



Chapter 4

Sheriff's Office

SHERIFF'S OFFICE

JAIL, WARRANT PROCESSING, COURTHOUSE SECURITY, FIREARMS PROCESSING AND ADMINISTRATION OF FIREARMS PROCESSING IN DOMESTIC VIOLENCE-RELATED CASES

In addition to its patrol response and investigation of domestic violence crimes, a sheriff's office generally has responsibilities for operating the jail, receiving and processing warrants, providing courtroom security, and providing guidance for removing firearms from domestic abusers. In the interagency response to domestic violence, each of these functions has a role in reinforcing the common goal of protection of and safety for individual victims and the community.

Personnel assigned to the jail are in a position to interrupt an inmate's attempts to intimidate or harass the victim via phone or written communication. Jail staff should document and report an inmate's threats or attempts to influence a victim's participation in a case. This information can assist prosecutors in pursuing charges of witness tampering that are less reliant on direct victim testimony.

The jail's careful attention to victim notification regarding the timing of an inmate's release, conditions of release, and future court appearance provides the victim information that may be used in securing her or his safety. Prompt warrant service improves controls on domestic violence offenders who may present heightened risk to individual victims, the community, and law enforcement officers. Attention to courthouse security helps minimize: victim intimidation, risk to victims, their advocates and family members; and risks that domestic violence offenders present to courthouse personnel and other interveners.

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

POLICY ON JAIL, WARRANT PROCESSING, COURTHOUSE SECURITY, FIREARMS PROCESSING AND ADMINISTRATION OF FIREARMS PROCESSING

In addition to adhering to general policies of the sheriff's office, personnel assigned to the jail, warrant processing, and courtroom security will take the following actions in domestic violence–related cases, using the protocols, appendices, and training memos referenced and included as part of this policy.

1. Implement the provisions of this policy in accordance with the following protocols, which are attached to and included as part of the policies addressing the jail, warrant processing, and courthouse security.
 - **Protocol 1: Jail Booking, Supervision, and Release**
 - **Protocol 2: Receiving and Processing Warrants**
 - **Protocol 3: Courtroom Security**
 - **Protocol 4: Receiving, Processing and Returning Surrendered Firearms**
 - **Protocol 5: Administration of Receiving, Processing and Returning Surrendered Firearms**

Jail

2. Book and release domestic violence offenders according to established procedures.
3. Protect domestic assault victims from intimidation and harassment by the suspect/defendant while in custody.

Warrant processing

4. Complete warrants promptly and accurately according to the procedures established by state statute or the state crime bureau and the FBI.
5. Use warrants to take defendants into custody in order to maintain the safety of individual victims and the community, hold offenders accountable, and ensure officer safety.

Courthouse security

6. Maintain security in the courthouse by responding to the safety needs of victims of domestic violence crimes and the general public.

Firearms processing

7. Take possession of surrendered firearms to ensure defendants' compliance with state and federal law, as well as court orders, and return when appropriate.

Administration of firearms processing

8. Develop and implement procedures for firearms surrender and return.
9. Monitor and review implementation of firearms procedures.

Appendices to Policy on Jail, Warrant Processing, Courthouse Security, Firearms Processing and Administration of Firearms Processing

The following appendices are attached to and included as part of this policy:

- *Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases*
- *Appendix 1B: Training Memo—Risk and Dangerousness*
- *Appendix 1C: Training Memo—Intervention with Victims of Battering as Suspects or Defendants*
- *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 4A: Training Memo—Safety Considerations in the Management of Domestic Violence Cases*
- *Appendix 4B: Training Memo—Receiving and Processing Warrants in Domestic Violence Crimes*

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 1: Jail Booking, Supervision, and Release

1. Booking arrested persons

- a. Determine whether the arrestee is an individual with Limited English Proficiency (LEP), is Deaf/Hard of Hearing (HOH) or prefers to communicate in a language other than English, and, if so, arrange for a qualified interpreter.
 - Determine the arrestee's preferred method of communication when booking a person who is Deaf/HOH; i.e., written communication, text messaging, or ASL (do not assume Deaf/HOH victims are fluent in written English).
- b. Verify the date and time of arrest.
- c. Book the arrested person on all charges listed in the paperwork presented by the arresting officer.
- d. Check to make sure the arresting officer has provided victim contact information, including whether it is safe to leave messages at any or all numbers provided. Record appropriately in the jail's information system. If the police report indicates that a victim is LEP or Deaf/HOH, include that information as well.
- e. Block the detainee's access to all phone numbers listed on the victim information form. (An argument can be made that the number should not be blocked unless the victim requests it.)
- f. Conduct the mental health screening per policy.
- g. Document in the detainee diary any threats he or she makes to harm the victim or others. Write an offense report and forward to the arresting agency.

2. Transferring property of detainees

- a. Upon booking, a victim or third party may retrieve keys and other items in the detainee's possession if the inmate signs a release consenting to this.
- b. Unless considered evidence, the detainee can sign a release that permits the victim or a third party to request that the impound lot release the inmate's car.

- c. If the car is owned by the victim or a party, is not evidence, and the detainee refuses to release the keys, they will be released to that person upon presentation of a court order.
 - d. If a detainee refuses to sign a release, property, keys and other items will be released to the victim or third party upon presentation of a court order.
- 3. Monitoring detainees' contact with the public**
- a. Visits
 - Visits between detainees subject to no-contact orders and their victims are prohibited.
 - Where such visits are permitted, monitor and record to prevent and to document attempts by the detainee to intimidate the victim. If the victim or defendant is LEP or Deaf/HOH and the monitor may not be able to understand the content of communication, be alert to visual cues that could indicate victim intimidation.
 - b. Written communication
 - Staff will review all correspondence from detainees charged with domestic violence–related offenses to look for evidence that they are seeking to contact their victim(s) or otherwise violate the law. If the correspondence contains threats or attempts to influence the victim with respect to his or her participation in the current prosecution, transfer such correspondence to the arresting agency.
 - Arrange for a qualified translator to review incoming correspondence written in a language other than English.
 - Any detainee found to be attempting to use or using correspondence in violation of a no-contact order will be disciplined.
 - Offenses will be documented in the detainee diary. If the detainee is subject to a no-contact order, the violation of the order will be reported to the arresting agency.
 - c. Phone calls
 - Provide phone access to detainees who are Deaf/HOH via facility-provided cell phones with text messaging capability or video phone service. If possible, block the victim's numbers upon request of the victim or if there is an existing no contact order.

- Any detainee who attempts to use or uses the phone to contact his or her victim while subject to a no-contact order, or who circumvents or attempts to circumvent the phone system to make unauthorized calls, will lose phone privileges except for calls to his or her attorney.
- A detainee restricted to attorney-only calls will be required to give jail staff the name of the attorney. Verify the name and phone number of the attorney and dial the number for the detainee.
- Document offenses in the detainee diary. If the inmate is subject to a no-contact order, report the violation of the order to the arresting agency.
- If a detainee is not subject to a no-contact order, his or her victim can request that the inmate be allowed to make contact by phone either by submitting a written request or by appearing in person and presenting photo identification.
- If a victim reports phone harassment by a detainee to jail staff, block the victim's numbers and inform the victim of the option of blocking calls from the jail. Inform the investigator assigned to the case or the law enforcement agency involved of the reported phone harassment.

4. Releasing people from custody

- a. Verify the detainee's identity by checking his or her wristband, comparing stored photo images, asking questions based on personal information, or using other means of identification as described in jail policy.
- b. Check for outstanding warrants or holds.
- c. If jail staff have a specific safety concern about an individual detainee who is about to be released because a hold has expired, the jail staff will contact the arresting agency to verify the date and time of expiration; however, the detainee cannot be held past the expiration time if staff are unable to reach the arresting agency.
- d. If a detainee is being released to the street, permit the detainee to make arrangements for transportation. Detainees subject to no-contact orders will not be permitted to contact their victims for transportation.

5. Victim notification

- a. Communicate in the victim's preferred language and method of communication.

- Use a qualified interpreter when calling a victim with LEP and a video or audio relay service when calling a person who is Deaf/HOH.
 - It is permissible to communicate via text if a victim has expressed a preference for communicating in this fashion.
 - 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.
- b. Call the victim at the number(s) obtained at the time of booking.
- c. Whenever possible, continue calling until the victim is reached directly. If he or she cannot be reached, and if the victim information indicates that a message may be left, do so at the number(s) indicated. Leave a message stating that you are a correctional officer (or deputy) calling from the (name of custodial facility) to inform the victim of the defendant's impending release.
- d. In accordance with Minn. Stat. § 629.72, inform the victim of the following:
- Time of the detainee's release
 - Conditions of release, if information provided by the court
 - Phone number of Day One's hotline (866-223-1111) and/or other domestic violence program that will connect the victim to the nearest battered women's shelter
- c. Notify the victim by mail of the above information.
- 6. Additional notifications**
- a. In accordance with Minn. Stat. § 629.72, notify any local law enforcement agencies known to be involved in the case.
- b. At the victim's request, notify the local battered women's and domestic abuse program of the inmate release information listed above.

Protocol 2: Receiving and Processing Warrants

1. Receiving warrants

- a. Court administration enters all criminal court warrants into state criminal investigative agency database and forwards paper copies to the warrant office.

- b. In adherence to state policy, enter all felony warrants into the state criminal investigative database and NCIC by the deadline established.
- c. Expedite processing of warrants upon request of other law enforcement agencies, the city or county attorney, the court, a victim advocate, or others. These requests may be prompted by knowledge that the defendant is particularly dangerous and/or knowledge of his or her whereabouts, among other factors.
- d. Prior to processing, paper warrants are available to the apprehension unit for review. If a judge has signed the warrant, the apprehension unit or other law enforcement can choose to work the warrant.

2. Processing warrants

- a. As mandated by FBI policy, priority for warrant processing goes first to felonies, then to gross misdemeanors, and finally, misdemeanors. Prioritize violent over non-violent misdemeanors.
- b. Check in warrants and enter the date and time on the warrant screen. This starts the clock running for entry into the NCIC.
- c. Create a warrant jacket to hold printouts of information about the defendant.
- d. Verify defendant's identity and criminal history.
- e. Run a new BCA criminal history each time a new warrant is issued.
- f. Check the electronic information against the paper warrant.
- g. Enter felony warrants into state criminal investigative agency database and NCIC; gross misdemeanor and misdemeanor warrants are entered into the database(s) dictated by state policy.
- h. Upon completion of processing, initial and forward to a second person for proofreading, if staff resources allow.

3. Final warrant review

- a. The deputy or deputies responsible for apprehension will review the warrant and determine whether to work it based on level and type of offense. Felonies should receive first priority, followed by violent misdemeanor and gross misdemeanor offenses.
- b. Upon request of the apprehension unit, prepare a letter notifying the defendant of the existence of the warrant and advising the defendant to

turn him or herself in. Requests for letters should not be routinely used in domestic violence cases. They should be made only when 1) to the extent that information on risk factors is available, the defendant poses little or no risk to the victim, law enforcement officers, and the general public, and 2) there is no reason to believe that the defendant will flee.

4. Apprehension team

- a. Review the warrant and determine priority based on the level and type of offense. Felonies and violent misdemeanors and gross misdemeanors receive priority.
- b. When a warrant is served on a defendant and the victim is present, give the victim the information card.
- c. Warrants for offenders who cannot be located after a reasonable amount of time and effort should be periodically reviewed as time and personnel permit. Priority for follow-up is given to warrants for violent offenders. See *Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases*.
- d. When new information becomes available (for example, from advocacy programs, victims, the law enforcement, the courts, prosecution, probation, or the public), make new attempts to locate defendants as time and resources permit; give priority to domestic violence felonies and misdemeanor domestic violence cases with high risk indicators.
- e. When high priority offenders cannot be located despite the apprehension unit's best efforts, turn over the warrant to the Fugitive Task Force of the U.S. Marshal Service or the FBI.

Protocol 3: Courthouse Security

1. General procedures

- a. For purposes of this protocol, "no-contact order" refers to any court order prohibiting contact between the victim and suspect, whether an order issued by a civil court, or a no-contact or stay-away order issued in a criminal proceeding. Contact incidental to being in the same courthouse may not be considered a violation of a no-contact order.
- b. Post signs throughout the courthouse that read as follows: "No-contact orders/orders for protection remain in effect in the courthouse. Violations

should be reported to the Sheriff's Office." Post this notice in multiple languages.

- c. If possible, obtain the daily calendar from the clerk's office and make note of which cases are domestic violence cases and whether a no-contact order is in place.
- d. Be prepared to respond to requests for assistance from victims, victim advocates, or others concerned about the possibility of victim intimidation or violations of court orders in the courthouse. Be alert to the possibility of a need for visual privacy, especially when the victim and/or defendant is Deaf/HOH. See Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases.

2. Out-of-custody calendars

- a. When a safety concern is communicated by a victim, victim advocate, or victim's representative, strongly encourage the victim to use the designated safe waiting area. If requested by the victim and as time and resources permit, escort the victim to the designated secure area. Inform the clerk in the appropriate courtroom of the victim's whereabouts.
- b. Throughout the courthouse and in the courtrooms, remain alert for any attempt by defendants to intimidate or harass victims. Be prepared to respond to requests for assistance from court personnel, victims, or victim's advocates. Recognize that such intimidation may include the use of visual contact or gestures, particularly when the parties involved are Deaf/HOH. If one person is attempting to harass or intimidate another, intervene by separating and identifying the parties, including use of sight separation when necessary. Inquire of the parties whether a no-contact order is in place.
- c. If informed of a possible violation of a no-contact order, take whatever action reasonable and necessary to address the defendant's behavior.
- d. Upon establishing probable cause, arrest that person in violation of the no-contact order, pursuant to Minn. Stat. § 518B, subd. 22.
- e. Report to the prosecutor any incident of victim intimidation or harassment by a defendant and document the intimidation or harassment as requested by the prosecutor.

- f. If a victim expresses concern for his or her safety following the court proceeding and requests the assistance of deputies, escort that person from the building as time and resources permit.

3. In-custody calendars

- a. No in-custody defendant will be allowed to pass or receive anything from anyone or have contact with anyone in the gallery, except as ordered by the judge.
- b. If a defendant attempts to intimidate the victim or others through visual contact or gestures, or if he or she is the subject of a no-contact order and attempts any verbal or visual communication with the victim, intervene immediately to stop the behavior and notify the judge and the prosecutor. If the behavior persists, remove the defendant to a holding cell until his or her proceeding is about to begin.

Protocol 4: Receiving, Processing and Returning Surrendered Firearms

1. Receiving surrendered firearms

- a. Accept surrender of firearms when presented with a court order requiring surrender.
 - Notify the court of firearms surrender or provide the individual surrendering firearms with information about how to demonstrate compliance with the court order.
- b. Provide a receipt to the individual surrendering firearms identifying the firearm or firearms being surrendered.
- c. Notify victims about the status of surrender, including compliance or noncompliance, firearms received, and future court dates set, if known.
 - Communicate in the victim's preferred language and method of communication.
- d. If Sheriff's Office personnel have reason to believe that an individual is in noncompliance, take one or more of the following actions:
 - Begin an investigation to determine whether probable cause exists to charge the defendant with a crime
 - Notify the court and request a warrant for the defendant's arrest
 - Request guidance from the court about further steps to take

2. Processing and storing firearms

- a. The Sheriff Office's Evidence Technician (ET) may use standard procedures for the storage of firearms.
- b. The ET should document the firearms surrendered, including the condition of firearms. Take digital photographs of all firearms received.
- c. Ensure storage of firearms in a climate-controlled facility to prevent damage.
- d. The Sheriff's Office may charge for the cost of storage when necessary.
- e. No firearms shall be released without a court order.
- f. The ET is responsible for the care of firearms as appropriate until they are returned or the court directs the destruction of the firearms.

3. Returning surrendered firearms

- a. The Sheriff's Office shall not release firearms, ammunition, or permits without a court order granting the release.
- b. No firearms shall be released unless the individual seeking return provides a written request along with verification that the original grounds for dispossession are moot.
- c. Upon receipt of a written request for the return of one or more firearms, staff shall conduct a background check using NCIC, the state protection order registry, and any other relevant databases in order to determine whether the person is prohibited from possessing a firearm for any reason under state, federal or tribal law.
- d. If the person is found to be prohibited from possessing a firearm for any reason whether pursuant to local, state, federal or tribal law or policy, the agency shall not return the firearm. The agency shall instead provide written notification to the person the reason for the denial of the firearm return request. Notify the court of the decision to deny return of firearms and the rationale.
- e. Contact the victim promptly and inform her or him of the return of the firearms.
- f. Communicate in the person's preferred language and method of communication.

Protocol 5: Administration of Receiving, Processing and Returning Firearms

1. Be familiar with training memo *Appendix 11: Training Memo: The Intersection of Domestic Violence and Firearms*.
2. The Sheriff, or the Sheriff's designee, will develop and implement procedures for receiving, storing and returning firearms including procedures to confirm compliance, as well as non-compliance, with surrender orders.
 - e. All procedures shall be developed to protect the safety of Sheriff's Office staff and the public, as well as the individual surrendering firearms.
 - f. Surrender procedures should be designed to encourage, rather than discourage, surrender to law enforcement over third parties.
3. The Sheriff, or the Sheriff's designee, shall designate specific department personnel to be responsible for these duties and shall identify this person or persons to the court.
4. The Sheriff or the Sheriff's designee shall provide a process for maintaining appropriate records related to firearms surrender, storage and return. On a quarterly basis, the supervisor will randomly select a sampling of files and review for compliance with procedures.
5. Meet quarterly with representatives from law enforcement, the Sheriff's Office, victim/witness services, and community-based advocates to discuss and review randomly selected cases to assess compliance with policy and protocol.
6. Review all procedures annually and revise as needed.

CHAPTER 4 ENDNOTES

[no endnotes]