

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.

6. If it appears that the suspect is a victim of ongoing abuse by the victim of this incident, assign the case to an investigator with instructions to follow the procedures in appendix, *Interventions with Victims of Battering as Suspects or Defendants*.

B. Investigation

1. Identify and obtain contact information for witnesses if not included in the incident report.
2. Conduct follow-up interviews with and obtain statements from witnesses, including the person who called 911 and children, if the initial interview was incomplete or missing important information.
3. Apply the following considerations in determining whether to conduct follow-up interviews with children:
 - a. The child's physical, emotional, or psychological ability to give a statement
 - b. The child's age and ability to understand questions and formulate responses
 - c. The non-offending parent/guardian's preferences as to whether and how to talk with the children.
4. Arrange for a follow-up interview with the victim.
 - a. Inquire about her welfare and safety.
 - b. Provide referral information regarding advocacy support, restraining orders, and other community supports.
5. Conduct a thorough interview with the victim that includes attention to:
 - a. Her or his account of events surrounding the incident
 - b. The extent to which the victim feels uneasy about providing information about the incident to law enforcement and if so, why
 - c. The extent to which the suspect has ever warned the victim about talking with law enforcement or outsiders for help, now or in the past, and the specifics of any threats or warnings
 - d. Initial and continuing treatment of injuries
 - e. Indicators of stalking
6. Conduct the domestic violence risk assessment with the victim, in accordance with the appendices, *Practitioners' Guide to Risk and Danger in Domestic Violence Cases* and *Interventions with Victims of Battering as Suspects or Defendants*.
 - a. Review the victim's response to the risk questions included in the patrol report.
 - b. If it appears there is a history of violence, ask follow-up risk questions to those asked by patrol. Cover the following risk factors and as time allows probe for what the victim thinks are the risks associated with each factor.
 - Does he/she own a gun?
 - Have you left after living together?
 - Does he/she ever try to strangle you?
 - Has he/she ever used a weapon against you or threatened you with a weapon?
 - Has he/she threatened to kill you or himself/herself?
 - Has he/she avoided arrest for domestic violence?
 - Does he/she use drugs? If so, what kind and with what effect?
 - Has he/she ever forced you to have sex when you didn't want to?
 - Does he/she control many of your daily activities (e.g., friendships, whether or when your family can visit, travel)?
 - Is he/she jealous of you?
 - Does he/she follow or spy on you or leave threatening notes or messages?
 - Do you have a child that is not his/hers?
 - Has he/she beaten you when you were pregnant?
 - Has he/she ever threatened or tried to commit suicide?
 - Is he/she working?

- Is he/she an alcoholic or problem drinker?
7. In the victim interview and risk assessment, probe for details related to:
 - a. Severity and frequency of abuse
 - b. Victim's level of fear
 - c. Isolation
 - d. History of violence (whether or not it resulted in law enforcement contact)
 8. Follow up on any indications or suspicions of strangulation, stalking, witness tampering, or sexual coercion or aggression.
 9. Record all statements as required by law and in other situations whenever possible.*
 10. Obtain all medical reports after verifying signed release.
 11. Run a comprehensive criminal history check, including MNCIS, to obtain juvenile history in order to determine correct offense level and indications of stalking.
 12. Document all history of abuse by obtaining:
 - a. Past law enforcement reports on the offender
 - b. Past and current protection orders including the Petition and Affidavit portion, and any existing no contact orders issued by a criminal court
 - c. In cases of stalking or increased risk of harm (per risk assessment), law enforcement reports from other jurisdictions, both within and outside the state
NOTE: Gathering law enforcement reports from other jurisdictions may occur after charging, but before pre-trial in order to amend charges if appropriate prior to pre-trial negotiations.
 - d. A copy of the *History of Domestic Violence Summary* (see Sample of HDVS).
 13. Collect all evidence related to the case, including:
 - a. Follow-up photographs of injuries at 24, 48, and 72 hours in cases where bruises may develop after the initial officers' response
 - b. Physical evidence not collected by the responding patrol officers
 - c. Any weapons used in the incident
NOTE: If the incident included threats to kill, highlight threats for prosecution so a request can be made for seizure and/or no possession of weapons as a condition of release.
 - d. Recordings/printouts of relevant voice mail, e-mail, text messages, etc.
 14. Make note of information missing from the patrol reports and convey incomplete reports to the investigative unit supervisor.

The investigative unit supervisor will return incomplete reports to appropriate patrol commander for review and a supplement, if necessary.

15. Make immediately available to the probation officer conducting a presentence investigation the following information in accordance with the *Memorandum of Understanding Regarding Exchange of Records*:
 - a. Instant offense
 - b. All information related to the criminal history check and history of abuse
 - c. Responses to the victim interview and risk questions, with specific attention to the type, severity, and frequency of violence; the victim's level of fear and degree of isolation
 - d. All supplemental reports of interviews with witnesses

C. Gone-on-arrival (GOA) cases

1. In cases where the offender was not arrested at the scene, cases with one or more of the following factors will receive the highest priority:
 - a. Significant injury or impairment
 - b. Witness tampering, strangulation or stalking behavior has been alleged

*Minnesota law requires that a custodial interrogation at a place of detention of the suspect must be recorded. *State v. Scales*, 518 NW2d 587 (Minn. 1994)

- c. A victim's response to risk questions indicates increased risk of harm
 - d. A victim expresses fear of imminent bodily harm
2. Follow Section B-Investigation of the protocol in conducting the investigation of GOA cases.
 3. Before interviewing the victim, determine if the victim is safe and able to speak freely.
 4. Inform the victim that the investigator will attempt to interview the suspect.
 5. Take the following actions when interviewing a suspect who is out of custody/GOA:
 - a. Conduct the interview in person so that suspect reactions can be assessed.
 - b. Notify the victim if the investigator assesses increased risk of harm and assist the victim in problem-solving regarding enhancing her/his personal safety.
 6. Determine whether the suspect is on probation for a misdemeanor offense; if so, consider forwarding the incident report and contacting the probation officer to discuss whether a pick-up-and-hold should be issued.
 7. If the charge is a felony, issue a pick-up-and-hold.
 8. When the suspect is in custody, conduct the suspect interview at the jail.
 9. Notify the victim of the prosecutor's charging decision.

- a. Ensure that the victim has information regarding advocacy and civil protection orders.
- b. Encourage the victim to call law enforcement again if new incidents occur.

D. Victim engagement

1. In conducting the investigation, work in collaboration with victims according to *Protocol 2: Victim Engagement Guidelines*.
2. When using information provided by the victim, protect her/him from retaliation.
 - a. Do not tell the suspect what the victim has told you.
 - b. If circumstances allow, do not tell the suspect you have spoken to victim.
3. Ensure that the victim knows who you are and how to contact you.
4. Encourage the victim to report contact, abusive behavior and/or violations by the suspect.
5. Request that the victim report any threats against her/him for cooperating with the investigation.
6. Inform the victim of the importance of keeping a record of mail, voice mail, e-mail, text messages, and other forms of communication and contact from the suspect or others acting on the suspect's behalf.

7. Inform the victim of the availability of periodic "welfare" checks at her/his residence by officers.
8. Problem solve with the victim around enhancing safety as the case proceeds through the legal system.

E. Declined cases

1. Notify the victim of the prosecutor's decision.
2. When the prosecutor declines a case the investigator believes has merit, he or she should discuss the case with the supervisor and then contact the charging attorney to discuss the reason for declining the case and explore the possibility of further investigation.

If the charging attorney indicates additional investigation might result in charges, continue the investigation as requested by the prosecutor.

3. After a prosecutor's initial decision to decline the case, if the investigator concludes the case has strong merit he or she may request supervisory approval to retain the case and gather additional evidence to improve the possibility of charging.
4. If the case is finally declined by the prosecutor as a felony and transferred to another prosecuting authority as a misdemeanor, the investigator shall be informed of the transfer and contact the new charging attorney to discuss the case.

F. Stalking

1. Investigate allegations or indications of stalking according to guidance provided in the training memo: *Law Enforcement Response to Stalking*.
2. Keep in mind that often cases are not charged as stalking until after arraignment.

G. Strangulation

1. Investigate allegations or indications of strangulation according to guidance provided in the training memo: *Law Enforcement Response to Strangulation*.

H. Sexual coercion and aggression

1. Review the officer's report for indications of or references to sexually coercive or aggressive behavior.
2. Interview the victim with sensitivity to the complexity of revealing sexual aggression or coercion.
3. Consult with an advocate if sexual coercion/aggression is indicated in the initial report.

I. Cases involving employees

1. Conduct the investigation following general policies and procedures and this protocol.

2. If patrol has not already done so, the investigative unit supervisor shall notify the supervisor of the suspect's unit as soon as possible after the incident.
3. Contact local advocacy program for assistance in referring the victim for safety planning and services.
4. Deliver all reports and information obtained to the suspect's commander at the completion of the investigation.
5. Refer all incidents involving law enforcement personnel for review by the prosecuting authority.
6. In appropriate cases, discuss referring case to the state crime bureau or another jurisdiction with an investigative unit supervisor.

J. Cases involving public figures

1. Conduct the investigation following general policies and procedures and this protocol.
2. Coordinate with and refer media inquiries to the department's public information officer
3. Shield the victim from media inquires.
4. Omit victim contact information from the report if requested by the victim.
5. Contact local advocacy program for assistance in referring the victim for safety planning and services.