



Understanding Domestic and Dating Violence Complaints: Considerations for Adjudicators

VAWA ADJUDICATOR TRAINING PROGRAM

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Learning Objectives



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After completing this module, learners will be able to:

- Define the offenses of domestic and dating violence;
- Identify the elements contained in the definitions of domestic and dating violence; and
- Identify the exceptions and clarifiers that rest within the definitions of domestic and dating violence.



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Domestic Violence

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A felony or misdemeanor crime of violence committed by:

- a) a current or former spouse or intimate partner of the victim
- b) by a person with whom the victim shares a child in common
- c) by a person who is cohabitating with, or has cohabitated with the victim as a spouse or intimate partner
- d) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred OR
- e) by any other person against an adult or youth victim who is protected if that person acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred



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What is a “Crime of Violence?”

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- According to Section 16 of title 18 of the United States Code, the term “crime of violence” means
 - an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
 - any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.



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Domestic Violence



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 - c) By a person who is cohabitating with, or has cohabitated with the victim as a spouse or intimate partner
 - d) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred OR
 - e) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred



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Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- ii. For the purposes of this definition—
 - A. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - B. Dating violence does not include acts covered under the definition of domestic violence.



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Dating Violence



- **Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.**
- The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition -
 - Dating violence does not include acts covered under the definition of domestic violence.

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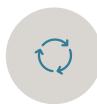


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Important Considerations



Unique



Cycle of violence



Power and control



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Interviews

- Lack of cooperation**
- Cross-claims**
- Primary aggressor**



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Primary Aggressor



Past behaviors?

Self defense?

Who is afraid?

Body language of each?

Witnesses?

What does the scene look like?

Excited utterances?

What are the extent of the injuries?

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FINAL THOUGHTS

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