

Planning and Conducting Best-Practice Assessments of Community Response to Domestic Violence

Criminal Justice System Response: Police Investigations

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Domestic Violence Intervention Best Practice Checklists

Police Investigations

Best practices in the intervention response to domestic violence maximize safety for victims, hold offenders accountable while offering opportunities to change, and set an expectation of agency and practitioner accountability to one another and to victims and offenders. Characteristics of such best practices include:

1. Adherence to an interagency approach and collective intervention goals
2. Attention to the context and severity of abuse into each intervention
3. Recognition that most domestic violence is a patterned crime requiring continuing engagement with victims and offenders
4. Sure and swift consequences for continued abuse
5. Use of the power of the criminal justice system to send messages of help and accountability
6. Actions that reduce unintended consequences and the disparity of impact on victims and offenders

The attached best-practice assessment checklists have been designed to assist emergency communications (911), police patrol services, and CCRs in answering questions like Are we centralizing and strengthening safety for victims of domestic violence in our community? How are we doing? Are we making things better or worse? Do our efforts enhance or diminish offender accountability?

The checklists lend themselves to a relatively quick review of case files or reports by an interagency team to help your community's intervention agencies determine their adherence to best practices. We recommend that you follow these simple steps in conducting the case review.

1. Determine which intervention agency or agencies will be reviewed. Do so with their full knowledge and consent of the nature and scope of your review. Transparency is key.
2. Assemble a small group of practitioners who will review the files and report their collective findings and feedback to agency heads. This process benefits from the dialogue, reflection, and discussion that is possible with a small set of experienced practitioners, rather than relying on the limited perspective of a single person.
 - ✓ The work group consists ideally of three to eight members.
 - ✓ The team should have relevant interagency representation. For example, an assessment focused on police patrol would include representation from 911, patrol and prosecution.
 - ✓ The team should also contain at least one member who is a community-based advocate for victims of domestic violence.
 - ✓ Develop a confidentiality agreement governing how case file information will be treated and when and to whom it will be released. (It is equally important to protect the confidentiality of parties involved in a domestic violence incident as it is to protect the reputation of the officer who responded to the call and the respect of the agency head who generously offered reports for review.)
3. Identify and appoint a team leader who will:
 - ✓ Identify, gather and photocopy "case files" (e.g. investigation or patrol reports).
 - ✓ Schedule and facilitate work group meetings.
 - ✓ Keep a written record of the work group's discussions and findings.

4. Gather and photocopy case files and schedule all of the meetings.
 - ✓ We recommend meeting four to ten times total, completing all the work within a period of three months.
 - ✓ Use these guidelines for the numbers of files to sample, based on the scope of your review:
 - 911 call receiving and dispatching: 15 to 50 audio recordings of domestic violence–related calls (and, if possible, a printed transcript of the call) AND recordings and printouts of the corresponding contact between dispatchers and patrol officers for each call (typically referred to as “CAD” or computer-aided dispatch), if available
 - Police patrol response: 15 to 50 patrol incident or arrest reports for domestic violence–related cases, divided between arrest and non-arrest cases
 - Police follow-up investigations: 15 to 50 follow-up investigation reports for domestic violence–related cases
 - Prosecution charging: 15 to 50 sets of prosecution case files, divided equally between cases charged, declined, and any deferred prosecution or other diversion
5. Review the files:
 - ✓ Team members use the worksheet as a guide to identify practices that are included or missing in the response.
 - ✓ Work through each case file paying close attention to whether and how it reflects the practices listed on the worksheet (use one worksheet per case).
 - ✓ Check off all practices that are evident in the call, report, or file.
 - ✓ Note what is missing.
 - ✓ Use the notes column to record additional observations, questions, or examples related to the case and the practitioner’s response.
 - ✓ Complete the case review summary at the end of the worksheet.
6. Work as a team to articulate feedback and recommendations for agency heads:
 - ✓ **NOTE: Because a practice is not evident in the case record does not necessarily mean that it does not happen.** It may happen but not be documented.
 - ✓ Affirm that team members are in agreement on the conclusions.
 - ✓ Identify any areas of practice where the team is not in agreement or where additional investigation is necessary in order to reach any conclusions.
 - ✓ Provide specific feedback to the appropriate agency on its response to domestic violence cases, including examples of best practices that are in place, as well as recommended changes.

Case ID# _____

Review written investigation report and casefile

Best Practices in Police Investigation Response to Domestic Violence	Notes NA = Not applicable
Instructions: Check all practices evident in the written report. Give examples when possible.	
1. Identify and interview witnesses:	
<input type="checkbox"/> Document witness contact information if not in patrol report <input type="checkbox"/> If not conducted by patrol, interview and obtain statements from all witnesses, including: <ul style="list-style-type: none"> ○ 911 caller ○ Adult witnesses at scene ○ Children at scene ○ Medical responders 	
2. Interview children with the following considerations:	
<input type="checkbox"/> Child's physical, emotional or psychological ability to give a statement, understand questions and formulate responses <input type="checkbox"/> Non-offending parent/guardian's preferences as to whether and how to talk with the children	
3. Interview the victim	
<input type="checkbox"/> When arranging the interview: <ul style="list-style-type: none"> ○ Inquire into the victim's welfare and safety ○ Offer resources like advocacy support, restraining orders, and other community supports <input type="checkbox"/> Conduct interview that includes: <ul style="list-style-type: none"> ○ Account of events surrounding the incident ○ Attention to whether suspect has ever warned victim about talking to police or seeking help ○ Specifics of any threats or warnings from suspect ○ Initial and continuing treatment of injuries <input type="checkbox"/> Review the victim's response to three risk questions: <ol style="list-style-type: none"> 1. Do you think he/she will seriously injure or kill you or your children? What makes you think so? What makes you think not? 2. How frequently and seriously does he/she intimidate, threaten, or assault you? Is it changing? Getting worse? Getting better? 3. Describe the time you were the most frightened or injured by him/her. <input type="checkbox"/> If it appears there is a history of violence, determine: <ul style="list-style-type: none"> ○ Does he/she own a gun? ○ Have you left after living together? ○ Does he/she ever try to choke you? ○ Has he/she ever used a weapon against you or threatened you with a weapon? ○ Has he/she threatened to kill you or himself/herself? ○ Has he/she avoided arrest for domestic violence? ○ Does he/she use drugs? If so, what kind and with what effect? 	

Best Practices in Police Investigation Response to Domestic Violence	Notes NA = Not applicable
Instructions: Check all practices evident in the written report. Give examples when possible.	
<ul style="list-style-type: none"> ○ Has he/she ever forced you to have sex when you didn't want to? ○ Does he/she control many of your daily activities (e.g., friendships, when your family can visit, travel)? ○ Is he/she jealous of you? ○ Does he/she follow or spy on you or leave threatening notes or messages? ○ Do you have a child that is not his/hers? ○ Has he/she beaten you when you were pregnant? ○ Has he/she ever threatened or tried to commit suicide? ○ Is he/she working? ○ Is he/she an alcoholic or problem drinker? <input type="checkbox"/> Obtains details regarding: <ul style="list-style-type: none"> ○ Severity and frequency of abuse ○ Victim's level of fear ○ Isolation ○ History of violence, whether or not it resulted in law enforcement contact <input type="checkbox"/> Follow up on any indications or suspicions of: <ul style="list-style-type: none"> ○ Strangulation ○ Stalking ○ Witness tampering or intimidation ○ Sexual coercion or aggression 	
4. Obtain medical reports	
<ul style="list-style-type: none"> <input type="checkbox"/> Obtain signed release if not already obtained by patrol <input type="checkbox"/> Gathers medical reports allowable by release 	
6. Check records and document past abuse	
<ul style="list-style-type: none"> <input type="checkbox"/> Conduct comprehensive criminal history check <ul style="list-style-type: none"> ○ National ○ State ○ Local ○ Juvenile <input type="checkbox"/> Document history of abuse by examining: <ul style="list-style-type: none"> ○ Past police reports on the offender ○ Past and current court orders: orders for protection, harassment orders, criminal no-contact orders ○ Police reports from other jurisdictions in cases of stalking or increased risk of harm 	
7. Collect additional evidence, including:	
<ul style="list-style-type: none"> <input type="checkbox"/> Follow-up photographs of injuries <input type="checkbox"/> Physical evidence not collected by patrol <input type="checkbox"/> Any weapons used in incident (highlighting threats to kill) <input type="checkbox"/> Recordings or printouts of relevant 911 communications, voice mail, e-mail, text messages, and similar evidence 	

Best Practices in Police Investigation Response to Domestic Violence	Notes NA = Not applicable
Instructions: Check all practices evident in the written report. Give examples when possible.	
<input type="checkbox"/> Documents necessary to prove the element of a crime or an enhancement, such as copies of bail records, protection orders, or repeat offender status.	
8. Make information available to probation officer conducting presentence investigation:	
<input type="checkbox"/> Information on the current offense <input type="checkbox"/> Criminal history check and history of abuse <input type="checkbox"/> Responses to victim interview and risk questions <input type="checkbox"/> Interviews with witnesses	
9. When the suspect is not in custody:	
<input type="checkbox"/> Assign investigation priority according to one or more of these factors: <ul style="list-style-type: none"> ○ Victim injury or impairment ○ Possible witness tampering ○ Strangulation ○ Stalking ○ Increased risk of harm ○ High level of victim fear <input type="checkbox"/> Conduct complete investigation, including victim interview and domestic violence risk assessment <input type="checkbox"/> Conduct in-person interview of suspect out of custody <input type="checkbox"/> Check probation status; if so, forward incident report and contact probation officer <input type="checkbox"/> If the charge is a felony, issue a pickup and hold <ul style="list-style-type: none"> ○ Interview in-custody suspect in jail ○ Check for any spontaneous statements made by suspect during transport or booking <input type="checkbox"/> Stay in contact with victim regarding case status and safety concerns: <ul style="list-style-type: none"> ○ Notify victim of attempt to interview suspect ○ Notify victim if investigator assesses increased risk of harm ○ Notify victim of prosecutor's charging decision ○ Ensure that the victim has information regarding advocacy and civil protection orders ○ Encourage the victim to call police again if new incidents occur 	
10. Engage and collaborate with victim.	
<input type="checkbox"/> Take safety precautions: <ul style="list-style-type: none"> ○ Protect victim from suspect retaliation: do not disclose what victim has told investigators ○ If circumstances allow, do not even tell the suspect that investigators have spoken to the victim <input type="checkbox"/> Treat each contact with the victim as an opportunity to build a continuing relationship <ul style="list-style-type: none"> ○ Provide investigator name and contact information 	

Best Practices in Police Investigation Response to Domestic Violence	Notes NA = Not applicable
Instructions: Check all practices evident in the written report. Give examples when possible.	
<ul style="list-style-type: none"> ○ Encourage victim to report suspect contact, abusive behavior, violations ○ Request victim report any threats by suspect for cooperating with the investigation ○ Inform victim of importance of keeping a record of mail, voice mail, e-mail, text mail, etc. by suspect or others acting on suspect's behalf. ☐ Establish rapport so that victim can best assist the investigation: <ul style="list-style-type: none"> ○ Ask for details and record all credible reports of violence, stalking, coercion, intimidation and abuse. ○ Show patience with victims who may be hostile or less than appreciative of investigators' efforts. ○ Ask open-ended questions. ☐ Assist victim with problem-solving around personal safety: <ul style="list-style-type: none"> ○ Inform the victim of community services that support and enhance safety. ○ Provide messages of help, reassurance and protection. ☐ Respond to a victim with a language barrier in a way that promotes her safety and participation in the investigation: <ul style="list-style-type: none"> ○ If the victim and/or witnesses do not speak English, contact appropriate interpreter services. ○ Do not use neighbors or family members as interpreters. 	
<p>Investigation Response – List gaps in best practice</p>	