

Appendix 4A

Training Memo: Safety Considerations in the Sheriff's Office Management of Domestic Violence Cases

The Ramsey County Sheriff's Office's protocols and procedures when processing domestic violence–related cases are focused on the goals of victim and public safety and offender accountability. Protocols for the jail, courthouse security and the warrant office are particularly relevant in attaining these goals.

Protecting victims from harassment by incarcerated suspects

In a case of domestic violence, the intimate nature of the relationship between assailant and victim gives the offender a degree of access to and influence over the victim not usually present in other cases of assault. Although the decision to prosecute the case is not the victim's, suspects frequently use their access to victims to persuade the victim to recant or otherwise refuse to cooperate with the prosecution. Such attempts may include professions of love and promises to reform, or intimidation and threats to harm the victim, his/her children or other family members.

When a victim for whatever reason chooses not to be involved in the case, prosecution can and does more forward, but the victim may remain in a state of fear and under the suspect's control. The court issues no-contact orders in part to protect victims from this pressure.

When a domestic violence suspect is incarcerated, no-contact orders are enforced by jail policies designed to enhance victim safety. Blocking the victim's phone number(s) at the time of booking prevents calls being made to those numbers by any inmate at the jail. Prohibiting visits between inmate and victim and monitoring inmate correspondence to ensure that the inmate does not attempt to write to the victim also enforce no-contact orders. Violations of these rules result in swift sanctions and are reported to the arresting agency.

Ensuring that victims are not subject to coercion or intimidation by their assailants enhances victim safety and reinforces the message that the community, not the victim, is responsible for holding the offender accountable.

Victim notification

An assailant whose victim called 911 during the assault may hold the victim responsible for his/her arrest and incarceration and may believe that the victim has the power to have the charges dropped. As a result, the victim may be fearful about what will happen when the suspect is released from jail. The threat of additional charges may not be enough to deter the suspect from seeking retribution and attempting to coerce the victim into recanting. Promptly notifying the victim when the suspect is about to be released allows him/her to take whatever steps he/she considers necessary to ensure safety. Notification also keeps the victim informed about the suspect's status in the justice system.

Courthouse security

Domestic violence suspects are frequently subject to no-contact orders that prohibit them both from contacting victims and from approaching within a certain distance of them. When a victim attends a court proceeding in which the suspect is making an appearance, the proximity restriction of the no-contact order cannot be enforced: the suspect is required to be in the courtroom and the victim has the right to be there. This proximity creates an opportunity for the suspect to threaten or intimidate the victim.

Courthouse security deputies can pay particular attention to the behavior of a suspect when a victim or advocate identifies him/her and expresses a concern about safety. The deputy will attempt to provide a safe waiting area for the victim before the suspect's appearance and in some cases may be able to escort him/her from the courthouse at its conclusion.

Deputies may find monitoring suspects in the public areas of the courthouse more challenging. They cannot easily determine who is a suspect, who is a victim, and which if any of the people present are have no-contact orders. It is thus important that deputies remain aware of the potential for violations of no-contact orders, alert to situations in which they might be occurring, and ready to intervene if an attempt at contact is made.

Deputies within a courtroom have access to the court calendar and so will know when a domestic violence case is to be heard. However, unless suspects are in custody, the deputy is unlikely to know which of the people in the room are subject to no-contact orders. It is important that the deputy in the courtroom be aware of the potential for violations of such orders, which may be covert. A suspect may use a certain look or gesture that appears benign to others but conveys a threat to the victim or is otherwise meant to instill fear. Both attentively monitoring suspects' behavior and responding promptly when others report harassment or intimidation are necessary to protect victims from attempts to intimidate them.

In accordance with Minn. Stat. § 518B.01, subd. 22(e), deputies will arrest suspects who violate no-contact orders. Doing so reinforces the messages that court orders will be enforced and that the community will hold offenders accountable.

Warrant processing and service

The prompt and accurate processing of warrants and their timely service enhances safety for victims of domestic violence. Warrants for crimes against persons are given priority over those for property crimes, and immediate attention is given to situations in which there is a threat of imminent harm. These priorities direct resources to apprehending the individuals who are most likely to cause further harm.

When sheriff's office personnel follow protocols designed address to unique circumstances of domestic violence victims, the community—victims, the general public, and law enforcement officers—is safer.