfillment, realization of potential) - blue.

Law Enforcement Duties

- Respond to calls for service
- Investigate crimes
- Arrest (based on probable cause) and referral
- No arrest - Make referrals to outside agencies for services that are beyond our scope of





What We Have Learned

- The majority of person's killed in a DV relationship in Pitt County have not had contact with law enforcement prior to the homicide
- There were indicators that suggest the victim was at "high risk" of being killed that were known or should have been known
- The abusers exploit the deep rooted barriers and dynamics within these types of relationships
- Law Enforcement can't do it alone



What We Have Learned

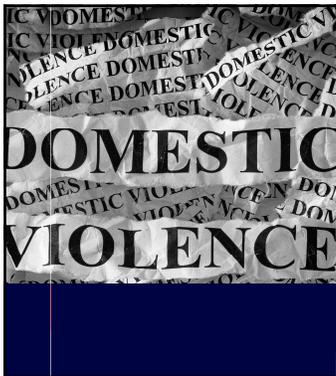
A multidisciplinary approach coupled with community engagement and involvement is critical to improve outcomes for persons who are impacted by domestic violence

Victim
advocacy
is critical



Victim Advocates	
Systems-based	Community-based
<ul style="list-style-type: none"> • Work within the context of a criminal justice agency • Support victims through the criminal justice system, providing information, education, and notification about what is occurring with their case, and ensure that their rights are upheld. • Have limited confidentiality 	<ul style="list-style-type: none"> • Work within the context of a private, non-governmental organization • Provide comprehensive advocacy services to victims regardless of whether or not they are involved in a criminal justice process • Have statutory protections that provide complete confidentiality

Always be
aware of your
agency's
capacity



LAP - Pitt County

After implementation of the LAP, the Center for Family Violence Prevention, Inc. realized an increase of 82% in the number of victims served

Major GAP #5

Lack of Customized Training



“Almost every failure within the criminal justice system can be linked to a lack of training and/or communication.”



Simply put...

“We don’t know what we don’t know”

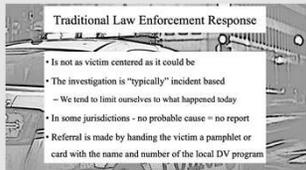
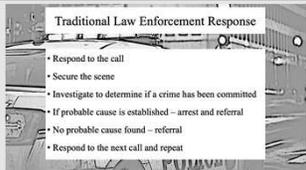
Lets take a deeper dive into this one..



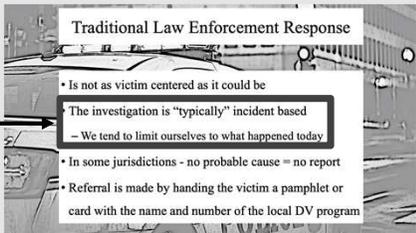
**High Call Volume
&
High Recidivism**

Would you agree?

Remember these slides?



Focus on this one specifically



We already know...

Most IPV Crimes are Interconnected and Co-Occurring

Unfortunately, there are many more crimes that occur other than these

Most IPV Crimes are Interconnected and Co-Occurring

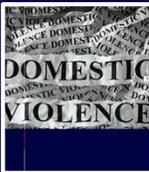
So why doesn't our initial response and follow up ALWAYS account for



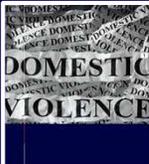
Two of my personal hypothesis...

Hypothesis #1

Remember these slides?



Insanity
Doing the same thing over and over again expecting different results



Insanity
If you always do what you've always done, you always get what you've always gotten



What are two things most officers hate???



“The only way to change.”

There is actually a phobia related to the fear of change

Fear of Change Phobia - Metathesiophobia
 BY JACOB OLESEN 55 COMMENTS

HABITS **CHANGES**

FEAR OF CHANGE
METATHESIOPHOBIA
 Causes, symptoms and treatment

The fear of change or changing things is called Metathesiophobia. It is often linked with Trisophobia which is the fear of moving. The origin of the word Metathesiophobia comes from Greek: meta meaning change and phobos meaning fear.

This specific phobia can reduce one's will to live. Metathesiophobes often feel that they have no control over their lives owing to constant changes. She tends to live in the past and may also be depressed. Their phobia makes them unwilling to move, to progress or to change anything from reality. This can severely impact one's professional and personal lives.

Hypothesis #2

A NC law enforcement officer's state mandated in-service training is almost always a year behind a change in an existing statute and/or implementation of a new criminal statute

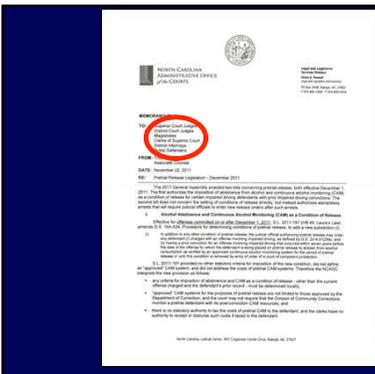
**Powers of Arrest –
 Violation of Pretrial Release**
 (Effective December 1, 2011)

**The Process Explained -
 NC Law Enforcement Legal
 Update 2012**

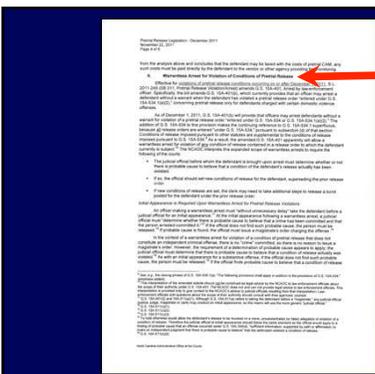


Powers of Arrest –
Violation of Pretrial Release
(Effective December 1, 2011)

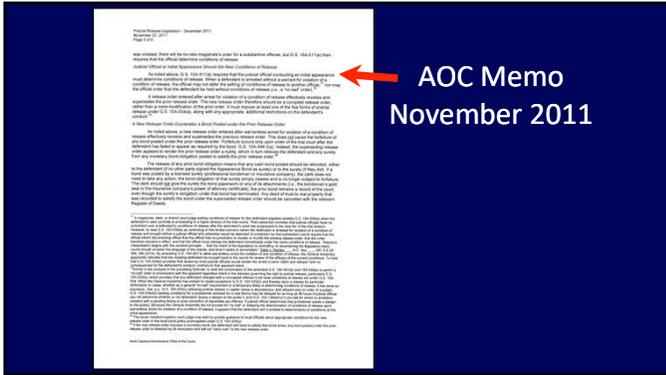
The Process Explained -
AOC Memo: November 22, 2011

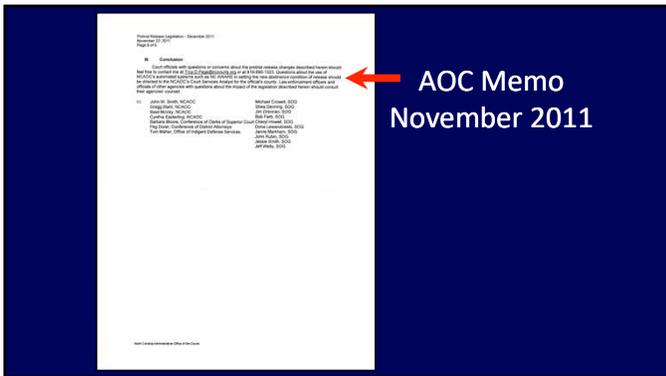


AOC Memo
November 2011

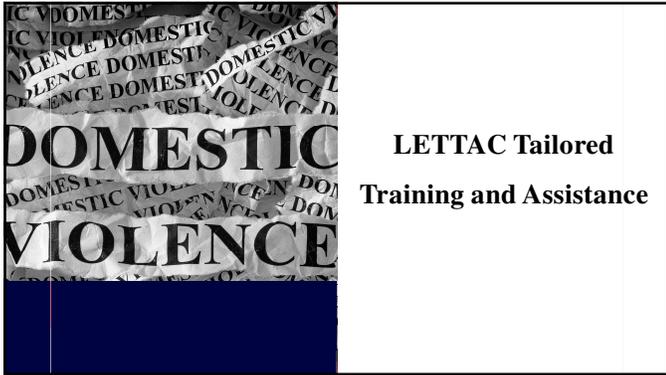


AOC Memo
November
2011





The measure of success is not whether you have a tough problem to deal with, but whether it is the same problem you had last year.







LETTC QUICK STEPS TO TAILORED ASSISTANCE

VISIT Visit your tailored assistance eopn@hwyj at www.LETTAC.org/TA. See the instructions and access points to request law enforcement support training and technical assistance (TA).

SHARE LETTC operates Offices on Violence Against Women (OAV) grants and provides resources to the field.

CONNECT No commitment! LETTC is committed to success for all. Call us at (802) 760-5882.

CUSTOMIZE Choose your support for collaboration. Use the quick guide notes as a starting point. Add items related to additional requests to the list below. Adapt to how and where the LETTC program.

GO! Connect with the LETTC team and Consortium experts. The LETTC team will connect you to subject matter experts (SMEs) who have reached your goals. If you are interested in TA, request a meeting with your SME. LETTC can also provide TA in those jurisdictions with grant funding. LETTC can also provide TA in those jurisdictions with grant funding. LETTC can also provide TA in those jurisdictions with grant funding.

GO! Customize your training, events, speaker requests, or consultation. Review, refine, and finalize your tailored assistance plan with your LETTC SME. Determine the most relevant topics, information, and resources. In addition to training, LETTC support includes phone consultations, confidence building, and strategic planning sessions.

GO! Receiving your LETTC tailored assistance!

SERVING VICTIMS BY SUPPORTING LAW ENFORCEMENT

LETTC TAILORED ASSISTANCE: TRAINING, TECHNICAL ASSISTANCE, EVENTS

YOU COULD BE HERE!

This flyer is a sample of a LETTC tailored assistance flyer. LETTC helps to plan your tailored assistance.

**NATIONAL POLICE ADVISORY BOARD
LAW ENFORCEMENT TRAINING AND
TECHNICAL ASSISTANCE CONSORTIUM**

LETTC
LETTC is a consortium of law enforcement agencies and their communities. LETTC is a consortium of law enforcement agencies and their communities. LETTC is a consortium of law enforcement agencies and their communities.

LETTC
LETTC is a consortium of law enforcement agencies and their communities. LETTC is a consortium of law enforcement agencies and their communities. LETTC is a consortium of law enforcement agencies and their communities.

LETTC
LETTC is a consortium of law enforcement agencies and their communities. LETTC is a consortium of law enforcement agencies and their communities. LETTC is a consortium of law enforcement agencies and their communities.

Partnerships with Law Enforcement

John Guard
Chief Deputy
Pitt County Sheriff's Office
Greenville, NC 27834
252-902-2701
john.guard@pittcountync.gov
jeguard4@gmail.com



This project was supported by Grant No. 2020-WE-AX-0022 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice.

Training Objectives

- Discuss the history of law enforcement response to domestic violence.
- Expose the ever-evolving strategies offenders use to facilitate recantation.
- Discuss how witness intimidation continues to evolve to circumvent law enforcement investigations and successful prosecution.
- Understand specific tactics available to members of the criminal justice system to increase victim safety and offender accountability.







Supreme Court of North Carolina in 1868

The opinion finds that “Defendant struck Elizabeth Rhodes, his wife, . . . without any provocation except some words uttered by her . . . [however, the court] will not inflict upon society the greater evil of raising the curtain upon domestic privacy, to punish the lesser evil of trifling violence.”

State v. A.B. Rhodes (1868) 61 N.C. 453

The Evolution of Law Enforcement in North Carolina related to DV response

- On the job training
- No formal block of instruction in the NC Basic Law Enforcement Training Academy on domestic violence until 2000
- 2004 - DV Bi-annual DV training added as a requirement by legislative action to the mandated in-service training for ALL current law enforcement officers



Hold on John...

"You are not offering us a lot of hope"

The Evolution of Law Enforcement in North Carolina related to DV response

- Most agencies are now offering/providing DV training above and beyond the state requirements
- Internal law enforcement policies have evolved (and are continuing to evolve) and are supported by training
- There is a national trend to offer and provide customized multidisciplinary dv training for communities across the county based on their specific needs and "best practices" (LETTAC)





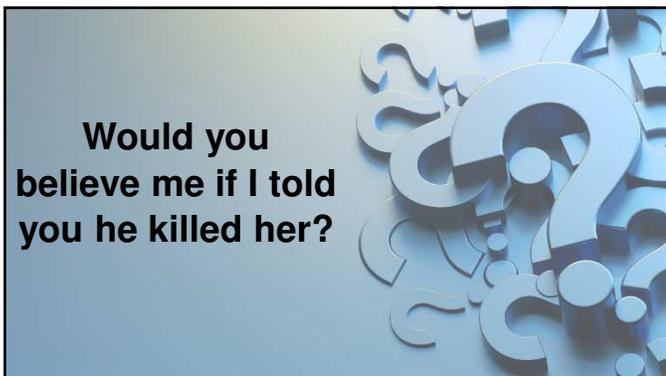
Why should allied professionals partner with law enforcement?

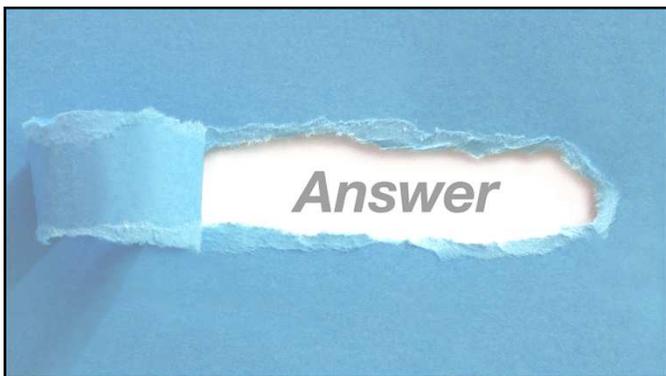




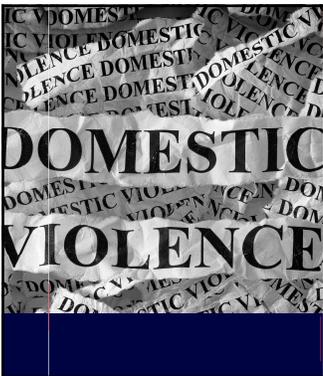






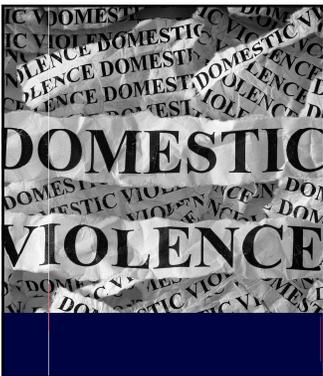






Criminal Justice System

- Consist of personnel from law enforcement, prosecution, judicial, and corrections
- Has additional staff within subset groups of each area that specialize in assisting victim's of crime
- Can provide legal avenues to restrict offender movement and other freedoms afforded to law abiding members of the community
- Has the ability to respond in a way that seeks to ensure accountability for criminal acts by an offender

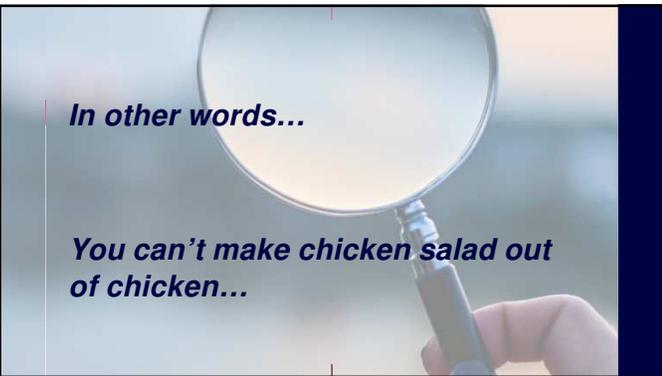


Criminal Justice System

- Jurisdiction over the offender can continue for a set period of time after the original case has been adjudicated
- Victim's compensation may be available for participating crime victims
- Is driven and guided by state, federal, case, and constitutional law
- It is not a perfect system, but has made major advances related to domestic violence since 1868

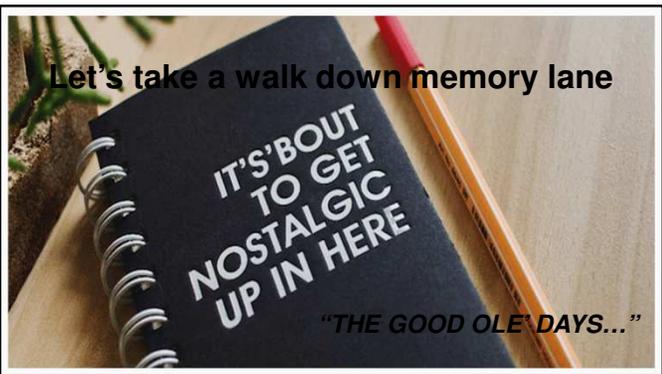


A successful investigation almost always rest upon the foundation of a great initial response



In other words...

You can't make chicken salad out of chicken...



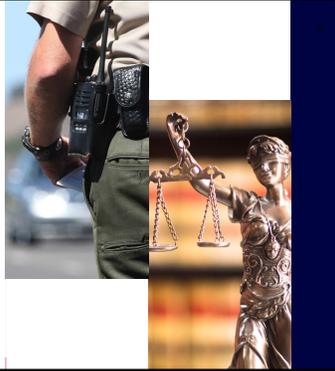
Let's take a walk down memory lane

**IT'S 'BOU
TO GET
NOSTALGIC
UP IN HERE**

"THE GOOD OLE' DAYS..."

The Good Ole' Days

- If the victim didn't come to court or recanted...
- No Problem!
- The investigating officer used a hearsay exception to get her statement introduced in court.



What is Hearsay?

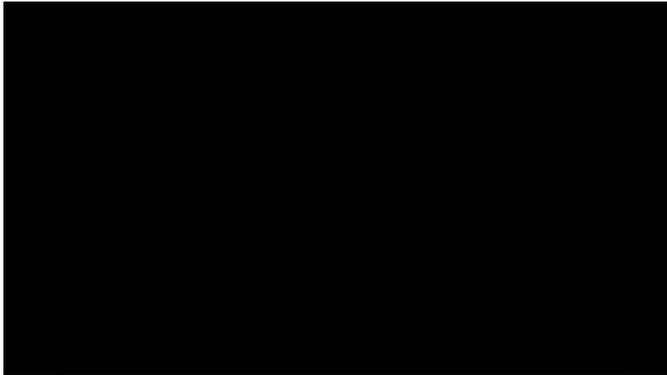


A statement made by the declarant, other than while testifying at trial, offered for the truth of the matter asserted

Hearsay Exceptions

Excited utterances or spontaneous statements











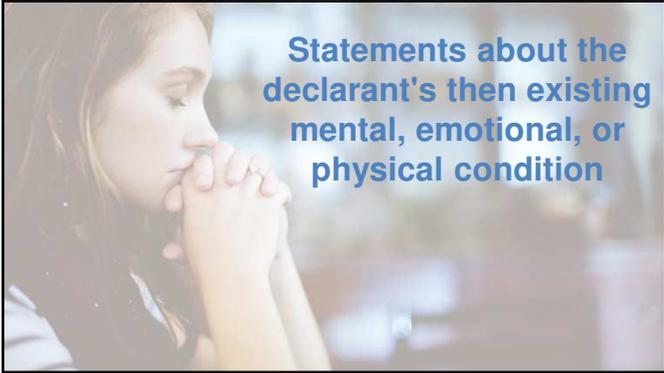
Hearsay Exceptions Statements made by the declarant for the purpose of medical diagnosis or treatment



diagnosis



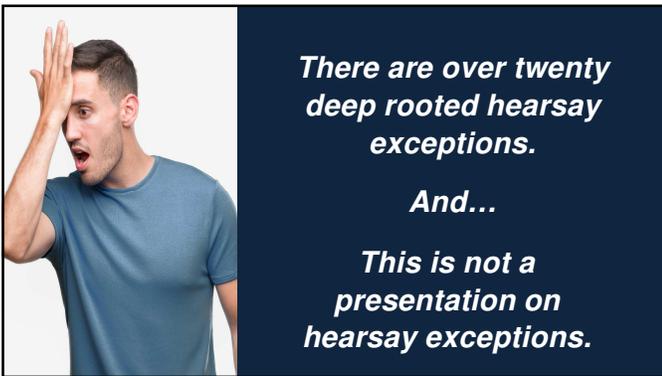
Hearsay Exceptions Statements about the declarant's then existing mental, emotional, or physical condition















Crawford v. Washington



On March 8, 2004, Justice Scalia delivered the opinion of the Supreme Court in *Crawford v. Washington*. The *Crawford v. Washington* Case deals directly with the Sixth Amendment's guarantee that, "in all criminal prosecutions, the accused shall enjoy the right ... to be confronted with the witnesses against him."



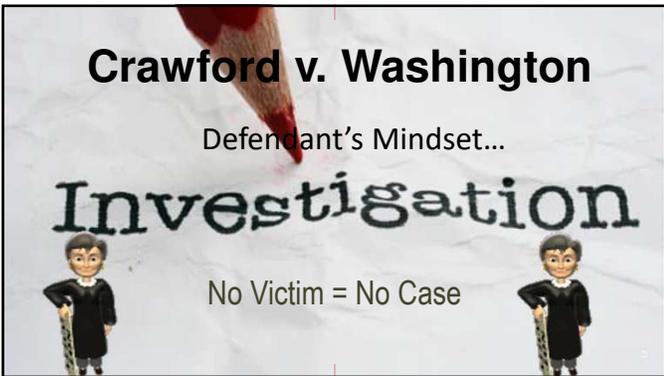
Crawford v. Washington

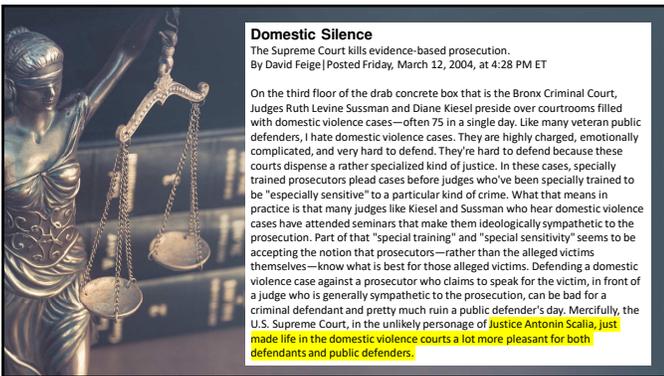


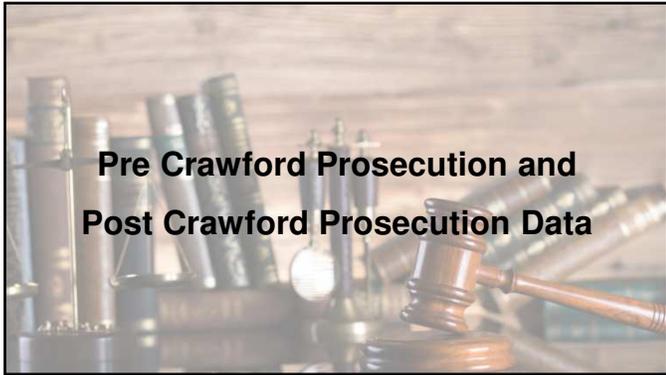
Crawford v. Washington has dramatically hampered the ability of Assistant District Attorney's to prosecute these cases. In fact, those who are charged with crimes of domestic violence know that it behooves them to facilitate the victim's absence at trial.

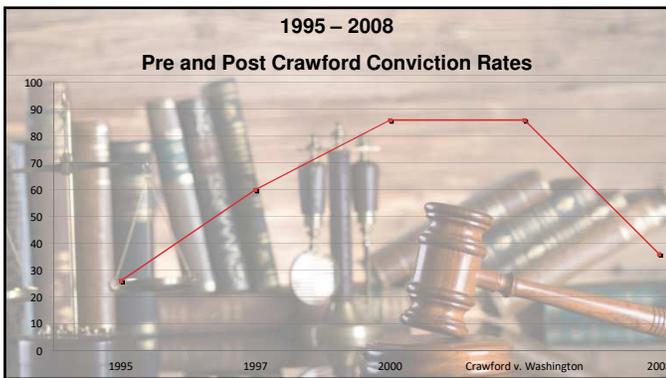




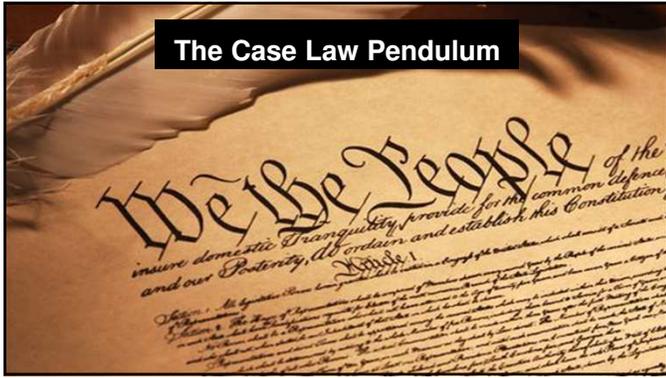




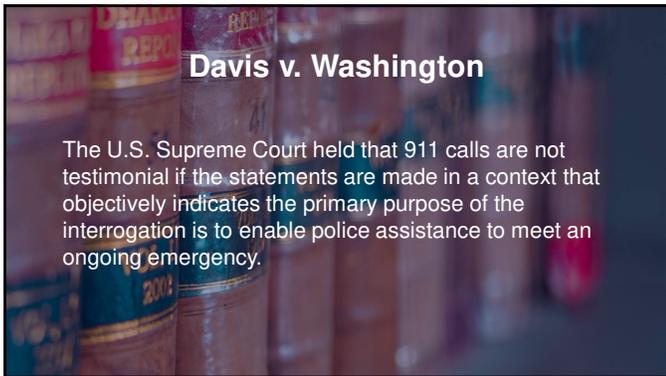




Patience is a Virtue!



The Case Law Pendulum



Davis v. Washington

The U.S. Supreme Court held that 911 calls are not testimonial if the statements are made in a context that objectively indicates the primary purpose of the interrogation is to enable police assistance to meet an ongoing emergency.



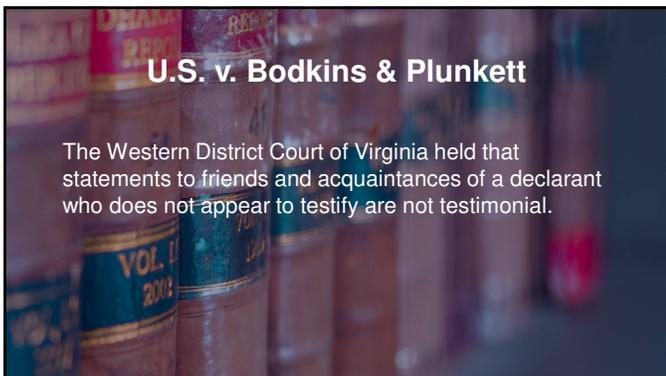
Davis v. Washington

- Primary purpose test to determine whether statement is testimonial
- Non-testimonial – primary purpose of interrogation is to enable police to meet an ongoing emergency
- Testimonial – primary purpose of interrogation is to establish or prove past events potentially relevant to later criminal prosecution



U.S. v. Wilson

The U.S. District Court for the District of Columbia held that statements made to civilians are not testimonial statements.



U.S. v. Bodkins & Plunkett

The Western District Court of Virginia held that statements to friends and acquaintances of a declarant who does not appear to testify are not testimonial.



Giles v. California

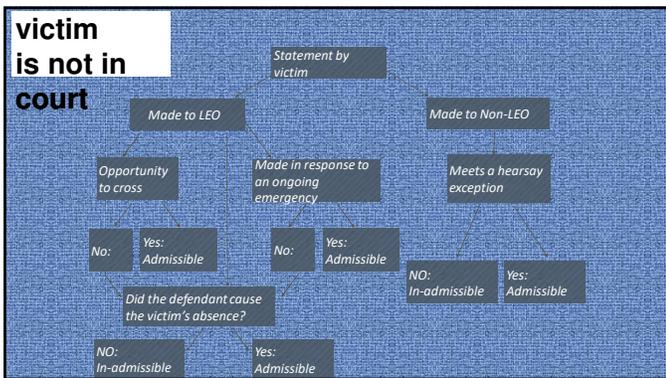
The Court held that the forfeiture by wrongdoing exception only applies to situations where the defendant causes the witness' absence with the intention of preventing that witness from testifying at trial. Without this intention, any act by the defendant making the witness unavailable does not waive that defendant's Sixth Amendment right to confront and cross-examine the witness, and therefore any out-of-court statements made by the witness are inadmissible as evidence.

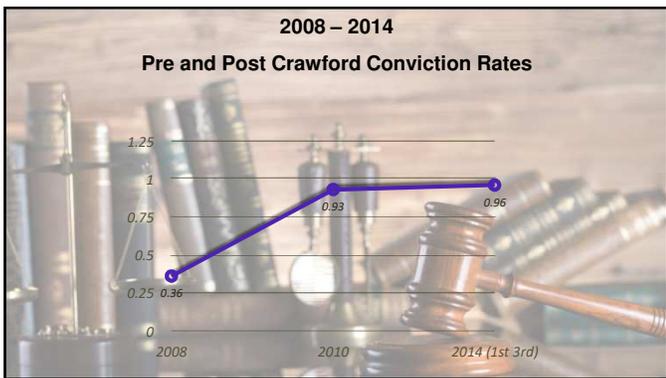
Michigan v. Bryant

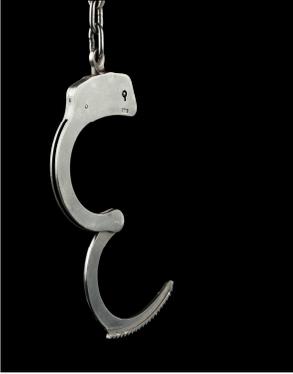
The court held that the identification and description of the shooter and the location of the shooting were "not testimonial statements because they had a 'primary purpose . . . to enable police assistance to meet an ongoing emergency.' Therefore, their admission at Bryant's trial did not violate the Confrontation Clause."

Ongoing Emergency???









Pitt County DV Unit Data

- 96% conviction rate
- Only one case voluntarily dismissed
- 16% of cases with arrest cross jurisdictions
- Average # of days from initial arrest to found violation - 41
- Average # of days from arrest to final disposition - 63
- Average # of days from violation of PTR to final disposition - 30



How did we reach this level of offender accountability?



It was easy, but not without a lot of work and everyone holding each other accountable.



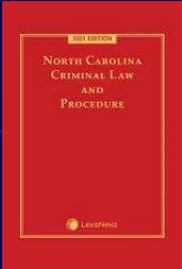
Remember...
“Almost every failure within the criminal justice system can be linked to a lack of training and/or communication.”



Simply put...
“We don’t know what we don’t know”



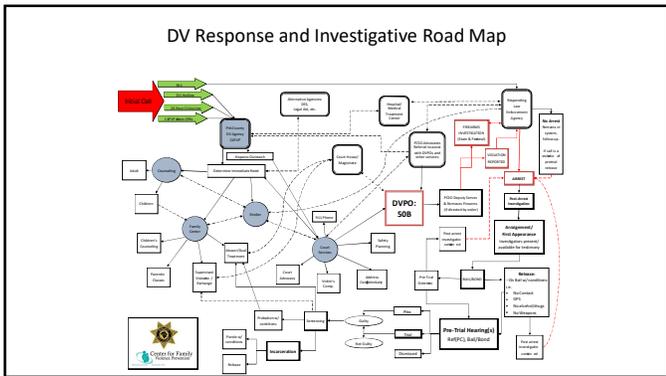
How many criminal laws?

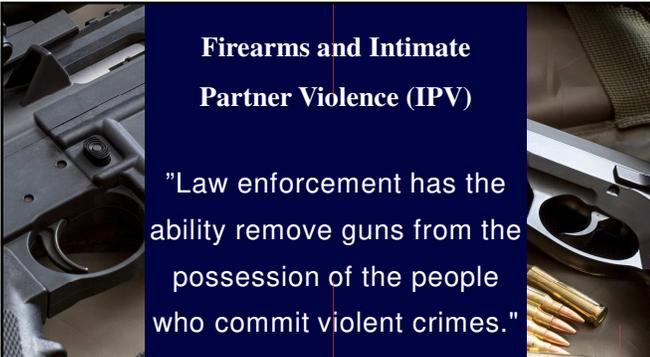


DV Response and Investigative Road Map



- Make safety of the persons impacted a priority
- Build a multidisciplinary team
- Communicate
- Conduct safe and thorough investigations
- Have the ability to leverage ALL the strengths of the criminal & civil law and related systems
- Know the rules of evidence
- Arrest/Search and Seizure
- Pretrial Release Conditions and Enforcement
- Probation
- Be present for court hearings
- Continue to seek training and evolve





Firearms and Intimate Partner Violence (IPV)

"Law enforcement has the ability remove guns from the possession of the people who commit violent crimes."



Firearms and IPV

- Nearly two-thirds of women who experience IPV with a firearm report that their abuser used the firearm to threaten, scare, or otherwise harm them
- Male abusers have reported that they use firearms to intimidate their partners
- Such menacing behavior is linked to PTS symptom severity

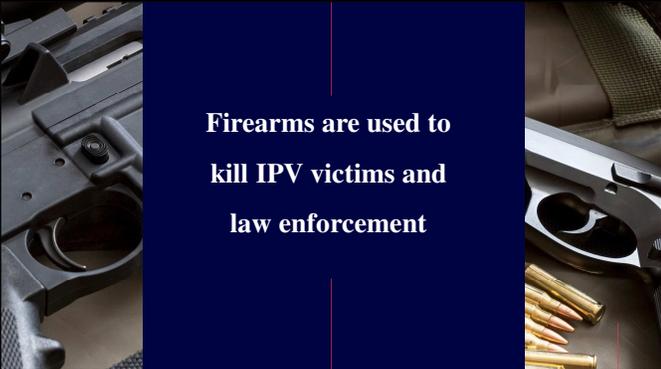
Sorenson & Schut, 2018; Roffman et al., 2005; Sullivan & Weiss, 2017



Firearms and IPH

- Intimate partner homicide increasing in recent years
- Presence of a firearm substantially increases intimate partner homicide
- More IPH recently committed with firearms than with all other weapons combined

Grassell et al. 2003, Bailey et al. 1997, Johnson and Sacco 1995, Browne, Williams, and Outton 1998, Arbuckle et al. 1996, Peckham et al. 1993, Green et al. 2008, Zuck, Malinski, and Turbin 2016, Mann 1989, Campbell et al. 2003, Cooper & Smith, 2001



Firearms are used to kill IPV victims and law enforcement

The Number of Police Officers Killed by Firearms Jumped by 56% in 2014

Helen Regan @horegan Dec 31, 2014

Total officer deaths also rose

The number of U.S. law-enforcement officers killed by firearm-related incidents jumped by 56% in 2014, an annual report has found.



Police salute during the playing of the U.S. national anthem outside the Christ the Redeemer Church in New York City at the start of the funeral service for slain New York Police Department officer Rafael Ramos on Dec. 27, 2014.

According to the report, released by the National...

The Number of Police Officers Killed by Firearms Jumped by 56% in 2014

Police Officers Killed In 2016: Gun-Related Deaths Rose 200% Compared With Same Period Last Year

Eight Shot Dead: 2016 Sees Year-Over-Year Spike In Cops Killed By Gunfire

Police officer shooting deaths on rise in 2016 amid anti-law enforcement rhetoric

Intentional killings of law enforcement officers reach 20-year high, FBI says

January 13, 2022

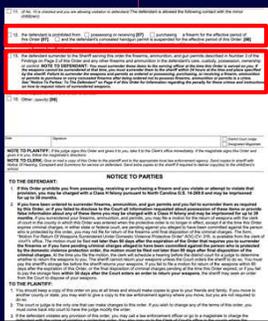
Domestic abusers: Dangerous for women - and lethal for cops

2021 – highest number of LEOs killed in the line of duty since 9/11/01

- Gunfire was the leading cause of death
- 1988 to 2016 - 136 officers killed while responding to domestic disturbances
- 1988 to 2016 - 80 officers killed during a drug-related arrest

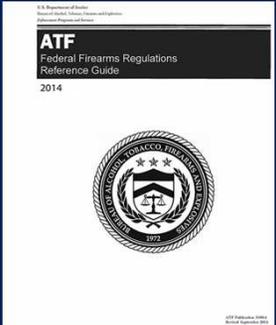


ExParte DVPO





The White Book



Leveraging Pre-trial Release to Reduce Crime and Re-victimization



History of Pre-trial Release in NC

- In 2004, almost one in five domestic homicide victims were murdered in North Carolina by defendants who were free on bond for other domestic violence charges. As a result, legislation was drafted and implemented (NCGS 15A-534.1).
- In 2011, the North Carolina Legislature provided law enforcement officers with powers of arrest for violations of pre-trial release in all criminal cases(NCGS 15A-534).
- There is no relationship requirement between the victim and suspect with this statute.

15A-534 and 15A-534.1 The Process Explained...

The Process

- After an arrest is made, the defendant is brought before a judicial official to have his or her bond set.
- This bond could be secured or unsecured based upon a number of factors.
- In addition to a monetary amount, the judicial official may set additional restrictions on the defendant pending the final disposition of the case.

N.C.G.S. 15A-534

...The judicial official authorizing pretrial release under this section must issue an appropriate order containing a statement of the conditions imposed, if any; inform the defendant in writing of the penalties applicable to violations of the conditions of his release; and advise him that his arrest will be ordered immediately upon any violation. The order of release must be filed with the clerk and a copy given the defendant.

N.C.G.S. 15A-534 continued...

...In imposing conditions of pretrial release and in modifying and revoking orders of release under this section, the judicial official must take into account all evidence available to him which he considers reliable and is not strictly bound by the rules of evidence applicable to criminal trials.

The Pre-trial Release Investigation

- Allows law enforcement, prosecutors, victims, judicial officials, and the community to develop restrictions that are specific to the crime and/or the defendant that encourages behavior modification.
- No increase in funding is needed for new prisons as this is not a crime, merely a tool to effect an immediate bond revocation.

The Pre-trial Release Investigation

- Allows law enforcement agencies to focus efforts on known recidivists, thus reducing future victimization and increasing offender accountability.
- If embraced and utilized by local communities, crime rates can be driven down almost instantaneously.

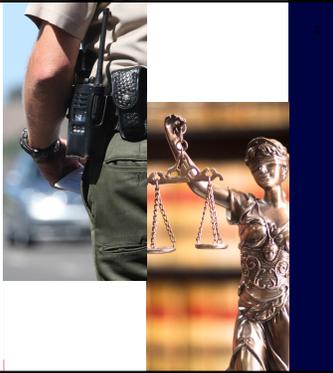
Witness Tampering



Witness tampering is the most committed, yet under reported, under investigated, and under prosecuted crime there is that victims of domestic violence face post arrest.

The Problem of Witness Intimidation

"The most **dedicated** of professionals **cannot effectively address the problem of witness intimidation** unless they know how and when it is likely to occur, how to recognize it and investigate it, and how to respond in a manner that protects the witness while holding the offender accountable – **not only for the original crime, but for the efforts to obstruct justice**"
(Garvey, 2014, p. 88)



Witness Intimidation in Criminal Investigations: What the Research Tells Us

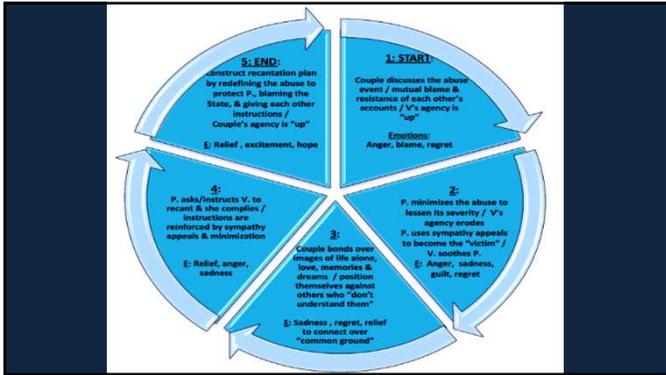


The Problem of Witness

Intimidation

- Witness intimidation is a significant problem
- Most common reason for cases not proceeding through the system is recantation by victims
- Some research suggests that as many as 80 percent of cases that reach court involve victims that recant or refuse to testify (Meier 2006)





**PCSO DV Unit Investigations
 Jan-Mar 2018**

*70% of cases involved
 identifiable witness
 intimidation*

1 to 30+ violations per case

**PCSO DV Unit Investigations
 Jan-Mar 2018**

- **36 cases (94 charges)**
- **26 IPV (85 charges)**
- **10 made jail calls**
- **414 calls**

This is predictable...
“Letters from the jail”

Wishing you the best
and the brightest joys
to match those you always
pass along to others.

Happy Mother's Day

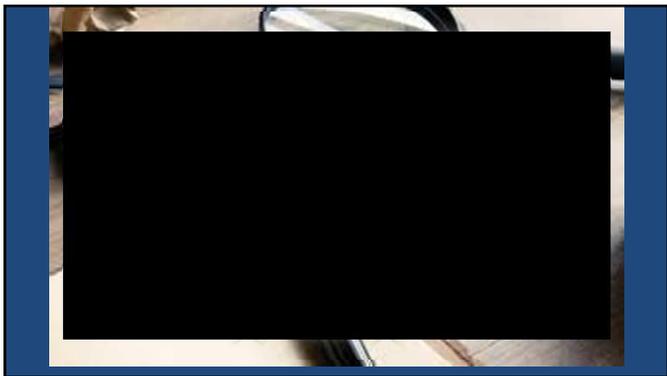
*From your son to be husband
To my son to be wife*

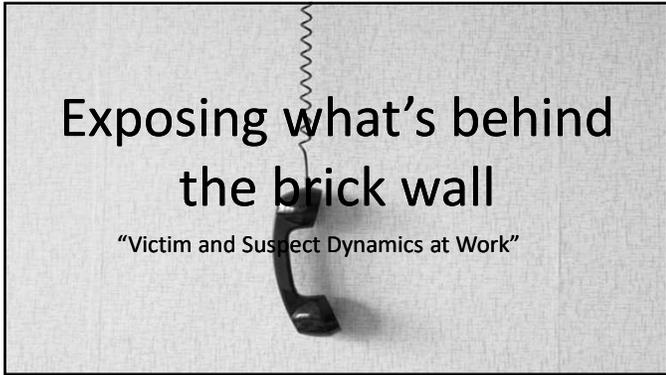
*Love
Shain*

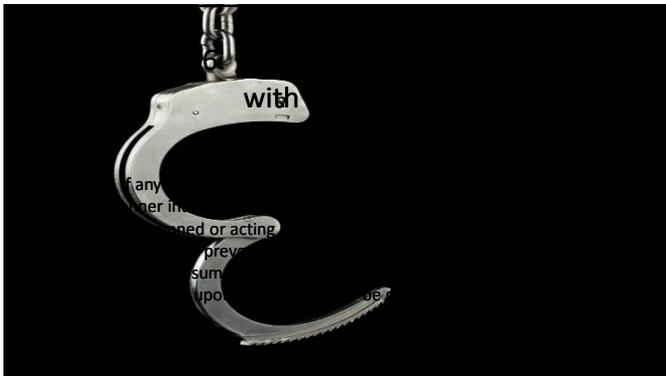
This is predictable...
“Letters from the jail”

This is predictable...
"Letters from the jail"

















Questions?

John Guard
Chief Deputy
Pitt County Sheriff's Office
Greenville, NC 27834
252-902-2701
john_guard@pittcountync.gov
jeguard4@gmail.com