Convicting Domestic Violence Abusers When the Victim Remains Silent

Tonya McCormick
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I. INTRODUCTION

“Every five years domestic violence claims as many lives as did the Vietnam War.”¹

Domestic violence is a problem of enormous consequence. The ramifications of a violent relationship for a woman and her children are numerous and severe. While statistics indicate that many women are victims of domestic violence, it is impossible to quantify the actual pain and degradation many women² endure at the hands of their abusive partners. Equally unquantifiable are the fear and terror that they and their families suffer as they anticipate the next assault. Unfortunately, far too many feel this pain and fear. Part II of this Comment examines the impact of domestic violence in the United States on those most directly affected.³

It is often extremely difficult for a woman in an abusive relationship to leave her abuser. Typically caught in a cycle of violence and learned helplessness, she does not believe that her actions can help remedy the situation. She may also be emotionally or economically dependent on her

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2. While men can also be victims of domestic violence, in this Comment I assume that women are the victims. According to some statistics, “Ninety-five percent of adult victims of domestic violence are women.” MARYLAND NETWORK AGAINST DOMESTIC VIOLENCE, PROSECUTION INFORMATION 8-2 (1995). This same statistic was also found by Florida Governor Lawton Chiles’ Task Force on Domestic Violence. See Jeffrey Gettleman, Learning from Fatal Lessons, ST. PETERSBURG TIMES, Oct. 19, 1997, at 1. Other researchers, however, have found that “men and women abuse their partners in more or less equal numbers.” KATHERINE T. BARTLETT, GENDER AND THE LAW 539 (1993). These numbers have been challenged by other researchers for failing to take into account the dynamics of abusive relationships. See id. For example, women, during the tension building phase may do something to instigate the battering phase, feeling that it is better to get it over with, rather than to keep walking on egg shells. The studies also do not take account of the fact that women may often be acting in self-defense or retaliation, that most men are physically stronger than most women, and that men are usually the primary aggressors. See id.

3. “Directly affected” refers both to the victims of domestic violence and children who witness it in their homes. It does not refer to friends and family members who may be impacted indirectly. Other indirect effects of domestic violence not explored in Part II include, for instance, the economic costs of lost labor due to domestic violence injuries.

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abuser. Fear of an increased level of violence further inhibits many women from leaving. Part III of this Comment explains how the dynamics of abusive relationships frequently compel women to stay with their abusive partners.4

The tragedy of domestic violence is not new. Historically, not only have men had the legal right to beat their wives, but societies have generally endorsed this behavior. The social and legal acceptance of spousal abuse cuts across both time and culture. Not until comparatively recently have laws changed to facilitate the arrest, prosecution and conviction of men who perpetrate domestic violence. Part IV surveys the historical treatment of domestic violence from both a legal and social perspective.

Domestic violence victims are often reluctant to testify against their abusers, making conviction difficult, yet convictions are crucial to domestic violence prevention efforts. The final part of this Comment examines prosecution of domestic violence without the testimony of the victim. More particularly, it evaluates the success of a few jurisdictions which have implemented procedural safeguards designed to convict domestic violence abusers without the testimony of the abused.

II. DOMESTIC VIOLENCE: A SIGNIFICANT PROBLEM

[The] defendant and her husband had been married almost twenty-five years and had several children. . . . [H]er husband started drinking and abusing her about five years after they were married. His physical abuse of her consisted of frequent assaults that included slapping, punching and kicking her, striking her with various objects, and throwing glasses, beer bottles and other objects at her. The defendant described other specific incidents of abuse, such as her husband putting her cigarettes out on her, throwing hot coffee on her, breaking glass against her face and crushing food on her face. . . . She displayed several scars on her face, which she attributed to her husband's assaults.

. . . [H]er husband did not work and forced her to make money by prostitution, and he made humor of that fact to family and friends. He would beat her if she resisted going out to prostitute herself or if he was unsatisfied with the amounts of money she made. He routinely called the defendant "dog," "bitch" and "whore," and on a few occasions made her eat pet food out of the pets' bowls and bark like a dog. He often made her sleep on the floor. At times, he deprived her of food and refused to let her get food for the family. . . . He threatened numerous times to kill her and to maim her in various ways.5

4. It should be noted that many women do eventually leave their abusers. One study of battered women found that more than 50% had left their abusive relationships. MARYLAND NETWORK AGAINST DOMESTIC VIOLENCE, supra note 2, at 2-3.

5. State v. Norman, 378 S.E.2d 8, 10 (N.C. 1989). The defendant attempted to leave her husband several times, but he would always find her, bring her home, and beat her. She called the
This account illustrates some of the reality and horror of domestic violence. As can be seen, physical abuse is usually accompanied by emotional or psychological abuse, including such practices as degrading name-calling and treatment suggesting the victim is less than human.

Domestic violence is a significant problem affecting millions of women and families in the United States each year. Battering is the single largest cause of injury to women, causing more injuries than rapes, auto accidents, and muggings combined. It is estimated that 18-36% of women are physically abused by a male partner during their lifetime. One survey found that in 16% of all marriages, at least one violent act occurs each year.

Physical violence against women has ramifications beyond those the women themselves suffer. Reports suggest that "more babies are born with birth defects as a result of pregnant mothers being battered than from all diseases and illnesses we now immunize pregnant women against combined." The risk of abuse to women and thus injury to babies increases dramatically during pregnancy, an estimated 25-40% of all battered women being assaulted during that time.

Of course, the effects of domestic violence on children do not just stop at birth. It is estimated that between 3.3 and 10 million children witness domestic violence each year. Significantly, "children who have witnessed domestic violence have lower verbal, cognitive and motor skills." They also often exhibit various indirect symptoms, including sleep disorders, headaches, stomachaches, diarrhea, ulcers, asthma, enuresis, depression, truancy, and learning problems. Furthermore, when children witness police on various occasions, but they would not arrest him unless she filed a complaint, which she would not do, fearing even worse beatings after his release from jail. See id. Out of utter desperation, the defendant shot her husband and was convicted of involuntary manslaughter See id. at 16.

6. The reverse is not necessarily true; sometimes emotional abuse occurs without physical abuse. See CheryL LeBaron, Abused Women: A Current Report on Physical and Psychological Battering 15-27 (1984). While emotional abuse is often just as, if not more, damaging than physical abuse, this Comment focuses solely on physical abuse.


11. See NOW Legal Defense and Education Fund, supra note 7 (citing Horn, supra note 7).

12. See id.

13. Id.

14. See id.
violence in the home, the cycle of violence and abuse is likely to be repeated in later generations. According to one estimate, 30% of those who witness domestic violence will eventually become perpetrators of violence.\(^{15}\) Other studies show that a son who observes his father abusing his mother has a 1,000% greater chance of abusing his own children than a son who does not.\(^{16}\)

Not only are children living in abusive homes adversely affected by what they witness, they are at greater risk of being abused themselves. It is estimated that 40-50% of men who batter their spouses also seriously abuse their children.\(^{17}\) And in homes where the mother is abused, daughters have a risk of being sexually abused 6.5 times greater than that of girls in non-abusive homes.\(^{18}\)

### III. Why Battered Women Stay?\(^{19}\)

I think God gave me a heart to resolve never to be obstinate, or disobedient to my husband; but to be always kind, obedient, and obliging in all things not contrary to the word of God. I thought if Mr. B were sometimes unreasonable, I would be reasonable, and would rather suffer wrong than do wrong. And as I hoped Mr. B. would kindly overlook my infirmities and failings, with which I was conscious I should abound; so I felt a forgiving spirit towards him. . . . In my distress, my only refuge was in God my Saviour the Hope of Israel, the Saviour thereof in time of trouble. I thought it most prudent not to make my troubles known to the world, and thus to load my husband with public disgrace.\(^{20}\)

One of the most commonly asked questions about domestic violence is why women stay in abusive relationships. The reasons are numerous and complex. In the above-quoted statement, the social forces contributing to

\(^{15}\) See MARYLAND NETWORK AGAINST DOMESTIC VIOLENCE, supra note 2, at 3-5.

\(^{16}\) See id.

\(^{17}\) See id. (citing GONDOLF & FISHER, supra note 9).


\(^{19}\) In this Comment, I have asked and tried to answer the question, "Why do battered women stay in abusive relationships?" For most people unfamiliar with the dynamics of domestic violence, this is the most difficult phenomenon to understand. However, another intriguing question is "Why do men batter in the first place?" For insight into this question, see Hara Estroff Marano, Inside the Heart of Marital Violence, PSYCHOLOGY TODAY, Nov./Dec. 1993, at 48. Marano's article looks at a variety of factors, including the man's feeling of powerlessness and dependence on the woman, a defect in the regulation of serotonin, high levels of testosterone, head injury, childhood abuse, the re-enforcement of using violence, lack of an ability to trust, and seeing hostile intent even when it does not exist. Id. at 50-51, 53, 76.

this phenomenon are apparent. A belief in the sanctity of marriage coupled with the traditional role of wives being submissive to their husbands obviously had some impact on this woman’s decision to stay as long as she did. For women who stay in battering relationships, there are often numerous other factors influencing this decision as well.

A. Cycle of Violence

Fundamental to an appreciation of the dynamics of an abusive relationship is an understanding of the cycle of violence. There are three successive phases in the cycle of violence: the tension building phase, followed by the acute battering incident, and finally the honeymoon phase.

During the tension building phase, minor battering incidents may occur accompanied by verbal abuse. The woman usually makes futile attempts to placate the man.

Eventually the tension building phase evolves into the acute battering, or violent, phase. Violence escalates during this phase, and the woman usually has no control over the situation.

Last in the cycle comes the honeymoon phase, or period of loving-contrition. During this phase, the batterer usually expresses great sorrow for his abusive behavior and swears it will never happen again. He often showers his victim with gifts. The honeymoon phase is very similar to the courtship period that commenced the relationship. During the courtship period, the man is typically “very loving, nurturing, giving, and pay[s] a lot of attention to the woman’s needs.” Thus, when the third-phase behavior begins, the woman is prone to remember the courtship period, and the subsequent “long period of such similar behavior without any painful phase I or II type of abuse.” She thus hopes that her partner will revert to being the man with whom she fell in love.

Often caught in this cycle, particularly persuaded by her partner’s honeymoon phase behavior, the woman does not leave. She wants to stay married. She wants to believe the abuse will somehow just end. She remains

21. Mrs. Bailey finally requested a divorce after nearly twenty-five years of marriage upon learning that her husband had raped one of their teenage daughters. Id. at 1.

22. Dr. Lenore Walker is one of the foremost experts on domestic violence. Through her research, she discovered a pattern (known as the cycle of violence) in two-thirds of the 1600 battering incidents documented in her study. See Lenore E. A. Walker, Battered Women Syndrome and Self-Defense, 6 NOTRE DAME J.L. ETHICS & PUB. POL’Y 321, 330 (1992).

23. See id. at 330; see also LENORE E. WALKER, TERRIFYING LOVE 42 (1989).


25. See id. at 43-44.

26. See id. at 44-45.

27. Walker, supra note 22, at 332.

28. Id.

29. See id.
hopeful that the honeymoon phase behavior will one day be the only behavior she sees.  

**B. Learned Helplessness**

Learned Helplessness is another theory which helps explain why battered women stay. The theory was first developed by a psychologist experimenting on dogs. He would place the dogs in cages and administer random shocks not contingent on any behavior. The dogs would eventually stop trying to escape or avoid the shocks, since nothing they did worked. As a coping mechanism, the dogs would lay in their own excrement to alleviate the shocks. The dogs would even remain passive when the researchers tried to teach them to escape or made escape readily apparent. Not until after being repeatedly dragged to the cage exits did the dogs finally learn to escape and their learned helplessness disappear.

Women in abusive relationships also develop learned helplessness. A woman's perception and beliefs about her control over the situation become more important than reality. If she does not believe she has control, she is likely to respond with a coping mechanism rather than try to escape. Dr. Lenore Walker, widely considered one of the foremost experts on domestic violence, observed:

Battered women don't attempt to leave the battering situation, even when it may seem to outsiders that escape is possible, because they cannot predict their own safety; they believe that nothing they or anyone else does will alter their terrible circumstances. ... This lack of ability to predict the efficacy of one's own behavior changes the nature of an individual's response to situations. People suffering from learned helplessness are more likely to choose behavioral responses that will have the highest predictability of an effect within the known, or familiar, situation; they avoid responses—like escape, for instance—that launch them into the unknown.

Dr. Walker has identified several experiences from both the childhood of abused women and abusive adult relationships which she believes contribute to the development of learned helplessness.

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32. Id. at 50-51.
33. Dr. Walker observed the following:

The five childhood factors found in the research study included (1) witnessing or experiencing violence in the woman's childhood home, (2) sexual molestation or abuse as a child or adolescent, (3) critical factors that the child experienced as uncontrollable which included items such as early parent loss through death or divorce, frequent moves,
C. Other Factors

Other factors may influence a woman to stay in an abusive relationship. For instance, the less severe and less frequent the violence, the more likely the woman is to stay. 34

A woman’s view about the role of men and women in the family and society is another factor likely to influence her decision to stay or leave. Women holding more traditional views—that women should stay home and take care of their families while men work and make money—are more likely to stay with their husbands. 35

A more obvious and compelling reason why an abused woman stays is her fear that should she attempt to leave her abuser, the violence will escalate. 36 Studies have shown that the time of greatest danger for an abused woman occurs when she leaves her husband or partner. 37

Yet another reason why women stay is that abusers typically try to isolate them from friends, family, and work. By not letting her work, the abuser limits her resources. By isolating her from friends and family, there are fewer people to observe the abuse, and thus fewer to offer help or encourage her to leave. 38 Related to the isolation factor is the woman’s lack of resources. “Women stay because they have no place to go.” 39 Their husbands generally control the money, and they usually lack financial resources of their own. Consequently, when a woman has no other place she can call home, her only viable option is to stay.

Finally, women often stay because they blame themselves for the abuse, 40 believing that the abuse may stop if they become better wives or mothers. Such irrational thinking is often reinforced by the batterer, who is

alcoholism in one or both parents, sibling problems, poverty, (4) strict rigid traditional sex role stereotyped behavior, and (5) chronic or serious illness as a child.

The seven factors that predicted the development of learned helplessness from an abusive adult relationship included (1) violence occurring in a pattern which included escalation over time and the cycle of violence, (2) sexual abuse within the context of the relationship, (3) power and control variables such as the batterer’s intrusiveness, isolation, and jealousy, (4) threats to kill the woman and/or others, (5) psychological torture including inducing debility through waking her during the middle of the night or not letting her sleep by forcing her to listen to long harangues, verbal degradation, humiliation and put-downs, monopolization of her perceptions and isolation, attempts at mind control, and occasional indulgences, (6) violence correlates such as abuse against other people, abuse against children, abuse against pets and violence against objects, and (7) abuse of alcohol and drugs.

Walker, supra note 22, at 331.

34. See RICHARD GELLES, FAMILY VIOLENCE 112 (1987).
35. See PRESSMAN, supra note 30, at 16-17.
36. See id. at 17.
37. See id.
38. See id. at 17-18.
39. Id. at 18.
40. See id.
abusive not only physically but emotionally as well. Such an abuser tells the woman that she is not a good mother, cook, wife, and so on. As a coping mechanism, women tend to minimize the abuse, convincing themselves that the relationship is not really as bad as it seems.

IV. HISTORICAL TREATMENT BY SOCIETY

From the earliest twilight of human society, every woman was found in a state of bondage to some man. How vast is the number of men, in any great country, who are little higher than brutes, and this never prevents them from being able, through the laws of marriage, to obtain a victim. The vilest malefactor has some wretched woman tied to him, against whom he can commit any atrocity except killing her and even that he can do without too much danger of legal penalty.41

Laws condoning domestic violence as well as society's acceptance of this epidemic problem have a long history. The acceptance and legality of domestic violence have cut across time and cultures.

A. World Wide Legal History

The first known law of marriage was enacted by Romulas, a Roman, in the year 753 B.C. He stated that married women were "to conform themselves entirely to the temper of their husbands and the husbands to rule their wives as necessary and inseparable possessions."42 In both ancient Greece and Rome, "wife beating and wife killing were the recognized rights of men."43 Legal sanction of spousal abuse did not end in ancient Greece and Rome. The ensuing legal systems of Europe also upheld the right of men to beat their wives. For example, in 18th century France, a husband could chastise his wife for such reasons as asserting her independence or suspected infidelity.44 These beatings, however, were restricted to "blows, thumps, kicks, or punches on the back . . . which did not leave any marks."45

42 PRESSMAN, supra note 30, at 3.
43 Id.
44 See id. at 4.
45 Id.
B. World Wide Societal Acceptance

In addition to its widespread legality, spousal abuse was also culturally accepted. Various sayings and proverbs attest to this fact. For example, a Russian proverb states: “A wife isn’t a jug . . . she won’t crack if you hit her ten times.”\(^{46}\) And an English adage states: “A spaniel, a woman, and a walnut tree, the more they’re beaten, the better they be.”\(^{47}\)

This acceptance in the West of beating one’s wife may stem, at least partially, from Judeo-Christian thought, which had a profound impact on Western laws and culture. There are those who quote scripture to justify the subjugation of women.\(^{48}\) One oft-cited scripture is, “Wives, submit yourselves unto your own husbands, as unto the Lord. For the husband is the head of the wife . . . .”\(^{49}\)

C. Legal History in the United States

Not unlike the rest of the world, the United States has a regrettable history of legalized spousal abuse. For instance, in 1868, North Carolina men were merely restricted from beating their wives with an instrument thicker than the thickness of their thumbs.\(^{50}\)

Not until 1871 was wife abuse at last made illegal in Alabama and Massachusetts. It was declared that “the privilege, ancient though it be, to beat her with a stick, to pull her hair, choke her, spit in her face or kick her about the floor, or to inflict upon her other indignities, is not now acknowledged by our law.”\(^{51}\) In 1874, North Carolina also finally took away a husband’s “right to beat his wife.”\(^{52}\) At the same time, however, the court “exempted him from appearing in court in case he did beat his wife after all!”\(^{53}\) The court also stated, “If no permanent injury has been inflicted, nor

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46. CAROL BAUER & LAWRENCE RITT, VIOLENCE IN INTIMATE RELATIONSHIPS 10 (Gordon W. Russell ed., 1988).
47. Id.
48. One writer, when considering the influence of Judeo-Christian thought, wrote of the “misogynist Apostle Paul—whose . . . philosophy would influence billions of husbands and Christian church leaders and lawmakers thereafter.” ROY, supra note 41, at 9.
49. Ephesians 5:22-23. It should be noted, however, that some scholars and theologians disagree with interpretations of this and other passages used to justify husbands’ domination of their wives. See JOHN TEMPLE BRISTOW, WHAT PAUL REALLY SAID ABOUT WOMEN: AN APOSTLE’S LIBERATING VIEWS ON EQUALITY IN MARRIAGE, LEADERSHIP, AND LOVE 35-37 (1991). For example, Dr. Bristow, when interpreting “the husband is the head of the wife” (italics added), notes that there are two Greek words for head, with different meanings. The word arch is used to denote leadership, being the first, and ruling. The word kephale means “one who went before the troops, the leader in the sense of being in the lead, the first one into battle.” Id. at 36-37. Kephale, does not mean, however, a general or director (the one deciding, or directing, where the troops will go). Paul, in Ephesians, used the word kephale. See id.
50. See State v. Rhodes, 61 N.C. 349 (1868).
51. PRESSMAN, supra note 30, at 5.
52. ROY, supra note 41, at 19 (quoting State v. Oliver, 70 N.C. 60, 61 (1874)).
53. ROY, supra note 41, at 19.
malice nor dangerous violence shown by the husband, it is better to draw the curtain, shut out the public gaze, and leave the parties to forget and forgive."

Unfortunately, nearly one hundred years later, not much had changed. A 1954 law review article, describing then-current law, stated that for a husband to be "guilty of the battery of his wife something more than an unpermitted touching or even minor injury is required. One court has stated several times that either 'permanent injury' must have been inflicted or the husband's conduct must have been prompted by a 'malicious spirit." In fact, prior to the 1970's, the police often did not involve themselves in domestic violence situations, or if they did, it was simply to tell the abuser to "take a walk around the block." By 1971, even though permanent injury was no longer a requisite element of battery, still "the harm required [was] greater than simple assault... Cases indicate[d] that visible bruises and injuries must be present."

D. Societal Acceptance in the United States

Like lawful spouse abuse, societal acceptance of domestic violence has also had a long history in the United States. According to a 1968 survey, "one-fifth of all Americans approve[d] of slapping one's spouse on appropriate occasions."

A glance at contemporary pop culture also evinces approval of similar forms of domestic violence. The Honeymooners, a popular 1950's TV show, often featured the husband, Ralph, saying to his wife, "One of these days, Alice... Pow! Zoom! Right to the moon!" This oft-repeated, supposedly comical skit trivialized the seriousness of domestic violence by making it appear ridiculously harmless. The 1970's movie "Grease" offers another example. In this movie, during a nationally televised dance contest, Cha Cha's boyfriend pretends to slap her on both sides of the face, again downplaying the seriousness of domestic violence by making it appear "cool" rather than repugnant.

V. PROSECUTING DOMESTIC VIOLENCE WITHOUT THE TESTIMONY OF THE VICTIM

"Nothing's going to change with domestic violence unless we start holding batterers accountable... We want the message to go out to

54. Id. at 2 (quoting Oliver, 70 N.C. at 61).
55. Id. at 20.
57. ROY, supra note 41, at 20.
58. PRESSMAN, supra note 30, at 5.
all abusers . . . that domestic violence will not be tolerated and that abusers will be held accountable for their actions.”

One reason for punishing criminals is deterrence. There are two general ways to increase deterrence of crime. One way is to increase the risk of conviction. Where laws are enforced and the chances of conviction increased, crime rate declines. The second way is to increase severity of punishment. However, the deterrent effect of increased severity is not as certain as that of increased risk of conviction. This Part looks at ways to increase the conviction rate of domestic abusers, thereby decreasing domestic violence.

There is specific evidence that increasing the likelihood that an abuser will be convicted has helped to decrease domestic violence. According to one study, “women are seven times less likely to be beaten or abused again if charges are filed and the batterer is prosecuted.” Unfortunately, many women, for a variety of reasons, are reluctant to testify against their abusers. This makes prosecution more difficult. Not having the evidence to obtain a conviction absent the victim’s testimony, prosecutors often fail either to file charges or to prosecute the charges once filed. Police also often fail to take action when responding to a domestic violence call, feeling that their response will ultimately prove futile. They might, for example, believe that the victim will simply return to her abuser regardless of what they do.

Given the deterrent effect that arrest and prosecution can have on domestic violence, more jurisdictions need to develop policies that achieve those goals without relying on victim testimony. Indeed, a number of jurisdictions have already implemented such a forward-thinking, preventive approach and can thus serve as models to imitate and improve upon.

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60. Other reasons for inflicting punishment include retribution, reform (rehabilitation of the criminal), and incapacitation (preventing a person from committing crimes while incarcerated). See SANFORD H. KADISH & STEPHEN J. SCHULHOFER, CRIMINAL LAW AND ITS PROCESSES, 115-19 (6th ed. 1995).

61. See id. at 117.

62. See id.

63. MARYLAND NETWORK AGAINST DOMESTIC VIOLENCE, supra note 2, at 7-0.

64. Reasons for a woman’s reluctance to testify include the cycle of violence, particularly where the relationship has reentered the honeymoon phase following the battering incident that precipitated charges; learned helplessness; economic and/or emotional dependance; and fear of further anger and violence due to her cooperation with law enforcement. See supra Part III A-C and accompanying notes.

65. See Hanna, supra note 56, at 1860.
A. The Utah County Approach

Prosecutors in Orem, Utah often try to prosecute domestic violence cases without the testimony of the victim. To do this, they rely largely on evidence gathered at the scene by police. Police officers usually take photographs of any visible injuries and document any plans to receive medical treatment as well as treatment actually received. Officers are also typically called as witnesses to describe any injuries either observed or recorded in the narrative of their police reports, and the rules of evidence generally permit such testimony.

Police sometimes try to get a statement from the victim regarding the incident. If the victim later refuses to testify, testifies that she cannot remember, or asserts the husband-wife privilege, the recorded statement can still often be admitted under the unavailable witness exceptions to the hearsay rule. The statement can also often be admitted under the present sense impression, excited utterance, or then-existing mental, emotional, or physical condition exceptions to the hearsay rule, though admissibility, of course, often varies from one judge to the next.

Statements made by a victim in a petition for an ex parte protective order may also be admissible since these statements are made under oath. However, these statements usually only provide evidence about past abuse, not about the incident in question.

While many officers do a good job collecting evidence and getting necessary information, many officers do not. In fact, the majority of officers do not get a victim statement, often a key piece of evidence. Petitions for ex parte protective orders may also not be available, many victims having never applied for one. The success of a prosecutor depends heavily on the efforts made by law enforcement. With no uniform system in place,
officers often fail to collect key pieces of evidence, thereby frustrating rather than facilitating convictions.

B. The Maryland Approach

1. Law enforcement and the domestic violence supplemental form

Successful prosecution of domestic violence cases without the testimony of the victim relies on the initial police investigation. In fact, effective training of law enforcement is essential to winning cases. The training guide for law enforcement in Maryland states, “Your initial contact with the victim and preliminary investigation are CRUCIAL parts of each investigation. Thoroughness combined with careful documentation will lead to successful prosecutions with or without the victim’s cooperation.”

To help law enforcement in gathering evidence at the scene, Maryland drew upon a form developed by San Diego which police officers fill out when responding to a domestic violence call. The purpose of the form was to help ensure that all necessary evidence was collected. The San Diego form has been called “a revolutionary sheet of paper,” as its use by police in collecting evidence has “resulted in prosecutors winning 90% of their cases and . . . a 62% decline in domestic homicides.” Maryland studied and used the San Diego form as a basis for creating its own, taking the liberty, however, to make several changes.

Maryland’s form essentially serves as a checklist, reminding officers what evidence they need to collect. Thus, even if the victim later denies the abuse, a conviction can often still be obtained using the victim’s recorded statement made to officers at the time of initial investigation in combination with other evidence routinely collected.

73. MARYLAND NETWORK AGAINST DOMESTIC VIOLENCE, supra note 2, at 6-1 (emphasis in original).
74. See APPENDIX.
76. See id. See also APPENDIX.
77. These differences include the addition of:
(1) ‘Admissions’ under Suspect Description; (2) 911 tapes under Evidence Collected; (3) Numbers and Ages of Children Witnesses Present; (4) Type of Restraining Orders relating to Maryland Laws; (5) Temporary address of victim on the Supplemental Form; (6) Identification of injuries; (7) Affirmation by victim to police officer of injuries, how injuries were received, and identification of person causing injuries; and, (8) Medical release for this and other domestic violence cases.

MARYLAND NETWORK AGAINST DOMESTIC VIOLENCE, supra note 75, at 4.
a. Establishing a relationship between the victim and the perpetrator

For the case to be treated as a domestic violence case, the relationship between the victim and suspect must be known. The Maryland form asks the officer to check the applicable box under “Relationship Between Victim and Suspect.” The list of options includes “spouse, former spouse, cohabitants, former cohabitants, dating/engaged, former dating, same sex, emancipated minor, [and] parent of child from relationship.” Since one of these relationships must be established to have a domestic violence case, it is vital that the investigating officer collect this information. The officer must also document the length of the relationship.

b. Collecting evidence to document the abuse

Other parts of the form deal with collecting evidence so that the abuse can be substantiated and proven with various forms of evidence. The officer is asked to note any medical treatment received, whether by a doctor, the hospital, paramedics, or first aid provider. If “paramedics” or “hospital” is marked, the officer must note whether the paramedics or fire department were at the scene and their unit number, names and ID numbers. If taken to the hospital, the officer should note to which hospital the victim was taken and the attending physicians. With this information, any attending medical personnel can be asked to testify, if needed.

Another section documents the evidence collected. It asks whether the evidence was taken from the crime scene, a hospital, or elsewhere. It asks whether photos were taken and whether there was a 911 tape collected as evidence. The contents of all photographs taken should be described with reasonable detail. The officer should also note if any weapons were used, if they were photographed, and if they were impounded. The property tag number of impounded evidence should also be written in this section. Having this checklist serves as a reminder to officers to collect specific types of evidence.

The next section of the form asks the police to document any “Follow Up.” A follow-up may include photographs taken at a later time, when injuries might be more visible. Again, this serves as a reminder to collect additional evidence which may be helpful in a prosecution. The officer is instructed to note in this section whether Miranda rights were given and

78. See Appendix.
79. MARYLAND NETWORK AGAINST DOMESTIC VIOLENCE, supra note 2, at 6-4.
80. See id.
81. See id. at 6-6.
82. See id. at 6-7.
83. See id. at 6-8.
84. Id. at 6-9.
whether the case is open or closed. The officer should also indicate if an
arrest was made, and, if an arrest was not made, the officer must addition­
ally give a reason for the failure to arrest. 85

Investigating officers are asked to document the physical condition of
both the victim and the suspect. The choices include “complaint of pain,
bruises, abrasions, minor cuts, lacerations, fractures, or concussions.” 86
The police officer may also check “other” and then explain the injury in
the narrative. 87

Another section contains a diagram of two human bodies, one female,
one male. The victim should mark on the appropriate diagram the various
locations of her injuries. The victim should then indicate whether she has
“physically pointed out to the officer: (a) On the diagram where [she] was
struck, (b) on [her] person where [she] was struck, (c) the person who
struck [her], [and] (d) the object used to strike [her].” 88 She is also asked to
indicate whether she understands all the questions. 89

Below this section, the victim is then asked to affirm that the informa­
tion “given is true and correct.” 90 By signing, the victim also grants a re­
lease of medical records “concerning this or other domestic violence cases
to law enforcement agencies/personnel investigating this incident.” 91
Again, this allows for the collection of evidence at the time when the vic­
tim is most likely to cooperate with law enforcement. 92

The final section on the form provides space for recording comments
or threats made by the suspect. Comments may be written that were made
either to the victim alone or in the presence of witnesses. In this section,
any property damage should also be documented as should the estimated
value of that property. 93

Officers are also asked to write a narrative describing “all conditions
observed: physical, emotional and crime scene.” 94 The training manual
asks them to give a description of injuries and emotional conditions of
both the victim and the suspect. Officers are further instructed to include
spontaneous statements in their report. They are reminded that
“[d]ocumenting what you see and hear are CRITICAL FACTORS in the suc­
cessful prosecution of these cases.” 95

85. See id.
86. Id. at 6-3.
87. Id.
88. Id. at 6-11.
89. See id.
90. Id. at 6-12.
91. Id.
92. As more time passes, the abuser has a chance to regain control of the victim. The victim
also tends to minimize the abuse. See supra Part III.A-C and accompanying notes.
93. See MARYLAND NETWORK AGAINST DOMESTIC VIOLENCE, supra note 2, at 6-15.
94. Id. at 6-13.
95. Id. (emphasis in original).
c. Collecting information that will bolster the admissibility of other evidence

Another part of the form asks the officer to describe the emotional condition in which he found both the victim and the suspect. There is a list of emotional conditions, and the officer is asked to check all that apply. The choices include "angry, apologetic, crying, fearful, hysterical, calm, irrational, nervous, or threatening." 96 Completing this section makes it easier to get possible hearsay information into evidence during the trial. 97

d. Evidence which helps the prosecutor decide how to prosecute the case

The police officer should also ask the victim about prior domestic violence incidents and check "yes" or "no" to indicate whether such a history exists. If the answer is yes, the officer should ask whether the prior incidents were documented by law enforcement. If possible, case numbers and investigating agencies should also be recorded. The victim should be asked if she considered the prior incidents to be minor or serious, and her answer should be noted. The officer should ask questions concerning prior incidents, such as "prior injuries, medical treatment or counseling, prior prosecution or restraining orders." 98 This information should be included in the narrative section of the officer's report. Lastly, the officer is reminded that, "[d]etailed information regarding prior incidents of violence will enhance the prosecution." 99

e. Evidence of other crimes

One section of the form asks the officer to indicate whether or not alcohol or drugs were involved, and if so, what type. This information should be recorded regardless of who used these substances, be it victim or suspect. 100

The next section asks about restraining orders. The officer should note if there is either an ex parte or protective order which is current or expired. 101 The training manual explains that if an ex parte order has been

96. Id. at 6-3.
97. See infra Part V.B.2 and accompanying notes.
98. MARYLAND NETWORK AGAINST DOMESTIC VIOLENCE, supra note 2, at 6-5.
100. See id. at 6-6.
101. See id. at 6-10.
issued but not yet served, the officer should serve the order on the proper party.\footnote{102}

2. \textit{Admissibility of evidence}

The admissibility of evidence may depend both on the judge and the evidence. The form itself is generally not admissible, but the officer who completed the form can often testify to the information on the form under the recorded recollection exception to the hearsay rule.\footnote{103} This exception assumes that the officer’s recollection of what he observed is somewhat impaired. Because of the lapse of time between the incident and trial, the officer’s memory is usually impaired, triggering the exception.

The area on the form asking for the victim’s emotional state is especially important if certain statements made by the victim are to be admitted into evidence. When officers simply indicate in their report that the victim was “upset,”\footnote{104} the victim’s statements are usually not admitted under the excited utterance exception to the hearsay rule.\footnote{105} If, on the other hand, the officer marks on the form that the victim was “hysterical” and “crying,” the statements will likely be admitted under this exception.\footnote{106}

911 tapes are usually admissible in court, and these tapes often include statements made by the victim regarding her injuries and the identity of the perpetrator. These tapes may come in under either the excited utterance or the present sense impression exception to the hearsay rule.\footnote{107}

3. \textit{Case study}

The first conviction obtained under the new Maryland program demonstrates the success of this form. On the night of the incident, the victim

\footnotesize{
102. \textit{See id.} \\
103. \textit{See MD. R. EVID. § 5-802.1(e).} This rule provides:

\begin{quote}
A statement that is in the form of a memorandum or record concerning a matter about which the witness once had knowledge but now has insufficient recollection to enable the witness to testify fully and accurately, if the statement was made or adopted by the witness when the matter was fresh in the witness’s memory and reflects the knowledge correctly. If admitted, the statement may be read into evidence but the memorandum or record may not itself be received as an exhibit unless offered by an adverse party.
\end{quote}

\textit{Id.}

104. Telephone interview with Jeanne MacLeod, Community Education Coordinator for the Maryland Network Against Domestic Violence (April 15, 1998).

105. \textit{See MD. R. EVID. § 5-803(b)(2).} This rules provides an exception to the exclusion of hearsay when the statement is “relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.” \textit{Id.}

106. \textit{See id.}

107. \textit{See id.} § 5-803(b)(1). This rule provides an exception allowing hearsay when there is “a statement describing or explaining an event or condition made while the declarant was perceiving the event or condition, or immediately thereafter.” \textit{Id.}
}
signed a statement saying, “he came behind me punching me in my head and body areas, busting my inner lip, biting my back and arms. We then went outside . . . where he punched me again and bruised and swelt my back with a rock.” The victim marked where she had been injured on the domestic violence form, and photographs were taken of the injuries. At trial, however, the victim testified that she did not remember the events of that evening. According to Assistant State Attorney Henry Dove, who tried the case, the conviction was obtained due to “the victim’s signed statement, the photographs, and [the investigating police officer]’s testimony.” The police officer was able to confirm the victim’s injuries with the photographs and the section of the domestic violence form where the victim had indicated her injuries. The police officer also testified about her mental and emotional states following the incident.

4. Prosecutorial role

After the police have investigated a domestic violence crime, the case goes to a prosecutor. Maryland’s Pro-Prosecution Initiative sets out the “Domestic Violence Prosecution Protocol.” Prosecutors are encouraged to consider the victim’s desires when “formulat[ing] appropriate goals for each individual prosecution.”

When deciding if and what charges should be filed, the prosecutor should consider the following factors: “seriousness of the injuries and/or threats; use of a weapon (including furniture or other household objects); defendant’s history of violence as reported by the victim; [and] potential lethality of [the] situation.”

Charges should be filed when “a factual basis exists and there is some corroboration.” Corroboration may include:

medical records of the victim’s injuries; witnesses who observed the assault or the injuries, including children; witnesses who heard sounds indicating that an assault was taking place, e.g. screams, furniture being thrown; a 911 tape with statements by the victim, witnesses, or defendant; physical evidence, e.g. weapons, broken furniture, torn clothing; admissions by the defendant; a police re-

108. Griep, Talbot Gets First Conviction, supra note 59.
109. Id.
110. See id.
111. MARYLAND NETWORK AGAINST DOMESTIC VIOLENCE, supra note 2, at 8-1.
112. Id. Prosecutors are encouraged to contact the victim as soon as possible and to maintain consistent contact with her, since “[p]erhaps the biggest single cause of case attrition in domestic violence cases is lack of communication between prosecutors and battered persons.” Id. at 8-3. Additionally, the trial should be prosecuted as quickly as possible. The more time between the incident and trial, the more time the abuser will have to regain control over the victim, and the more likely the victim is to recant her testimony or refuse to testify. See id.
113. Id. at 8-4.
114. Id.
port written at the time of the assault; [and] the existence of a timely complaint by the victim.\footnote{115}

A second, follow-up investigation conducted some time after the precipitating incident is critical. At that time, crucial information, such as the location of the victim and documentation of the victim's injuries, can be obtained using the domestic violence supplemental form.\footnote{116} It is also helpful to have photographs taken some time after the assault, which may help show the severity of the attack. In addition, statements from witnesses who saw the injuries should be obtained.\footnote{117}

Further statements should be obtained from any witnesses to the domestic violence incident itself, including witnesses who simply heard "screaming, crying, gun shots, etc."\footnote{118} Any children present during the domestic violence incident should also be interviewed.\footnote{119}

The victim should be questioned about any physical evidence which may be available. This may include items such as "torn or bloody clothing or weapons used in the assault."\footnote{120} If this evidence has not already been seized by law enforcement, it should be procured immediately so that it can be preserved and used at trial.\footnote{121}

To obtain additional information and to discover whether more charges can be filed, prosecutors should review any petitions for protective orders. If there were any court hearings on these petitions or contempt charges, the transcripts should be reviewed. Transcripts may contain descriptions of past domestic violence incidents or other information which might be used for cross-examination of the defendant.\footnote{122}

5. Results of using the supplemental form

Seven counties in Maryland were evaluated after implementing use of the Supplemental Form. The program set five basic goals.\footnote{123} The first was to increase the number of guilty verdicts. This was accomplished in four of the seven counties.\footnote{124} Another goal was to decrease the number of not

\footnote{115}{Id.}
\footnote{116}{See id. at 8-5.}
\footnote{117}{See id.}
\footnote{118}{Id. at 8-7.}
\footnote{119}{See id.}
\footnote{120}{Id.}
\footnote{121}{See id.}
\footnote{122}{See id.}
\footnote{123}{See MARYLAND NETWORK AGAINST DOMESTIC VIOLENCE, supra note 75, at 16.}
\footnote{124}{See id. at 16-17; see also MARYLAND NETWORK AGAINST DOMESTIC VIOLENCE: PROSECUTION, INVESTIGATION INITIATIVE: MONTGOMERY, SOMERSET, WICOMICO, AND WORCESTER COUNTIES 6 (1996).}
guilty verdicts. This was accomplished in three of the counties. A third goal was to decrease the number of cases put on the STET, or inactive, docket, which means that the prosecutor will not pursue the charges unless the defendant re-offends. If the defendant does re-offend, he will be charged with both crimes. This goal was achieved in four of the counties. Another goal was to increase the number of cases put on probation before judgment (PBJ) status. PBJ status means the defendant is put on probation following admission of his crime. This goal was accomplished in six of the seven counties. The final was to decrease the number of cases dismissed, which was accomplished in four of the counties.

Frederick County was the only county to accomplish all five objectives. For a three month period in 1994, before the program began, approximately 16.2% of the seven counties' cases were tried. Of those, 71% resulted in a not guilty verdict and 29% in a guilty verdict. Then the new program using the supplemental form was implemented on January 1, 1995. For the same three month period in 1995, 16.8% of the cases went to trial, only a slight increase over 1994. Significantly, however, 65% of these cases resulted in a guilty verdict, an astounding improvement.

While the other counties have not accomplished all five goals, progress has been made. In some counties, there was a significant increase in the number of people charged with domestic violence crimes. For example, in Talbot County, during a nine month period surveyed in 1994, there were 278 charges filed. In the same nine month period in 1995, there were 695 filed.

125. See Maryland Network Against Domestic Violence, supra note 75, at 16-17; Maryland Network Against Domestic Violence, supra note 124, at 6.
126. See Maryland Network Against Domestic Violence, supra note 75, at 16-17; Maryland Network Against Domestic Violence, supra note 124, at 6.
127. See Maryland Network Against Domestic Violence, supra note 75, at 16-17; Maryland Network Against Domestic Violence, supra note 124, at 6.
128. See Maryland Network Against Domestic Violence, supra note 75, at 16-17; Maryland Network Against Domestic Violence, supra note 124, at 6.
129. Two counties achieved four of the five objectives, while the others accomplished two of the five objectives. See Maryland Network Against Domestic Violence, supra note 75, at 16-17; Maryland Network Against Domestic Violence, supra note 124, at 6.
130. Other cases were put on the STET docket, dismissed, placed on PBJ, or were given a NOLLE PROS status. The assumption about the percentage of cases going to trial is based on the percentage of guilty and non-guilty verdicts combined. See Maryland Network Against Domestic Violence, supra note 75, at 14.
131. See id.
132. Proclaiming that some progress has been made assumes that merely making a charge increases the risk of conviction and consequently acts as a deterrent. See supra notes 59-65 and accompanying text.
133. See Maryland Network Against Domestic Violence, supra note 75, at 14.
134. See id.
Given the proven deterrent effect that increased risk of conviction has on criminals, these statistics are certainly encouraging, hopefully fore­shadowing an era of reduced domestic violence in Maryland.

VI. CONCLUSION

Domestic violence is a problem that has been ignored far too long. Given the nature of domestic violence, it is a problem not likely to easily go away. It is difficult for women to leave abusive relationships. Histori­cally, punishment of men who abuse their partners has been virtually non­existent.

To begin to alleviate the problem of domestic violence, society must increase convictions by making it easier for the government to prove its case. This includes making every effort to punish the offender, even if the victim is not particularly cooperative. To do this, it is essential for police to be thorough in collecting all necessary evidence pertaining to the crime and for prosecutors to adopt a vigorous prosecution strategy. To that end, more states should develop and use law enforcement information-gather­ing forms and other creative methods designed to convict domestic abusers even without victim testimony.

Tonya McCormick

135. See supra notes 59-65 and accompanying text.
### MARYLAND DOMESTIC VIOLENCE SUPPLEMENTAL

<table>
<thead>
<tr>
<th>Victim's Name</th>
<th>Date of Birth</th>
<th>Gender</th>
<th>Case Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Name</td>
<td>Last Name</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home/Work Numbers</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### The victim displayed the following emotional and physical conditions:

<table>
<thead>
<tr>
<th>Symptom</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anger</td>
<td></td>
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<tr>
<td>Anxiety</td>
<td></td>
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<tr>
<td>Depression</td>
<td></td>
</tr>
<tr>
<td>Irritability</td>
<td></td>
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<tr>
<td>Mood Disturbance</td>
<td></td>
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<tr>
<td>Physical Abuse</td>
<td></td>
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<tr>
<td>PTSD</td>
<td></td>
</tr>
<tr>
<td>Stress</td>
<td></td>
</tr>
</tbody>
</table>

#### Prior History of Domestic Violence?
- Yes  
- No

#### Prior History of Violence Documented?
- Yes  
- No

#### Prior History Handled by What Police Department/Agency?

### Origin/Crime Description

<table>
<thead>
<tr>
<th>Incident</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assault</td>
<td></td>
</tr>
<tr>
<td>Battery</td>
<td></td>
</tr>
<tr>
<td>Burglary</td>
<td></td>
</tr>
<tr>
<td>Carjacking</td>
<td></td>
</tr>
<tr>
<td>Child Abuse</td>
<td></td>
</tr>
<tr>
<td>Criminal Mischief</td>
<td></td>
</tr>
<tr>
<td>Criminal Neglect</td>
<td></td>
</tr>
<tr>
<td>Exploitation</td>
<td></td>
</tr>
<tr>
<td>Fire</td>
<td></td>
</tr>
<tr>
<td>Fraud</td>
<td></td>
</tr>
<tr>
<td>Homicide</td>
<td></td>
</tr>
<tr>
<td>Kidnapping</td>
<td></td>
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<tr>
<td>Larceny</td>
<td></td>
</tr>
<tr>
<td>Robbery</td>
<td></td>
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<tr>
<td>Sexual Assault</td>
<td></td>
</tr>
<tr>
<td>Stalking</td>
<td></td>
</tr>
<tr>
<td>Theft</td>
<td></td>
</tr>
</tbody>
</table>

### Relationship Between Victim and Suspect

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dating</td>
<td></td>
</tr>
<tr>
<td>Fellows</td>
<td></td>
</tr>
<tr>
<td>Friends</td>
<td></td>
</tr>
<tr>
<td>Former Spouse</td>
<td></td>
</tr>
<tr>
<td>Former Co-Habitants</td>
<td></td>
</tr>
<tr>
<td>Former Engaged</td>
<td></td>
</tr>
<tr>
<td>Parents</td>
<td></td>
</tr>
<tr>
<td>Partners</td>
<td></td>
</tr>
<tr>
<td>Roommates</td>
<td></td>
</tr>
<tr>
<td>Roommates</td>
<td></td>
</tr>
</tbody>
</table>

### Medical Treatment

<table>
<thead>
<tr>
<th>Treatment</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Intubation</td>
<td></td>
</tr>
<tr>
<td>Medication</td>
<td></td>
</tr>
<tr>
<td>Pain Management</td>
<td></td>
</tr>
<tr>
<td>Surgery</td>
<td></td>
</tr>
<tr>
<td>Transport to Hospital</td>
<td></td>
</tr>
<tr>
<td>Ventilation</td>
<td></td>
</tr>
</tbody>
</table>

### Evidence Collected:

<table>
<thead>
<tr>
<th>Evidence Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Photos</td>
<td>Description</td>
</tr>
<tr>
<td>Videos</td>
<td>Description</td>
</tr>
<tr>
<td>Audio</td>
<td>Description</td>
</tr>
<tr>
<td>Documents</td>
<td>Description</td>
</tr>
<tr>
<td>Other</td>
<td>Description</td>
</tr>
</tbody>
</table>

### Evidence

- **Photographs:**
  - 35mm  
  - Polaroid

### Follow Up

- 6 hours  
- 12 hours  
- 48 hours  
- Other

---

### Maryland Rights Given
- Yes  
- No

### Case
- Open  
- Closed

### Arrest
- Yes  
- No

### Number of hours since incident

---

### Reporting Officer

<table>
<thead>
<tr>
<th>Officer Name</th>
<th>Number</th>
<th>Date &amp; Time</th>
<th>Approved by Name &amp; Title</th>
</tr>
</thead>
</table>

---

By the authority of the [state or jurisdiction], the [officer's name] reports the occurrence of a domestic violence incident involving [victim's name] and [suspect's name]. The incident occurred on [date] at [time]. The victim displayed the following emotional and physical conditions:

- [list of symptoms]

The victim's symptoms included [list of symptoms]. The victim was treated for [treatment]. The evidence collected at the scene included [list of evidence]. The case was [open or closed] with [arrest or no arrest]. The victim was advised of their rights and was given [Yes or No].

---

[Signature]

[Date]

[Name]

[Title]
**WITNESSES**

<table>
<thead>
<tr>
<th>CHILDREN PRESENT DURING DOMESTIC VIOLENCE?</th>
<th>☐ YES ☐ NO</th>
<th>NUMBER PRESENT?</th>
<th>AGE(s)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>STATEMENT(S) TAKEN?</th>
<th>☐ YES ☐ NO</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>NAMES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGE(s):</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RESTRAINING ORDERS:</th>
<th>☐ YES ☐ NO</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>STATE:</th>
<th>☐ EX PARTE ☐ ORDER OF PROTECTION</th>
</tr>
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<table>
<thead>
<tr>
<th>Issuing Court:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Order or Docket Number:</th>
</tr>
</thead>
</table>

**VICTIM WILL BE AT TEMPORARY ADDRESS?** | ☐ YES ☐ NO | ADDRESS: |

To be completed by victim: Mark and initial in the diagram below the area(s) where you were struck.

<table>
<thead>
<tr>
<th>HT.</th>
<th>WT.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>I have physically pointed out to the officer:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. On the diagram where I was struck</td>
</tr>
<tr>
<td>b. On my person where I was struck</td>
</tr>
<tr>
<td>c. The person who struck me</td>
</tr>
<tr>
<td>d. The object used to strike me</td>
</tr>
<tr>
<td>I understand all the questions</td>
</tr>
</tbody>
</table>

**Signature:**

I attest that the information I have given is true and correct. I hereby grant release of my medical records concerning this or other domestic violence cases to law enforcement agencies personal investigating this matter.

To inform the authorities that I have been refused a medical or psychiatric evaluation in cases of domestic violence, I consent to this request.

I authorize any medical provider to release the records of medical treatments and all other information related to this incident to law enforcement.

**Case(s):**

**Signed:**

**Date:**

**Estimate Value:**

**Property Stated:**