

INTELLENET NEWS

March 2008

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Carino's Corner

Through recent Listserv messages we have been requesting all members update their website listing as well as the Supplemental Support Groups' narratives to reflect 2008 information. We have done this as it has become quite obvious that attorneys and corporate entities have become aware of and are using our website and with it the enormous amount of expertise and professionalism possessed by our members to utilize our members as investigative resources.

In response to these increasing requests for assistance, we have recently requested additional information in the areas of Expert witness testimony, specialized security officer/protective services and coverage in international locations, (the latter two for enhance capability to respond to the expanding global economy marketplace) to add to our availability of members' credentials. With this added input Intellenet will be much more responsive in its offering of quality professional services to clients.

One of our strongest "marketing points" is our selection and vetting process. We note that those soliciting investigative / security assistance are especially impressed with our standard requiring a minimum of 10 years investigative

experience to be eligible for membership. We are also adding investigative and security certifications to further highlight the credentials of our members.

We also have other business initiatives in varying stages, of development involving investigations, training and other programs where the collective expertise, experience, wisdom and professionalism of our members can be used to maximize advantage.

The value in keeping your website listing current should be self evident!

Things Are Changing

Intellenet will soon be changing its name to Intellenet. Internally, we have begun the process. The new name has been incorporated, the Trademark request is in process and the new website is under development.

Look for public announcement in a forthcoming *PI Magazine* and at the NCISS/Aldonys Big Apple Conference in New York City April 30—May 3, 2008, among other venues.

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Know Your Fellow Member



Jack Chu
RA Consultants Ltd.
Wan Chai, Hong Kong

With its headquarters in Hong Kong and offices elsewhere in the People's Republic of China (PRC) like Beijing, Shanghai, Shenzhen, Fuzhou and Xiamen, RA Consultants Ltd have close and wide-ranging connections with high-ranking PRC officials and institutions. RA is able to offer its clients a comprehensive range of related services which can be divided into the following key areas: protective services, investigative services, intellectual property protection, risk management, and research on competitors. RA will maintain a high professional and ethical standard, delivering a quality service to our clients.

Mr. Chu was VP of Renful Security Group based in Hong Kong from 1995 to 2000. He has 30 years of experience in the field of security. Having worked in Chinese law enforcement for than 20 years in China and Hong Kong, Mr. Chu has dedicated himself to work in private corporations for the last 10 years. Also, he is a member of the ASIS International Investigation Council at which he dedicated his work to assure the continued growth

of the association. He is also a member of Intellenet, WAD and CII.

Mr. Chu possesses a postgraduate qualification in International Politics from the London School of Economics. He is an acknowledged expert in Chinese law and foreign policy after graduation from Hebei University in China.

Is What You Say Really What You Mean?

William F. Blake
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Recently, for lack of anything better on which to waste time, I watched some of the current television show to "learn" some interesting ways of conducting a "criminal" investigation. To use the word "criminal" is a true evaluation of the television product. One thing that stuck way out was the manner in which they talked to each other and the witnesses they tried to interview.

The surly and arrogant manner in which the investigators talked to each other would probably have resulted in a broken nose or two if used in some of the investigative units in which I worked. The manner in which they spoke to others was equally ridiculous and non-productive.

One of the classic statements was "I want to talk to you!" What they really meant is that they wanted to get some information from the individual. The words spoken sounded like someone talking to a rebellious teenager or child. It implies that "you had better sit down, be quiet and listen to me!" In other words, it will be a one-way conversation and I'll be doing the talking and you will be doing the listening! Just like talking in this manner to a teenager, you will get nothing but silence and a stubborn stare. What have you accomplished? You have told the individual what you know and gotten nothing in return.

Is there a less aggressive approach that is more likely to get the individual to converse with you? How about—"I would like to speak with you." This is a less threatening approach that implies that you want to have a two-way conversation and discuss an important matter. It also implies that the individual is not necessarily a "bad" person but

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someone who can contribute to explaining a matter or situation and you are willing to listen to them.

"I want to **TALK TO** you" and "I would like to **SPEAK WITH** you" have the same objective—the obtaining of important information. One is demeaning and one is respectful. Which one do you think will get the best results?

People's Republic Of China's Criminal Justice System

The 'Lectric Law Library
<http://www.lectlaw.com>

China is a large country with a total land area of 9.6 million square kilometers, and more than 1 billion people which amounts to one fourth of the world population.

People's Republic of China was established as a socialist country in 1949. Since then, efforts have been made to enact basic laws concerning criminal justice administration. It was in 1979, after the period of "Cultural Revolution" which lasted for ten years that the Criminal Law and Criminal Procedure Law were enacted. At the same time, laws concerning the organization and function of the courts and public prosecution were also re-organized. Basic laws with regard to the lawyers, arrest and detention of the suspects, civil suit procedures, marriages, etc. have been established.

The Chinese Criminal Law takes the concept of Marxism, Leninism and Mao Zedong as its guide. It proclaims that its tasks are to use criminal punishments to struggle against all counter-revolutionary and other criminal acts in order to safeguard the system of the people's democratic dictatorship and the smooth progress of the course of socialist construction.

The Law takes the Constitution as its basis. Article 28 of the Constitution stipulates that "The State maintains public order and suppresses treasonable and other counter-revolutionary activities; it penalizes acts that endanger public security and disrupt the socialist economy and other criminal activities, and punishes and reforms criminals".

Since 1979, higher legal education has considerably developed through universities and other institutions. High priority is being given to publicizing information on the legal system

through, e.g., the China Law Journal, and many provincial and municipal journals, magazines and newspapers. Law education has been introduced in the primary, middle and other schools. Studies, symposia and public lectures are often organized in factories, mines, rural communes and brigades in order to give increased publicity to the Constitution and other laws.

The age for bearing criminal responsibility is sixteen. Minors under the age of fourteen are entirely exempted from criminal responsibility, even if they commit acts harmful to society. Minors aged fourteen but under the age of sixteen shall partially bear criminal responsibility, that is to say they are responsible criminally only in cases involving murder and manslaughter, serious injury, robbery, arson, habitual theft or other acts seriously undermining social order. For delinquents aged fourteen to seventeen but younger than eighteen, the Law requires a lenient punishment - to be specific, a lesser penalty within the range of the legally-prescribed punishment. When minors are not punished because they are under sixteen, the heads of their families or their guardians are to be ordered to subject them to discipline or when necessary, the minors may be given shelter or rehabilitation by the Government.

The crime rate in China has shown a drastic increase in recent years. Still China remains one of the countries with the lowest crime rate in the world. Of all the crimes reported, theft accounted for about 80%, but the violent crimes like murder and robbery were also up. Crimes associated with gangs abroad, such as trafficking in narcotics, smuggling of gold and relics, and counterfeiting of currency and credit cards also increased during 1988.

Sanctions

The Criminal Law provides that Principal Punishments are classified as control, criminal detention, fixed term imprisonment, life imprisonment and death penalty.

Control is a criminal penalty imposed for minor offences. The offender continues to work in his place of employment and continues to receive his normal wages, while undergoing the supervision of the public security organs (police) and the masses. He is required to make periodic reports on his

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circumstances to the public security organ concerned.

Criminal detention is a criminal penalty imposed for relatively minor offences, and totally different from pre-trial detention. The criminal on whom this penalty is imposed is deprived of his freedom and confined in a detention house by the local organ of public security rather than being put in prison. He may go home for one or two days each month and be paid for work. The term of fixed-term imprisonment is not less than six months or more than fifteen years. An offender sentenced to fixed term imprisonment or life imprisonment is to have his sentence executed in prison or in other place for reform through labor. Reform through labor is to be carried out on any offender who is imprisoned, as long as he has the ability to labor.

The death penalty is only to be applied to those offenders who commit the most heinous crimes. The Criminal Law provides for two types of death penalty viz. death penalty with two year suspension of execution and death penalty without suspension of execution. The Law stipulates that in the case of a criminal who should be sentenced to death, but for whom immediate execution is not essential, a two-year suspension of execution may be pronounced at the time the sentence of death is imposed; the criminal will be put into prison and reform-through-labor carried out and the results observed. If the criminal truly repents during the period of suspension, he is to be given a reduction of sentence to life imprisonment upon the expiration of the two-year period; and, if he not only truly repents but also demonstrates meritorious service, he is to be given a reduction of sentence to not less than fifteen years and not more than twenty years of fixed-term imprisonment upon the expiration of the period. Only those who have resisted reform in an odious manner, provided the evidence of such behavior is verified, are to be executed upon a ruling or an approval of the Supreme Court.

The Criminal Law provides for the following supplementary punishments: fines, deprivation of political rights, and confiscation of property. These supplementary punishments may also be applied independently.

Prosecution

The people's procuratorates (public prosecutors) are responsible for initiating public prosecution. The people's procuratorates have the power to investigate criminal cases as well as the power to make decisions of prosecution, non-prosecution or exemption from prosecution in each criminal case considering the evidence of the case and nature and circumstances of the crime.

Judiciary

The people's courts are responsible for adjudication, and no other bodies are given the power to adjudicate criminal cases. The number of professional judges as of 31 December 1986 was 137,066, out of which 19,897 were female judges. More than 144,000 employees are working in the judicial system.

Prisons

In Chinese prison services, there have been various new ways of mobilizing public participation in helping re-mould prisoners. For example, famous scholars, writers, educators, artists, musicians and sportspeople are invited to call on prisoners, and encourage them to make more efforts to reform themselves; former prisoners who have been already integrated into the society after release are organized to persuade current inmates to re-mould themselves; family members, relatives and friends of the prisoners are encouraged and provided with every facility to admonish and educate them.

Non-institutional services

In China, supervision of offenders both during the suspension of execution of sentence and after release on parole is carried out by the public security organ (police). Probationers and parolees are turned over by the public security organ to a work unit or a basic level organization. The policeman in charge of the community shall supervise their daily life, their work and ideological trend and encourage their consciousness to become law-abiding citizens. Meanwhile the policeman shall keep in touch with their neighbors if they conduct any law-breaking activities.

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Pre-trial detention

The Criminal Procedure Law stipulates that, in hearing a case of public prosecution, the people's court shall announce judgment within one month after accepting the case, and it may extend one month and one-half at the latest. Accordingly, pre-trial detention is not considered to pose any serious problem.

Diversion

There are several diversion schemes to imprisonment. Police are empowered to give warnings or to impose a certain limited amount of fines (not more than 200 Yuan) on the criminals who have committed minor offences (Security Control and Enforcement Law). This warning and fine are regarded as a final sanction imposed by the police and they need not send the case to either the public prosecutor nor the court. This system is applicable to various types of minor offences including theft, embezzlement, fraud, assault, gambling, violations of traffic regulations and various types of public disturbances. If the person who receives this summary sanction is dissatisfied with the disposition, he/she can appeal to the higher police organ and finally to the courts. This scheme is fully utilized as an alternative and diversion to the formal criminal justice procedure and imprisonment.

At prosecution stage, public prosecutors are empowered to grant exemption from prosecution, considering the gravity of the crime and other circumstantial factors, even if there is enough evidence to convict the suspect. According to the Criminal Law, suspension of sentence may be pronounced for an offender who has been sentenced to criminal detention or to fixed-term imprisonment for not more than three years according to the circumstances of his/her crime and his/her demonstration of repentance, and where it is considered that applying a suspended sentence will not result in further harm to society.

An offender sentenced to fixed term imprisonment of which not less than half has been executed, or an offender sentenced to life imprisonment of which not less than ten years have been actually executed, may be granted parole if he/she demonstrates true repentance and will not cause further harm to society. If special circumstances

exist, the above restrictions relating to the term executed need not be imposed.

During the period of suspension of sentence and parole, the offender is placed under the supervision of the public security organ (police), and the public security organ utilizes the mass organization of the community to help watch the offender's daily behavior and lead him/her to become a law-abiding citizen.

It is said that the number of the revocation of suspension of sentence and parole because of the committal of new crime is very small, and that this type of community based treatment has been proving very successful, although clear statistics are not available in this regard.

Reform through Labor

Offenders who have been sentenced to detention, fixed-term imprisonment, life imprisonment or the death penalty with suspension of execution, provided that they can work, are obligated to work. Under the basic policy of "reform through labor", emphasis is placed on educating and redeeming prisoners to law abiding citizens through daily labor in the institutions. The purpose of this policy is considered to re-mould their ideology, freeing them from bad influence and habits, and to resocialize them into someone who can live on their own labor and are useful to society. Labor is considered to be a principal measure of reforming criminals, though it is not the only one.

The system of reform-through labor has been said to be effective and successful over the past forty years. It is reported that, according to some sample statistics, among those who have served a term of imprisonment, 4-6% of them committed a crime again after release.

Members in the News

The Nebraska Association of Licensed Private Investigators recently elected **Don Niemann** as the association's secretary. Don is a retired major from the Nebraska State Patrol and the owner of Integrity Investigations, Inc., in Lincoln, Nebraska. He will be a strong member of the association and provide needed leadership.

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David Constantine, son of Supplemental Support Member, **Peter Constantine** of Data Recovery, took top honors at the 2nd International Timpani Competition recently held in Lyon, France. Pursuing his Doctorate in Music, David, among many other honors, accomplishments, and performance locales is also the principal timpanist for the Columbia and Terre Haute, IN Orchestras.

"Workplace Violence—The Thunder BEFORE the Storm!"

*Stefan Salmonson
PROtective Services, Inc.
Mora, Minnesota*

As security professionals we are retained to determine level(s) of our client's risk. Our recommendations may include electronic/video counter measures, assisting with a high risk employment termination, background checks, fraud investigation(s), executive/personal protection detail(s), security assessment(s), generating and implementing emergency response procedures (ERP) and employee training.

Workplace violence cases are unique in that they may require all of the specialties listed above. Where to begin? We have learned to rely on HUMINT (human intelligence) as a base line. In every case in which there was a potential for a client or an employee to be injured "while at work or on duty" (OSHA General Duty Clause - 29U.S.C. 654 (a)(1)) there were indicators present.

Occasionally, as in the Virginia Tech incident, the indicators were obvious. Sometimes the warning was only a whisper between employees. In either case, there was "thunder before the storm." One does not need to see the lighting to know that danger is near.

Recently, following a high risk employment termination, our firm was asked to evaluate the depth of the security concern(s) among the client's two hundred plus employees. I interviewed a cross section of the staff and was not surprised to learn that the employee, who was fired, was not known by his surname, rather by his preferred name—"Uzi." (NOTE: An Uzi is a stamped steel Israeli manufactured submachine gun/pistol).

While conversing with the company's HR director, I was also not surprised to learn that there were NO

documents in his employment file that reflected the level of threats and harassment that the employee had distributed to co-workers. In the words of several other employees, "He always talks like that." As a result of our investigation, three mid-(local) and upper- (national) level managers' employment was terminated due to negligence.

Security professionals should ask existing and future clients about their workplace violence prevention plans. If there is a pause or hesitation, on the part of the client, provide them with workplace security investigative summaries, printed documents (OSHA) and/or statistics indicating typical clear and present threat.

Our firm provides security related presentations and training, executive/personal protection details, investigations and security assessments. Approximately twenty years ago, I was asked to provide a short presentation to a group of corporate managers. The presentation was casual, reflected our approach to "listening" to the individual client, contractor or co-worker and included a limited number of OSHA statistics.

Following the presentation, not a word was spoken. So much for future employment! Finally, one of the managers spoke. He indicated I had brought to light several important details. First and foremost, **listen** to your management team and employees. **Implement** a method to streamline the reporting of threats, harassment and assaults. **Empower** ALL employees to be heard and to act if necessary. Take **action** against those employees who violate the company harassment, threat and assault policies. This secure company philosophy starts at the management level!

What opportunities are available for the security professional?

1. Provide comprehensive security assessments. If your firm does not provide this service, partner with another firm that has similar expectations of excellence. The assessment document should be easy to read with limited jargon and articulate methods to reduce, avoid or mitigate the client's risks.

2. Provide background investigations. The best way to avoid a problem employee is not to hire one!

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3. Provide executive/personal protection.

Protection before, during or after High Risk Employment terminations is paramount. ERP is often used in conjunction with restraining orders and orders for protection concerns.

4. Provide High Risk Employment Termination service to the client’s HR and management team.

Security professionals may offer executive/personal protection details during this event.

5. Employee Assistance Program.

Confirm that your client offers an EAP package and include it in your assessment and security related considerations.

6. Electronic security equipment installation and maintenance.

Electronic security equipment must be used in conjunction with employee observations and input.

7. Security related training for staff members, managers and senior management.

“Awareness is the antibiotic for the disease we know as paranoia.” Empowered employees are much more likely to respond and respond correctly when they feel management will back their decisions.

***Protective Orders:
A Domestic Violence Prevention Tool***

*William F. Blake
Blake and Associates, Inc.
Littleton, Colorado*

(Note: I have a statistical counter on my website, blakeassociates.com that counts the number of hits on the website and the articles that appear on the site. Over the past few months, the article with the most number of hits concerned protective orders. Other security-related articles were a distance second. This indicated to me that there is considerable interest in this area. The following is that article.)

(Special to the Hometown Gazette)

HUSBAND ASSAULTS SPOUSE AT LOCAL BUSINESS

This morning, Mildred Thomas, an employee of Hometown Widget Company, was brutally

assaulted by her estranged spouse as she walked from her car to the company employee entrance. She suffered a fractured skull and numerous other injuries. It is expected that Mrs. Thomas will require many months of therapy and additional surgery. James Thomas was arrested on attempted murder charge.

Company officials declined to comment. Several employees who wished to remain anonymous stated that the animosity and threat of violence was obvious to the employees and management. About two weeks previously, Mrs. Thomas had been accosted by her husband in the same parking lot.

Could this happen to you or at your business? What actions could you have taken to assist in protecting Mrs. Thomas? What actions could Mrs. Thomas have taken to assist with her own protection?

This scenario is not a rare occurrence. Unfortunately, it is occurring on a more frequent basis at businesses of all types and sizes. There are numerous strategies that could be utilized by the employee and employer to reduce the probability of such an incident occurring. Protective orders are only one of these strategies. Domestic violence is sometimes considered to be different from the common definition of “workplace violence.” It is not different—it is the same problem but occurring within the work environment!

Domestic violence doesn’t stay home when its victims go to work. It can follow them, resulting in violence in the workplace. Or it can spill over into the workplace when a woman is harassed by threatening phone calls, absent because of injuries or less productive from extreme stress. Domestic violence in the workplace includes all types of behavior that affect a person’s ability to perform a job. With one out of every four American women reporting physical abuse by an intimate partner at some point in their lives, it is a certainty that in any mid-to-large sized company, domestic violence is affecting employees. 1

There are no absolute protections to prevent domestic violence on the company premises. However, there are several “reasonable and appropriate” measures that can be undertaken.

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One measure frequently overlooked is the use of court issued protective orders.

Protective orders are not within the normal vocabulary of the non-legal professional or employee. What is a protective order? Can I as a potential victim of domestic violence obtain a protective order? Our employee is reluctant to get a protective order but is it possible for the company to get one?

What Is A Protective Order?

A protective order is an order issued by a court telling one person (the restrained person) to stay away from and not to hurt, threaten, or communicate with another person. A protective order is also known as a protection order, a restraining order, a civil protective or restraining order, an injunction, a no contact order. The order is usually issued by a judge for the protection of family members exposed to domestic violence. It orders the abuser to do or not to do certain things that the judge specifies.²

Every state in the United States has enacted statutes authorizing courts to issue civil protective orders against domestic violence. The relief provided in these statutes is typically tailored to meet the unique circumstances of domestic violence. To protect petitioners in emergency situations, for example, state statutes generally give the courts broad authority to award ex parte relief upon a showing of immediate danger or irreparable injury. An ex parte injunction is one having been granted without the adverse party having had notice of its application.

Each state has unique procedures for issuing protective orders. Unless otherwise stated, the Colorado Revised Statutes will be used as an example of the general principles of law and procedure. The federal government's Violence Against Women Act, created in 1994 and amended in 2000, also provides for protection against domestic abuse and the inter-jurisdictional enforcement of protective orders.

Many abused persons question the need for a protective order and its value to their domestic violence safety plan. The Colorado Bar Association has identified various reasons for getting a protective order:³

- While some people who have restraining orders against them try to violate those orders, most don't violate the orders.
- A protective order gives the abuser a message from an objective authority figure that abuse must stop.
- A protective order empowers the victim by having an objective authority figure validate the reality of her/his danger.
- A protective order informs law enforcement that the victim is serious about stopping the abuse and keeping the abuser away.
- A protective order delivers consequences if the abuser continues his/her abusive behavior.
- A protective order documents the victim's attempts to change the situation and distance her/himself from the abuser.
- A protective order can allow the victim time to contact a lawyer.
- A protective order may make the justice system aware of the victim's situation and provides the victim with a way to get some added help from law enforcement before violence happens.
- If the victim calls law enforcement when someone has, or is trying to violate the order, this will give him/her evidence to use in legal cases they may have against the restrained person.
- If the person against whom the victim has a protective order violates the order, the victim can call law enforcement, possibly before the restrained can cause more harm.

As an example, under Michigan Compiled Laws 600.2950(1)(a)-(k) a domestic relationship personal protective order may enjoin one or more of the following acts:⁴

- Entering onto premises.
- Assaulting, attacking, beating, molesting, or wounding a named individual.
- Threatening to kill or physically injure a named individual.
- Removing minor children from the individual having legal custody of the children, except as otherwise authorized by a custody or parenting time order issued by a court of competent jurisdiction.
- Purchasing or possessing a firearm.
- Interfering with petitioner's efforts to remove petitioner's children or personal

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property from premises that are solely owned or leased by the individual to be restrained or enjoined.

- Interfering with petitioner at petitioner's place of employment or education, or engaging in conduct that impairs petitioner's employment or educational environment.
- Having access to information in records concerning a minor child of both petitioner and respondent that will inform respondent (person being restrained) about the address or telephone number of petitioner and petitioner's minor child or about petitioner's employment address.
- Engaging in conduct that is prohibited— (i.e., stalking and aggravated stalking).
- Any other specific act or conduct that imposes upon or interferes with personal liberty or that causes a reasonable apprehension of violence.

Military personnel are not without the safeguards of a protective order. Military unit commanders may issue military protective orders (MPOs) as a means to preserve good order and discipline by members of the command. Unit commanders should issue MPOs when victims have already obtained a civil protective order or temporary restraining order from a civilian judge. MPOs have provisions similar to a civilian protective order. A unique provision that can be enforced by MPOs is a requirement that a military service member who is subject to an MPO and residing in non-government housing may be required to move into government housing and not into another non-government residence.⁵

How Do I As A Victim, Obtain A Protective Order?

The method for applying for a protective order varies with each state. The local court jurisdiction, domestic violence prevention agencies, individual attorneys, bar association, or law enforcement authorities should be contacted to identify the proper procedures for obtaining a protective order.

In Colorado, a civil protective order is issued by a court after a victim petitions the court to have someone stay away from him/her. A civil protective order requires the victim to go to court at least twice.

- At the first hearing, the victim provides information about the harm the other person has caused her/him and why he/she thinks the person will hurt him/her again. At the second hearing, the restrained person (defendant) has an opportunity to appear and give reasons why the order should not be made permanent.
- If the order is made permanent, it is in effect forever, unless the court cancels the order. The parts of the order concerning children end after 120 days. The petitioner must file for separation, divorce, or custody so that he/she can get permanent custody and child support orders.
- Where and how to get a civil protective order:
 - A person doesn't need an attorney to file a protective order.
 - A standardized form may be obtained from the courts.
 - There is a filing fee and an additional fee to have the other person served with the order. These fees may be waived for low-income earners.⁶

Can An Employer Obtain A Protective Order?

As part of a domestic violence program, some states allow an employer to obtain a protective order. However, some courts believe it is not appropriate to issue such an order to a business.

As an example, section 13-14-102, Colorado Revised Statutes, allows a business to seek a civil protective order against a person who has threatened, attempted or completed assaults, and/or bodily harm.

To obtain a protective order, a business:

- Must appear in the county or district court without the person to be restrained and explain to the judge why it wants a protective order. The business must show that there was a threatened, attempted or completed assault, or bodily harm against employee(s), client(s) or customer(s).
- It is required that the court be told about the most recent incident and other incidents.

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- You must state that employees, clients or customers are fearful that future assaults or bodily harm will take place.
- If the judge finds that imminent danger exists, the judge will issue a temporary protective order.
- The temporary protective order must be personally served on the restrained party.
- The temporary protective order will be effective until the permanent protective order hearing which must take place within 14 days.
- If after hearing evidence from witnesses for both parties, the judge believes that the restrained party threatened, attempted or completed assault, or bodily harm, and if not restrained will continue to do so, the judge will issue a permanent protective order.⁷

What Happens When The Protective Order Is Violated?

Most states provide for criminal enforcement measures against individuals who violate the protective order.⁸ In some states, the violation of a protective order is considered as Contempt of Court; other states have specific offenses, usually a misdemeanor, for such violations.

The Violence Against Women Act (VAWA) [18 U.S.C. § 2265-66] directs jurisdictions to give full faith and credit to valid orders of protection issued by other jurisdictions. This includes all 50 states, Indian tribal lands, the District of Columbia, the US Virgin Islands, Puerto Rico, American Samoa, the Northern Mariana Islands, and Guam.⁹ This means that abused persons can call upon law enforcement to protect them and to take all appropriate action against abusers nationwide.

There are also specific Federal laws that pertain to domestic violence:

- Interstate Travel to Commit Domestic Violence—18 U.S.C. § 2261. It is a Federal crime for a person to travel in interstate or foreign commerce, or leave or enter Indian country with the intent to kill, injure, harass, or intimidate a spouse or intimate partner when in the course of or as a result of such travel, the person commits or attempts to commit a violent crime against

the spouse or intimate partner. The person must intend to commit domestic violence at the time of travel.

- Interstate Stalking—18 U.S.C. §2261A. It is a Federal crime to travel in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or leave or enter Indian country, with the intent to kill, injure, harass, or intimidate any person if, in the course of or as a result of such travel, the offender places that person in reasonable fear of the death of, or serious bodily injury to, that person, a member of that person's immediate family, or that person's spouse or intimate partner.
- Under this section, it is also a Federal crime to use the mail or any facility of interstate or foreign commerce (including telephones, fax machines, and the Internet) to engage in a course of conduct that places a person in reasonable fear of the death of, or serious bodily injury to, that person, a member of that person's immediate family, or that person's spouse or intimate partner. The offender must commit these acts with the intent either to kill or injure a person in another state, tribal jurisdiction, or within the special maritime and territorial jurisdiction of the United States.
- Interstate Violation of an Order of Protection—18 U.S.C. §2262. It is a Federal crime to travel in interstate or foreign commerce, or leave or enter Indian country, with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, harassment, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued. The person must intend to violate the order at the time of travel and must subsequently engage in a violation of such portion of the orders.¹⁰

Summary

The above information is not to be construed in any manner as legal advice. Affected parties are enjoined to obtain competent legal advice in the area in which they reside.

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Domestic violence is an increasing problem, resulting in physical injury, disability, death and financial problems for the victim, the family and employer. Protective orders are only one element of a safety plan to safeguard the affected parties.

The protective order does not necessarily provide the desired protection. However, studies have shown that most restrained persons become aware of the potential court sanctions and respect the provisions of the order.

It is important to maintain an aggressive safety and security program even though a protective order has been issued. If an extremely violent person who has no respect for the law or with no concern about the consequences of his/her actions is served with a protective order, he/she may seek revenge on the petitioner and place her/him, children, co-workers, family, and friends in danger.

Conscientious adherence to protective order provisions greatly reduces the probability that violence will occur. The danger to non-parties to the protective order must be considered when devising a safety plan. Unfortunately, innocent parties may be in grave danger without being aware of what could occur.

1 What is Domestic Violence in the Workplace?, www.endabuse.org., Family Violence Prevention Fund, 383 Rhode Island Street, Suite 304, San Francisco, CA 94103-5133

2 Domestic Violence: Make It Your Business, www.cobar.org, Colorado Bar Association, Denver, CO, 2002

3 Understanding Protective Orders, Domestic Violence: Make It Your Business, page 2, www.cobar.org, Colorado Bar Association, Denver, CO, 2002

4 Domestic Violence: A Guide to Civil & Criminal Proceedings, 2d Edition, page 209, Michigan Judicial Institute, Lansing, MI, 2001

5 Military Protective Orders, Department of Defense, Military Community & Family Policy, Military Family Resource Center, Arlington, VA 22202

6 Understanding Protective Orders, Domestic Violence: Make It Your Business, page 3, www.cobar.org, Colorado Bar Association, Denver, CO, 2002

7 Understanding Protective Orders, Domestic Violence: Make It Your Business, page 1, www.cobar.org, Colorado Bar Association, Denver, CO, 2002

8 Domestic Violence: A Guide to Civil & Criminal Proceedings, 2d Edition, page 202, Michigan Judicial Institute, Lansing, MI, 2001

9 Protecting Victims of Domestic Violence: A Law Enforcement Officer's Guide to Enforcing Orders of Protection Nationwide, page 2, International Association of Chief of Police and Department of Justice Office of Justice Programs, Washington, DC

10 Protecting Victims of Domestic Violence: A Law Enforcement Officer's Guide to Enforcing Orders of Protection Nationwide, pages 10-12, International Association of Chief of Police and Department of Justice Office of Justice Programs, Washington, DC

Students Put Rescue Skills to Use in Mock Accident

*Augusta, GA, Chronicle,
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The call came across the radio. A student was trapped inside her car. Without hesitation, her Richmond County classmates relied on their training to rescue and safely transport the student to an awaiting ambulance Tuesday.

The event was just an exercise, but the skills demonstrated by the A.R. Johnson Health Science and Engineering Magnet High School students are the same used by professional medical personnel.

"Having a first-responder on scene can mean the difference between life and death," said Chuck Reese, the operations manager for Capital City Ambulance. The first-responder program will reduce the local and national shortage of paramedics, he said. The ambulance service assisted as students in the school's new first-responder program put into practice what they had learned.

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"The slightest movement and they could be paralyzed if you do something wrong," said Cristina Palo, a 17-year old senior. She was part of a three-member team of students who responded to the mock accident. It's not like in the movies, said Joshua Yelverton, 17.

In real life, spectacular explosions don't usually accompany auto accidents, said Greg Brooks, a firefighter and paramedic with 30 years of experience. "It's the first year, but a lot of the kids really enjoy it."

First responders are responsible for stabilizing victims until medics arrive on scene, he said. They are responsible for the "platinum 10 minutes," the crucial first few minutes after an accident.

In Tuesday's drill, the A.R. Johnson students secured a classmate's neck and spine, climbing inside her car and wrapping her firmly in a brace. Tilting her body out of the Kia Sportage, the students carried her to a stretcher that took her to an ambulance.

Principal Deborah Walker was pleased to see her students putting potentially life-saving lessons into

practice. "That's what this school is all about," she said.

(Editor's Note: This is a good example of how our teenagers can contribute to society if we, the general public, provide them with appropriate training, encouragement and motivation. Why not try to get your local schools to consider such a program?)