

- 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]