

POLICY

PATROL RESPONSE TO DOMESTIC VIOLENCE-RELATED CALLS

Framework

The patrol officer is the one of few practitioners in the criminal justice system who can come closest 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 offenders^[1] 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 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 two key tools for the responding officer. One is a practitioners' guide to risk and danger in domestic violence cases. The guide draws 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 second 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.

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 victims^[4] 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] Victim engagement is a cornerstone of the Blueprint and it begins in the first hour of the case.

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. Conduct a thorough initial investigation to determine if probable cause exists to believe a crime has been committed and identify the suspect.
5. 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.
 - 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 make a determination 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 the appendix, *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.
6. Collect and secure evidence related to the probable cause determination, regardless of whether the suspect has been arrested at the scene.
7. 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.
8. 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 the training memo, *Law Enforcement Response to Persons with Disabilities*.
 - a. 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.)
9. Identify and check on the welfare of each child at the scene and follow up as required.
10. 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.
11. Do not recode any call coded as a domestic by dispatch where the relationship between the parties fits the domestic relationship definition. A call may be recoded if it can be verified that there is no domestic relationship between the parties.

12. 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.
- a. 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.
 - b. If the suspect is the chief of police or the Sheriff, the second in command shall be called to the scene.
13. 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.

The following protocols are attached to and included as part of the patrol response policy:

- › 1: *Patrol Response to Domestic Abuse–Related Calls*

- › 2: *Victim Engagement Guidelines*

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

- *Practitioner's Guide to Risk and Danger in Domestic Violence Cases*
- *Interventions with Victims of Battering as Suspects or Defendants*

Protocols, appendices, and training memos

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

- › *Gone-on-Arrival (GOA) Cases*
- › *Making the Arrest Decision*
- › *Miranda Rights and Domestic Violence Cases*
- › *Implications of the Crawford Decision and Forfeiture by Wrongdoing for Police Response to Domestic Violence*
- › *Law Enforcement Response to Strangulation*
- › *Law Enforcement Response to Stalking*
- › *Response to Children in Domestic Violence–Related Calls*
- › *How a Defense Attorney Reads a Domestic Violence–Related Report*
- › *How a Prosecutor Reads a Domestic Violence–Related Report*
- › *Law Enforcement Response to Persons with Disabilities*
- › *Victim Engagement and the Law Enforcement Response to Domestic Violence*
- › *911 Attention to Violence*

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

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)