

From Chaos to Clarity: Documenting Domestic Violence Reports & Affidavits

Presented by
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OBJECTIVES

- Purpose
 - Why we write
 - What we write and what we
- Organizing the Chaos & Providing Clear and Accurate Depictions
- Drafting Probable Cause Affidavits



Purpose

WHY DO WE WRITE?

- Departmentally / Legislatively required.
- Document what was reported.
- Document what was observed.
- Document what actions were taken.
- Preserve for the future.

The image shows two overlapping police report forms. The front form is titled "POLICE REPORT" in bold black letters on a yellow background. It has a header section with fields for "Case No.", "Reporting Officer", "Incident", "Date", and "Reported By". Below this is a large section titled "Detail of Event" on a yellow background. Further down are sections titled "Actions Taken" and "Summary", also on yellow backgrounds. The back form is titled "OFFICIAL POLICE REPORT" in bold black letters. It has a header section with a note: "Notes for the Reporting Officer: After exploring the scene of the crime and before speaking with Goldlocks, give complete details of what happened to aide in the investigation." Below this are several sections with lines for text: "Who was involved?", "What happened?", "When did the incident occur?", "Where did the incident happen?", "Who accused did this?", and "Who finished?".

POLICE REPORT

Date: _____
Reported By: _____

Case No: _____
Reporting Officer: _____
Incident: _____

OFFICIAL POLICE REPORT

Notes for the Reporting Officer: After exploring the scene of the crime and before speaking with Goldilocks, give complete details of what happened to aide in the investigation.

Who was involved? _____

What happened? _____

Where did the incident occur? _____

When did the incident happen? _____

Why do you think the accused did this? _____

How should he/she be punished? _____

WHAT DO WE WRITE?

- Identifying information of all parties.
- What we're told and by whom.
- What we observed.
- What actions were taken and by whom.
- What else we learned and by what means.

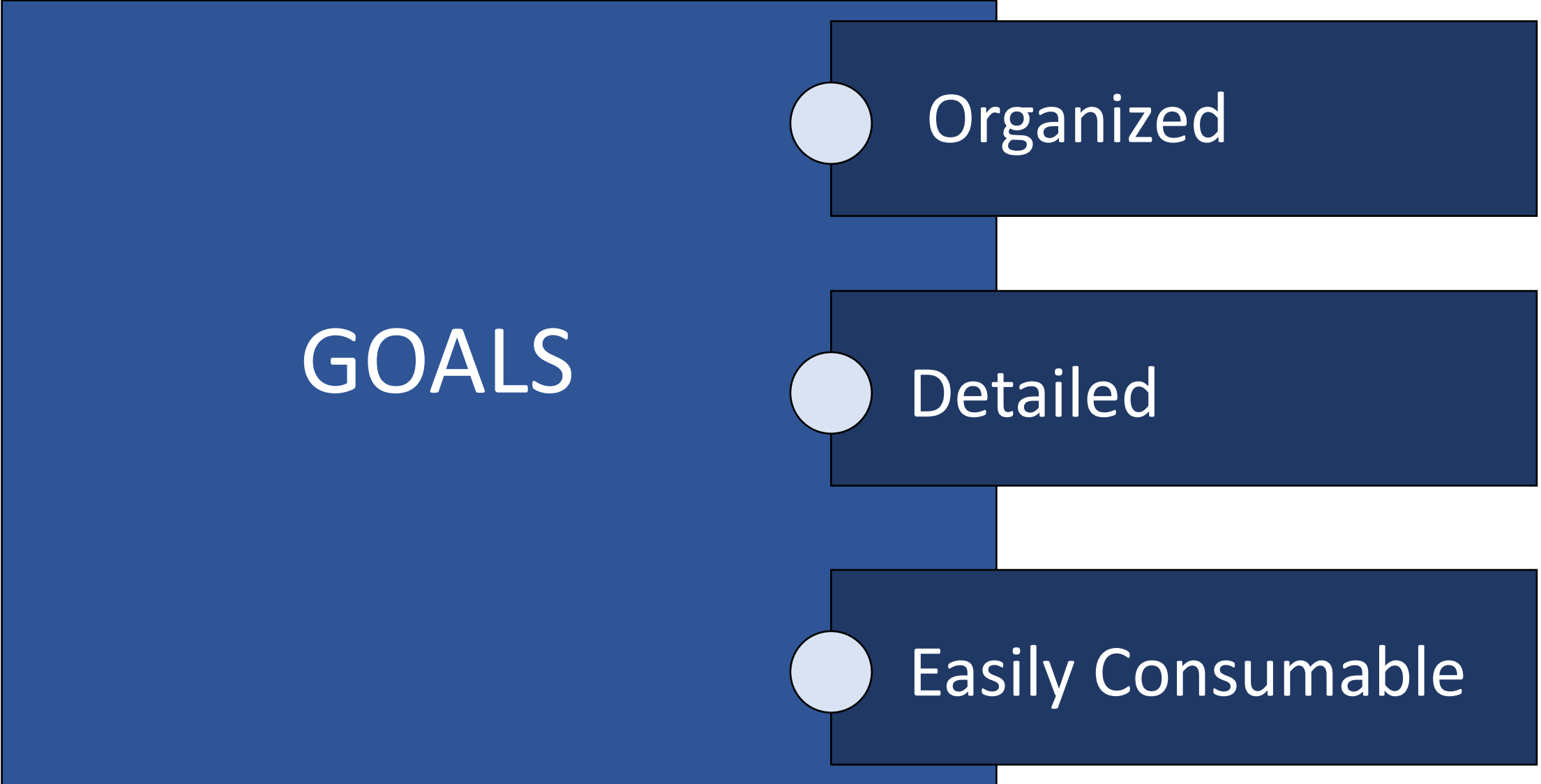
REMEMBER!

1. What we write is a permanent archive.
 - Detailed
 - Thorough
2. What we write is a permanent archive
 - Free of our emotions
 - Free of judgement



Calming the Chaos

GOALS



Organized

Detailed

Easily Consumable

DV VICTIM STATEMENT

DOMESTIC VIOLENCE VICTIM STATEMENT

Case #: _____ Today's Date: _____
Completed by: _____ # _____

Incident Date/Time: _____ Location: _____

VICTIM Name: _____ R/S: _____ DOB: _____

Home Address: _____ Email Address: _____

DL #: _____ State: _____ Cell Phone: _____ Alternate Phone: _____

Employer: _____ Employer Address: _____

Emergency Contact: _____ Relationship: _____ Phone: _____

Home Address: _____ Email Address: _____

Are you planning to relocate? ☐ No ☐ Confidential ☐ Yes - Address: _____

SUSPECT Name: _____ R/S: _____ DOB: _____

Home Address: _____ Email Address: _____

DL #: _____ State: _____ Cell Phone: _____ Alternate Phone: _____

Employer: _____ Employer Address: _____

Vehicle Year: _____ Color: _____ Make: _____ Model: _____ LP: _____

Military? ☐ N/A ☐ Branch: _____ Rank: _____ Stationed: _____ Active: ☐ Yes ☐ No

Probation/Parole: ☐ Yes ☐ No Probation Officer Name: _____ Location: _____

☐ Arrested ☐ Not on Scene ☐ Photo Obtained ☐ Scars/Marks/Tattoos: _____

RELATIONSHIP ☐ Married: _____ years _____ months ☐ Blood Relative Date relationship ended: _____

(check all that apply) ☐ Engaged/Dating: _____ years _____ months ☐ Household Members

☐ Former Household Members ☐ Biological Parents of the Same Child (# of children _____)

VICTIM'S PHYSICAL CONDITION

☐ Abrasion(s) --- ☐ New ☐ Old

☐ Swelling

☐ Bruise(s) --- ☐ New ☐ Old

☐ Cut(s) --- ☐ New ☐ Old

☐ Scratch(es) --- ☐ New ☐ Old

☐ Bite Mark(s) --- ☐ New ☐ Old

☐ Bleeding

☐ Loose Hair

☐ Complaint of Physical Pain: _____ (1=minimal / 10=most)

☐ Other: _____ weeks

☐ Pregnant: _____ weeks

☐ Does the suspect know? ☐ Yes ☐ No

MEDICAL TREATMENT ☐ None ☐ Declined ☐ Self - Basic First Aid: _____

☐ EMS --- Personnel: _____

☐ Transported --- Hospital: _____

☐ Sought/Will seek own doctor --- Physician: _____ Location: _____

Has s/he ever threatened you if you call the police? ☐ Yes - Describe more: _____ ☐ No ☐ No answer

Were you prohibited from making an emergency call for assistance? ☐ Yes - Describe more: _____ ☐ No ☐ No answer

Has s/he ever harmed/threatened to harm household pets? ☐ Yes - Describe more: _____ ☐ No ☐ No answer

Has s/he ever hurt you before? ☐ Yes - Describe more: _____ ☐ No ☐ No answer

Was this reported? ☐ Yes - Agency: _____ Date: _____ Status: _____

Charges filed? ☐ Yes - Status: _____ ☐ No ☐ No answer

Do you want an Emergency Protective Order? ☐ Yes ☐ No ☐ No answer

Current/prior protective orders? ☐ Yes - Expiration: _____ ☐ No ☐ No answer

LETHALITY SCREENING

1. Has s/he ever threatened you a weapon? ☐ Yes - Describe more: _____ ☐ No ☐ No answer

2. Has s/he ever used a weapon against you? ☐ Yes - Describe more: _____ ☐ No ☐ No answer

3. Has s/he ever threatened to kill you? ☐ Yes - Describe more: _____ ☐ No ☐ No answer

4. Has s/he ever threatened to kill your children? ☐ Yes - Describe more: _____ ☐ No ☐ No answer

5. Do you think s/he might try to kill you? ☐ Yes - Describe more: _____ ☐ No ☐ No answer

6. Does s/he have a gun? ☐ Yes - # pistols: _____ shotguns: _____ rifles: _____ Location(s) where kept: _____ Loaded? ☐ Yes ☐ No ☐ Unknown

7. Can s/he get a gun easily? ☐ Yes - Describe more: _____ ☐ No ☐ No answer

8. Does s/he ever try to choke/strangle you or cut off your breathing? ☐ Yes - # _____ Last time: _____ Lost consciousness? ☐ Yes ☐ No

9. Is s/he violently or constantly jealous? ☐ Yes - Describe more: _____ ☐ No ☐ No answer

10. Does s/he control most of your daily activities? ☐ Yes - Describe more: _____ ☐ No ☐ No answer

11. Has s/he ever forced you to have sex when you did not wish to do so? ☐ Yes ☐ No ☐ No answer

12. Have you ever left him/her or separated after living together or being married? ☐ Yes ☐ No ☐ No answer

13. Is s/he unemployed? ☐ Yes ☐ No ☐ No answer

14. Has s/he ever tried to kill himself? ☐ Yes - Describe more: _____ ☐ No ☐ No answer

15. Has s/he ever threatened suicide? ☐ Yes - Describe more: _____ ☐ No ☐ No answer

16. Do you have a child that is not his/hers? ☐ Yes ☐ No ☐ No answer

17. Have you ever been beaten by him/her while pregnant? ☐ Yes - Describe more: _____ ☐ No ☐ No answer

18. Does s/he follow you? ☐ Yes - Describe more: _____ ☐ No ☐ No answer

19. Does s/he spy on you? ☐ Yes - Describe more: _____ ☐ No ☐ No answer

20. Does s/he leave threatening messages? ☐ Yes - Describe more: _____ ☐ No ☐ No answer

21. Is there anything that worries you about your safety? ☐ Yes - Describe more: _____ ☐ No ☐ No answer

see written statement /// V declined written statement

NOTE MANDATORY VSU RESPONSE

WITNESS Name: _____ R/S: _____ DOB: _____ DL: _____

Home Address: _____ Email Address: _____

Cell Phone: _____ Alternate Phone: _____ Other: _____

CHILDREN 1) Name: _____ R/S: _____ DOB: _____ Witness: ☐ Yes ☐ No

School/Daycare: _____ Address: _____

2) Name: _____ R/S: _____ DOB: _____ Witness: ☐ Yes ☐ No

School/Daycare: _____ Address: _____

3) Name: _____ R/S: _____ DOB: _____ Witness: ☐ Yes ☐ No

School/Daycare: _____ Address: _____

4) Name: _____ R/S: _____ DOB: _____ Witness: ☐ Yes ☐ No

School/Daycare: _____ Address: _____

5) Name: _____ R/S: _____ DOB: _____ Witness: ☐ Yes ☐ No

School/Daycare: _____ Address: _____

CRIME SCENE OBSERVATIONS (photograph and detail in report)

☐ Signs of Disturbance

☐ Clump(s) of Hair

☐ Broken Furniture

☐ Blood

☐ Broken Phone

☐ Hole(s) in Wall

☐ Broken Glass

☐ Children Crying

☐ Weapons

☐ Other: _____

EVIDENCE Photos by: _____ # _____ taken

Photos taken of: ☐ Victim ☐ Suspect ☐ Crime Scene ☐ Weapons ☐ Evidence

Evidence Collected: ☐ Yes ☐ No

List: _____

VICTIM Demeanor ☐ Afraid ☐ Angry ☐ Apologizing ☐ Calm ☐ Crying ☐ Fearful ☐ Hysterical ☐ Intimidating ☐ Irrational ☐ Nervous ☐ Physically combative ☐ Other: _____

SUSPECT Demeanor ☐ Afraid ☐ Angry ☐ Apologizing ☐ Calm ☐ Crying ☐ Fearful ☐ Hysterical ☐ Intimidating ☐ Irrational ☐ Nervous ☐ Physically combative ☐ Other: _____

VICTIM

SUSPECT

Front Back

Front Back

HOW DID WE GET THERE?

DISPATCH NOTES

COMP ADVISED THERE IS A FEMALE IN THE PARKING LOT OF BLDG #7
SCREAMING AND CRYING AND ASKING SOMEONE TO CALL THE POLICE

SUBJECT IS A WHITE OR HISPANIC FEMALE LSW SHORT DRESS AND NO
SHOES

COMP ADVISED THE SUBJECT IS HYSTERICAL AND WONT TELL THEM
ANYTHING

FEMALE DOES NOT LOOK LIKE SHES INJURED // UNK INTOX

COMP ADV HE CAN SEE UNIT AND DISC // NOI

On 1/1/2024 at approximately 1:00am, I, Deputy K. Orts, was dispatched to a Check Welfare in the 1200 block of Penny Ln. I arrived and met with the involved parties:

- Smith, John W/M DOB: 00/00/0000
- Smith, Jane W/F DOB: 00/00/0000

On 1/1/2024 at approximately 1:00am, I Deputy K. Orts, was dispatched to a Check Welfare in the 1200 block of Penny Ln after an uninvolved third party called 911 reporting a hysterical female was in the parking lot of building 7, screaming and crying while asking someone to call police. The caller said the female would not tell them anything, she did not appear injured, and it was unknown if any party was intoxicated. Based on the description provided by the caller, I located and spoke with

- Smith, Jane W/F DOB: 00/00/0000

who identified her boyfriend as

- Smith, John W/M DOB: 00/00/0000



INTRODUCE THE RELATIONSHIP

Jane and John both stated they have been in a dating relationship for several years, they lived together, and they are the biological parents of the same children.

Jane and John both stated they have been in a dating relationship for 8 years, they live together at the incident address, and they are the biological parents of two children (ages 6 & 7).



RELATIONSHIP		☐ Married: ___ years ___ months	☐ Blood Relative	Date relationship ended: _____
(check all that apply)	☒ Engaged/Dating: <u>8</u> years ___ months	☒ Household Members		
	☐ Former Household Members	☒ Biological Parents of the Same Child (# of children <u>2</u>)		
VICTIM'S PHYSICAL CONDITION		SUSPECT ACTIONS		WEAPONS

age 6 & 7

INDEPENDENT ACCOUNTS

Both parties gave the same account. They were downtown together, drinking alcohol at various bars and clubs, and they got into an argument on the drive home. While they were driving on Penny Ln near Nude Cabaret, an unlit and winding road with no shoulder, and that is frequently travelled by impaired drivers at that hour, Jane got out of the car when John stopped at a stop sign and began walking away from the car. John followed in the vehicle and tried to get her to accept a ride home, but she refused and called 911, reporting to Dispatch that “someone” was following her. John left her and continued home. Jane eventually made it home on foot, losing one of her shoes along the way. No assault or act of family violence occurred. Jane refused to stay in the same apartment as John.

Based on my investigation, I believed that Jane was intoxicated to the degree that she may endanger herself or another person, and in a public place, because she refused to stay in the apartment and she stated she was going to walk to a friend’s house, but she only knew the friend’s first name, Mary, and did not know her phone number or address, or even where she lived. John’s grandmother arrived and took Jane to her home to stay the night.

PARTY 1

Party 1 reported... (narrate in third person)

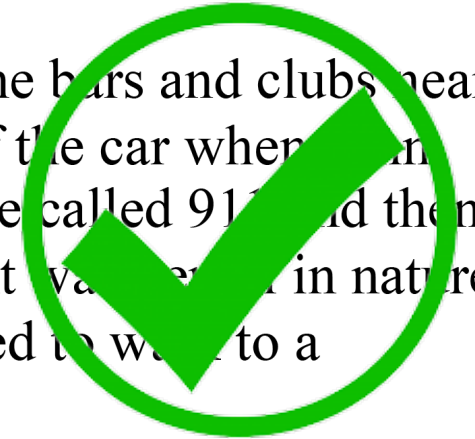
Any completed statements

Observations

Photos

Other actions

Jane told me the following. They were downtown and drinking alcohol at the bars and clubs near Congress Ave. On the way home on Penny Ln they argued so she got out of the car when it stopped at a stop sign and would not get back in. John followed her until she called 911 and then he left. She walked home and found John at their apartment. Their argument was verbal in nature and did not become physical. She did not want to stay with John and planned to walk to a friend's house.



I observed Jane was missing one of her shoes and I asked what happened to it. She said she must have lost it as she walked home. She exhibited signs of intoxication to the point it was unsafe for her to walk to her friend's home, especially in considering a portion of the road is dark, has several sharp turns, and has no improved shoulder. She could not recall the number for her friend, Mary, so she called John's grandmother to pick her up.

PARTY 2

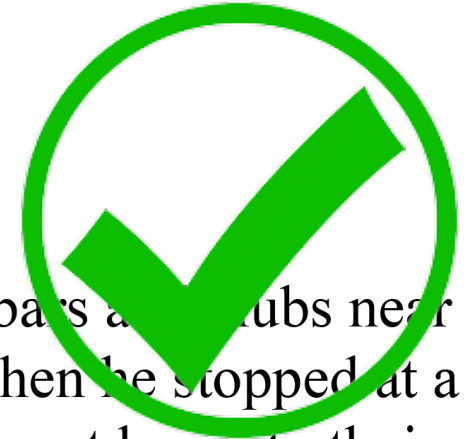
Party 2 reported... (narrate in third person)

Any completed statements

Observations

Photos

Other actions



John told me the following. They were downtown and drinking alcohol at bars and clubs near Congress Ave. They argued on the way home and Jane got out of the car when he stopped at a stop sign. She would not get back in. He followed her for a short time but went home to their apartment. Their argument was only verbal and never became physical.

I noticed John seemed annoyed deputies had been called and appeared unwilling to provide additional details. He said their children were at his grandmother's home.

██████ at 0340 hours I, ██████, was dispatched to ██████ for a family disturbance call. The call was later changed to Assault/Strangulation and this report was generated.

Call notes stated the following:

- Subject tried to strangle comp
- Left 5 minutes ago in 2017 Maroon Cadillac ATS towards Bradshaw. Last 4 were believed to be 6465.
- Subject highly ~~W/F~~
- Subject left with comp's phone
- Took phone to keep her from calling 911
- Having to call from Apple Watch and Wi-Fi
- Subject a John ██████
- H/M 5'9 230lb seen wearing black long sleeve shirt, blue jeans, white shoes, and gold chain.

When I arrived on scene, Austin-Travis County EMS Medic 24 had just finished evaluating the victim:

██████, Jane ██████ W/F ██████

Medic 24 stated Jane was to be transported to Seton Hays. My district partner got Jane's name and contact information and confirmed the identity of the suspect and the type of vehicle. The suspect was confirmed to be:

██████ John ██████ W/M ██████

While my partner was gathering the contact information I took photos of the living room and saw it to be in a state of disarray. The living room was in an awkward position, the white coffee table tray was on the floor, a lantern was on its side on the floor about 3 feet away from the coffee table, and lemons and other small items were scattered across the floor of the living room and dining room. I also took three photos of Jane before she left for the hospital.

In the photos you can see the following:

- red swelling on the right side of neck. Approximately 4 inches in length and 6 inches in width.
- redness on the chest below the collar bone
- Jane was crying, still had tears in eyes

I followed Medic ██████ to Seton ██████ and conducted my interview with Jane. Jane told me the following. She went to Back's Back yard with John and he had a few drinks. Jane said John becomes mean when he drinks. They returned home and were having a conversation about their dog's feeding schedule which resulted in an argument. John called Jane several mean and offensive words prior to leaving the house at 2000 hours. Jane was unable to get a hold of John for several hours and went to sleep in their bedroom. John returned around 0300 and yelled at Jane something along the lines, you can't keep me out I have the keys." John went to sleep in the living room on the couch.

Jane decided she was going to end their relationship and told John their relationship was over and he needed to leave. John lifted the coffee table and ran toward Jane. Jane was at her side of the bed when John caught up to her. John put his hands around Jane's neck and squeezed very hard, causing a 7 out of 10 pain while she was at the hospital. Jane rated John's grip as a 10 on how hard he gripped her throat. Jane was strangled for approximately five seconds and was unable to breathe for a portion of it. John shook Jane as he strangled her. John wore a ring on his right pinky finger when he strangled Jane. The scales ranged from 0 to 10 with 0 as no pain and 10 as the most pain she has ever felt. Jane said John's face was angry, had bloodshot eyes, and seemed like a different person. Jane believed John was trying to kill her and she would've been killed had she not fought back. The strangling stopped because Jane fought back and defended herself from John. Jane said she had to punch, kick, scratch, claw, and push John away. Every time Jane was able to break away from John, came back and attempted to attack her again. John stopped his attack and fought over possession of Jane's phone and Apple watch. John was able to take Jane's phone but not her watch. Jane said John took her phone to prevent her from calling 911. Jane was able to call 911 via Wi-Fi through her smart watch.

How they got there.
Detailed dispatch notes

Officer's observation on arrival

Victim's report

Victim's injuries

Victim's report

I took a total of 31 photos and they were submitted to the digital crime lab. I noted the following injuries while photographing Jane:

- Penny size red mark on right cheek
- Red dots under chin
- 4-6 inch red mark on right side of neck
- Petechiae on both eyeballs
- Petechiae on both eyelids
- Redness on chest below collar bone
- Redness around fingers on both hands
- Complaint of pain and limited movement on neck
- Complaint of pain and limited mobility on right shoulder.

I filled out the Assault Victim Statement and Strangulation form with Jane. They will be turned in on 02/22 at the Moore Building. Jane and John had been dating for 7 months and have known each other for 14 years. I gave Jane a victim's rights pamphlet and a case number. Jane wanted to pursue charges on John. Jane also wanted an EPO with a no contact order. I had VA paged to contact Jane later in the day via email as she did not have her phone. Jane has access to it with her iPad at home. I went over protective orders, safety planning, and what the victim's compensation fund was in the book. Jane did not want to write a written statement until she has a better recollection of what occurred as there were questions she did not remember the answers to.

In-car video and audio were captured using Panasonic Arbitrator System # [REDACTED], tagged with CAD # [REDACTED] and uploaded to the back-end server.
-End of Report.

Victim's Injuries

Domestic Violence Victim Statement & Strangulation Supplement

Discussed PO

Video Info

DETECTIVE FOLLOW UP

REVIEW CAD REPORT

COMP ADVISED BFRIEND TRIED TO STRANGLE HER 5 MINUTES AGO

LTS – 2020 MAR CHEV TAHOE

VERY INTOX

NO WEAPONS INVOLVED

COMP SAID HER NECK IS VERY RED

COMP COUGHING

BFRIEND TOOK HER PHONE – CALLING FROM APPLE WATCH

LSH – PEACH LN

BFRIEND TOOK PURSE W/KEYS AND GARAGE DOOR OPENER

COMP CANT SECURE HOUSE

EMS EN ROUTE

Supplement by Detective K. Orts

On 2/1/2024, I was assigned this case.

According to the CAD report, officers responded to 1234 Vine Street on 1/28/2024 around 3:17am after a 911 call was received from Mary who reported a subject, Michael, tried to strangle her about 5 minutes prior. He left in a
- 2020 Maroon Chevy Tahoe
and was highly intoxicated. She advised there were no weapons involved.

Mary said her neck was very red and she was coughing. She reported Michael left with her phone noting it was to prevent her from calling 911. She was able to call from her Apple Watch and Michael tried to take that as well. Michael was last seen traveling toward Peach Lane. Mary said Michael took her purse earlier which included her house keys. She expressed concern he has her garage door opener and she would be unable to secure it if he returns.

REVIEW OFFICER REPORT(S)

Officer Daniels reported he arrived to find medics evaluating Mary and she was transported to Grey-Sloan Memorial.

Officer Daniels took photos of the living room which he described was in disarray to include:

- coffee table overturned
- lantern on its side approximately 3' away from the coffee table
- lemons and other small items scattered across the floor of the living and dining room

Prior to Mary's transport Officer Daniels stated he observed her to have:

- red swelling on right side of neck (approximately 4"x6")
- redness on chest below collar bone
- crying and tears in her eyes

Officer Daniels responded to Grey-Sloan Memorial to interview Mary. She advised she and Michael had been in a dating relationship for 7 months after knowing each other for 14 years.

Officer Daniels reported Mary told him the following. She and Michael had been out to John's Neighborhood Bar where he consumed a few drinks. She noted he becomes mean when he drinks. Upon returning home, they argued about their dog and this included Michael calling Mary offensive words. He left the home around 8pm. Mary was unable to reach Michael for several hours and eventually went to sleep in their bedroom.

Michael returned home around 3am, yelling at Mary stating something to the effect of "You can't keep me out I have the keys". Michael laid down on the sofa in the living room to sleep and Mary approached him telling Michael their relationship was over and she wanted him to leave. Michael lifted the coffee table and ran toward her. He put his hands on her neck and squeezed hard causing pain she rated as 7 out of 10 as she spoke with Officer Daniels at the hospital. Mary described Michael's grip as 10 out of 10 and said he applied pressure for about 5 seconds, shaking her as he strangled her. She was unable to breathe for a portion of his grip. Mary described his face as angry, said he had bloodshot eyes, and he seemed like a different person. She believed he was trying to kill her and would have killed her if she'd not fought back by punching, kicking, scratching, clawing and pushing him away. Each time she was able to break away, he would reengage to attack her again. His attempt to strangle transitioned into a struggle over her phone and Apple Watch in an effort to prevent her from calling 911.

Officer Daniels reported he observed Mary to have:

- penny size mark on right cheek
- red dots under chin
- 4-6" red mark on right side of neck
- petechiae on both eyes
- petechiae on both eye lids
- redness on chest below collar bone
- redness around fingers on both hands
- complaint of pain and limited movement of her neck
- complaint of pain and limited movement of her right shoulder

Officer Daniels reported Mary wanted to pursue criminal charges and wanted an Emergency Protective Order.

Officer Daniels completed a Domestic Violence Victim Statement and Strangulation Supplement with Mary and took photos of her injuries.

Officer Daniels requested Victim Services follow up with Mary via email since she did not have her phone. She declined their response to meet her at the hospital.

INVOLVEMENT CHECKS - HISTORICALS

I searched CAD records using the incident location and did not locate any additional events.

I searched the report system and did not locate any additional incidents with either party.

CRIMINAL HISTORY

I searched CAD records using the incident location and did not locate any additional events.

I searched the report system and did not locate any additional incidents with either party.

Mary's CCH records showed the below additional identifiers:

- SID: TX#####
- FBI: #####

Mary's CCH records showed the below arrests:

- Theft

Michael's CCH records showed the below arrests:

- Assault Causes Bodily Injury
- Assault Causes Bodily Injury – Family Member x2
- DWI

Michael's CCH records showed the below convictions:

- Assault Causes Bodily Injury
- Assault Causes Bodily Injury – Family Member
- Assault Causes Bodily Injury – Family Member - Enhanced
- DWI

The below is related to Michael's family violence related convictions:

- Offense: Assault Causes Bodily Injury – Family Member
 - Agency: Smalltown PD
 - Cause #: #####
 - Court: #####
 - Offense: Date: ###/###/#####
 - Disposition/Sentence Date: ###/###/#####
 - Disposition: Convicted
-
- Offense: Assault Causes Bodily Injury – Family Member - Enhanced
 - Agency: Smalltown PD
 - Cause #: #####
 - Court: #####
 - Offense: Date: ###/###/#####
 - Disposition/Sentence Date: ###/###/#####
 - Disposition: Convicted

911 RECORDING

I requested, received, and reviewed the 911 recording as follows.

The call began with a female crying as she reported her boyfriend tried to strangle her 5 minutes prior. She said he left in a 2020 maroon Chevy Tahoe and was very intoxicated. She advised no weapons were involved. She said her neck was very red and I heard her coughing intermittently. The caller said her boyfriend took her phone and she was calling from her Apple Watch. He also took her purse, keys, and garage door opener earlier that day. She expressed feeling scared she was unable to secure her home. The 911 operator conferenced in an EMS operator who asked her triage questions. She disconnected after confirming an ambulance was at her home.

I requested and received the Patient Care Record from EMS.

EMS RECORDS

Mary's PCR included the below:

- Primary impression: Injury of neck
- Chief complaint: Choked
- Duration: 5 seconds
- Patient's level of distress: Moderate
- Signs and symptoms: Injury to neck
- Injury: Assault with bodily force
- Assessment – Mouth: Laceration
- Assessment – Neck: Pain
- Assessment – Back: Abrasion
- Assessment – Forearm: Abrasion
- Narrative: Patient is 41-year-old female, anxious, cooperative, and oriented x4 with a chief complaint of strangulation. She reported her boyfriend strangled her with his hand and she tried to fight him off as he strangled her. She reported being strangled for possibly 5 seconds and being picked up by the neck and thrown onto the bed. She remembered being pushed against the wall. Boyfriend picked up an ottoman and threw it against the TV.

Head to toe found:

- large red bruise to front right side of neck
- cut to upper lip
- oral airway shows petechia to the back of the throat with swelling
- patient complained of trouble swallowing
- patient is hoarse
- patient reports tasting blood in her mouth
- patient reports feeling lightheaded as she was being strangled

During the transport the patient began to have swelling to the right forearm and complained of right flank pain.

REVIEW PHOTOS

I reviewed the photos taken on scene and found Officer Daniels' descriptions were accurate depictions.

VICTIM INTERVIEW

I called Mary. She advised her friend was able to help her locate her phone using Find My Phone and found it near the intersection of Vine Street and Maple Ln on the west side of the roadway. Michael called her about retrieving his property but she told him he was not allowed back at the residence. She later told his mother what happened and arranged to have his things gathered for someone else to pick them up.

Mary was able to access Michael's location to be at his mother's home near San Angelo by using his phone which was paired with an open tablet at her residence. She is no longer able to use that feature and is concerned with the potential he may show up at any time. She has changed the locks, re-programmed her garage door opener, and has added security cameras to help her feel safe at home, but said if he's been drinking and wanted to come there, these things would not stop him from trying to hurt her.

Mary said she was at the hospital until about noon the day after her contact with Officer Daniels. The doctor identified broken blood vessels in her throat as well as fluid on the back of her brain. She is supposed to be on vocal rest to allow for prompter healing of the blood vessels. The injury to her brain will require follow up care by a specialist. The doctor was unable to discern if this was a pre-existing condition or whether it was caused by the assault.

I noticed Mary was clearing her throat frequently and her voice sounded hoarse. She said these were related to the strangulation as she'd not been experiencing them prior to the assault. Her over all body is still sore with pain she rated as 5 out of 10 but when she lifts things for work, it hurts worse. She rated her throat pain at the time of the assault to be a 10 out of 10 and currently as 6 out of 10. She is still experiencing soreness and swelling to the area from her ear to her collar bone. She has been treating this with ice to help prevent/lessen any appearance of injury so she feels comfortable greeting clients for work.

Mary currently provides cleaning services for approximately 12 short term residential lease homes and is a host or co-host for these properties. Michael is familiar with these but she does not feel they need to be listed in the protective order.

I asked Mary what she couldn't forget about this incident. She replied, "Everything" and said, "I can't unsee what happened." She told me Michael is not this person when sober but drinking shows a demon in him and his violence demonstrates his hate for himself.

Mary told me about a prior incident at his mother's home before he moved to Austin. He was in the garage drinking and she was annoyed with him when he came in the bedroom waking her by being noisy when he had to get up in 4 hours to drive to work. He grabbed her bag and told her if she was going to leave she should just go then and said she was acting like Jennifer, a prior dating partner. Mary confirmed he didn't lay a hand on her that night but the look she saw in his eyes that night was one she never wanted to see again. This was the same look he had when he strangled her. The strangulation was the first time Michael was physical with her but it was routine for him to call her names like "fat" and "ugly" or for him to tell her he didn't like having sex with her, she was boring, and she was a prude. Mary has told Michael he scares her when he drinks because he makes her feel as if he will hurt her. In response he laughed at her and told her she was "stupid".

I asked Mary questions from the Domestic Violence Victim Statement since the one Officer Daniels completed has not yet been received. When I asked if Michael had ever threatened her if she called police, she told me about him interfering with her ability to call during this event. She told him she would call police as they argued and they both scrambled to find her phone. He found it first and refused to return it. She asked where her watch was and she ran to the bathroom to retrieve it and quickly put it on her arm to prevent him from taking it. He tried to take it knowing she could use it to call 911.

I asked Mary what she remembered thinking in the moment she decided to call 911. She referenced him leaving earlier and taking the keys. She was alerted by the dogs when he returned and he called her a “stupid bitch” for locking the doors commenting he had to use the keys to enter. She felt from that moment he would hurt her.

Mary told me she is still interested in an Emergency Protective Order and I briefly explained the difference between an EPO and a more permanent order. I referred her to Victim Services and the Victim/Witness Booklet for further reference encouraging her to apply for the full order.

Mary confirmed Michael is not currently working noting he recently cashed in his 401k and would have limited funds, especially in considering she knew he was at a strip club the other night.

Mary was able to access social media and provided the license plate for Michaels’ vehicle as
- TX LP: ABC1234

Mary answered yes to the below 7 of 13 Lethality Screening questions:

- Do you think he might try to kill you?
- Does he have a gun or can he get one easily?
- Has he ever tried to choke you?
- Is he unemployed?
- Have you left him or separated after living together or being married?
- Do you have a child he knows is not his?
- Is there anything else that worries you about your safety? (Reply: She no longer has access to his location and knows he can show up anytime).

I verified Mary's email I and sent her a message so she would have my direct contact information.

I attempted to contact Michael but his number but received an automated message indicating the subscriber was not available.

2/4/2024

I presented a probable cause affidavits to Magistrate John Smith who ordered the below warrant:

- Offense: Assault Causes Bodily Injury- Strangulation with Previous Conviction – Family Violence

- Cause #: #####

- Bond: \$35,000

- Bond conditions: No contact, no firearms, 200 yard stay away, GPS in jail

- Offense: Interference with Emergency Call – Family Violence

- Cause #: #####

- Bond: \$5,000

- Bond conditions: No contact, no firearms, 200 yard stay away, GPS in jail

2/10/2024

I received notice Michael was arrested by Anothertown PD on the warrants generated by this case.

This case is closed by Arrest.

The case file contains:

- DVVS
- Strangulation Form

Electronic files include:

- Call to Mary
- 911 recording x2
- DVVS
- Strangulation Form
- CAD report
- EMS PCR
- In-car video – Officer Daniels

End of supplement.

LANGUAGE

Avoid confusing or
non-clarifying language

Yelling Screaming

If you're not sure which
applies, clarify.

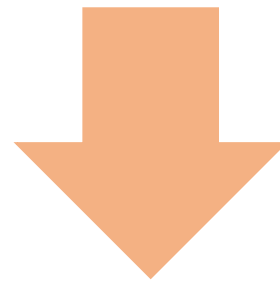
Speaking in a loud voice as if angry.
Yelling back and forth at each other.
Screaming at the top of her lungs as if in pain.
Screaming bloody murder.



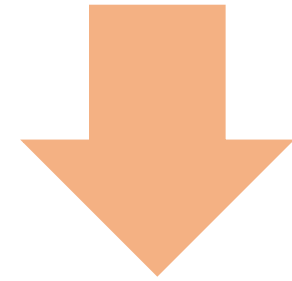
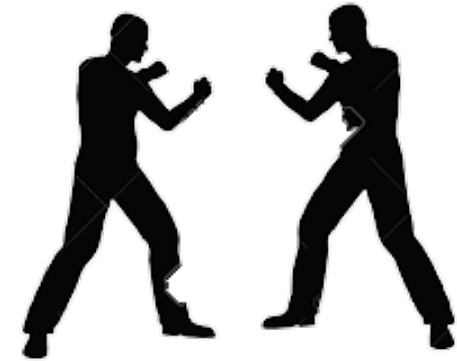
FIGHTING



Arguing



Struggling



Fighting

Avoid words/statements with a negative connotation

Jane ~~claimed~~ he strangled her.
stated

Jane ~~alleged~~ he raped her.
stated

Jane ~~admitted~~ she was yelling at him.
stated

Avoid words/statements with a negative connotation

The victim refused
The victim DECLINED

EMS

To write a statement

To be photographed

To be transported

The victim refused 
The victim **DECLINED.**

STATE OF TEXAS
COUNTY OF COUNTY

Incident #: _____

Before me, the undersigned authority, on this date personally appeared _____ who after
being duly sworn, upon oath deposes says:

Declined
11/1/2024

This statement is true and correct to the best of my knowledge. I make this statement freely and voluntarily.

Signature of person making statement: _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____, 20____

Peace Officer/State of Texas

Use Words Which Accurately Describe the Action

John **asked** Jane to call his attorney for him.
instructed

John **asked** Jane to complete a non-prosecution affidavit.
told

John **asked** Jane not to leave him.
begged

BE DESCRIPTIVE WITH YOUR OBSERVATIONS.

Jane reported there was damage to the walls and doors.

I noticed John kept his right hand covered by his left hand or had both hands behind his back. I asked to see his hands and observed John's right-hand knuckles to be red and he had a small cut on the right middle knuckle.



These injuries were consistent with the victim's report he was punching the walls and cabinets.

BE DESCRIPTIVE IN CAPTURING YOUR EXPERIENCE

I asked Joe to tell me what led to things becoming physical.

He paused, shrugged his shoulders, and said, “I would never hurt her”.

NON-RESPONSIVE RESPONSE

I asked the question again.

Joe replied, “I’m not sure how you want me to answer that. It’s really an open-ended question.”

DRAFTING THE PC

PROBABLE CAUSE AFFIDAVIT

Remember your judge is making decisions based on the 4 corners of the affidavit.

- PC
- Dynamics
- Dangerous behaviors
- Danger indicators

SPRINGTOWN POLICE DEPARTMENT - CRIMINAL JUSTICE DIVISION

The undersigned affiant, who after being duly sworn to as an oath, makes the following statement:

I have good reason to believe and do believe that on or about the 17th day of April, 2017

Springtown, Tarrant Co. 76082 817-592-5200

I do solemnly swear that:

Officer K. Orts #1254 is a Detective assigned by the Travis County Sheriff's Office, currently assigned to the Tarrant County Station. These events described did occur in Tarrant County, Texas.

On 4/17/2017 an approximately 1:45pm, Travis County Sheriff's Office Dispatch requested to 2000 Broadway Drive after a 911 caller reported there was a female with last name "Gardner" "born up" and was unable to breathe. The image appeared in the 911 CAD Computer Aided Dispatch report indicated:

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Tarrant County, Texas

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PROBABLE CAUSE AFFIDAVIT

PC for arrest

Assess for Bond Conditions

Assess for Protective Order

Assess Release on Bond

[illegible]

PROBABLE CAUSE AFFIDAVIT

Affiant is X. Affiant is employed by X. These events described did occur in X County, Texas.

On X date, XPD officers responded to [location] after a 911 call was received from an uninvolved witness (L. G, female, age 34) who reported...

On X date, XPD officers responded to [location] after a 911 call was received from the victim (KO, female, age 48) who reported...

The witness reported the following.... (narrate 3rd person)

The victim reported the following.... (narrate 3rd person)

Affiant observed the V to have the below injuries:

- Injury
- Injury
- Injury

The victim also complained of pain:

- Ribs (8/10)

These injuries were consistent with the V's report of how she stated they occurred.

The V stated she experienced the below signs and symptoms I know through my training and experience are consistent with acts of strangulation:

- Symptom
- Symptom
- Symptom

Jane answered yes to the below 8 of 13 Lethality Screening questions:

- Has he ever used a weapon against you or threatened you with a weapon?
- Has he threatened to kill you or your children?
- Do you think he might try to kill you?
- Is he violently or constantly jealous or does he control most of your daily activities?
- Has he ever forced you to have sex when you did not wish to do so?
- Do you have a child he knows is not his?
- Does he follow or spy on you or leave threatening messages? (Reply: He made her feel he was on the way to her house. He's also said she would have to "face" him.)
- Is there anything else that worries you about your safety? If yes, what? (Reply: For him to know she made a report. "He's going to kill me for real because he is cornered".)

When I asked if John had ever tried to kill himself, Jane said she didn't know but said he's always referred to himself as "self-destructive" and that she was pushing him to be self-destructive.

In addition to the events described above the victim reported additional acts by John have included additional physical assaults to include acts of strangulation, additional harassing and threatening messages, and stalking behavior.

John left the scene prior to Affiant's arrival. Affiant attempted to call him but he would not answer the phone despite sending the V multiple text messages and calling her repeatedly while Affiant was on scene.

Affiant reviewed the messages which included:

- "Don't care anymore"
- "New years come around something will happen"
- "Ur family got there balls I will show u mine"
- "Fuck you [victim's name]"
- "Merry Xmas [victim's name] u got what u deserved"

John's criminal history records show he has been previously convicted for the below:

- Possession Marijuana
- Assault Causes Bodily Injury
- Assault Causes Bodily Injury Family Member
- Criminal Trespass
- Fail to ID
- Burglary
- DWI
- DWI 2nd

John's criminal history records show the below family violence related conviction:

- Offense title
- Date of offense
- County
- Disposition: Convicted / Deferred Adjudication

SUMMARY

It doesn't have to sound smart. It just needs to be accurate.

We can't anticipate how the information we gather will be used in the future so it's important our investigations are thorough and detailed. Even if it's "Just a disturbance."

Take your time and do the work. We owe this to our survivors.