

MAG Protocol Evaluation Project

DRAFT Misdemeanor Domestic Violence Model Policy

6/16/11

* = Aligns with Promising Practices

A. Initial Response

- *1. Two officers respond (when possible).
- *2. It is the responsibility of the dispatcher to ask if a call for service should be dispatched as "Domestic Violence." All calls involving a domestic violence incident should be given the same priority as any other 911 emergency call.
- *3. Officer(s) should be briefed by dispatcher before arriving on scene.
- *4. When arriving on scene, the officer(s) should be alert for weapons.
- 5. Officer(s) should ask about the nature of the dispute. Note victim's and suspect's conditions.
- 6. Restrain assailant (if necessary) and remove to patrol car if immediate arrest is warranted.
- *7. If entry is consented, enter and conduct search of premises.
- 8. If refused entry, be persistent about seeing and speaking alone with subject of call. If access is still refused, officer(s) may force entry for the purpose of ensuring the welfare of all occupants inside.
- *9. If there is probable cause, officer(s) are encouraged to make physical arrests when appropriate to break the cycle of violence that occurs with domestic violence situations.
- *10. Assess injuries, administer first aid, and notify Emergency Medical Services. Encourage victim to seek emergency room exam as appropriate. Document if treatment is refused.
- 11. Officer(s) should NOT become involved in the disposition of personal property ownership. Officer(s) should remain neutral and be concerned primarily with maintaining the peace and safety of those present.

B. On-Scene Investigation

Conduct Interviews:

- 12. Conduct complete interviews and obtain written statements as soon as possible.
- *A. Identify and separate all occupants and witnesses.
- *B. Interview each person in an area out of hearing range from each other and bystanders.
- *C. Take audio recorded statements of interviews. Take video of victim's statement (if possible).
- *D. Use supportive interviewing techniques to ask about previous incidents, frequency, and severity. Allow parties to describe and explain incident without interruption at beginning of interview.
- E. If interviewing child witnesses, be alert to signs of trauma or abuse. Use age appropriate interview techniques and document age(s).
- F. Do not tell victim what action will be taken until all available information has been collected.

Collect Evidence:

- *13. Collect and preserve all physical evidence reasonably necessary to support prosecution including evidence substantiating victim's injuries, attack (weapons, torn clothing, etc.), and recording the crime scene.
- *A. Take photos of visible injuries and the crime scene. Document in report.

B. Depending on the nature of the call, officer(s) may want to request a copy of the telephone recording, through their supervisor, to impound as evidence.

C. Follow up with victim, in person, to see if injuries are now visible or if injuries observed at the scene have changed. Arrange for daily follow up if officer(s) won't be available.

Complete Reports:

14. Complete department reports before arrest is made. Use Long Form instead of citations.

*A. Document any possible incriminating statements and any excited utterances.

*B. Document evidence of substance and/or chemical abuse by the suspect, victim, and witnesses.

C. Identify any emergency medical personnel who responded. Provide their name and cell phone number for follow up.

*D. Provide officer's name and contact information (direct number & cell phone), and DR number for quick contact for follow up by prosecutor.

*E. Determine if victim has a protective order. If so, verify the Order of Protection with the agency or entity that houses them and request a copy be faxed for inclusion in the report.

F. If Order of Protection exists, check order to determine if weapons have been ordered to be removed per domestic violence statutory requirements for "cooling-off" period.

G. If no Order of Protection exists, obtain consent from owner to remove weapons.

H. Ask about and document any information about prior incidents to establish pattern or history of abuse.

I. Make a records check on both parties in the dispute. If predominant aggressor has prior DV convictions, process following State statute. Remain focused on the current crime or incident even if victim has prior convictions or warrants.

J. Fill out Injury Documentation Picture Report of all injuries found on all victims and/or suspects.

*15. Officers shall adhere to the Report Writing Guide and to the Maricopa County Attorney's Office protocol as it applies to domestic violence.

16. Clearly mark all written reports and documents as "domestic violence."

17. A report will be submitted when probable cause exists, even if the victim recants or declines to assist in prosecution.

18. If there is evidence a crime has occurred, such as physical injuries or damaged property, but there are no witnesses for corroboration, the suspect should be located and interviewed. Even if reasonable attempts to contact the suspect are unsuccessful, a report will be written.

19. Annotate on the Form IV Probable Cause Statement any information that will help the court determine the conditions of release. The judge is only given the Form IV Probable Cause Statement to review before making a decision whether to detain the suspect or not. Please explain why defendant poses a threat. This should include officer's comments such as, "defendant should not return to residence," or "victim is seeking an Order of Protection," or an "Order of Protection has been issued."

C. Arrest Decision

20. It is the officer(s)' responsibility to decide whether to arrest. Criminal action is initiated by the State, not the victim. Arrest should be based on credible statements and supporting evidence.

21. If an officer determines that there is no evidence of a crime and there has been no allegation of a domestic violence offense, the officer will find the call unfounded. On all domestic violence calls that lack physical evidence of a crime, a specific Computer Automated Dispatch entry must be entered.

*22. Arrest authorized if: 1) assailant has an arrest warrant, 2) Probable cause committed or attempted to commit a felony, 3) Probable cause person is committing or attempting to commit a misdemeanor in the officer's presence, 4) Probable cause person has committed an assault not in the officer's presence resulting in bodily injury and arrest is necessary to prevent reoccurrence of assault, 5) If prior domestic violence convictions exist, 6) If there is an existing Order of Protection that has been issued and served.

23. Determine the predominant aggressor and book into jail. If a secondary aggressor is identified as committing a DV crime during the current incident, complete a long form on this person.

24. Whether arrest is made or not, encourage victim to contact a victim assistance program, if one is available.

If Arrest is Made:

25. Take accused into custody as soon as determined a warrantless arrest is appropriate.

26. Confiscate all weapons used or threatened to be used.

27. If suspect under 18 years of age, process using Juvenile Code. Arrest juveniles only when appropriate to incident.

28. Suspects' fingerprints and photograph will be submitted with the DR and forwarded onto the AFIS Detail in Records and Identification Bureau.

29. Become familiar with Maricopa County Attorney's Office Class 6 felonies to assist with submission of misdemeanors for elevation to felony charges.

If Suspect Fled:

30. The suspect should be located, interviewed, and arrested as soon as possible. If warrant is needed, obtain and execute warrant as soon as possible.

31. Officer should stand by while victim gathers necessities for short-term absence from the home.

D. On-Scene Assistance to Victims

32. A Crisis Response/Victim Services Unit, if available, should be called to respond on scene to assist victims and their families.

A. Advise victims of what could happen next including the high probability the accused will be released rapidly after arrest, and conduct safety planning with victim as they may need to take additional protective measures to maintain their safety.

*B. Provide information and phone numbers for accessing domestic violence assistance including help in locating lodging.

C. Obtain address, home phone number, cell phone number, safe phone number, email, and alternate addresses for contacting the victim for follow up. Advise victims their information will be given to a victim advocate for following up.

D. Contact the appropriate victim advocate and provide victim's contact information for follow up to maintain the continuum of care.

E. Provide Victim Rights Form and Victim Compensation Fund information.

*F. Inform victim of the status of the offender after arrest is made.

G. Upon request of victim, help arrange transportation to emergency housing.

H. Contact the appropriate person(s) is to obtain an Order of Protection.

33. If a Crisis Response/Victim Services Unit is NOT available, the officer(s) shall assist with #25 (A-H).