



Chapter 3

Law Enforcement

LAW ENFORCEMENT—PATROL RESPONSE

FRAMEWORK: PATROL RESPONSE TO DOMESTIC VIOLENCE-RELATED CASES

The patrol officer is the one of few practitioners in the criminal justice system to come close to seeing and hearing what really goes on in the privacy of violent homes. For a responding officer, the patrol report is one of a dozen he or she might write in a shift. In a domestic violence legal case, however, it is the most important document. In an interagency response the patrol report lays the foundation for how each subsequent intervener thinks about and acts on the case. Its attention to specific details either helps or hinders each practitioner's efforts to maximize victim safety and offender accountability. The Blueprint's interagency approach emphasizes the importance of accumulating information over time and incidents in order to understand and appropriately respond to the level of danger and risk posed by offenders¹ in a crime that is often complex and difficult to prosecute.

Each intervening practitioner has a specific role to play in a case and each looks to the officer's report when making decisions about when and how to act.² The investigator reads a report asking, *Can I work this up into a case that can be proven beyond a reasonable doubt? Are there witnesses? Can I find them? Did they see or hear something?* The bail evaluator asks, *Will this person be a threat to the public or to this or other victims?* The prosecutor asks, *What crimes were committed, if any? Was anyone acting in self-defense?* When a case results in a plea or conviction, the presentence investigation writers ask, *Is this event an unusual happening or part of a pattern of violence, coercion and intimidation?* To answer this question the PSI writer reads every report written on the defendant. When officers treat each call as part of an ongoing case the pattern will emerge and the safety needs of all victims become more evident. Every goal of the Blueprint—ensure swift and sure responses, adjust responses to the level of the violence, link practitioners together with a common understanding of the violence, engage with victims, and ensure a level of interagency accountability—is largely dependent on the patrol officer's initial response to the case. This policy and the accompanying protocols should be adapted for Sheriff's Office patrol divisions.

The Blueprint's policies and protocols for law enforcement response are accompanied by three key tools for the responding officer. The first two are a practitioners' guide to risk and danger in domestic violence cases (*Appendix 1A*) and its accompanying training guide (*Appendix 1B*). They draw on the research and experience we have at our disposal to help identify and document the major factors that indicate whether the violence in a case is likely to continue, escalate, or become lethal. The third tool is a report-writing format that produces a patrol report that answers each of the core questions subsequent interveners will have about the incident (*Appendix 3L*).

Victim engagement is a cornerstone of the Blueprint and it begins in the first hour of the case. The policies and protocols emphasize the importance of basic, solid law enforcement work in domestic violence cases, which can seem futile on a case-by-case basis but will, in many cases, result in a successful intervention over time.³ Such success is more likely when officers and other interveners stay engaged with victims⁴ who may be quick to call for help during an assault,⁵ but who are understandably cautious in joining in an adversarial court process against the person who holds all of the power cards and readily uses coercion and violence to maintain that power.⁶ This is particularly relevant when law enforcement responds to calls where people have difficulty in communicating due to injury, disability or language barriers, or who have had bad experiences with law enforcement in the past.

Every agency within the criminal justice system, including law enforcement, should have a comprehensive, robust, and effective language access plan that is widely distributed throughout the agency as well as regular training and oversight.

Victims who worked with advocates

were more than twice as likely to live without violence as those who did not.

– C. Sullivan & D. Bybee (1999)

POLICY: PATROL RESPONSE

In addition to adhering to general agency policy, patrol officers and supervisors will take the following actions in responding to domestic violence–related calls, using the protocols, appendices, and training memos referenced and included as part of this policy.

In accordance with Minnesota State Law and for the purposes of this policy, a domestic relationship means spouses and former spouses; parents and children; persons related by blood; persons who are or have lived together; persons who have a child in common or share a pregnancy regardless of whether they have been married or have lived together at anytime; and persons involved in a significant romantic or sexual relationship. (NOTE: This definition is based on Minnesota law. Communities in other states may make modifications to this policy as needed.)

1. Implement the provisions of this policy in accordance with **Protocol 1: Patrol Response to Domestic Violence–Related Calls**.
2. Respond to domestic violence–related calls directly and without delay.
3. Secure the scene and as safety permits separate all parties.
4. Determine if anyone at the scene is limited in English proficiency (LEP), is Deaf or Hard of Hearing (Deaf/HOH), or prefers to communicate in a language other than English. If so, arrange for a qualified interpreter according to agency’s language access policy.
5. Conduct a thorough initial investigation to determine if probable cause exists to believe a crime has been committed and identify the suspect.
6. Make the arrest decision according to the following requirements and guidelines:
 - a. The officer **shall arrest** when probable cause exists and any of the following conditions are present:
 - The alleged assault or incident involves a felony-level crime.
 - The victim has signs of injury or impairment.
 - A dangerous weapon is involved.
 - An order for protection, harassment restraining order or domestic abuse no-contact order has been violated.

- A victim is in fear of imminent bodily harm.
 - A prohibited person is found to be in possession of a firearm.
- b. In misdemeanor cases without serious injury, an officer may (with supervisor's approval) elect to not arrest when the arrest would require placing children in foster care and there is an alternative for keeping the victim/s safe. The officer shall document the decision not to arrest.
 - c. When both parties have used violence, the officer shall first determine if either party acted in self-defense and arrest the party that was not acting in self-defense.
 - d. When both parties have used illegal violence and neither was acting in self-defense, the officer shall arrest the predominant aggressor; the prosecutor will determine whether the second party will be charged.
 - e. When an officer believes that there is a compelling public safety issue which requires the arrest of both parties and that both parties pose a significant threat of danger to each other, the officer should arrest both parties.
 - f. Utilizing *Appendix 1C: Training Memo—Interventions with Victims of Battering as Suspects or Defendants*, be aware of the need to adjust responses when the suspect is a victim of ongoing physical and/or sexual abuse by the victim of this incident.
7. Collect and secure evidence related to the probable cause determination, regardless of whether the suspect has been arrested at the scene.
 8. In cases where the suspect is gone on arrival (GOA), probable cause to arrest exists, and the officer would have made an arrest, take measures to locate the suspect and submit a complete investigation report.
 - a. Remain on the scene until the officer believes that the likelihood of imminent violence or abuse has been eliminated and the situation has stabilized.
 - b. Ensure that the victim has been given information about safety and resources before clearing the scene.
 9. Whether or not there has been an arrest, provide assistance to victims, including assistance with accessing medical care, securing shelter, and providing notice of victim's rights information in accordance with **Protocol 2: Victim Engagement** and *Appendix 3A: Training Memo—Law Enforcement Response to Persons with Disabilities*.

1. Notify the local advocacy program of all domestic-related arrests and gone-on-arrival cases where officers issued a pick-up-and-hold as soon as possible, in accordance with **Protocol 2: Victim Engagement**. (NOTE: This requires an agreement between the department and the advocacy program.)
10. Provide written information and resources in plain language and in the victim's preferred language. If written material is not available in the victim's preferred language, provide for sight translation by a certified interpreter before clearing the scene. Do not assume Deaf/HOH individuals are fluent in written English.
11. Identify and check on the welfare of each child at the scene and follow up as required.
12. Submit the appropriate report on all calls that include an allegation of a domestic assault or related crime as required by Minn. Stat. § 629.341.
13. Do not re-code any call coded as a domestic by dispatch where the relationship between the parties fits the domestic relationship definition. A call may be re-coded if it can be verified that there is no domestic relationship between the parties.
14. When responding to a domestic call involving a department employee, secure the scene and address the safety needs of those present. Request that a supervisor of higher rank than the officer involved be dispatched to the scene to oversee the criminal investigation and make an arrest decision in accordance with this policy.
 1. If the arrestee is an officer from the same agency as the responding officer, the supervisor at the scene shall recover the officer's badge, law enforcement identification card, and service weapon. If circumstances indicate a high risk of danger or potential lethality, the on-scene supervisor shall confiscate all weapons at the scene on the same basis as they would for any citizen.
 2. If the suspect is the chief of police or the Sheriff, the second in command shall be called to the scene.
15. When responding to a domestic call involving a public figure, request that the street supervisor or station commander be dispatched to the scene, conduct a criminal investigation, and make an arrest decision in accordance with this policy. For purposes of this policy, a public figure is defined as an elected

official, sports figure, television or radio personality, celebrity, or other well-known person.

Appendices to Policy on Patrol Response

The following appendices are included as part of the patrol response policy:

- *Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases*
- *Appendix 1B: Training Memo—Risk and Dangerousness*
- *Appendix 1C: Interventions with Victims of Battering as Suspects or Defendants*
- *Appendix 1E: History of Domestic Violence Summary*
- *Appendix 1G: Training Memo: Enhancing a Coordinated Response to the Intersection of Domestic Violence Crimes and Access to Firearms*
- *Appendix 1H: Training Memo: Building Language Access for the Deaf Community into the Criminal Legal System Response to Domestic Violence*
- *Appendix 2G: Training Memo—911 Attention to Violence*
- *Appendix 3A: Training Memo—Law Enforcement Response to Persons with Disabilities*
- *Appendix 3B: Training Memo—Gone-on-Arrival (GOA) Cases*
- *Appendix 3C: Training Memo—Making the Arrest Decision*
- *Appendix 3D: Training Memo—Miranda Rights and Domestic Violence Cases*
- *Appendix 3E: Training Memo—Implications of Crawford and Forfeiture by Wrongdoing*
- *Appendix 3F: Training Memo—Law Enforcement Response to Strangulation*
- *Appendix 3G: Training Memo—Law Enforcement Response to Stalking*
- *Appendix 3H: Training Memo—Response to Children in Domestic Violence–Related Calls*
- *Appendix 3I: Training Memo—How a Defense Attorney Reads a Domestic Violence–Related Report*
- *Appendix 3J: Training Memo—How a Prosecutor Reads a Domestic Violence–Related Report*
- *Appendix 3K: Training Memo—Victim Engagement and the Law Enforcement Response to Domestic Violence*

- *Appendix 3L: Domestic Violence Patrol Report Checklist*

See the Blueprint Supplement for appendices referenced in the policy and protocols. All training memos are based on Minnesota law. Other jurisdictions should make modifications as necessary.

Those offenders

who left the scene had twice the number of past criminal charges and twice the recidivism rate of those present when police arrived.

– *E Buzawa, et al. (2000)*

Protocol 1: Patrol Response to Domestic Violence-Related Calls

A. Initial Approach

1. Respond to domestic calls directly and without delay, utilizing a tactical approach as appropriate to the circumstances of the call. (Note: Saint Paul law enforcement internally distributes a tactical approach training memo.)
2. Approach the scene with a high degree of caution.
 1. Request information from 911 about past incidences involving firearms and/or other dangerous weapons. Inquire about type, description and location.
3. Maximize safety for all involved as officers approach the scene, make initial contact with the occupants, and gain entry to the premises.

B. Securing the Scene

1. Separate the parties, keeping them out of sight and hearing range.
 1. This is especially important in cases where the victim has Limited English Proficiency (LEP) or is Deaf or Hard of Hearing (HOH) as the suspect could threaten or intimidate the victim without the officer's knowledge.
2. Restrain the suspect if necessary, and/or remove the suspect.
 1. Do not handcuff a suspect who is Deaf/HOH behind the back. The suspect should be handcuffed in front of the body to allow for communication.

3. Determine the need and arrange for interpreter services to communicate with anyone at the scene in their preferred language. Be prepared to communicate via text messaging or another method of communication if such preference is made known.
 1. Be aware that a suspect may use his or her English proficiency or hearing ability to put forward his or her story to the exclusion of the victim.
 2. Family members or others at the scene may be used as interpreters in exigent circumstances, but once the exigency has passed, secure qualified interpreter services. If no other option is available, children may be used for this limited purpose, but qualified interpreter services must be secured as soon as possible.
 - Exigent circumstances include determining the nature of the incident, addressing immediate danger and attending to serious injuries.
 3. It is permissible to use a qualified bi-lingual officer as interpreter if it will not delay the response.
4. Assess for injuries, administer first aid, and request medical services as necessary.
5. Inquire about strangulation and internal injuries.
6. Address victim concerns about the cost of paramedic services by informing them that those services are not billed to the victim unless they require insertion of an IV or medical transport is requested. (NOTE: check local practices.)
7. If injuries appear life-threatening or if the victim is impaired, e.g., through injury or intoxication and unable to make the decision, request medical services regardless of the victim's preference.
8. Determine the whereabouts and identities of all people on the premises, including children.
9. Identify and secure weapons that might pose a threat during the investigation or that might be potential evidence.
10. Separate occupants and witnesses from the victim and accused, keeping them out of sight and hearing range of one another, as safety permits.
 1. In cases involving people who are Deaf/HOH, sight separation is particularly important.

C. Initial Investigation

1. Make initial observations and note spontaneous statements by those at the scene, including:
 1. Immediate statements made by victim, suspect or witnesses. Activate body-worn cameras or audio recording devices to ensure that statements given in languages other than English can be translated later.
 2. Observations of the crime scene (furniture tipped over; broken phones, doors, other damaged property; torn clothing; blood; no sign of physical altercation, etc.)
 3. Emotional demeanor of parties at the scene (angry, scared, crying, etc.) Be aware that people who are Deaf/HOH may express emotional responses and use gestures that can be misconstrued as anger or aggression due to lack of understanding of cultural differences related to facial expression.
 4. Physical appearance of parties (disheveled clothing or hair, torn clothing, obvious injury, flushed face, etc.)
 5. Indications of drug or alcohol use by those at the scene and apparent level of intoxication or impairment (coherent in responding to questions). Be aware that some cognitive disabilities and health conditions can be misconstrued as intoxication.
2. Obtain a comprehensive account of events by interviewing or talking with each party involved in or witness to the incident.
 1. Utilize a qualified interpreter to communicate in the person's preferred language and manner of communication in accordance with agency policy and *Appendix 1H: Training Memo: Building Language Access for the Deaf Community into the Criminal Legal System Response to Domestic Violence*.
 2. To the extent possible and as safety permits, talk to all parties and witnesses away from sight and hearing range of other parties, particularly in cases involving people who are Deaf/HOH.
 3. Seek the following information from each party involved in the incident:
 - Account of events:
 - Specific nature of any threats
 - Indications of witness tampering or whether the suspect has threatened the victim if she or he seeks help from law enforcement

- Manner in which weapons were used
 - Indications of stalking
 - Details about claims of strangulation
 - Indications of self-defense
 - Injuries or impairment:
 - Pain
 - Effects of strangulation
 - Breathing
 - Impaired movement
 - Emotional state
 - Recent use of alcohol or drugs
 - Relationship to other parties involved, including witnesses
 - Identification, address, and means of locating the person for follow-up
 - Access to, presence and type of firearms and/or other weapons in the home, including location and description, regardless of whether a weapon was used in the current incident
 - Whether an Order for Protection is in effect. Verify the existence of an Order for Protection by examining the paper copy and through electronic database.
4. Talk to each witness; document what the witness saw and heard, relationship to the parties involved, date of birth, and a number and address to reach the witness.
 5. Be alert to and probe for indications of sexual aggression or coercion, stalking and/or strangulation.
 6. Ask the victim if the suspect knows his or her address and phone number(s). If the victim is concerned that the suspect will obtain this information, note that in the report and inform victim that the information has been marked as confidential, but it is nevertheless possible that the suspect could gain access to it. Follow department protocol to protect victim contact information.

3. Obtain information about the history of violence and stalking from the apparent victim by asking the following three risk questions:
 1. Do you think he/she will seriously injure or kill you, your children, or someone else close to you?
 - What makes you think so?
 - What makes you think not?
 2. How frequently 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.
4. Establish whether the victim has been intimidated about cooperating with law enforcement personnel or courts by asking if the suspect has ever threatened the victim for seeking help from the law enforcement/courts or others? If so, obtain details.
5. Obtain a description of what each witness saw and heard and the witness's name, date of birth, and contact information.
6. Utilizing *Appendix 1C: Interventions with Victims of Battering as Suspects or Defendants*, be attentive to the need for adjusting interventions to protect both the suspect and victim of the incident.
7. Obtain information from Dispatch using available databases.

D. Establishing Probable Cause

1. Consider the totality of circumstances when making a probable cause determination. In domestic violence cases, totality of circumstances includes:
 1. Information received from 911
 2. Each party's account of events
 3. All parties' and witnesses accounts
 4. Officer observations which corroborate or negate accounts of events by other parties
 5. Physical evidence

6. Either party's history
7. Officer training, experience, and education
2. Attempt to talk with both parties and as many witnesses as practical prior to making a probable cause determination. Use a qualified interpreter when communicating with witnesses who have LEP, who request an interpreter or who are Deaf/HOH.

E. Arrest Decision

1. Make an arrest decision according to the conditions specified in the policy, including arrests for violations of protection orders or no-contact orders
2. **The Department discourages dual arrests.** Utilize this protocol and the guidance in the training memos to investigate and make an arrest decision when both parties have used or are alleged to have used violence against the other. "Self-defense" means that the person reasonably believed that he or she was in imminent danger, force was necessary, and the person used only the level of force reasonably necessary to prevent the harm feared. In Minnesota, there is no duty to retreat from one's own home when acting in self-defense, but that does not cancel the obligation to act reasonably when acting in self-defense. "Predominant aggressor" is defined as the party to the incident who, by his or her actions in this incident and through known history and actions, has caused the most physical harm, fear and intimidation against the other.
 1. Assess whether one party acted in self-defense
 2. Do not arrest a party who acted in self-defense
 3. If neither party acted in self-defense and there is probable cause to arrest both parties, investigate and make an arrest decision regarding the predominant or most dangerous aggressor. Consider who would most likely cause the greater degree of fear and harm to the other if left unrestrained. *(See Appendix 1C: Interventions with Victims of Battering as Suspects or Defendants.)*
 4. Take the predominant or most dangerous aggressor into custody and document the probable cause determination on the secondary offender in the report.

5. The policy allows a dual arrest when an officer believes that there is a compelling public safety issue which requires the arrest of both parties and that both parties pose a significant threat of danger to each other.
3. Obtain supervisor's approval if making a decision not to arrest in a misdemeanor case without serious injury where the arrest would require placing children in foster care and there is an alternative for keeping the victim/s safe.
 1. Such a decision is most likely if the victim is too intoxicated to care for the children or the victim is not the parent or legal guardian.
 2. Document the decision not to arrest.
 3. Do not exercise this option if it would mean leaving the children with a person with a known history of serious domestic violence, or a person who does not appear capable of caring for the children.
4. Conduct the arrest swiftly and safely, once that decision has been made.
 1. Search and handcuff the suspect prior to placing him or her in the squad with an in-squad camera. Do not handcuff a suspect who is Deaf/HOH behind the back. The suspect should be handcuffed in front of the body to allow for communication.
 2. Activate the in-squad camera and recorder when the suspect is in a vehicle.
5. Make a record of all spontaneous statements by the suspect.
6. After arriving at the jail, fill out the required documents to hold the defendant. Ensure that the jail has complete and accurate information about how to contact the victim when the suspect is released.
7. After arriving at the jail, attempt to interview all arrested misdemeanor-level domestic abuse suspects in accordance with *Appendix 3D: Training Memo—Miranda Rights and Domestic Violence Cases*.
 1. An investigator will interview gross misdemeanor and felony suspects.
 2. Record all in-custody interviews.
8. Do not attempt to make a custodial interview of a non-English speaking suspect without the assistance of a qualified interpreter. It is permissible to use a video or telephonic interpreter or a bi-lingual officer who is a qualified interpreter in accordance with *Appendix 1H: Training Memo: Building*

*Language Access for the Deaf Community into the Criminal Legal System
Response to Domestic Violence.*

F. Evidence Collection – General

1. Collect and process all relevant evidence from the scene.
2. Photograph injuries and note bruises or other injuries that may require follow-up by investigators.
3. Obtain a medical release from the victim and information about where medical treatment will be sought. If the victim is LEP, provide a translated copy of the medical release, or ensure sight translation of the release by the certified interpreter. Do not assume Deaf/HOH victims are fluent in written English. Include the following information on the release:
 1. Date treatment was initially sought or will be sought to the present date
 2. Victim's authorization for release of records regarding follow up treatment
4. Photograph disarray at the scene.
5. Photograph damaged property, including all evidence seized as well as broken windows and doors, damage to vehicles, damaged telephones, and similar evidence.
6. Photograph, and if possible, collect damaged property such as broken phones, bloody or torn clothing.
7. NOTE: Do not seize a telephone if it is the only working phone available to the victim. Be aware that victims who are Deaf/HOH often communicate via text message or video and thus rely on their phones to communicate.
8. Collect electronic evidence such as text messages, email, voicemail, etc.

G. Strangulation – Investigation and Evidence Collection

1. Be alert to the signs and symptoms of strangulation.
2. If the victim has any of the symptoms of strangulation, dispatch emergency medical services. See *Appendix 3F: Training Memo—Law Enforcement Response to Strangulation* regarding medical care.
3. Conduct an initial interview of the victim regarding the method of strangulation and its impact, e.g., difficulty breathing, loss of consciousness.

4. If possible, talk with the suspect before making a probable cause determination. Take caution to not inadvertently arrest a person acting in self-defense.
5. Document all evidence of strangulation in the written report, using the term “strangulation” rather than “choking,” unless quoting the party interviewed.

H. Stalking – Investigation and Evidence Collection

1. Be alert to the possibility that any single report of domestic abuse could be part of a pattern of stalking behavior. Pay particular attention to repeated violations of protection orders and no contact orders.
2. Ask questions of the victim to determine if the current incident is an isolated event or part of a pattern of behavior.
3. Be aware of the possibility that actions that would not otherwise be illegal or might not cause alarm in another context could be examples of stalking behavior and respond according to *Appendix 3G: Training Memo—Law Enforcement Response to Stalking*.
4. If an arrest is made pursuant to probable cause, search the suspect’s vehicle, if present, for tools and implements used to commit stalking, kidnapping, or related crimes. If necessary, obtain a search warrant.
5. Be alert to the existence of and collect evidence specifically associated with stalking behavior, such as floral deliveries, emails, notes, cards and letters, gifts, and similar evidence.
6. Note in the report information the victim has offered regarding previous acts of stalking or harassment for follow-up by the investigator.

I. Firearms—Investigation and Evidence Collection

1. Determine the location of any firearms at the scene by interviewing the parties and witnesses.
2. Secure any weapons in plain view.
3. Seize any firearms used or threatened to be used in the incident.
4. Determine if the suspect is prohibited from possessing a firearm by verifying the existence of an Order for Protection or whether the suspect has a disqualifying criminal history.
5. Seize all firearms at the scene if the suspect is prohibited from possession.

6. Arrest the suspect if in possession of firearms in violation of the law.
7. Seek consent to temporarily seize firearms at the scene if no prohibition applies.

J. Suspect Gone-on-arrival (GOA)

1. In addition to the initial investigation procedures included in this protocol, obtain the following information when the suspect has left the scene (GOA) prior to patrol officers' arrival:
 - a. Suspect's name, date of birth, and physical description, including clothing
 - b. Whether suspect possesses or has access to a firearm, including type and description
 - c. Suspect's direction and mode of travel upon leaving the premises
 - d. Description of the suspect's vehicle, if applicable
 - e. Where the suspect might have gone
 - f. Where the suspect stays when not with the victim
 - g. Whether the suspect has ever interfered with the victim's attempts to seek help, especially from law enforcement
2. Take the following actions when the suspect has left the scene (GOA) prior to patrol officers' arrival:
 1. Search for the suspect on the premises.
 2. Search for the suspect in the immediate area and the direction and area where the suspect might have fled.
 3. Check with 911 for other addresses where the suspect might be located. Issue a squad pick-up.
 - Request that 911 air squad pick-up on all active dispatch channels.
 - Issue a be-on-the-lookout alert (specify local procedures.)
 - Note squad pick-up and alert actions in the report.
 4. Encourage the victim to call 911 if the suspect returns.
 5. Provide information to the victim about restraining orders, how to request that the prosecutor file a criminal complaint, advocacy services, and shelter.

6. Offer to transport the victim or arrange for transport to shelter or another safe place if needed.
7. Provide whatever assistance is reasonable to help the victim to secure broken doors or windows.
8. Collect and process evidence in the same manner as when an arrest has taken place.
9. Remain at the scene until the officer believes the likelihood of further violence has been eliminated.
10. After leaving the scene, when possible, drive by the residence over the next few hours and return to look for the suspect.
11. Prior to clearing the scene, ensure that the victim receives information about victim advocacy services, protection orders and how to request criminal charges. Provide written materials in the victim's preferred language. Provide sight translation to those with LEP if translated versions are not available in the victim's preferred language. Do not assume Deaf/HOH individuals are fluent in written English.

K. Victim Engagement

1. Work in collaboration with victims and provide specific support and attention to safety.
2. Notify the local advocacy program by telephone at (number) on all domestic-related arrests and gone-on-arrivals as soon as possible.

NOTE: This requires a negotiated arrangement with an advocacy group to provide such follow-up. See *Make the Call - A Toolkit for Advocacy Programs to Implement Advocacy-Initiated Response to Domestic Violence Crimes* (air.praxisinternational.org) and the Saint Paul and Ramsey County Domestic Abuse Intervention Project website for a complete description of advocacy in these cases (www.stpaulblueprintspip.org)

1. Preferred: make the referral before clearing the scene, but at the latest immediately after booking.
2. Provide the advocacy program with the following information:
 - Case number
 - Victim's name, address and phone numbers

- Victim's preferred language and method of communication
- Suspect's name and date of birth
- The charge(s) and whether the suspect was arrested
- A brief description of the incident
- Information about risk and danger, including whether the suspect possesses or has access to firearms
- Any information regarding the victim's needs (e.g., interpreter, medical treatment and facility, need for shelter)

L. Children at the Scene

1. Check on the welfare of all minors at the scene and determine:
 1. Names and **dates of birth** of any children present
 2. Presence and location of any children at the incident
 3. Physical and emotional condition of any children present
 4. Child or children's involvement in the incident, if any
2. Attempt to talk with each child at the scene and explain that the officers are there to help and to make sure everyone is safe. Do so immediately, and privately, if possible. Arrange for a qualified interpreter to aid in communication with a child with LEP or who is Deaf/HOH.
3. Be aware of how the child is responding to the situation and try to reduce the child's anxiety and fear.
4. Be alert to and document any spontaneous and relevant statements made by a child witness.
5. In general, talk to the child about what she or he saw or heard and determine if the child has been injured or directly harmed.
6. Do not use a child as an interpreter except in exigent circumstances. Arrange for a qualified interpreter as soon as the exigency has passed.
7. Do not interview a child when information available to the officer suggests that it might be harmful. Document the reasons for not interviewing the child or children in the report.
8. Consider the following in determining whether to interview children:

- a. Child's physical, emotional, or psychological ability to give a statement
 - b. Child's age and ability to understand questions and formulate responses
 - c. Non-offending parent/guardian's preferences as to whether and how to talk with the child or children
 - d. Avoid subduing or arresting a party in front of children whenever possible.
 - e. If a child witnesses the arrest, talk with the child to provide reassurance that the arrested person will be all right, the child did nothing wrong, the arrest is not their fault, law enforcement is there to help keep everyone safe for the night, and the officer is making the arrest decision.
- 9.** When the actions of the officer result in a situation where no responsible adult will be in the home to care for the children (e.g., dual arrest or a single arrest and the other parent must seek medical treatment), inquire of the custodial parent if there is someone who can be contacted to care for the children.
- 10.** Notify Child Protective Services in accordance with the requirements of Minn. Stat. § 626.556, Reporting Maltreatment of a Minor, when any of the following occur:
- a. A child has been injured as a result of an assault.
 - b. A child has been sexually abused.
 - c. A child has been neglected.
 - d. Actions taken by the officer will result in a situation where no responsible adult can be located to care for the child or children.
- 11.** Call for medical assistance or transport the child to the nearest hospital for treatment if a child has been injured and is in need of medical care.

M. Recoding Calls

1. Do not recode any call coded as a domestic by dispatch where the relationship between the parties fits the domestic relationship definition. If the relationship is unknown, do not recode.
2. If a call was coded as a domestic by dispatch and it is determined that there was no domestic relationship as defined in this policy, explain the situation in a brief entry (three to four sentences) in the CAD and recode the call appropriately.

N. Reports – Determination of Probable Cause

1. In all cases resulting in a determination of probable cause that a crime was committed, regardless of the initial coding by dispatch and including cases where the suspect has left the scene, prepare a written report that documents the items included in *Appendix 3L: Domestic Violence Patrol Report Checklist*, attached to this protocol.
2. SAFETY NOTE: If the victim is afraid that disclosure of her or his address and phone number will compromise personal safety or property, explain that a victim has a right to request that this information be non-public according to state law [Minn. Stat. § 13.82 subd.17 (d)]. If the victim requests that such information be shielded, clearly indicate on the report that the victim's address and phone number must be kept confidential from the suspect. If the victim seeks shelter, do not include the location in the report; obtain a telephone number where she can be reached in the next few days.

O. Reports – Determination of No Probable Cause

1. File a brief report as required by Minnesota § 629.341 in cases where there was a domestic relationship but no probable cause that a crime was committed or in cases where the officers could not locate the parties. File this report by entering the information listed below into the CAD system or 911documentation:
 1. A brief summary (three to four sentences) of the incident
 2. Description of the basis for the determination of no probable cause
 3. Description of the attempts to locate the parties involved, if applicable
 4. Names and dates of birth of the parties involved

P. Incidents Involving Department Employees

1. Secure the scene and address the safety needs of those present.
2. Request that a supervisor of higher rank than the officer involved be dispatched to the scene.
3. Under the direction of the on-scene supervisor, conduct a criminal investigation, make an arrest decision, and process evidence in accordance with the policy and this protocol.

4. If the arrestee is an officer from the same agency as the responding officer, the on-scene supervisor shall recover that person's badge, law enforcement identification card, and his or her service weapon.
 1. If circumstances indicate a high risk of danger or potential lethality, the supervisor shall confiscate all weapons at the scene, using the same due process as with any member of the public.
 2. If the suspect is unwilling to allow officers to take possession of the weapon or weapons, badge, and identification card, the on-scene supervisor will notify the watch commander.
 3. If the suspect is the chief of police, the senior assistant chief shall be called to the scene.
5. If the arrestee is an officer employed by an agency other than the responding officer's agency, the on-scene supervisor shall notify the suspect's agency of the arrest.
6. The on-scene supervisor shall ensure that the victim is given the required information about the victim's rights and that the referral to the local advocacy program is made in accordance with local agreement.

Q. Incidents Involving Public Figures

1. A public figure is defined as an elected official, sports figure, television or radio personality, celebrity, or other well-known person.
2. Request that a supervisor be dispatched to the scene.
3. Under the direction of the on-scene supervisor, conduct a criminal investigation, make an arrest decision, and process evidence in accordance with the policy and this protocol.
4. Notify the department's public information officer to prepare for possible inquiries from the media.
5. Take extra precautions to protect the victim's safety and confidentiality, including:
 1. Shield the victim from the media.
 2. Ensure that victim contact information is not included in the report, if so requested by the victim.

6. The on-scene supervisor shall ensure that the victim is given the required information about victims' rights and that the referral to the local advocacy program is made.

Victims who worked with advocates

were more than twice as likely to live without violence as those who did not.

– *C. Sullivan & D. Bybee (1999)*

DOMESTIC VIOLENCE PATROL REPORT CHECKLIST		
<p>Background and officers' actions:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Time of officers' arrival and time of incident <input type="checkbox"/> Relevant 911 information, including specific details about any violence or threats in the 911 call <input type="checkbox"/> Immediate statements of either party and any witnesses at the scene <input type="checkbox"/> A complete description of the scene <input type="checkbox"/> Note any existing protection or no-contact orders, probation, warrants, prior convictions <input type="checkbox"/> Summarize actions taken by responding officers (e.g., entry, arrest, non-arrest, use of force, attempts to locate, transport, advocacy contact and referrals, victim notification, seizing firearms, rationale for self-defense or primary aggressor determination) <input type="checkbox"/> Account of evidence collected (e.g., pictures, statements, weapons, other) <input type="checkbox"/> Presence of risk factors described in <i>Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases</i> <input type="checkbox"/> If an arrest was not made, the reason why <input type="checkbox"/> When possible, issue a squad pick-up and hold on GOA suspects that are on probation. 	<p>For each witness and party involved:</p> <ul style="list-style-type: none"> <input type="checkbox"/> His/her account of events and responses to follow-up questions <input type="checkbox"/> Officer observation related to the person's account of events <input type="checkbox"/> Identification, address, and means of locating the person for follow-up, including: <ul style="list-style-type: none"> <input type="checkbox"/> Home address and phone number <input type="checkbox"/> Place of employment, work address and phone number <input type="checkbox"/> Cell phone number(s) <input type="checkbox"/> Relationship to other parties <p>For each party involved:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Injuries or impairment, (including pain, strangulation effects, breathing, movement impairment) <input type="checkbox"/> Emotional state/demeanor <input type="checkbox"/> Acts of intimidation or aggression <input type="checkbox"/> Access to, presence or use of weapons, including type, description and location of firearms and/or other weapons <input type="checkbox"/> Alcohol or drug consumption and impairment of those involved 	<p>Information from the victim, including history of violence and stalking and contact information:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Responses to the 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"/> Threats to the victim for seeking help, particularly from law enforcement or courts, and stalking behaviors Name and phone numbers of someone who can always reach the victim (NOTE: Record victim contact information in the confidential section of the report and on the <i>Victim Information Form.</i>) <input type="checkbox"/> Inform the victim that every effort will be made to protect this information, but that it is possible that the suspect could gain access via court order
<p>Additional information related to the suspect:</p> <ul style="list-style-type: none"> <input type="checkbox"/> GOA: details about where the suspect might be and where he/she stays when not at the address of the incident; physical and vehicle descriptions; aliases <input type="checkbox"/> Suspect's county and state of residence during the past ten years <input type="checkbox"/> Whether Miranda is given and/or request for attorney and when this occurred <input type="checkbox"/> Whether a custodial taped interview of the suspect was conducted <input type="checkbox"/> Any spontaneous statements given by the suspect after the arrest 	<p>Additional information related to the case:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Details regarding presence, involvement, and welfare of children at the scene <input type="checkbox"/> Existence of language, communication, or cognition barriers, whether an interpreter was used, and whether the interpreter was telephonic, bilingual officer or other in person interpreter; include contact information <input type="checkbox"/> Medical help offered or used, facility, and medical release obtained with victim's SSN and appropriate boxes checked <input type="checkbox"/> Presence or involvement of elderly people or people with disabilities 	

Protocol 2: Victim Engagement Guidelines

A. Work in collaboration with victims, cognizant of the principles of “continuing engagement,” as addressed in the training memo accompanying this protocol.

1. Communicate in the victim’s preferred language and method of communication in accordance with agency policy and *Appendix 1H: Training Memo: Building Language Access for the Deaf Community into the Criminal Legal System Response to Domestic Violence*.
2. Whenever possible, minimize the victim’s need to confront the offender.
3. When using information provided by the victim, protect her or him from retaliation.
4. Treat each interaction with the victim as an attempt to build collaboration over multiple interventions.
5. Be mindful of the complex and often dangerous implications of a victim’s cooperation with the legal system.
6. Be aware that the fundamental purpose of battering, which characterizes the majority of domestic violence criminal cases, is to control what the victim says, thinks, feels, and does. Victims are rarely in a position to “tell all,” although they may do so in unguarded moments. Take great care to not endanger victims with what they have shared about the offender, the abuse and their situation.
7. Engage in dialogue with the victim, thereby avoiding inadvertently treating her or him simply as an information source.
8. In order to avoid unintentionally replicating or reinforcing the actions of the abuser, offer a clear alternative to messages that the victim is crazy, at fault, unbelievable, and unable to make decisions and that the abuser is unstoppable.

B. Victim engagement guidelines for patrol officers:

In responding to domestic violence–related calls, conducting the on-scene investigation, and interacting with victims and suspects, take the following specific actions, as appropriate to the circumstances of the case and victim safety:

1. Do not tell the perpetrator what the victim has told officers.
2. Do not ask for immigration status.

3. If a language barrier exists, expect the interaction to take more time. Be sure to emphasize to a person with LEP or who is Deaf/HOH that an interpreter will be provided at no cost. Be aware of the difficulties in communicating if the individual declines interpreter services and exercise patience.
4. Do not ask the victim if she or he:
 - Wants the suspect arrested
 - Will testify in court
 - Will sign a citizen's arrest form
5. Remain at the scene until the likelihood of further imminent violence has passed.
6. Recognize that remaining calm and professional even if the victim is upset or hostile will enable officers to obtain better information.
7. Recognize that the need for assistance may continue beyond the current incident and that the officer's response will influence whether the victim will view law enforcement as a resource for ending the violence in the future.
8. Reassure the victim that he or she can continue to call law enforcement if necessary. This is especially true for victims who seem hostile to intervention.
9. Be cognizant of the victim's need for privacy and dignity by allowing her or him to change clothes if needed, shielded from on-lookers.
10. Obtain a phone number of someone who will always know how to reach the victim and record that number on the Victim Information Form in accordance with department procedure.
11. Provide victim with information about shelter, orders for protection and other community resources in plain language; preferably a card that provides notice of the domestic abuse victim's rights (Minn. Stat. § 629.341 subd.3). Provide any written materials in the victim's preferred language. Provide sight translation to those with LEP if translated versions are not available in the victim's preferred language. Do not assume Deaf/HOH individuals are fluent in written English.
12. Recognize that for a variety of reasons a victim may appear hostile to officers even if she or he asked for help. If officers are patient and calm in the face of that hostility it will often dissipate over time; that is, initial hostility is likely to dissipate three or four calls later, but probably not five or ten minutes later.

13. Recognize that victims are most likely to disclose abuse to the responding officer immediately following an assault. Most of the information on lethality and risk will be disclosed at this point in time. Become familiar with *Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases* and the accompanying *Appendix 1B: Training Memo—Risk and Dangerousness*, and use them to focus questions about risk.
14. Recognize that the officer's need for specific information may compete with the victim's need to talk on his or her own terms.
15. Recognize that better information is usually obtained by asking open-ended questions and following up on responses to those questions.
16. Reassure the victim that the violence is not her or his fault, that she or he did the right thing by calling law enforcement, and that officers will take appropriate action to protect the victim.
17. Provide messages of help, reassurance, and protection.

C. Victim engagement guidelines for investigators:

In conducting the investigation and interacting with victims and suspects, take the following specific actions, as appropriate to the circumstances of the case and victim safety.

1. Do not tell the suspect what the victim has told you.
2. If circumstances allow, do not tell the suspect you have spoken to the victim.
3. Treat each contact with the victim as an opportunity to build a continuing relationship.
4. Be patient with victims who may be hostile and less than appreciative of your efforts. Over time, if treated well, most victims will participate in a collaboration to stop the violence.
5. Ensure that the victim knows who you are and how to contact you, including providing accessible means of contact for those with LEP or who are Deaf/HOH.
6. Encourage the victim to report contact, abusive behavior and/or violations by the suspect.
7. Request that the victim report any threats made by the offender for cooperating with the investigation.

8. Inform the victim of the importance of keeping a record of mail, voice mail, e-mail, text messages, and other communication and contact from the suspect or others acting on the suspect's behalf.
9. Inform victim of the availability of periodic "welfare" checks at her or his residence by officers.
10. Problem solve with the victim around enhancing safety as the case proceeds through the legal system.
11. If the victim is willing to talk about the full scope of abuse and violence, ask for details and record all credible reports of violence, stalking, coercion, intimidation, and related acts of abuse
12. Inform the victim of the availability of community services that will support and enhance safety.
13. Ask open-ended questions—more likely to produce information than narrow questions.
14. Provide the victim with the phone number of the local advocacy program for safety planning and services. (See *Appendix 1C: Training Memo—Interventions with Victims of Battering as Suspects or Defendants* for referrals involving victims who are suspects.)
15. If the victim and/or witnesses are Deaf/HOH, LEP or prefer communicating in a language other than English, arrange for a qualified interpreter.
16. For follow-up interviews, do not use neighbors or family members (specify local procedures for interpreter services).
17. Provide messages of help, reassurance, and protection, using the guidance provided by Appendix 3K: Training Memo—Victim Engagement and the Law Enforcement Response to Domestic Violence.

LAW ENFORCEMENT—CONDUCTING INVESTIGATIONS

FRAMEWORK: CONDUCTING INVESTIGATIONS IN DOMESTIC VIOLENCE-RELATED CASES

Investigators build upon and expand the initial evidence collection and attention to danger and risk provided by patrol officers. The subsequent investigation can be a critical factor in determining whether a prosecutor can take action in ways that minimize the victim’s direct participation in the prosecution and need to confront the offender. Evidence developed by the investigator can make it possible to pursue charges related to witness tampering and to actions of violence that are associated with increased risk and lethality, such as stalking, strangulation, and sexual coercion and aggression.⁷

POLICY: CONDUCTING INVESTIGATIONS

In addition to adhering to general department policy, the investigative unit will take the following actions in conducting investigations in domestic violence–related cases, using the protocols and appendices referenced and included as part of this policy.

- 1. Implement the provisions of this policy in accordance with **Protocol 3: Domestic Violence Investigations.****
- 2. The supervisor shall promptly review every domestic violence–related report where an officer has determined that probable cause exists that a crime was committed and assign the case for follow-up investigation; or send the report to the charging attorney with no further investigation.**
- 3. In cases where a primary investigation centers on a non-domestic crime but a domestic violence–related crime was also involved in the case, fully investigate the domestic-related crime.**
- 4. Conduct investigations supplementing the initial law enforcement investigation at the scene.**
- 5. Prioritize investigation of cases where the suspect is gone-on-arrival in the same manner as in-custody cases and take victim safety into account.**

6. Engage with the victim or victims in a way that prioritizes safety, offers resources, builds collaboration over time, and increases access to services and protection in accordance with **Protocol 2: Victim Engagement Guidelines**.
7. Conduct investigations involving victims and suspects with limited English proficiency (LEP), are Deaf/Hard of Hearing (HOH), or those who prefer communicating in a language other than English, using the assistance of video or telephonic interpreters, qualified in-person interpreters, or bi-lingual officers who are qualified interpreters. Use the victim and suspect's preferred method of communication.
8. If a case that the investigator believes has strong merit is declined by the prosecuting authority, request the specific reason for the decision to decline and explore the possibility of further investigation to support prosecution. If the prosecutor remains reluctant to proceed with the case, discuss it with the investigative unit supervisor for further follow-up.

The unit supervisor shall review cases regularly as appropriate with the prosecutor's office and shall meet quarterly with prosecutors to review and discuss recurring issues.

9. In cases where the prosecutor has insufficient evidence to charge the case but believes that further investigation would likely produce enough evidence to charge, the prosecutor will designate the case for release pending further investigation and return the case to the investigator specifying what additional investigation actions should be taken and designating a time period in which to gather the information.

If there is still insufficient evidence to charge at the end of the additional investigation period, the prosecutor will decline the case and promptly inform the investigator.

10. Be alert for crimes that often occur in domestic violence situations and investigate according to the related training memos; such crimes include:
 - a. Stalking/harassment
 - b. Strangulation
 - c. Sexual coercion and sexual aggression
 - d. Witness tampering

- 11.** Conduct all investigations involving department employees and law enforcement personnel as suspects, in accordance with this policy and protocol.
- 12.** Conduct all investigations involving a public figure in accordance with this policy and protocol, regardless of the socioeconomic status or prominence of the suspect.
- 13.** Determine if the suspect is on probation; if so, notify probation of the circumstances of the case, including any offenses where the suspect left the scene and has not been located.

Appendices to Policy on Conducting Investigations

The following appendices are included as part of the investigation policy:

- *Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases*
- *Appendix 1B: Training Memo—Risk and Dangerousness*
- *Appendix 1C: Training Memo—Interventions with Victims of Battering as Suspects or Defendants*
- *Appendix 1E: History of Domestic Violence Summary*
- *Appendix 1G: Training Memo: Enhancing a Coordinated Response to the Intersection of Domestic Violence Crimes and Access to Firearms*
- *Appendix 1H: Training Memo: Building Language Access for the Deaf Community into the Criminal Legal System Response to Domestic Violence*
- *Appendix 3E: Training Memo—Implications of Crawford and Forfeiture by Wrongdoing*
- *Appendix 3F: Training Memo—Law Enforcement Response to Strangulation*
- *Appendix 3G: Training Memo—Law Enforcement Response to Stalking*
- *Appendix 3H: Training Memo—Response to Children in Domestic Violence–Related Calls*
- *Appendix 3I: Training Memo—How a Defense Attorney Reads a Domestic Violence–Related Report*
- *Appendix 3J: Training Memo—How a Prosecutor Reads a Domestic Violence–Related Report*

- *Appendix 3K: Training Memo—Victim Engagement and the Law Enforcement Response to Domestic Violence*
- *Appendix 3O: Follow-up Investigations and Expanded Attention to Risk*

See the Blueprint Supplement for appendices referenced in the policy and protocols. All training memos are based on Minnesota law. Other jurisdictions should make modifications as necessary.

Protocol 3: Domestic Violence Investigation

A. Case Assignment

1. Regardless of whether the offender is in custody or out of custody (GOA), cases with one or more of the following factors will receive the highest priority in case assignment:
 - a. An imminent time deadline before which the suspect must be charged or released
 - b. Significant injury or impairment
 - c. Strangulation or stalking behavior has been alleged
 - d. A victim's response to risk questions indicates significant risk of harm
 - e. A victim expresses fear of imminent bodily harm
2. Cases with one or more of the following factors will receive secondary priority in case assignment:
 - a. Minor injury or no injury, except where the prosecutor has requested an investigation
 - b. No indication of ongoing abuse or victim intimidation by the suspect
3. No follow-up investigation will be assigned on cases involving:
 - a. Misdemeanors where the initial investigation is complete
 - b. Cases without probable cause
4. Follow-up investigation for in-custody misdemeanor cases will occur after charging at the request of the city attorney.
5. Cases shall be evaluated for multiple charges and joint investigation.
 - a. The investigative unit supervisor shall evaluate cases for multiple charges, both domestic-related and non-domestic-related.

- b. If there is the possibility of multiple charges, the investigator will thoroughly investigate all crimes.
6. If it appears that the suspect is a victim of ongoing abuse by the victim of this incident, assign the case to an investigator with instructions to follow the procedures in *Appendix 1C: Training Memo—Interventions with Victims of Battering as Suspects or Defendants*.

B. Investigation

1. Identify and obtain contact information for witnesses if not included in the incident report.
2. Conduct follow-up interviews with and obtain statements from witnesses, including the person who called 911 and children, if the initial interview was incomplete or missing important information. Arrange for a qualified interpreter to communicate in the person's preferred language and manner of communication in accordance with agency policy and *Appendix 1H: Training Memo: Building Language Access for the Deaf Community into the Criminal Legal System Response to Domestic Violence*.
 - a. Children and other family members are not qualified interpreters.
 - b. Advocates should not be relied upon to act as interpreters.
3. Apply the following considerations in determining whether to conduct follow-up interviews with children:
 - c. The child's physical, emotional, or psychological ability to give a statement
 - d. The child's age and ability to understand questions and formulate responses
 - e. The non-offending parent or guardian's preferences as to whether and how to talk with the children.
4. Arrange for a follow-up interview with the victim.
 - a. Inquire about her welfare and safety.
5. Provide referral information regarding advocacy support, restraining orders, and other community supports.
6. Conduct a thorough interview with the victim that includes attention to:
 - a. Her or his account of events surrounding the incident

- b. The extent to which the victim feels uneasy about providing information to law enforcement and if so, why
 - c. The extent to which the suspect has ever warned the victim about talking with law enforcement or outsiders for help, now or in the past, and the specifics of any threats or warnings
 - d. Initial and continuing treatment of injuries
 - e. Indicators of stalking
7. Conduct the domestic violence risk assessment with the victim, in accordance with *Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases*, *Appendix 1B: Training Memo—Risk and Dangerousness* and *Appendix 1C: Training Memo—Interventions with Victims of Battering as Suspects or Defendants*.
- a. Review the victim's response to the risk questions included in the patrol report.
 - b. If it appears there is a history of violence, ask follow-up risk questions. Cover the following risk factors and as time allows probe for what the victim thinks are the risks associated with each factor.
 - Does he/she own or have access to a gun?
 - Have you left after living together?
 - Does he/she ever try to strangle 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?
 - 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, whether or 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?
8. In the victim interview and risk assessment, probe for details related to:
 - a. Severity and frequency of abuse
 - b. Victim's level of fear
 - c. Isolation
 - d. History of violence (whether or not it resulted in law enforcement contact)
 9. Follow up on any indications or suspicions of strangulation, stalking, witness tampering, or sexual coercion or aggression.
 10. Record all statements as required by law and in other situations whenever possible.
 11. Obtain all medical reports after verifying signed release.
 12. Run a comprehensive criminal history check, including MNCIS, to obtain juvenile history in order to determine correct offense level and indications of stalking.
 13. Document all history of abuse by obtaining:
 - a. Past law enforcement reports on the offender
 - b. Past and current protection orders including the Petition and Affidavit portion, and any existing no contact orders issued by a criminal court
 - c. In cases of stalking or increased risk of harm (per risk assessment), law enforcement reports from other jurisdictions within and outside the state
 - d. NOTE: Gathering law enforcement reports from other jurisdictions may occur after charging, but before pre-trial in order to amend charges if appropriate prior to pre-trial negotiations.
 - e. A copy of *Appendix 1E: History of Domestic Violence Summary*.
 14. Collect all evidence related to the case, including:
 - a. Follow-up photographs of injuries at 24, 48, and 72 hours in cases where bruises may develop after the initial response

- b. Physical evidence not collected by the responding patrol officers
- c. Any weapons used or threatened to be used in the incident, or if the suspect is prohibited from possessing firearms

NOTE: If the incident included threats to kill, highlight threats for prosecution so a request can be made for seizure and/or no possession of weapons as a condition of release.

- d. Recordings/printouts of relevant voice mail, e-mail, text messages, etc.
15. Make note of information missing from the patrol reports and convey incomplete reports to the investigative unit supervisor. The investigative unit supervisor will return incomplete reports to appropriate patrol commander for review and a supplement, if necessary.
16. Make immediately available to the probation officer conducting a presentence investigation the following information:
- a. Instant offense
 - b. All information related to the criminal history check and history of abuse
 - c. Responses to the victim interview and risk questions, with attention to the type, severity, and frequency of violence; the victim's level of fear and degree of isolation
 - d. All supplemental reports of interviews with witnesses

C. Gone-on-arrival (GOA) cases

1. In cases where the offender was not arrested at the scene, cases with one or more of the following factors will receive the highest priority:
 - a. Significant injury or impairment
 - b. Witness tampering, strangulation or stalking behavior has been alleged
 - c. A victim's response to risk questions indicates increased risk of harm
 - d. A victim expresses fear of imminent bodily harm
2. Follow Section B-Investigation of the protocol in conducting the investigation of GOA cases.
3. Before interviewing the victim, determine if the victim is safe and able to speak freely.
4. Inform the victim that the investigator will attempt to interview the suspect.

5. Take the following actions when interviewing a suspect who is out of custody/GOA:
 - a. Conduct the interview in person so that suspect reactions can be assessed. Arrange for a qualified interpreter if the suspect is Deaf/HOH, LEP or prefers to communicate in a language other than English.
 - b. Notify the victim if the investigator assesses increased risk of harm and assist the victim in problem-solving regarding enhancing her/his safety.
6. Determine whether the suspect is on probation for a misdemeanor offense; if so, consider forwarding the incident report and contacting the probation officer to discuss whether a pick-up-and-hold should be issued.
7. If the charge is a felony, issue a pick-up-and-hold.
8. When the suspect is in custody, conduct the suspect interview at the jail.
9. Notify the victim of the prosecutor's charging decision.
 - a. Ensure that the victim has information regarding advocacy and civil protection orders.
 - b. Encourage the victim to call law enforcement again if new incidents occur.

D. Victim engagement

1. In conducting the investigation, work in collaboration with victims according to **Protocol 2: Victim Engagement Guidelines**.
2. When using information provided by the victim, protect her/him from retaliation.
 - a. Do not tell the suspect what the victim has told you.
 - b. If circumstances allow, do not tell the suspect you have spoken to victim.
3. Ensure that the victim knows who you are and how to contact you. When contacted by a victim with LEP, who is Deaf/HOH or prefers communicating in a language other than English, arrange for a qualified interpreter.
4. Encourage the victim to report contact, abusive behavior and/or violations by the suspect.
5. Request that the victim report any threats against her/him for cooperating with the investigation.

6. Inform the victim of the importance of keeping a record of mail, voice mail, e-mail, text messages, and other forms of communication and contact from the suspect or others acting on the suspect's behalf.
7. Inform the victim of the availability of periodic "welfare" checks at her/his residence by officers.
8. Problem solve with the victim around enhancing safety as the case proceeds through the legal system.

E. Declined cases

1. Notify the victim of the prosecutor's decision. Arrange for an interpreter when providing verbal notification to those who are Deaf/HOH, LEP or prefer to communicate in a language other than English. Provide written notification in the victim's preferred language or arrange for sight translation if their preferred language is not available.
2. When the prosecutor declines a case the investigator believes has merit, he or she should discuss the case with the supervisor and then contact the charging attorney to discuss the reason for declining the case and explore the possibility of further investigation.

If the charging attorney indicates additional investigation might result in charges, continue the investigation as requested by the prosecutor.

3. After a prosecutor's initial decision to decline the case, if the investigator concludes the case has strong merit, he or she may request supervisory approval to retain the case and gather additional evidence to improve the possibility of charging.
4. If the case is finally declined by the prosecutor as a felony and transferred to another prosecuting authority as a misdemeanor, the investigator shall be informed of the transfer and contact the new charging attorney to discuss the case.

F. Stalking

1. Investigate allegations or indications of stalking according to guidance provided in *Appendix 3G: Training Memo—Law Enforcement Response to Stalking*.
2. Keep in mind that often cases are not charged as stalking until after arraignment.

G. Strangulation

1. Investigate allegations or indications of strangulation according to guidance provided in *Appendix 3F: Training Memo—Law Enforcement Response to Strangulation*.

H. Sexual coercion and aggression

1. Review the officer's report for indications of or references to sexually coercive or aggressive behavior.
2. Interview the victim with sensitivity to the complexity of revealing sexual aggression or coercion.
3. Consult with an advocate if sexual coercion or aggression is indicated in the initial report.

I. Firearms

1. In cases where the suspect has access to firearms, seek the assistance of a community-based advocate to talk with the victim about associated risks.
2. Inquire into firearms access and possession in all cases, including those where access has not previously been disclosed.

J. Cases involving employees

1. Conduct the investigation following general policies and procedures and this protocol.
2. If patrol has not already done so, the investigative unit supervisor shall notify the supervisor of the suspect's unit as soon as possible after the incident.
3. Contact local advocacy program for assistance in referring the victim for safety planning and services.
4. Deliver all reports and information obtained to the suspect's commander at the completion of the investigation.
5. Refer all incidents involving law enforcement personnel for review by the prosecuting authority.
6. In appropriate cases, discuss referring case to the state crime bureau or another jurisdiction with an investigative unit supervisor.

K. Cases involving public figures

1. Conduct the investigation following general policies and procedures and this protocol.
2. Coordinate with and refer media inquiries to the department's public information officer.
3. Shield the victim from media inquires.
4. Omit victim contact information from the report if requested by the victim.
5. Contact local advocacy program for assistance in referring the victim for safety planning and services.

LAW ENFORCEMENT—SUPERVISING INVESTIGATIONS

FRAMEWORK: SUPERVISING INVESTIGATIONS IN DOMESTIC VIOLENCE-RELATED CASES

Supervisory oversight of domestic violence investigations ensures that this link in the interagency response works to its fullest potential.⁸ Oversight should reinforce thorough evidence collection, attention to risk and danger, and strategies that minimize the need for a victim to confront the offender. Oversight should emphasize proper investigation and documentation to accurately charge a case. In addition to the responsibility of the supervising investigators who follow up on patrol reports, the commander of the investigative unit in charge of domestic violence cases also assists patrol supervisors in maintaining the quality of patrol reports and helps maintain connections between the department and other intervening agencies.

POLICY: SUPERVISING INVESTIGATIONS

In addition to following general agency procedures covering supervisory oversight of investigations, the investigative unit supervisor will take the following actions in providing supervisory oversight of investigations in domestic violence–related cases, using the protocols and appendices referenced as part of this policy.

1. Implement the provisions of this policy in accordance with **Protocol 4: Supervising Investigations**.
2. Monitor investigative files to determine if all necessary actions were taken in the investigation, including whether the department’s language access policy was followed, and direct any necessary follow-up.
3. Prepare a report outlining whether patrol reports sent to the investigative unit comply with the patrol report protocol.
4. Meet every other month with division commanders to discuss quality and compliance of patrol reports with the protocol and refer reports to commander for review and redrafting if necessary.
5. Meet quarterly with the city and county attorney’s offices to discuss and review problematic cases.

6. Meet quarterly with probation and prosecution to ensure the History of Domestic Violence Summary (see *Appendix 1D: History of Domestic Violence Summary Instructions and Sample*) is being created and updated in accordance with protocols.
7. Meet quarterly with representatives from law enforcement, the Sheriff's Office, prosecution, and community-based advocates to discuss and review randomly selected cases to assess compliance with policy and protocol.
8. Prepare a quarterly case tracking report to be sent to the assistant chief of the investigative division.
9. Consult with investigators on individual cases.
10. Review Blueprint policies, protocols, and training memos with new investigators assigned to the unit within 30 days of their assignment.
11. Ensure that the general agency language access plan includes guidance for investigators on how to access interpreters and translators (See *Appendix 1H: Training Memo: Building Language Access for the Deaf Community into the Criminal Legal System Response to Domestic Violence*), including budgeting for interpreter and translator costs. Ensure that written materials used to communicate information and resources are available in the most common languages spoken in the community.
12. Update policies and protocols each year pursuant to legislative, statutory changes.

The following appendices are included as part of the policy and protocol on supervising investigations:

- *Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases*
- *Appendix 1B: Training Memo—Risk and Dangerousness*
- *Appendix 1C: Training Memo—Interventions with Victims of Battering as Suspects or Defendants*
- *Appendix 1D: History of Domestic Violence Summary Instructions and Sample*
- *Appendix 1G: Training Memo: Enhancing a Coordinated Response to the Intersection of Domestic Violence Crimes and Access to Firearms*

- *Appendix 1H: Training Memo: Building Language Access for the Deaf Community into the Criminal Legal System Response to Domestic Violence*
- *Appendix 3E: Training Memo—Implications of Crawford and Forfeiture by Wrongdoing*
- *Appendix 3F: Training Memo—Law Enforcement Response to Strangulation*
- *Appendix 3G: Training Memo—Law Enforcement Response to Stalking*
- *Appendix 3H: Training Memo—Response to Children in Domestic Violence–Related Calls*
- *Appendix 3I: Training Memo—How a Defense Attorney Reads a Domestic Violence–Related Report*
- *Appendix 3J: Training Memo—How a Prosecutor Reads a Domestic Violence–Related Report*
- *Appendix 3K: Training Memo—Victim Engagement and the Law Enforcement Response to Domestic Violence*
- *Appendix 3M: Supervising Domestic Violence Investigations—Case Review Checklist*
- *Appendix 3O: Follow-up Investigations and Expanded Attention to Risk*

See the Blueprint Supplement for appendices referenced in the policy and protocols. All training memos are based on Minnesota law. Other jurisdictions should make modifications as necessary.

Protocol 4: Supervising Investigations in Domestic Violence–Related Cases

1. Ensure that every investigator is familiar with policies and procedures.
2. Review investigation files for thoroughness and if not satisfactory return to the investigator with specific instructions on actions to take.
3. Provide consultation to investigators on cases as needed.
4. Monitor investigations to determine if additional training is necessary in the following areas:

- a. Investigative techniques (e.g., interviewing, self-defense and predominant aggressor evaluation)
 - b. Specifics arising in domestic violence-related cases, including laws restricting access to firearms
 - c. Understanding and utilizing the language access policy and working with interpreters
5. If additional training is warranted, direct the investigator to appropriate training and continue monitoring to determine effectiveness of training.
 6. Compile and submit a case tracking report that includes:
 - a. Number of cases investigated
 - b. Number of cases charged (misdemeanors, gross misdemeanors, and felonies)
 - c. Number of cases declined (misdemeanor, gross misdemeanor, and felonies)
 - d. Number of incomplete patrol reports returned
 - e. Concerns that need to be resolved and anticipated challenges
 7. Review Blueprint policies, protocols and training memos with new investigators assigned to the unit within 30 days of assignment.
 8. Update Blueprint policies and protocols yearly to comply with legislative statutory changes.
 9. Assistant Chief will review five to ten randomly selected files every six months for completeness, using the case review checklist appended to this protocol.
 - a. Number of cases investigated
 - b. Number of cases charged (misdemeanors, gross misdemeanors, and felonies)
 - c. Number of cases declined (misdemeanors, gross misdemeanors, and felonies)

LAW ENFORCEMENT—SUPERVISING THE PATROL RESPONSE

FRAMEWORK: SUPERVISING THE PATROL RESPONSE TO DOMESTIC VIOLENCE-RELATED CASES

The success of the interagency approach hinges largely on what happens in the first hour of each case. The patrol officer’s role in laying a foundation for all subsequent interventions cannot be over-emphasized. Patrol supervisors, in turn, relay the department’s priorities and expectations, thereby reinforcing the interagency response and the patrol officer’s key role. This is accomplished by supervisors periodically attending domestic violence calls at the scene, reviewing reports on a daily basis, and providing more in-depth review of reports as needed to maintain the department’s report-writing standards and reinforce the importance of thorough patrol reports to the overall safety and accountability goals of the interagency approach.

POLICY: PATROL SUPERVISION

In addition to following general agency policy, patrol sergeants and department command will take the following actions in providing supervisory oversight in domestic violence–related cases, using the protocols and appendices included in this policy.

1. Implement the provisions of this policy in accordance with **Protocol 5: Supervising the Patrol Response to Domestic Violence**.
2. Monitor responding officers’ on-scene activities and compliance with policy by periodically appearing on the scene of domestic calls and assessing the patrol response.
3. Review patrol reports for accuracy and completeness, including compliance with the department’s language access policy, using *Appendix 3N: Supervising Patrol Response to Domestic Violence—Patrol Report Checklist*.
4. Respond to patrol officers’ requests to approve decisions to not arrest in misdemeanor cases where probable cause has been established.

5. Respond to department employee–involved domestic violence calls by ensuring that a supervisor of higher rank than the involved officer is dispatched to the scene.
6. Ensure that patrol officers receive and are introduced to domestic violence response policies and protocols and related appendices and training memos.
7. Ensure that the general agency language access plan includes guidance for patrol officers on how to access interpreters and translators (See *Appendix 1H: Training Memo: Building Language Access for the Deaf Community into the Criminal Legal System Response to Domestic Violence*), including budgeting for interpreter and translator costs. Ensure that written materials used to communicate information and resources are available in the most common languages spoken in the community.

The following appendices are included as part of the policy and protocol on supervision of patrol:

- *Appendix 1A: Practitioners’ Guide to Risk and Danger in Domestic Violence Cases*
- *Appendix 1B: Training Memo—Risk and Dangerousness*
- *Appendix 1C: Interventions with Victims of Battering as Suspects or Defendants*
- *Appendix 1D: History of Domestic Violence Summary Instructions and Sample*
- *Appendix 1G: Training Memo: Enhancing a Coordinated Response to the Intersection of Domestic Violence Crimes and Access to Firearms*
- *Appendix 1H: Training Memo: Building Language Access for the Deaf Community into the Criminal Legal System Response to Domestic Violence*
- *Appendix 3A: Training Memo—Law Enforcement Response to Persons with Disabilities*
- *Appendix 3B: Training Memo—Gone-on-Arrival (GOA) Cases*
- *Appendix 3C: Training Memo—Making the Arrest Decision*
- *Appendix 3D: Training Memo—Miranda Rights and Domestic Violence Cases*
- *Appendix 3E: Training Memo—Implications of Crawford and Forfeiture by Wrongdoing*
- *Appendix 3F: Training Memo—Law Enforcement Response to Strangulation*

- *Appendix 3G: Training Memo—Law Enforcement Response to Stalking*
- *Appendix 3H: Training Memo—Response to Children in Domestic Violence–Related Calls*
- *Appendix 3I: Training Memo—How a Defense Attorney Reads a Domestic Violence–Related Report*
- *Appendix 3J: Training Memo—How a Prosecutor Reads a Domestic Violence–Related Report*
- *Appendix 3K: Training Memo—Victim Engagement and the Law Enforcement Response to Domestic Violence*
- *Appendix 3L: Domestic Violence Patrol Report Checklist*
- *Appendix 3N: Supervising Patrol Response to Domestic Violence—Patrol Report Checklist*

See the Blueprint Supplement for appendices referenced in the policy and protocols. All training memos are based on Minnesota law. Other jurisdictions should make modifications as necessary.

Protocol 5: Supervising the Patrol Response to Domestic Violence

1. Assess the on-scene patrol response to domestic violence-related calls, including:
 - a. Skill in securing the scene and managing the immediate crisis
 - b. Skill in obtaining initial information from those at the scene, including securing interpreters in accordance with agency policy and *Appendix 1H: Training Memo: Building Language Access for the Deaf Community into the Criminal Legal System Response to Domestic Violence*.
 - c. Thorough assessment and documentation of probable cause determinations
 - d. Awareness of potential stalking, strangulation, and witness tampering
 - e. Skill and thoroughness in identifying, photographing (or arranging for photographs) of injuries and relevant evidence, and collecting physical evidence
 - f. Knowledge and skill in responding to cases involving firearms

- g. Professional and competent treatment of those at the scene, including victims, children, people with disabilities, older victims, people who are LGBTQIA, people with LEP, or Deaf/HOH
 - h. Prompt referral to advocacy
 - i. Conscientious attention to the security of the victim by making reasonable efforts to secure broken doors or windows, obtain a cell phone to call 911, etc.
2. Conduct daily and ongoing reviews of patrol officers' reports.
 - a. Use the Law Enforcement Report Checklist attached to **Law Enforcement Protocol 1: Patrol Response to Domestic Violence–Related Calls**, to review daily reports submitted by officers and approve or send back for corrections.
 - b. If the suspect is in custody and the author of the report is off-duty, approve the report and notify the investigative unit supervisor of the errors in the report.
 - c. On a quarterly basis, randomly select two reports of each officer and conduct a thorough review of the reports using *Appendix 3N: Supervising Patrol Response to Domestic Violence—Patrol Report Checklist*. Where reports do not meet the standards, meet with the officers to provide feedback and guidance.
 - d. Periodically review a sample of reports submitted by officers in cases involving a determination of no probable cause to review compliance with policy and protocol.
 3. Approve officers' decisions to not arrest in misdemeanor cases where probable cause has been established in accordance with departmental arrest policy and emphasis on avoiding unnecessarily placing children in foster care as the primary reason for no arrest in such cases.
 4. In responding to department employee–involved domestic violence, take the following action:
 - a. Recover the officer's badge, ID, and service weapon.
 - b. If the situation is deemed to be highly dangerous, remove all weapons from the scene on the same basis as any member of the public.
 - c. Supervise the on-scene investigation.

5. Introduce and provide officers with appendices and training memos related to policies and protocols governing the patrol response to domestic violence cases.
 - a. Patrol sergeants: introduce each of the appendices and training memos and review them with patrol during roll call.
 - b. Post appendices and training memos via e-mail.
 - c. Direct officers to read and confirm that they have read the documents pursuant to established procedures.

CHAPTER 3 ENDNOTES

1. Risk markers that are clearly documented and clearly communicated are important for practitioners' and victims' accurate assessment of danger. (Kropp, 2008) Russell and Light suggest a focus on evidence that will prove a pattern and escalation over time (2006, p. 387). Buzawa, et al. suggest the level and conditions of an intervention could be linked to risk markers made visible for each offender (1998, p. 198).
2. Worden (2000) notes that "the quality of police report writing and investigation may spell success or failure for evidence-based prosecution initiatives" (p. 7). In Hartley and Ryan's study of prosecution strategies, they warn that "victim character assassination seemed especially intense in cases in which the investigation was incomplete or there was a lack of physical evidence" (2003, p. 16). Worden notes the importance of thorough investigation, documentation, and reporting to convictions and findings of probable cause (2000, p. 7).
3. Batterers can be very resistant to change (Goodkind, et al. 2004, p. 515); 20% of offenders will re-assault regardless of the intervention (Gondolf and White 2001, p. 361). However, a number of research studies suggest that a coordinated intervention can have a positive, even cumulative, effect on the behavior of the offender (Murphy et al., 1998, p. 278; Saunders, 2008, p. 165; Syers and Edleson, 1992, p. 484; Tolman and Weisz, 1995, p. 482; Worden, 2003, p. 13).
4. Interaction with an officer sets the tone for a victim's satisfaction with the criminal justice system, cooperation with prosecution, and inclusion of criminal justice as a future resource in safety planning (Belknap, 2003, p. 6; Hotaling and Buzawa, 2003b; Johnson, 2007, p. 507; Russell and Light, 2006). Victims who felt the police response did not provide for their safety were less likely to report re-abuse (Hotaling and Buzawa, 2003b, p. 20).

Russell and Light (2006) found that victims responded well to police when officers were proactive and part of an integrated team. Victims who were offered emergency transportation or notification of the offender's release

(Russell & Light, 2006, p. 390), certified translators and culturally appropriate resources (Lemon, 2006), or were met with a demeanor that was empathetic and nonjudgmental (Belknap, 2003) were more likely to be empowered by their interaction with the police.

Also see Chapter 1, Section 3 (A patterned crime requiring continuing engagement). Endnote #11 for discussion of continuing practitioner-victim engagement.

5. Bonomi et al. report that victims called the police when the incident involved a weapon, sexual abuse, or severe physical violence (2006, p. 1360). Buzawa et al. found that 68% of calls were made by the victim, but when third parties called, the odds of the victim having a major injury were two and one-half times higher than when a victim called directly (2000, p. 21). Senturia, et al. found that a cross-cultural population of victims contacted police when the violence escalated or they perceived an increased risk (2003, p. 35).
6. See the endnotes for Chapter 1, Section 5, (Messages of help and accountability). These endnotes reference coercion and control (#14 and #18); courtroom interactions that support or deter battering (#15); batterer entitlement (#16); and victim interactions with the criminal justice system (#20).
7. The International Association of Chiefs of Police National Law Enforcement Policy Center recommends that investigators in domestic violence cases cross-screen for sexual abuse and abuse of other household members and animals. (Thomas, 2006, p. 2) When high-risk markers are visible, Erskine (1999) argues that charges of coercion, intimidation, harassment, or stalking can be added to present a more complete picture of the nature and harm done to a victim. Fleury-Steiner, et al. (2006) found that 19% of victims in their study had been re-abused while their case was open. They note that filing charges such as witness tampering sends a powerful message to both parties about the level of protection the system will provide (p. 338).
8. Effective coordinated interagency responses to domestic violence require strong leadership (Sullivan, 2006, p. 205), active participation (Allen, 2006, p. 62) and system accountability and monitoring (Shepard and Pence, 1999).