

## Photographing Domestic Violence Evidence

Photography is a crucial tool in the collection and documentation of evidence and can be used to successfully prosecute those who commit violence against their family members and domestic partners. Documentation of the crime scene and injuries by photography is an important and powerful tool in the investigation of domestic violence crimes. When injuries resulting from domestic violence are promptly and adequately documented, the evidence may be used to prosecute the batterer, without the victim's testimony. No matter how verbally accurate and graphic an officer may describe a victim's injuries, it does not typically have the same impact on a judge or jury as a photograph of that injury.

This document is intended to offer guidance on appropriately utilizing photographs to document domestic violence cases and prosecute perpetrators. You will notice that throughout the document, victims are referred to as "she" and perpetrators are referred to as "he". This is not to infer that all victims are women. Although a majority of domestic violence victims are female, men are victims as well. This language is utilized for the ease of the reader and is not intended to minimize the experience of male survivors of domestic violence.

### **Why documenting is important:**

- Victims are often reluctant to testify against their batterers in many cases. They may have been isolated, dependant on their abuser, afraid their world will come crashing down if he is held accountable (jail) and hesitant because they have been told that no one will believe them.
- Photographs provide 'beyond reasonable doubt' evidence that help to strengthen the case.
- Evidence, such as photographs, clothing, weapons and excited utterances can usually build a strong enough case so that the victim doesn't have to testify, thereby increasing her safety.
- Photographs of the victim's injuries can be strong evidence because they help jurors see the severity of injuries.

### **Speaking to the victim:**

- Lower your voice and tell the victim you are concerned for her wellbeing. Often victims don't realize they are injured to the extent visible.
- Be empathetic and compassionate. The victim may be embarrassed, ashamed and/or hurt. Try to make the victim comfortable talking to you. Listen to the victim and explain why you are documenting her injuries.
- Do not have the victim 'pose' for photographs. Her visible, emotional state will tell the judge and jury a great deal.

## **Documenting evidence:**

- Your objective is to document the victim's injuries and any other evidence of violence.
- If injuries are serious or life threatening, call for Emergency Medical Services. Do not ask the victim if she wants you to call.
- Once an Emergency Medical Technician is on the scene, they may attend to the injuries. If victim refuses medical attention, get a statement from the EMT of his/her observations. This is potential evidence. *Ask the victim to sign a medical release form and explain the purpose of the form.*
- Photograph the victim's face to both identify her and to demonstrate her emotional state.
- Take close up photos of bruising, abrasions, and lacerations.
- Take mid-range photos of the injuries in relation to placement on the victim's body.
- Look for any indicators of past abuse such as scars, cluster or faded bruising, as well as varying skin discoloration. Photographs of these may demonstrate a pattern of abuse.
- Check for defensive injuries-scratches or marks on the underside of the victim's forearms may indicate she held up her hands to protect her face.
- Ask the victim where the offender touched her. There may be bruises or marks under her clothing. Ask a female officer or female friend or neighbor to check for injuries.
- Ask the victim if the offender placed his hands on her neck. Check for marks on throat or petechiae in the eyes.
- Ask if her hair was pulled out. Look for evidence of this to photograph and secure.
- Ask if any weapons (not just knives or guns) were used. If so, photograph them before collection.
- If the victim is a person of color, be attentive for bruising. Inform the victim that you are looking for bruising or marks that you may not see. The victim will know where she was touched and can guide you to what she sees as more visible to her.
- Remember, when the pictures are magnified, other wounds may appear such as: broken capillaries, tiny cuts, and jagged flaps of skin.
- Follow up two or three days after the incident for increased visibility of bruises or marks.

## **Photograph the offender:**

- Photographs of the offender's face tell of his demeanor.
- Check the offender's hands and knuckles to see if marks coincide with victim's injuries.
- Bite marks on the insides of forearms may indicate his arm was around the victim's neck and she bit him.
- If he has scratches on his chest, upper forearms, or face it may indicate that the victim was trying to fight off the offender.

## **Photograph children who are present:**

- If a child is injured, attend to him/her and photograph injuries.
- If a child is found hiding, photograph the hiding place i.e. under bed, closet, room, etc.
- Photograph the child's face to show their emotional state.
- If a child's toys were damaged by offender, photograph those toys.
- Photograph children to show they are crying, scared, upset or injured.

### **Photograph crime scene:**

- Photograph outside door, window(s), locks, if forced entry was made.
- First photograph, then secure for evidence, if cell phone or home phone was damaged.
- Photograph any overturned or broken furniture, smashed pictures, mirrors, glass or dishware, holes punched in walls, bloodstains, etc.
- If there is trace evidence such as blood on furniture, victim's pulled hair, or torn clothing; photograph and secure for evidence.
- If either party bled, photograph towels, bedding, etc., then secure for evidence.
- Take photos of liquor or beer bottles or drug paraphernalia and secure them for evidence if the perpetrator has been drinking or is high. This evidence does NOT excuse the offenders' violence but may highlight his demeanor at time of incident. Make note of actual contents in bottles or drug substances in your report.

If the crime scene is extensive and/or there are life threatening injuries, call a crime scene technician to the location and secure the scene.

### **Getting photographs to the State Attorney:**

- If possible, email highlighted photos to the state attorney, prior to 1<sup>st</sup> appearance. Enlarge them if possible.
- Explain in detail in your report narrative how the photos correspond to statements of both parties as evidence of the crime.

Secure all printed photographs, marked appropriately with your recall of specific events for testimony at trial. **Remember: Before leaving the scene, tell the victim there are people at the local Certified Domestic Violence Center who can provide services to her. Ask to use her phone and call your local Certified Domestic Violence Center or The Florida Domestic Violence Hotline. Explain who you are, who you are with, and what transpired. If she is willing, place the victim on the phone and have her speak to an advocate. If the victim chooses to speak to an advocate on the hotline, please step away from the victim so her confidentiality can be maintained. If the victim does speak to someone on the domestic violence hotline, please remember to note that in your report.**

**Florida Domestic Violence Hotline 1-800-500-1119**

TDD: 1-800-621-4202

Florida Relay 711

[Florida's Local Certified Domestic Violence Centers](#)

**Moving forward with the case:**

If the case has been thoroughly investigated, the prosecutor is prepared and has clear evidence of abuse, the victim's testimony may not be necessary to hold the offender accountable in prosecuting the case, depending on other circumstances. When investigating family violence cases, the key is to mirror the philosophy of the prosecutor. The responding officer should keep in mind the following question: "How can we prove this case without the participation of the victim?" Law enforcement/prosecution does this in homicide cases. By emphasizing photos and other *visual* evidence, we can bring the evidence of the crime from the scene, to the courtroom and hold the abuser accountable for his actions.