

POLICY

CONDUCTING INVESTIGATIONS IN DOMESTIC VIOLENCE-RELATED CASES

Framework

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, appendices, and training memos 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 the *Protocol 2: Victim Engagement Guidelines*.
7. 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.
8. 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.
9. 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
10. Conduct all investigations involving department employees and law enforcement personnel as suspects, in accordance with this policy and protocol.
11. Conduct all investigations involving a public figure in accordance with this policy and protocol, regardless of the socioeconomic status or prominence of the suspect.

12. 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.

Protocols, appendices, and training memos

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

- › 3: Domestic Violence Investigations
- › 2: Victim Engagement Guidelines

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

- *Practitioners' Guide to Risk and Danger in Domestic Violence Cases*
- *Interventions with Victims of Battering as Suspects or Defendants*
- *Sample of History of Domestic Violence Summary (HDVS)*

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

- › *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 Cases*
- › *Victim Engagement and the Law Enforcement Response to Domestic Violence*
- › *Memorandum of Understanding Regarding Exchange of Records*
- › *How a Prosecutor Reads a Domestic Violence–Related Report*
- › *How a Defense Attorney Reads a Domestic Violence–Related Report*

See the Blueprint Supplement for appendices and training memos referenced in the policy and protocols.

POLICY: CONDUCTING INVESTIGATIONS

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.