



Trauma Informed Practices



Basic Overview

What is domestic violence?

- ▶ **An ongoing pattern of abusive behavior** that is used by an individual to gain or maintain power and control over another intimate partner or family member.
- ▶ Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person.
- ▶ This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.



Definition of family or household member 6.1-228 of the VA Code?

- ▶ "Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.





Who Are The Victims?





ANYONE CAN BE A VICTIM

Victims can be of any age, sex, race, culture, religion, education, employment or marital status.

When we talk about domestic violence, we're not talking about men versus women or women versus men.

We're talking about violence versus peace and control versus respect.



Statistics:

- ▶ 76% of intimate partner physical violence victims are female; 24% are male.
- ▶ 1 in 3 women and 1 in 4 heterosexual men have been victims of physical violence by an intimate partner within their lifetime.
- ▶ 5 in 10 lesbian women and 2 in 5 homosexual men will experience domestic violence (not necessarily by an intimate partner) in their lifetime.
- ▶ 20 people are victims of physical violence every minute in the United States.
- ▶ 95% of domestic violence cases involve women victims of male partners
- ▶ Children from violent homes have higher risks of alcohol/drug abuse, post traumatic stress disorder, and juvenile delinquency. Witnessing domestic violence is the single best predictor of juvenile delinquency and adult criminality. It is also the number one reason children run away.



Long Term Effects of Domestic Violence

- The effects of domestic violence go beyond the immediate physical injuries they suffer at the hands of their abusers.
- Frequently, domestic violence survivors suffer from an array of psychosomatic illnesses, eating disorders, insomnia, alcohol and substance abuse dependency, gastrointestinal disturbances, generalized chronic pain, and devastating mental health problems.
- Women who have been physically abused are at higher risk for depression.
- Women who are at higher risk for depression are more likely to report drug use.

* The National Center for Children in Poverty: Depression, Substance Abuse, and Domestic Violence



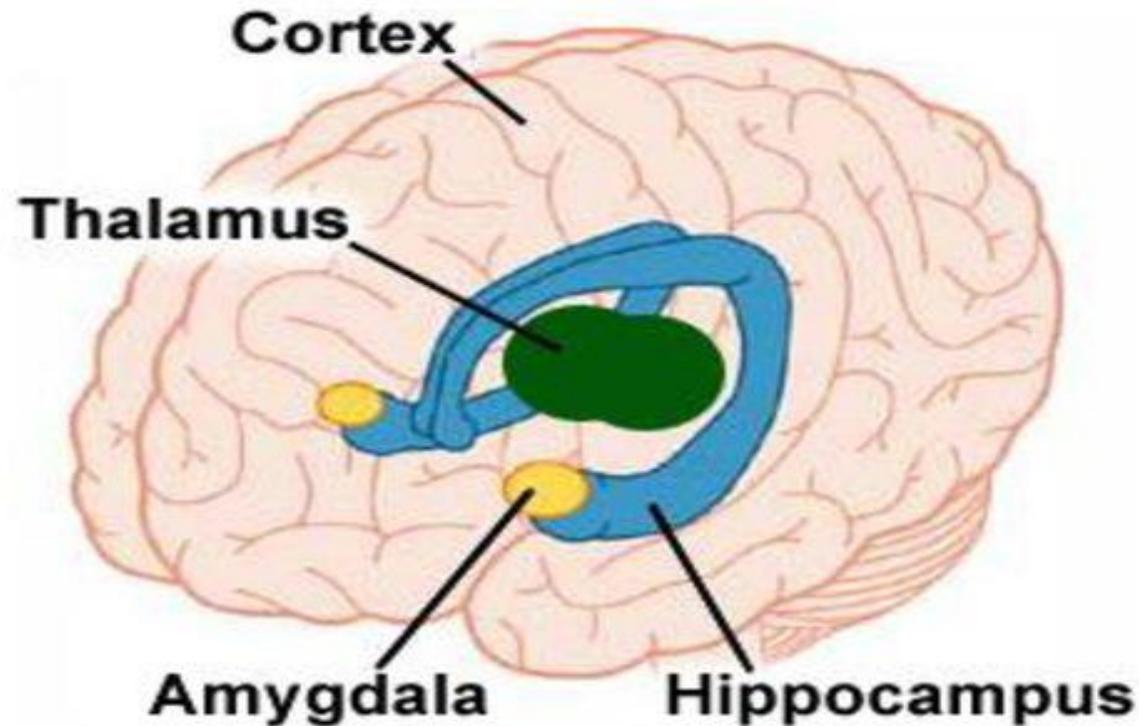
What is Trauma?

- ▶ When we hear the word trauma, most of us have an instinctive understanding of what it means: the severe distress, harm, or suffering that results from overwhelming mental or emotional pain or physical injury.
 - ▶ Trauma is also caused by or magnified by discrimination, marginalization, and historical and/or generational trauma.
 - ▶ What is traumatic for one person may not be for another, and each person follows their own path to healing.
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- Trauma-informed care starts with asking the right questions: moving from “What is wrong with you?” to “What happened to you?” and “How has this experience affected you?”
 - Trauma-informed care recognizes how trauma affects the brain. **Hyperactivity in the lower areas of the brain—the amygdala and hippocampus—overrides the prefrontal cortex, which is in charge of rational choices and modulating emotional responses.**

This keeps a person in survival mode. Memories can also be stored in the wrong place, keeping difficult memories active.

Neurobiology of trauma



Thalamus – processes sensory stimuli and scans for danger

Amygdala – activated if there is danger
Releases stress hormones (cortisole, adrenaline, oxytocin and natural opiods)

Cortex – higher thinking / rational brain is shut down when amygdala is activated

Hippocampus – concerned with memory storage



6 GUIDING PRINCIPLES TO A TRAUMA-INFORMED APPROACH

The CDC's [Center for Preparedness and Response \(CPR\)](#), in collaboration with SAMHSA's [National Center for Trauma-Informed Care \(NCTIC\)](#), developed and led a new training for CPR employees about the role of trauma-informed care during public health emergencies. The training aimed to increase responder awareness of the impact that trauma can have in the communities where they work.

Participants learned SAMHSA'S six principles that guide a trauma-informed approach, including:



Adopting a trauma-informed approach is not accomplished through any single particular technique or checklist. It requires constant attention, caring awareness, sensitivity, and possibly a cultural change at an organizational level. On-going internal organizational assessment and quality improvement, as well as engagement with community stakeholders, will help to imbed this approach which can be augmented with organizational development and practice improvement. The training provided by [CPR](#) and [NCTIC](#) was the first step for CDC to view emergency preparedness and response through a trauma-informed lens.



Civil Options:

- **Family Abuse Protective Order** is a civil court order against a family or household member who has put you in fear of bodily or sexual harm. You are the Petitioner. The person you are requesting protection from is the Respondent. Issuance of a protective order may prohibit the person who has harmed you from committing further acts of violence; contacting you or your family members in anyway; coming to where you live or work; damaging your property; taking possession of (or causing harm to) your companion animals.

There are 3 types of Family Abuse Protective Orders in Virginia:

- **Emergency Protective Order (EPO)**: lasts 72 hours or the next session of court and is issued by a magistrate or police officer. The expiration of the EPO is included on the order. If you have an EPO and believe you need longer protection, you must go to the Court Service Unit at the courthouse to request a Preliminary Protective Order, preferably BEFORE the EPO expires; it is best to go as soon as possible.
- **Preliminary Protective Order (PPO)**: may last up to 15 days or until a full hearing in front of a judge. To receive one, you MUST file a petition at the Court Service Unit and be seen by a judge. You do not need an EPO in order to request a PPO.
- **“Permanent” Protective Order (PO)**: may last up to 2 years and is issued by the court after a full hearing where both parties have been notified and had the opportunity to appear before the judge.



2020 VA General Assembly – signed into law Virginia's
Substantial Risk Emergency Protective Order and Substantial Risk Protective Order (§19.2-152.13 and 19.2-152.14)

- In VA, only a Law Enforcement Officer or an Attorney for the Commonwealth can petition the court or a magistrate for an Emergency Substantial Risk Protective Order. Can petition a Circuit Court, General District Court or J & D Court Judge.
- Must be a finding of Probable Cause that the person poses a substantial risk of personal injury to himself or others in the near future by such person's possession or acquisition of a firearm.
- Law enforcement must conduct an independent investigation to determine that grounds for a petition exists.
- Judge shall consider any relevant evidence, including any act of violence, force, or threat as defined in §19.2-152.7:1 by such person directed toward another person or toward himself.



Extreme Risk Protective Orders (ERPO)

- Also called Red Flag Protective Orders
- In VA, they are called Substantial Risk Protective Orders
- Purpose is to prevent gun tragedies by enabling law enforcement to petition for an order based on probable cause of possible acts.
- Prohibits the Respondent from **purchasing, transporting or possessing a firearm for the duration of the order**. Also, respondent must relinquish any concealed weapons permit.
- Upon service of the order the respondent may voluntarily relinquish any firearms to the law enforcement agency that petitioned for the order.
- Violation is a class 1 misdemeanor.
- Effective upon personal service or the order.



Why Extreme Risk Protective Orders (ERPO)

- ▶ An abusive partner's access to a firearm is a serious threat to victims of domestic violence, making it five times more likely that a woman will be killed.
- ▶ Domestic violence assaults involving a gun are 12 times more likely to result in death than those involving other weapons or bodily force.
- ▶ Gun Violence is often precipitated by warning signs – Up to 80% of people considering suicide give some sign of their intention.
- ▶ An FBI study of the pre-attack behaviors of active shooters found that the average shooter displayed four to five observable behaviors prior to attacks.
- ▶ In more than half of the mass shootings in the U.S., the perpetrator shot a current or former intimate partner or family member as part of the rampage.

Check here if victim did not answer any of the questions.

▶ A "Yes" response to any of Questions #1-3 automatically triggers the protocol referral.

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|---|------------------------------|-----------------------------|-----------------------------------|
| 1. Has he/she ever used a weapon against you or threatened you with a weapon? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Ans. |
| 2. Has he/she threatened to kill you or your children? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Ans. |
| 3. Do you think he/she might try to kill you? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Ans. |

▶ Negative responses to Questions #1-3, but positive responses to at least four of Questions #4-11, trigger the protocol referral.

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|--|------------------------------|-----------------------------|-----------------------------------|
| 4. Does he/she have a gun or can he/she get one easily? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Ans. |
| 5. Has he/she ever tried to choke you? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Ans. |
| 6. Is he/she violently or constantly jealous or does he/she control most of your daily activities? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Ans. |
| 7. Have you left him/her or separated after living together or being married? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Ans. |
| 8. Is he/she unemployed? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Ans. |
| 9. Has he/she ever tried to kill himself/herself? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Ans. |
| 10. Do you have a child that he/she knows is not his/hers? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Ans. |
| 11. Does he/she follow or spy on you or leave threatening messages? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Ans. |

▶ An officer may trigger the protocol referral, if not already triggered above, as a result of the victim's response to the below question, or whenever the officer believes the victim is in a potentially lethal situation.

Is there anything else that worries you about your safety? (If "yes") What worries you?



Guns Make Domestic Violence Deadly

- Every year, more than 600 American women are shot to death by intimate partners—roughly one every 14 hours.
- In fact, firearms are used to commit more than half of all intimate partner homicides in the United States.
- Firearm access helps to fuel domestic violence. **An abusive partner's access to a firearm is a serious threat to victims of domestic violence, making it five times more likely that a woman will be killed.**
- Domestic violence assaults involving a gun are 12 times more likely to result in death than those involving other weapons or bodily force.

Serious Nonfatal Consequences

- Nearly 1 million women alive today report being shot or shot at by an intimate partner.
- About 4.5 million women alive today report that an intimate partner threatened them using a gun.
- In nearly two thirds of cases in which a gun was present in a home where an abusive partner and victim cohabitated, the abusive partner used the firearm against the victim, usually threatening to injure or kill her.
- Studies have estimated that 3.3 - 10 million children witness domestic violence each year.

Duration of *Emergency Substantial Risk Protective Order*

Effective upon service – A copy of the order, petition, and supporting affidavit shall be given to the person who is subject to the order along with a notice that the person has a right to a hearing and may be represented by counsel at the hearing.

Shall expire on the fourteenth day (14th) at 11:59p.m. following issuance of the order.

If Circuit Court not in session – the order shall be extended until 11:59 p.m. on the next day the court is in session.

Respondent may file at any time to Circuit Court a motion to dissolve the order.

No later than 14 days after the issuance of an ESRPO, the circuit court shall hold a hearing to determine whether a SRPO should be issued.



Duration of the **Substantial Risk Protective Order**

- Maximum of **180** days
- Prior to expiration the CA or a law-enforcement officer may file a written motion to request a hearing to extend the order.
- Court may extend the order for up to an additional 180 days if there is clear and convincing evidence that the respondent continues to pose a substantial risk to self or others.
- No limit on # of extensions filed
- If no expiration date is on order, then it expires at 11:59 p.m. on the last day of the 180 day period.
- Motion to extend may not be filed earlier than 30 days from the time the order was issued.
- Respondent may file a motion to dissolve only one time during the duration of the order.



Issues to consider when a domestic violence victim is charged with a DV related crime

- ▶ There are survivors who are arrested because of false accusations by their batterers.
- ▶ Some domestic violence survivors do use violence against their battering partners. Some use violence in self-defense, but are inappropriately arrested when the officer fails to recognize, acknowledge or document the context of self-defense.
- ▶ Ideally, the defense attorneys will screen for and identify survivors of DV and can describe the individual's experience of victimization to the court when appropriate. In order to thoroughly screen for this issue, defense attorneys require additional time to interview their clients and investigate the cases.



Some indicators that further information may be needed about the history of violence between the parties and the context in which the incident occurred include:

- ▶ the alleged victim has a history of arrests for DV-related crimes
- ▶ the defendant is the protected party in a civil protection order
- ▶ the parties are gay or lesbian
- ▶ the defendant does not speak English or has limited knowledge of English, and no professional interpreter was used at the crime scene
- ▶ the types of injuries sustained by the parties suggest the defendant may have been defending her- or himself.



Those who attempt to defend themselves often sustain injuries:

- on the back of the arms or palms (which may be used to block blows)
- the bottoms of the feet (which may be used to kick away the assailant)
- to the back, legs, buttocks or back of the head (from being curled in the fetal position).

Injuries are often found on the batterer from the survivor's attempt to defend themselves, such as:

- scratch marks and bite marks on the body, especially on the chest and face.
- scratch marks to the face, hands and/or arms are common when survivors are defending themselves from attempted frontal manual strangulation.
- bite marks on the chest are common when survivors are being straddled or held down.

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- It is important to note that many batterers describe themselves as the victims in their relationships, and go to great lengths to deny that they committed an act of violence.
 - They minimize, shift blame, and deflect responsibility for the violence.

- By contrast, survivors of violence tend to blame themselves, minimize the extent of their injuries, or remain silent about the violence out of fear or shame.
- Therefore, when the survivor is the defendant, he/she may not disclose her history of victimization unless he/she is specifically asked by someone who understands the issue.

Abuse Alternatives, Inc. - Provides temporary, emergency shelter and emotional support to survivors and their children who need safety from violence in the home. Provides safety planning, crisis intervention services, court advocacy, assistance in filing protective orders & custody, assists with finding housing, food, clothing, personal care needs, furniture, etc. to help victims in becoming independent and self-sufficient.
24-Hour hotline at 423-764-2287 or 1-800-987-6499.

All services are compassionate and confidential

Judy Clark, Director of Outreach Services
Washington County Outreach Office: 276-628-6940.
wcoc@abusealt.org

National Domestic Violence Hotline:

24/7 Phone Support Trained advocates are available to take your calls through the toll free, 24/7 hotline at 1-800-799-SAFE (7233).

Resources:

http://www.ncdsv.org/images/MNADV_LAPMDModelForFirstRespondersLearningToReadTheDangerSigns.pdf

<https://endgv.org/wp-content/uploads/2016/03/Vic-DefIssuesforJudges1.pdf>

https://nnedv.org/spotlight_on/understanding-importance-trauma-informed-care/

<http://www.nationalcenterdvtraumamh.org/trainingta/resources-for-advocates-trauma-informed-dv-advocacy/>

<https://law.lis.virginia.gov/vacodeupdates/title16.1/section16.1-228/#:~:text=%22Family%20or%20household%20member%22%20means,%2C%20brothers%2C%20sisters%2C%20half%2D>