

POLICY: PATROL RESPONSE

Protocol 1: Patrol Response to Domestic Violence–Related Calls

A. Initial Approach

1. Respond to domestic calls directly and without delay, utilizing a tactical approach as appropriate to the circumstances of the call. (Note: Saint Paul law enforcement internally distributes a tactical approach training memo.)
2. Approach the scene with a high degree of caution.
3. Maximize safety for all involved as officers approach the scene, make initial contact with the occupants, and gain entry to the premises.

B. Securing the Scene

1. Separate the parties.
2. Restrain the suspect, if necessary, and/or remove the suspect.
3. Assess for injuries, administer first aid, and request medical services as necessary.
 - a. Inquire about strangulation and internal injuries.
 - b. Address victim concerns about the cost of paramedic services by informing them that those services are not billed to the victim unless they require insertion of an IV or medical transport is requested. (NOTE: check local practices.)
 - c. If injuries appear life-threatening or if the victim is impaired, e.g., through injury or intoxication and unable to make the decision, request

medical services regardless of the victim's preference.

4. Determine the whereabouts and identities of all people on the premises, including children.
5. Identify and secure weapons that might pose a threat during the investigation or that might be potential evidence.
6. Separate occupants and witnesses from the victim and accused, keeping them out of sight and hearing range of one another, as safety permits.

C. Initial Investigation

1. Make initial observations and note spontaneous statements by those at the scene, including:
 - a. Immediate statements made by victim, suspect or witnesses
 - b. Observations of the crime scene (furniture tipped over; broken phones, doors, other damaged property; torn clothing; blood; no sign of physical altercation, etc.)
 - c. Emotional demeanor of parties at the scene (angry, scared, crying, etc.)
 - d. Physical appearance of parties (disheveled clothing or hair, torn clothing, obvious injury, flushed face, etc.)
 - e. Indications of drug or alcohol use by those at the scene and apparent level of intoxication or

impairment (coherent in responding to questions)

2. Obtain a comprehensive account of events by interviewing or talking with each party involved in or witness to the incident.
 - a. To the extent possible and as safety permits, talk to all parties and witnesses away from sight and hearing range of other parties.
 - b. Arrange for an interpreter if necessary.
 - c. Seek the following information from each party involved in the incident:
 - Account of events:
 - o Specific nature of any threats
 - o Indications of witness tampering or whether the suspect has threatened the victim if she or he seeks help from law enforcement
 - o Manner in which weapons were used
 - o Indications of stalking
 - o Details about claims of strangulation
 - o Indications of self-defense
 - Injuries or impairment:
 - o Pain
 - o Effects of strangulation
 - o Breathing
 - o Impaired movement
 - Emotional state
 - Recent use of alcohol or drugs

- Relationship to other parties involved, including witnesses
 - Identification, address, and means of locating the person for follow-up
 - Presence and type of firearms and other weapons in the home, regardless of whether a weapon was used in the current incident
- d. Talk to each witness; document what the witness saw and heard, relationship to the parties involved, date of birth, and a number and address to reach the witness.
 - e. Be alert to and probe for indications of sexual aggression or coercion, stalking and/or strangulation.
 - f. Ask the victim if the suspect knows his or her address and phone number(s). If the victim is concerned that the suspect will obtain this information, note that in the report and inform victim that the information has been marked as confidential, but it is nevertheless possible that the suspect could gain access to it. Follow department protocol to protect victim contact information.
3. Obtain information about the history of violence and stalking from the apparent victim by asking the following three risk questions:
 - Do you think he/she will seriously injure or kill you, your children, or someone else close to you?
 - o What makes you think so?
 - o What makes you think not?
 - How frequently does he/she intimidate, threaten, or assault you?
 - o Is it changing?
 - o Getting worse?
 - o Getting better?
 - Describe the time you were the most frightened or injured by him/her.
4. Establish whether the victim has been intimidated about cooperating with law enforcement personnel or courts by asking if the suspect has ever threatened the victim for seeking help from the law enforcement/courts or others? If so, obtain details.
 5. Obtain a description of what each witness saw and heard and the witness's name, date of birth, and contact information.
 6. Utilizing the appendix, *Interventions with Victims of Battering as Suspects or Defendants*, be attentive to the need for adjusting interventions to protect both the suspect and victim of the incident.
 7. Obtain information from Dispatch using available databases, including the *History of Domestic Violence Summary* (HDVS).

D. Establishing Probable Cause

1. Consider the totality of circumstances when making a probable cause determination. In domestic violence cases, totality of circumstances includes:
 - a. Information received from 911
 - b. Each party's account of events
 - c. All parties' and witnesses accounts
 - d. Officer observations which corroborate or negate accounts of events by other parties
 - e. Physical evidence
 - f. Either party's history
 - g. Officer training, experience, and education
2. Attempt to talk with both parties and as many witnesses as practical prior to making a probable cause determination.

E. Arrest Decision

1. Make an arrest decision according to the conditions specified in the policy, including arrests for violations of protection orders or no-contact orders
2. **The Department discourages dual arrests.** Utilize this protocol and the guidance in the training memos to investigate and make an arrest decision when both parties have used or are alleged to have used violence against the other.

“Self-defense” means that the person reasonably believed that he or she was in imminent danger, force was necessary, and the person used only the level of force reasonably necessary to prevent the harm feared. In Minnesota, there is no duty to retreat from one’s own home when acting in self-defense, but that does not cancel the obligation to act reasonably when acting in self-defense.

“Predominant aggressor” is defined as the party to the incident who, by his or her actions in this incident and through known history and actions, has caused the most physical harm, fear and intimidation against the other.

- Assess whether one party acted in self-defense.
 - Do not arrest a party who acted in self-defense.
 - If neither party acted in self-defense and there is probable cause to arrest both parties, investigate and make an arrest decision regarding the predominant or most dangerous aggressor. Consider who would most likely cause the greater degree of fear and harm to the other if left unrestrained. (See appendix, *Interventions with Victims of Battering as Suspects or Defendants*)
 - Take the predominant or most dangerous aggressor into custody and document the probable cause determination on the secondary offender in the report.
- The policy allows a dual arrest 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.
3. Obtain supervisor’s approval if making a decision not to arrest in a misdemeanor case without serious injury where the arrest would require placing children in foster care and there is an alternative for keeping the victim/s safe.
 - a. Such a decision is most likely if the victim is too intoxicated to care for the children or the victim is not the parent or legal guardian.
 - b. Document the decision not to arrest.
 - c. Do not exercise this option if it would mean leaving the children with a person with a known history of serious domestic violence, or a person who does not appear capable of caring for the children.
 4. Conduct the arrest swiftly and safely, once that decision has been made.
 - a. Search and handcuff the suspect prior to placing him or her in the squad with an in-squad camera.
 - b. Activate the in-squad camera and recorder when the suspect is in a vehicle.
 5. Make a record of all spontaneous statements by the suspect.
 6. After arriving at the jail, fill out the required documents to hold the defendant. Ensure that the jail has complete and accurate information about how to contact the victim when the suspect is released.
 7. After arriving at the jail, attempt to interview all arrested misdemeanor-level domestic abuse suspects in accordance with the training memo, *Miranda Rights and Domestic Violence Cases*.
 - a. An investigator will interview gross misdemeanor and felony suspects.
 - b. Record all in-custody interviews.
 - c. Do not attempt to make a custodial interview of a non-English speaking suspect without the assistance of a court-certified interpreter.

F. Evidence Collection – General

1. Collect and process all relevant evidence from the scene.
2. Photograph injuries and note bruises or other injuries that may require follow-up by investigators.
3. Obtain a medical release from the victim and information about where medical treatment will be sought. Include the following information on the release:
 - a. Date treatment was initially sought or will be sought to the present date

- b. Victim's authorization for release of records regarding follow up treatment
- 4. Photograph disarray at the scene.
- 5. Photograph damaged property, including all evidence seized as well as broken windows and doors, damage to vehicles, damaged telephones, and similar evidence.
- 6. Photograph, and if possible, collect damaged property such as broken phones, bloody or torn clothing.

NOTE: Do not seize a telephone if it is the only working phone available to the victim. (Local advocacy programs may be able to supply victims with cell phones equipped to call 911.)

- 7. Collect electronic evidence such as text messages, email, voicemail, and similar evidence.

G. Strangulation – Investigation and Evidence Collection

- 1. Be alert to the signs and symptoms of strangulation.
- 2. If the victim has any of the symptoms of strangulation, dispatch emergency medical services. See training memo on strangulation regarding medical care.
- 3. Conduct an initial interview of the victim regarding the method of strangulation and

its impact, e.g., difficulty breathing, loss of consciousness, etc.

- 4. If possible, talk with the suspect before making a probable cause determination. Take caution to not inadvertently arrest a person acting in self defense.
- 5. Document all evidence of strangulation in the written report, using the term “strangulation” rather than “choking,” unless quoting the party interviewed.

H. Stalking – Investigation and Evidence Collection

- 1. Be alert to the possibility that any single report of domestic abuse could be part of a pattern of stalking behavior. Pay particular attention to repeated violations of protection orders and no contact orders.
- 2. Ask questions of the victim to determine if the current incident is an isolated event or part of a pattern of behavior.
- 3. Be aware of the possibility that actions that would not otherwise be illegal or might not cause alarm in another context could be examples of stalking behavior and respond according to the training memo, *Law Enforcement Response to Stalking*.
- 4. If an arrest is made pursuant to probable cause, search the suspect's vehicle, if present, for tools and implements used to commit stalking, kidnap-

ping, or related crimes. If necessary, obtain a search warrant.

- 5. Be alert to the existence of and collect evidence specifically associated with stalking behavior, such as floral deliveries, emails, notes, cards and letters, gifts, and similar evidence.
- 6. Note in the report information the victim has offered regarding previous acts of stalking or harassment for follow-up by the investigator.

I. Suspect Gone-on-arrival (GOA)

- 1. In addition to the initial investigation procedures included in this protocol, obtain the following information when the suspect has left the scene (GOA) prior to patrol officers' arrival:
 - a. Suspect's name, date of birth, and physical description, including clothing
 - b. Suspect's direction and mode of travel upon leaving the premises
 - c. Description of the suspect's vehicle, if applicable
 - d. Where the suspect might have gone
 - e. Where the suspect stays when not with the victim
 - f. Whether the suspect has ever interfered with the victim's attempts to seek help, especially from law enforcement

2. Take the following actions when the suspect has left the scene (GOA) prior to patrol officers' arrival:
 - a. Search for the suspect on the premises.
 - b. Search for the suspect in the immediate area and the direction and area where the suspect might have fled.
 - c. Check with 911 for other addresses where the suspect might be located. Issue a squad pick-up.
 - Request that 911 air squad pick-up on all active dispatch channels.
 - Issue a be-on-the-lookout alert (specify local procedures.)
 - Note squad pick-up and alert actions in the report.
 - d. Encourage the victim to call 911 if the suspect returns.
 - e. Provide information to the victim about restraining orders, how to request that the prosecutor file a criminal complaint, advocacy services, and shelter.
 - f. Offer to transport the victim or arrange for transport to shelter or another safe place if needed.
 - g. Provide whatever assistance is reasonable to help the victim to secure broken doors or windows.

- h. Collect and process evidence in the same manner as when an arrest has taken place.
- i. Remain at the scene until the officer believes the likelihood of further violence has been eliminated.
- j. After leaving the scene, when possible, drive by the residence over the next few hours and return to look for the suspect.
- k. Prior to clearing the scene, ensure that the victim receives information about victim advocacy services, protection orders and how to request criminal charges.

J. Victim Engagement

1. Work in collaboration with victims and provide specific support and attention to safety.
2. Notify the local advocacy program by telephone at (number) on all domestic-related arrests and gone-on-arrivals as soon as possible.

(NOTE: This requires a negotiated arrangement with an advocacy group to provide such follow-up. See the Saint Paul Intervention Project website for a complete description of advocacy in these cases (www.stpaulblueprintspip.org)

- a. Preferred: make the referral before clearing the scene, but at the latest immediately after booking.

- b. Provide the advocacy program with the following information:
 - Case number
 - Victim's name, address and phone numbers
 - Suspect's name and date of birth
 - The charge(s) and whether the suspect was arrested
 - A brief description of the incident
 - Any information regarding the victim's needs (e.g., interpreter, medical treatment and facility, need for shelter)

K. Children at the Scene

1. Check on the welfare of all minors at the scene and determine:
 - a. Names and **dates of birth** of any children present
 - b. Presence and location of any children at the incident
 - c. Physical and emotional condition of any children present
 - d. Child or children's involvement in the incident, if any
2. Attempt to talk with each child at the scene and explain that the officers are there to help and to

make sure everyone is safe. Do so immediately, and privately, if possible.

3. Be aware of how the child is responding to the situation and try to reduce the child's anxiety and fear.
4. Be alert to and document any spontaneous and relevant statements made by a child witness.
5. In general, talk to the child about what she or he saw or heard and determine if the child has been injured or directly harmed.
6. Do not interview a child when information available to the officer suggests that it might be harmful. Document the reasons for not interviewing the child or children in the report.
7. Consider the following in determining whether to interview children:
 - a. Child's physical, emotional, or psychological ability to give a statement
 - b. Child's age and ability to understand questions and formulate responses
 - c. Non-offending parent/guardian's preferences as to whether and how to talk with the child or children
8. Avoid subduing or arresting a party in front of children whenever possible.
 - a. If a child witnesses the arrest, talk with the child to provide reassurance that the arrested person

will be alright, the child did nothing wrong, the arrest is not their fault, law enforcement is there to help keep everyone safe for the night, and the officer is making the arrest decision.

9. When the actions of the officer result in a situation where no responsible adult will be present in the home to care for the children (e.g., dual arrest or a single arrest and the other parent/adult must seek medical treatment), inquire of the custodial parent if there is someone who can be contacted to care for the children.
10. Notify Child Protective Services in accordance with the requirements of Minn. Stat. § 626.556, Reporting Maltreatment of a Minor, when any of the following occur:
 - a. A child has been injured as a result of an assault.
 - b. A child has been sexually abused.
 - c. A child has been neglected.
 - d. Actions taken by the officer will result in a situation where no responsible adult can be located to care for the child or children.
11. Call for medical assistance or transport the child to the nearest hospital for treatment if a child has been injured and is in need of medical care.

L. Recoding Calls

1. Do not recode any call coded as a domestic by dispatch where the relationship between the parties

fits the domestic relationship definition. If the relationship is unknown, do not recode.

2. If a call was coded as a domestic by dispatch and it is determined that there was no domestic relationship as defined in this policy, explain the situation in a brief entry (three to four sentences) in the CAD and recode the call appropriately.

M. Reports – Determination of Probable Cause

1. In all cases resulting in a determination of probable cause that a crime was committed, regardless of the initial coding by dispatch and including cases where the suspect has left the scene, prepare a written report that documents the items included in the *Domestic Violence Patrol Report Checklist*, attached to this protocol and provided as a pocket card.
2. SAFETY NOTE: If the victim is afraid that disclosure of her or his address and phone number will compromise personal safety or property, explain that a victim has a right to request that this information be non-public according to state law [Minn. Stat. § 13.82 subd.17 (d)]. If the victim requests that such information be shielded, clearly indicate on the report that the victim's address and phone number be kept confidential from the suspect. If the victim seeks shelter, do not include the location in the report; obtain a telephone number where she can be reached in the next few days.

N. Reports – Determination of No Probable Cause

1. File a brief report as required by Minnesota § 629.341 in cases where there was a domestic relationship but no probable cause that a crime was committed or in cases where the officers could not locate the parties. File this report by entering the information listed below into the CAD system or 911 documentation:
 - a. A brief summary (three to four sentences) of the incident
 - b. Description of the basis for the determination of no probable cause
 - c. Description of the attempts to locate the parties involved, if applicable
 - d. Names and dates of birth of the parties involved

O. Incidents Involving Department Employees

1. Secure the scene and address the safety needs of those present.
2. Request that a supervisor of higher rank than the officer involved be dispatched to the scene.
3. Under the direction of the on-scene supervisor, conduct a criminal investigation, make an arrest decision, and process evidence in accordance with the policy and this protocol.
4. If the arrestee is an officer from the same agency as the responding officer, the on-scene supervisor

shall recover that person's badge, law enforcement identification card, and his or her service weapon.

- a. If circumstances indicate a high risk of danger or potential lethality, the supervisor shall confiscate all weapons at the scene, using the same due process as with any member of the public.
 - b. If the suspect is unwilling to allow officers to take possession of the weapon or weapons, badge, and identification card, the on-scene supervisor will notify the watch commander.
 - c. If the suspect is the chief of police, the senior assistant chief shall be called to the scene.
5. If the arrestee is an officer employed by an agency other than the responding officer's agency, the on-scene supervisor shall notify the suspect's agency of the arrest.
 6. The on-scene supervisor shall ensure that the victim is given the required information about the victim's rights and that the referral to the local advocacy program is made in accordance with local agreement.

P. Incidents Involving Public Figures

1. A public figure is defined as an elected official, sports figure, television or radio personality, celebrity, or other well-known person.
2. Request that a supervisor be dispatched to the scene.

3. Under the direction of the on-scene supervisor, conduct a criminal investigation, make an arrest decision, and process evidence in accordance with the policy and this protocol.
4. Notify the department's public information officer to prepare for possible inquiries from the media.
5. Take extra precautions to protect the victim's safety and confidentiality, including:
 - a. Shield the victim from the media.
 - b. Ensure that victim contact information is not included in the report, if so requested by the victim.
6. The on-scene supervisor shall ensure that the victim is given the required information about victims' rights and that the referral to the local advocacy program is made.

Those offenders
who left the scene had twice the
number of past criminal charges and
twice the recidivism rate of those
present when police arrived.

– E Buzawa, et al. (2000)