

Two Day Training Conference

Crimes Against Women and Their Children
Law Enforcement & Prosecution
Judicial Accountability

**Investigation, Law Enforcement, Prosecution
And Protective Orders**

By:

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I. INTRODUCTION

II. CASE PRESENTATION:

A. DOMESTIC VIOLENCE CASES

1. INVESTIGATION PROBLEMS

- a)** Before-“Lost Chances = Lost Evidence” Theory and Reporting of Domestic Violence – Chapter 91 – Texas Family Code
- b)** After – Victims and Witnesses Refusal to Cooperate

2. INVESTIGATION SOLUTIONS

- a) Search Warrants
- b) Consents to Search
- c) Counseling for the Victim
- d) Photos
- e) Statement to Police by Victim at the Scene

3. PROSECUTION OF THE PERPETRATOR

- a) Typical Offender
- b) Evidence
 - i) Photos
 - ii) Witness Statements
 - iii) Medical Records
 - iv)** “Hard” Evidence
 - v) Confessions
- c) Conclusions
 - i)** Probation vs. “Shock”
 - ii) TDC Time

B. OTHER CRIMES AGAINST ADULT FEMALES (SEXUAL ASSAULT CASES)

1. INVESTIGATION PROBLEMS

- a)** Before – Delay in Reporting and/or the Destruction of Evidence
- b)** After – Victims Fear and/or Lost Witnesses or their refusal to get involved

2. INVESTIGATION SOLUTIONS – IMMEDIATE ACTION WITH RESPECT TO RAPE KITS, SEARCH WARRANTS, PHOTOS, WITNESS STATEMENTS AND “HARD” EVIDENCE COLLECTION

3. PROSECUTION OF THE PERPETRATOR

- a) Typical Offender
- b) Evidence
 - i) Photos
 - ii) Witness Statements
 - iii) Medical Records
 - iv) "Hard" Evidence
 - v) Polygraph Exams
 - vi) Confessions
- c) Conclusions
 - i) Probation vs. "Shock"
 - ii) TDC Time

C. CHILD SEXUAL ABUSE CASES

1. INVESTIGATION PROBLEMS

- a) Before – Child's Inability to Talk and/or Parents Refusal to Believe
- b) After – Child's Recantation and/or the Child's Removal

2. INVESTIGATION SOLUTIONS – COUNSELING (victim and family) and/or CONTINUOUS CONTACT (witnesses and family)

3. PROSECUTION OF THE PERPETRATOR

- a) Typical Offender
- b) Evidence
 - i) Photos
 - ii) Witness Statements
 - iii) Medical Records
 - iv) "Hard" Evidence
 - v) Polygraph Exams
 - vi) Confessions
 - vii) Outcry Witness(es) – Art.38.072 – Texas Code of Criminal Procedure
 - viii) Rule 803(4) Exception – Texas Rules of Evidence
- c) Conclusions
 - i) Probation vs. "Shock"
 - ii) TDC Time

D. INTRASTATE AND INTERSTATE PROTECTIVE ORDERS

1. TEXAS PROTECTIVE ORDERS

- a) General Provisions – Chapter 81 - Texas Family Code**
- b) Application – Sec.82.001 – Texas Family Code**
- c) Who May file – Sec.82.002 – Texas Family Code**
- d) Venue – Sec.82-003 – Texas Family Code**
- e) Contents of Application – Sec.82.004 – Texas Family Code**
- f) Duration of Order – Sec.85.025 – Texas Family Code**
- g) Peace Officer SHALL Arrest on Violation – Art. 14.03(b) – Texas Code of Criminal Procedure and Sec. 25.07 – Texas Penal Code**
- h) Emergency Protective Orders – Art. 17.292 – Texas Code of Criminal Procedure**
- i) Standby Assistance and Liability – Art. 5.045 – Texas Code of Criminal Procedure**

2. OUT OF STATE PROTECTIVE ORDERS

- a) Peace Officer’s Duty – Sec. 86.005 – Texas Family Code**
- b) Full Faith and Credit – Sec. 88.001 – Texas Family Code**
- c) Presumption of Validity – Sec. 88.002 – Texas Family Code**
- d) Enforcement of Order – Sec. 88-004 – Texas Family Code**

III. CONCLUSION