

**Maricopa Association of Governments  
Misdemeanor Domestic Violence Protocol Model  
Recommendations for Protocol Revisions**

Extensive review of the 2011 MAG Misdemeanor Domestic Violence Protocol Model has resulted in recommendations for potential revisions. These recommendations were developed on the basis of insights gleaned from professional affinity groups with law enforcement, prosecutors, victim advocates, and victims of domestic violence. This information was presented to the Leadership Affinity Group and Protocol Evaluation Project Partners. The information gathered was compiled into two documents to illustrate the recommended revisions to the protocol model.

Using the 2011 Protocol Model format, the first document provides information about which protocols aligned with topic areas coming out of the affinity and focus group discussions. These protocols are highlighted in yellow. In addition, this document includes suggested changes, additions, and/or deletions to the protocols. These are shown in red text. The second document provides additional information about the protocols highlighted in yellow. The chart includes an overview of the comments that aligned with a specific protocol.

The revision recommendations to the 2011 MAG Misdemeanor Domestic Violence Protocol Model are offered to the MAG Regional Domestic Violence Council for review and action.

Please direct any questions to Renae Tenney, MAG Human Services Planner II, at [rtenney@azmag.gov](mailto:rtenney@azmag.gov) or (602) 452-5041.

# MAG Domestic Violence Protocol Evaluation Project

## Misdemeanor DV Protocol Model

Approved by MAG Regional Council on September 21, 2011

The MAG Domestic Violence Protocol Evaluation Project was designed to assess current protocols used by law enforcement, prosecutors, and victim advocates in arresting and prosecuting domestic violence offenders at the misdemeanor level.

More than 320 community partners participated in stakeholder groups, affinity groups, a community meeting, and a promising practices roundtable event. Key informant interviews were held with expert representatives to identify local promising practices and an assessment was completed of both local and national promising practices. Input gathered from stakeholders across multi-disciplinary agencies, advocates, and citizens resulted in the framework of promising practices and protocols offered through the Misdemeanor Domestic Violence Protocol Model. These efforts are aimed at enhancing communication and collaboration across the region. Implementation of this protocol model will increase efficiencies in arresting and prosecuting misdemeanor domestic violence offenders thereby improving the lives of domestic violence survivors.

With ongoing support and continued collaboration, the model will continue to strengthen partnerships across the region, offer tools and training, raise awareness about domestic violence, and improve the lives of survivors. *For more information about the MAG Protocol Evaluation Project, please contact Renae Tenney, (602) 254-6300, or by email at: rtenney@azmag.gov*

### A. Initial Response

1. The Communications Operator should be responsible for determining if a call for service is dispatched as "Domestic Violence." Any call involving a domestic violence incident should be given the same priority as any other emergency call.
2. Two officers should respond to the call (when possible).
3. The officer(s) should be briefed by the Communications Operator before arriving on scene. **Information should include whether an order of protection applies to the situation.**
4. The officer(s) should be alert for weapons when arriving on scene.
5. The officer(s) should ask victim and suspect about the nature of the dispute while noting their mental, emotional, and physical conditions. **Officer should adopt a neutral approach to the situation regardless of who appears to be a fault, if possible and appropriate.**
6. If suspect is on scene, the officer(s) should restrain suspect (if necessary) and remove suspect to the patrol car if immediate detention or arrest is warranted.
7. If suspect flees the scene, the officer(s) should locate, interview, and arrest suspect as soon as possible. If a warrant is needed, the officer(s) should obtain and execute the warrant as soon as possible.
8. If entry is consented, the officer(s) should enter and conduct a search of the premises.
9. **If refused entry, the officer(s) should persist in seeing and speaking alone with the subject of the call. If access is still refused, the officer(s) should force entry for the purpose of ensuring the welfare of all occupants inside. if warranted and advisable.**
10. The officer(s) should assess injuries, administer first aid, and notify Emergency Medical Services. The officer(s) should encourage victim to seek emergency room exams as appropriate and should document if treatment is refused.
11. The officer(s) should NOT become involved in the disposition of personal property ownership. The officer(s) should remain neutral and be concerned primarily with maintaining the peace and safety of those present. The officer(s) should stand by while victim or suspect gathers necessities for a short-term absence from the home.



should

12. The officer(s) shall advise a victim of her/his constitutional rights (verbally and in writing) and take care to specifically explain that the suspect's initial court appearance likely will occur in less than 24 hours. The victim shall be told of the likely time and place of suspect's initial court appearance and how to contact the court. The officer(s) shall advise the victim of her/his right to be present and to be heard at the initial appearance in person or through a written statement. The victim must be told she/he has the right to submit to the court any information she/he wants considered before the judge makes a release decision (including requests for "no contact") and how she/he can submit written statements to the court for the initial court appearance. See Arizona Constitution Article II, Section 2.1; Arizona Revised Statute (ARS) 13-4405 and 4406.

**13. Officers should access translators (i.e., Language Line) as needed to communicate with individuals**

**B. On-Scene Assistance to Victims on scene.**

13. The officer(s) should call a Crisis Response or Victim Services Unit, if available, to assist victim and her/his family on scene.



14. If a Crisis Response or Victim Services Unit is NOT available, the officer(s) should assist with Sections a-h (below).

- a. Conduct safety planning with the victim as she/he may need to take additional protective measures to maintain her/his safety. (i.e., emergency order of protection)
- b. Provide information and phone numbers for accessing domestic violence assistance to include help locating lodging per ARS 13-3601(J)(3).
- c. Inform the victim to document any contact or acts of intimidation or influence attempted by the suspect (i.e., letters, phone calls, or other statements to the victim or children) and to give that information immediately to the case agent and/or prosecutor. Acts that can be in violation of an order may include leaving notes on vehicles and certain acts or gestures made in the past indicating a threat or that violence was going to occur. These activities increase the likelihood that a victim may not appear in court.
- d. Contact the appropriate victim advocates, who may be located at the closest Family Advocacy Center, and provide the 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 the victim of suspect's status after an arrest is made. and whether an order of protection applies.
- g. Help arrange for transportation to emergency housing, if requested by victim.
- h. Contact the appropriate entities for obtaining protective orders.
- i. Officers should provide victims with standardized resource materials.

**C. On-Scene Investigation**

15. The officer(s) should conduct thorough interviews by following Sections a-h (below).

- a. Conduct complete interviews and obtain written statements as soon as possible.
- b. Identify, separate, and talk with all occupants and witnesses, including children.
- c. Interview each person in an area out of hearing range from each other and bystanders.
- d. Take audio recorded statements of interviews. Take video of the victim's statement, if possible.
- e. Use supportive interviewing techniques to ask about previous incidents, frequency, and severity. Allow parties to describe and explain without interruption before asking questions.
- f. Talk with children separately from parents, if parents give their consent. Use age appropriate techniques and document children's age(s).



- g. Be alert of signs of trauma or abuse. Contact appropriate agency if children are being abused.
  - h. Do not tell victim what action will be taken until all available information is collected.
  - i. **Officers should be aware of their words and actions so as not to communicate blame or disbelief of victim.**
16. The officer(s) should collect important evidence by following Sections a-d (below).
- a. **Collect and preserve the physical evidence reasonably necessary to support prosecution including evidence that substantiates victim's injuries, and elements of the attack (i.e., weapons, torn clothing, etc.). Record the crime scene thoroughly.**
  - b. **Take photos of visible injuries and the crime scene. Document these in the report.**
  - c. Request a copy of the telephone recording through a supervisor to impound as evidence, as appropriate.
  - d. **Follow up with victim, in person, to see if injuries are now visible or if injuries observed at the scene are changing. Arrange for ~~daily~~ follow up if the officer(s) will not be available.**

#### D. Arrest Decision

17. **The officer(s) should make an arrest decision based on credible statements and supporting evidence. Criminal action is initiated by the State, not by the victim.**
18. If an officer(s) determines there is no evidence of a crime or there has been no allegation of a domestic violence offense, the officer(s) should find the call unfounded. A specific Computer Automated Dispatch entry should be entered for every domestic violence call including those lacking physical evidence of a crime.
19. The officer(s) should determine if there is a predominant aggressor by considering factors, including Section a-i (below):
- a. What is the prior history of violence between the couple?
  - b. Is there a size differential between the parties?
  - c. What is the relative severity and extent of the injuries?
  - d. What is the likelihood of future injury to each party?
  - e. What is the relative fear of each party to the other?
  - f. What is the law regarding self-defense?
  - g. Was either party armed with a weapon or did either party use a weapon?
  - h. What were the circumstances leading up to and surrounding the confrontation?
  - i. What was said by the parties?
20. **In order to arrest both parties, the officer(s) should have probable cause to believe both parties independently may have committed a crime.**
21. The officer(s) shall provide victim with written information for contacting victims' assistance programs, if available, whether or not an arrest is made. ARS 13-3601(J)
22. Following an arrest decision, the officer(s) should conduct tasks including those in Sections a-d (below).
- a. Take the accused into custody as soon as it is determined a warrantless arrest is appropriate.
  - b. **Temporarily** seize any firearms in plain view or found pursuant to consenting to search, and if the officer(s) reasonably believes the firearms expose victim or other persons in the household to the risk of serious bodily injury or death. Any firearms owned or possessed by victim may not be seized unless there is probable cause to believe both parties independently committed an act of domestic violence. ARS 13-3601(C)



- c. Arrest juveniles only when appropriate to the incident. If suspects are under 18 years of age, the officer(s) should process using Juvenile Code.
- d. Submit the suspect's fingerprints and photographs with the Departmental Report (DR) and forward them onto the Arizona Automated Fingerprint Identification System (AAFIS).

## E. Complete Reports

23. The officer(s) should thoroughly complete reports by following Sections a-k (below).

- a. Obtain, and if possible, verify victim's address, home phone number, cell phone number, safe phone number (i.e., name and phone number of friend and/or relative), email, and alternate addresses for contacting victim for follow up. Advise victim her/his information may be given to victim advocates for follow up.
- b. Document any possible incriminating statements and any excited utterances.
- c. Document evidence of substance and/or chemical abuse by suspect, victim, and witnesses.
- d. Identify any emergency medical personnel who responded. Provide their names and cell phone numbers for follow up.
- e. Provide the officer(s)' names and contact information (direct numbers and cell phone numbers), and Departmental Report (DR) numbers for follow up by prosecutors.
- f. Determine if victim has a protective order. If so, verify protective order with the agency or entity housing it and request a faxed copy for inclusion in the report.
- g. Check protective order to determine if weapons have been ordered to be removed per domestic violence statutory requirements for "cooling-off" period.
- h. Obtain consent from the owner to remove any weapons if no protective order exists.
- i. Ask about and document any information about prior incidents to establish a pattern or history of abuse.
- j. Make records checks on both parties in the dispute. Felony charges should be submitted if criminal histories elevate a misdemeanor to a felony given the number of prior misdemeanor convictions.
- k. Fill out Injury Documentation Picture Reports of all injuries found on victim and/or suspect.



24. The officer(s) should submit all evidence of suspect attempting to intimidate or influence victim. This may deter victim's participation in the prosecution process.

25. The officer(s) should clearly mark all written reports and documents as "domestic violence."

26. The officer(s) should submit a report when probable cause exists, even if the victim recants or declines to assist in prosecution. The officer shall submit a finalized, viewable report prior to the end of shift.

27. The officer(s) should locate and interview suspect if there is evidence a crime has occurred (i.e., physical injuries or damaged property), especially if there are no witnesses for corroboration. A report should be written even if reasonable attempts to contact the suspect are unsuccessful.

28. Judges will be provided a completed Form IV to review before making a release decision. Information in the Form IV should include whether suspect poses a threat to victim or others (i.e., threatening comments or conduct by the suspect), whether suspect has access to weapons, and whether a court has issued a protective order against the suspect.

### Misdemeanor Protocols: Aligning Existing Protocols with Comments

Misdemeanor Domestic Violence Protocols	Identified by:		Comments
	Professionals	Victims	
<b>A. Initial Response</b>			
1		X	Dispatcher during 9-1-1 call was helpful.
9		X	Ensure welfare of victim who called for help (i.e., police went to a house 5-6 times before victim's husband held her hostage. Police knocked and then left).
12	X	X	Notify victim of constitutional rights (i.e., time and place of initial court appearance, right to be present and heard).
<b>B. On-Scene Assistance to Victims</b>			
13	X	X	Call an advocate (i.e., "Police cannot do their job and be an advocate. They need the help of advocates. They are just there to make it stop;" helps "knowing you're not alone;" provide a referral to someone who can answer victims questions. "They don't have to have all the answers, but it would be great if they would look into it or refer you to someone who does. Give you a connection if nothing else;" ask victims about their next step instead of just telling them to go to a safe place (i.e., safety planning, more about what to do to help their situation). "If they have the knowledge, it should be their responsibility to tell or share the information with victims." Police tell victim "you need to get out or he will kill you and be gone! That is easy for police to say, but then tell me what I have to do for the next step."
14b	X	X	Develop list of existing community-specific resources (i.e., services and service locations, consistent information) to give victims.
		X	Give victim resources and guidance (i.e., patrol officers, ER, Fire Department, those serving Orders of Protection, detectives).
14d	X		Develop relationships between law enforcement and neighboring communities offering victim advocacy services.
<b>C. On-Scene Investigation</b>			
15b		X	Talk with neighbors who had witnessed situation.
15c		X	Talk with victim away from the abuser (i.e., speak to them separately).
15d	X		Audio recording statements is limited by lack of resources and/or equipment.
15e		X	Evaluate the abuser's history. Consider incorporating the Phoenix Police Department Investigative Assessment Tool.
16a	X	X	Be thorough about collecting evidence (i.e., show clear signs of struggle, injuries, search house for evidence, apparatus used to strangle victim, victims have to make sure police document everything, victims have to "be responsible for the information getting to the right person," victim read over the police officer's shoulder to make sure he wrote all details in the report so it documented "everything her son had seen" during the abuse, police seem to be in a rush to leave).
16b		X	Take photos as evidence.
16d		X	Follow up with victim after incident (i.e., police called a month later to ask how victim was doing, take additional injury photos of delayed bruising).
<b>D. Arrest Decision</b>			
17	X	X	Make decision to arrest and do not ask victim if she wants to press charges in front of abuser.
20		X	Ensure probable cause prior to arresting victim (i.e., telling victim to leave or be arrested, domestic violence charges interfere with getting jobs; hard to get expunged).
22b		X	Look for weapons and remove abusers' guns (i.e., even if requires search warrant).
22d	X		Initiate criminal records of offenders by fingerprinting.
<b>E. Complete Reports</b>			
23a	X		Obtain and verify secondary contact information for victims.
23i	X	X	Investigate abuser's history of violent behavior (i.e., police called multiple times but prior incidents not taken into consideration).
26		X	Write and file domestic violence reports. "We have been reporting all along but no one is doing anything about it." (i.e., victim had to call police officer's superior officer to get a report written, victim had to ask all the questions to make it happen, do not threaten victim with having to go to trial.)
28	X		Write detailed probable cause statements in Form IVs.