

## **Maricopa Association of Governments Protocol Evaluation Project Misdemeanor Domestic Violence Protocol Model Implementation Survey Results**

The Maricopa Association of Governments (MAG) Domestic Violence Protocol Evaluation Project was designed to assess existing arrest and prosecution protocols for addressing domestic violence crimes. In 2011, the project resulted in development of the region's first misdemeanor domestic violence protocol model. With the help of the Arizona Association of Chiefs of Police, a survey was distributed in December 2012 to gather information about implementation of the Protocol Model. Survey findings provide insight about whether the protocol model is being utilized and identifies opportunities to assist with further implementation.

### **Summary of Findings:**

- The survey was distributed to 73 law enforcement agencies across the state. Twenty participants provided responses.
- Ninety-two percent of participating agencies reported that implementation of the protocol model has resulted in their agency being better equipped to handle domestic violence cases.
- Additional technical assistance, more staff, more training, and additional funding were reported as resources needed in order to further implement elements of the protocol model.

### **Maricopa County:**

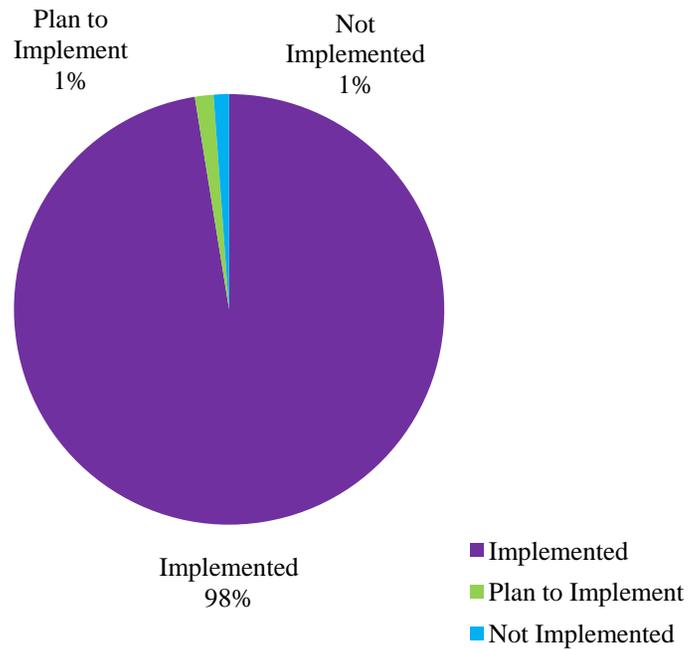
- Sixty percent of all participants represented law enforcement agencies in Maricopa County. These agencies serve 74 percent of Maricopa County's 3.8 million residents.
- Ninety-eight percent of participating law enforcement agencies, in Maricopa County, reported using the protocol model.
- The biggest barrier to protocol implementation was reported as not having an adequate number of staff.

### **Other Counties:**

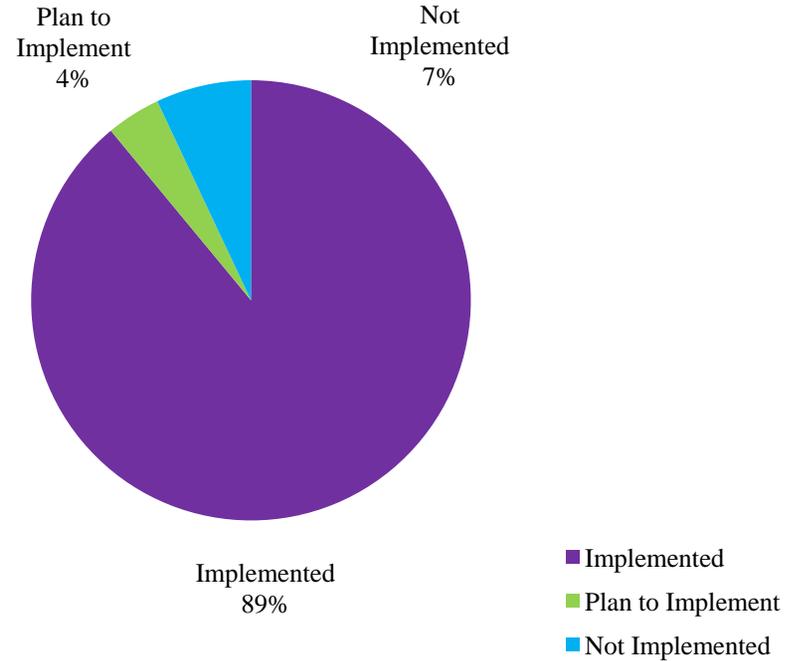
- Forty percent of all participants represented law enforcement agencies outside of Maricopa County. The agencies serve six percent of Other Counties' 2.6 million residents.
- Eighty-nine percent of surveyed law enforcement agencies outside Maricopa County are using the protocol model.

The following charts illustrate the degree to which law enforcement agencies have implemented the protocol model in Maricopa County versus other counties. In addition, Figures 1-5 demonstrate the level of implementation across the state by section: Initial Response, On-Scene Assistance to Victim, On-Scene Investigation, Arrest Decision, and Complete Reports. Please note that each protocol has been abbreviated for use in the charts. Please refer to attached Protocol Model for additional reference. The subsequent charts provide an overview of the barriers agencies indicated as well as what additional resources might be helpful to further implementation. Please direct any questions to Nathalea Silva, MAG Human Services Intern, at [nsilva@azmag.gov](mailto:nsilva@azmag.gov) or (602) 452-5021.

**Maricopa County:**  
Implementation of Misdemeanor Protocols



**Other Counties:**  
Implementation of Misdemeanor Protocols



Please refer to page 14 for a list of the protocols not implemented.

### Implementation of Section A: Initial Response Protocols

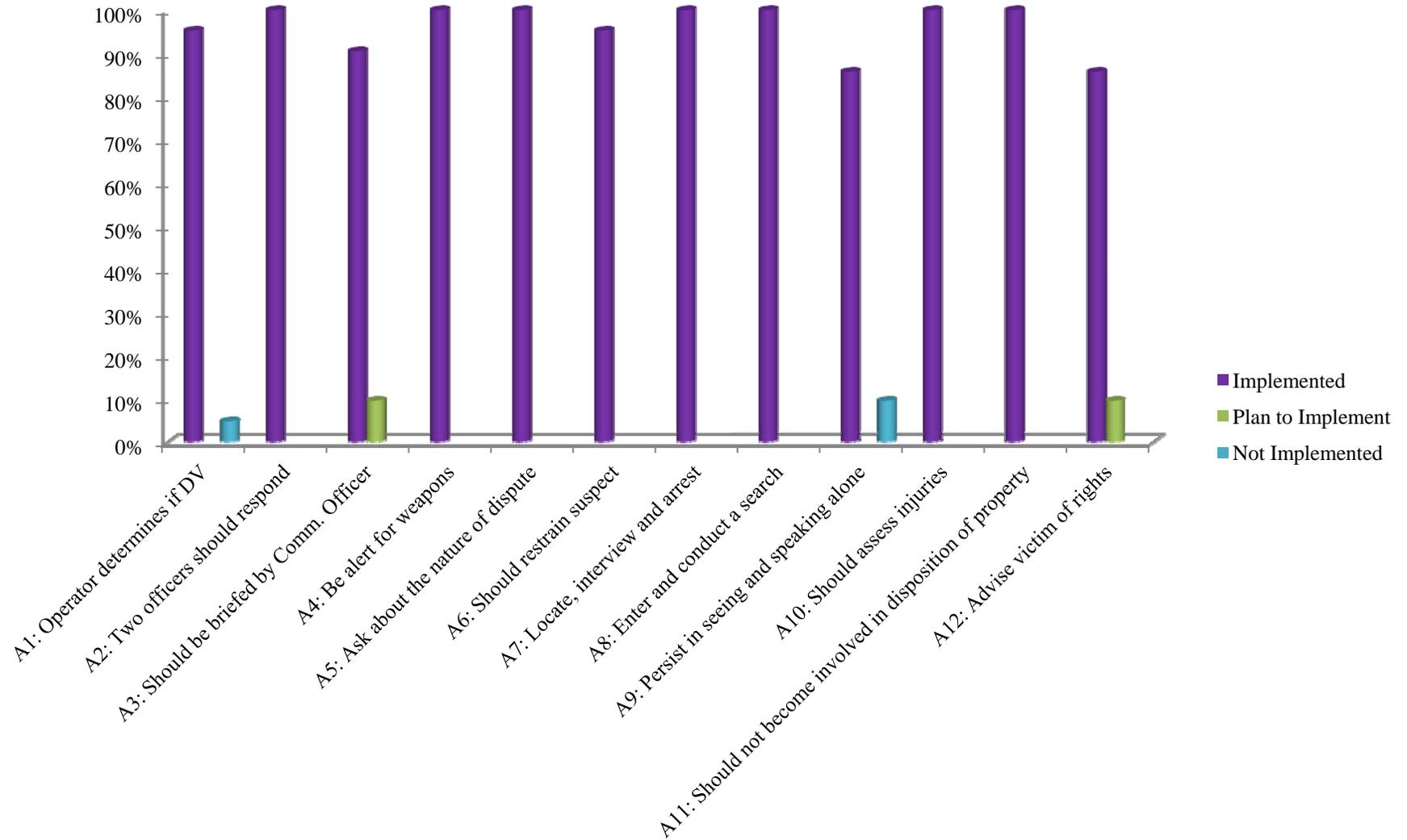


Figure 1

\*\*Note: All initial response protocols **not implemented** were outside Maricopa County.

**Reasons for not implementing (participants' responses):**

- A9: Will use any and all efforts to ensure the welfare of all occupants. However, we will not force entry simply to determine the welfare of the occupants if we are refused entry.
- A12: We generally only read Miranda to suspects, audio or video record when practical, but do not issue written Miranda warnings.

## Implementation of Section B: On-Scene Assistance to Victims Protocols

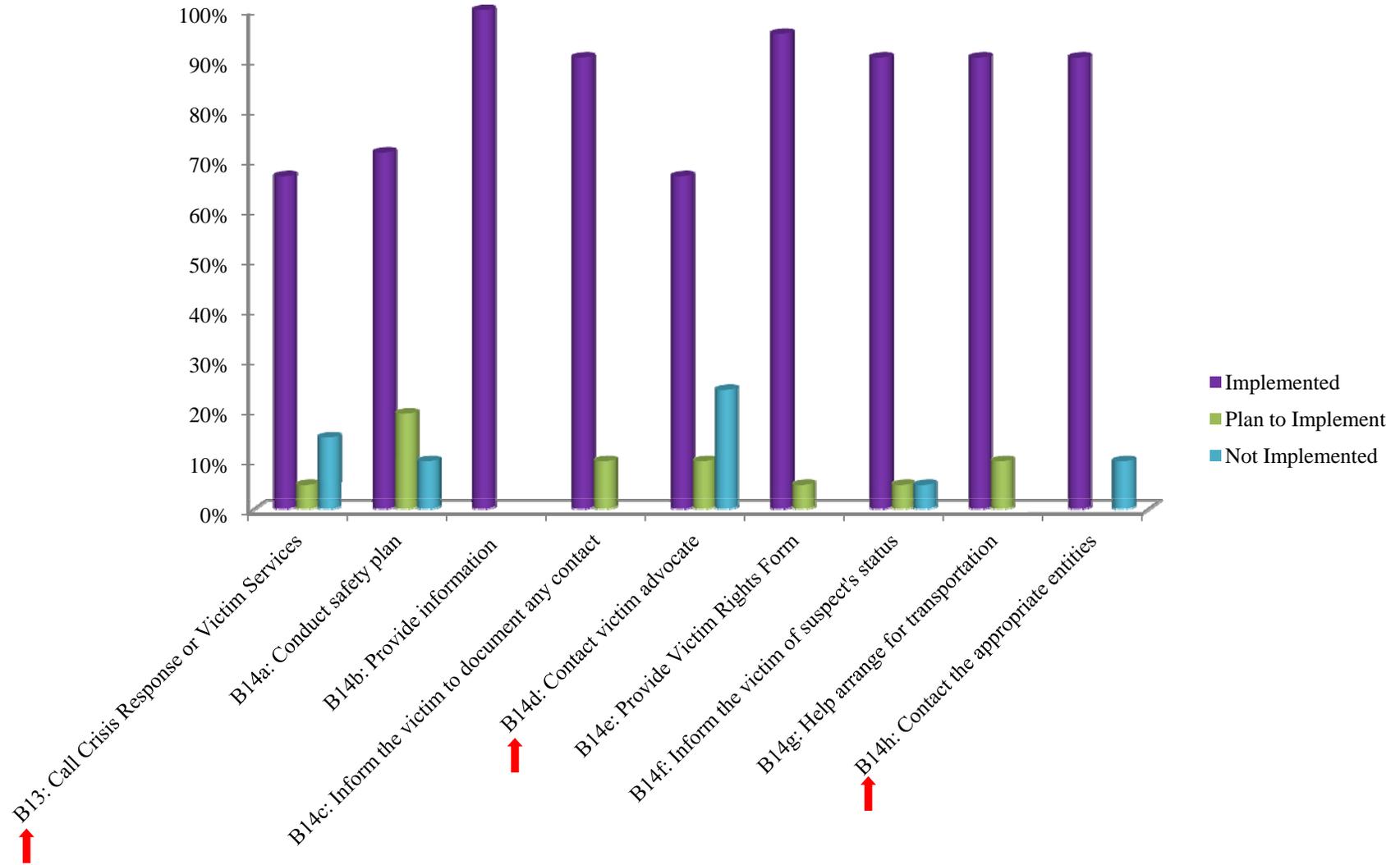


Figure 2

**\*\*Note:** The On-Scene Assistance to Victims protocols **not implemented** in Maricopa County include: B13, B14d and B14h. These protocols are highlighted with red arrows throughout the document.

**Reasons for not implementing (participants' responses):**

- B13 - In some cases, the resources simply do not exist, such as victim services units. Additionally, due to the size in population of this county, and the municipalities within it, all dispatch services are done through the sheriff's office. As such, some issues are beyond our immediate control.
- B14d - Crisis response: This is a case-by-case basis. We only have one victim response service.
- B14d - Lack of Victim Advocates available in the County.
- B14d - Victim Advocate position not available.
- B14d - We rely on volunteers to do the crisis intervention following a DV call for service. Currently working with a local non-profit to train and put into service a volunteer program.
- B14h - The officers will explain to the victims how to obtain an order of protection, but generally we do not make the calls for the victim.

### Implementation of Section C: On-Scene Investigation Protocols

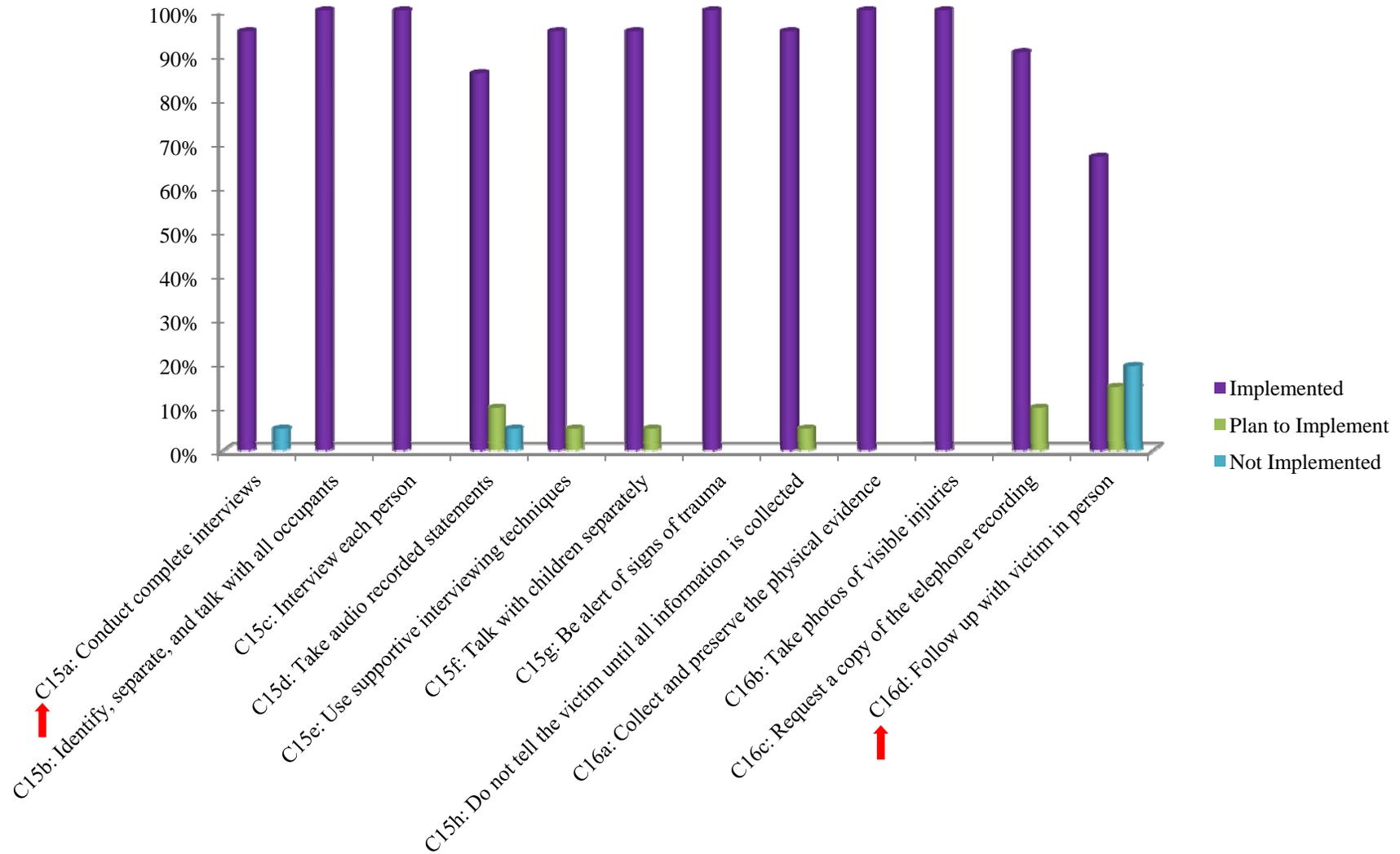


Figure 3

\*\*Note: The On-Scene Investigation protocols **not implemented** in Maricopa County include: C15a and C16d (red arrows).

**Reasons for not implementing (participants' responses):**

- C15d - Not every officer has a working tape recorder when responding to a domestic violence event, therefore we do not always record interviews.
- C16d -Further injury photo of victim: Patrol generally does not take follow up photos due to time restraints. If case is submitted to Criminal Investigations Bureau, a detective may take additional photos but is not done consistently.

### Implementation of Section D: Arrest Decision Protocols

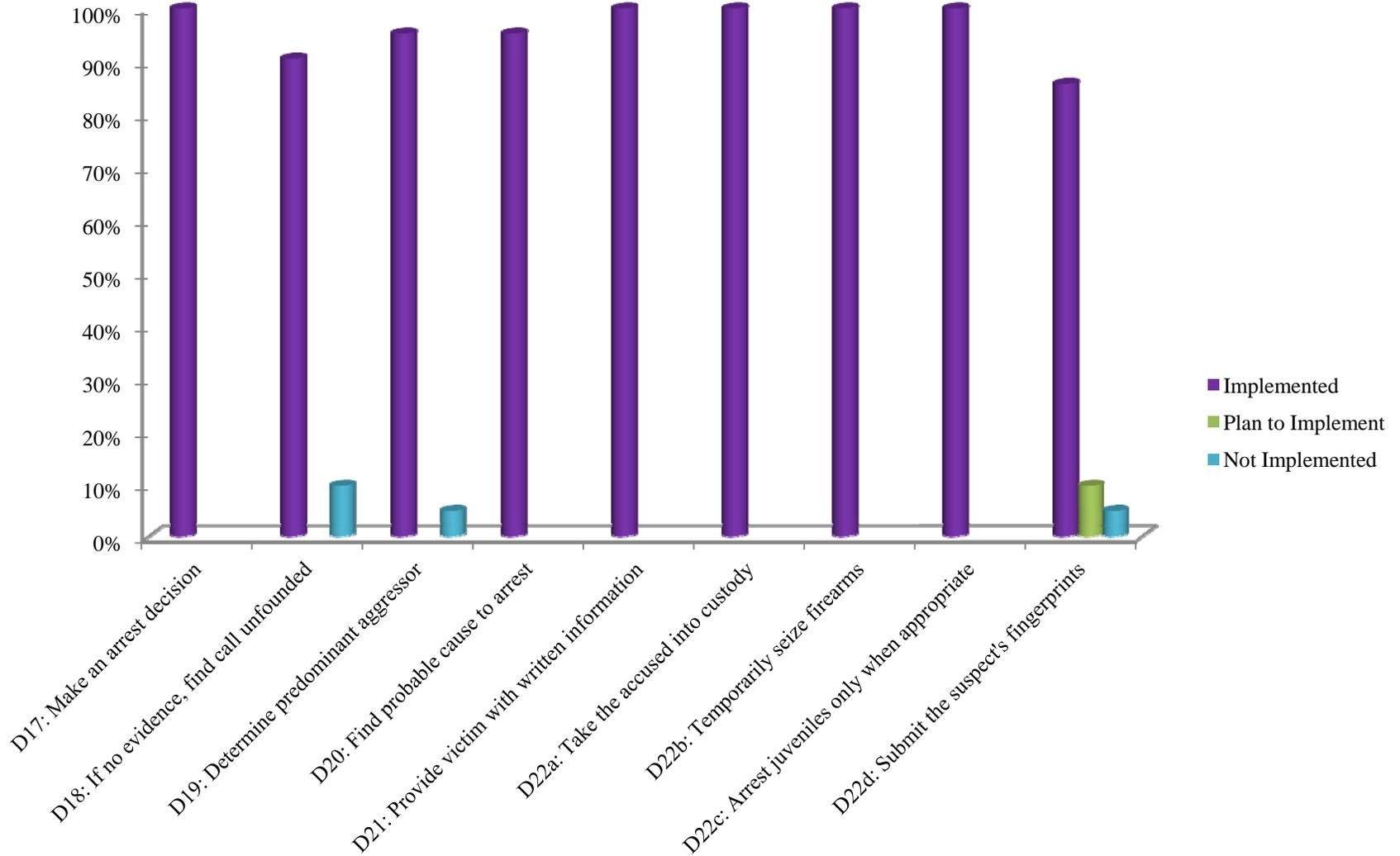


Figure 4

\*\*Note: All Arrest Decision protocols **not implemented** were outside Maricopa County.

**Reasons for not implementing (participants' responses):**

- D18 - Some calls as described are cleared "unfounded" but if there is evidence of domestic tension with no laws broken the incident is documented in a department report and classified as "closed" not unfounded.
- D22b - We only confiscate weapons in conjunction with established state statute.
- D22d - This is generally completed by sheriff's office or jail personnel but police department records personnel are involved in the process.

### Implementation of Section E: Complete Reports Protocols

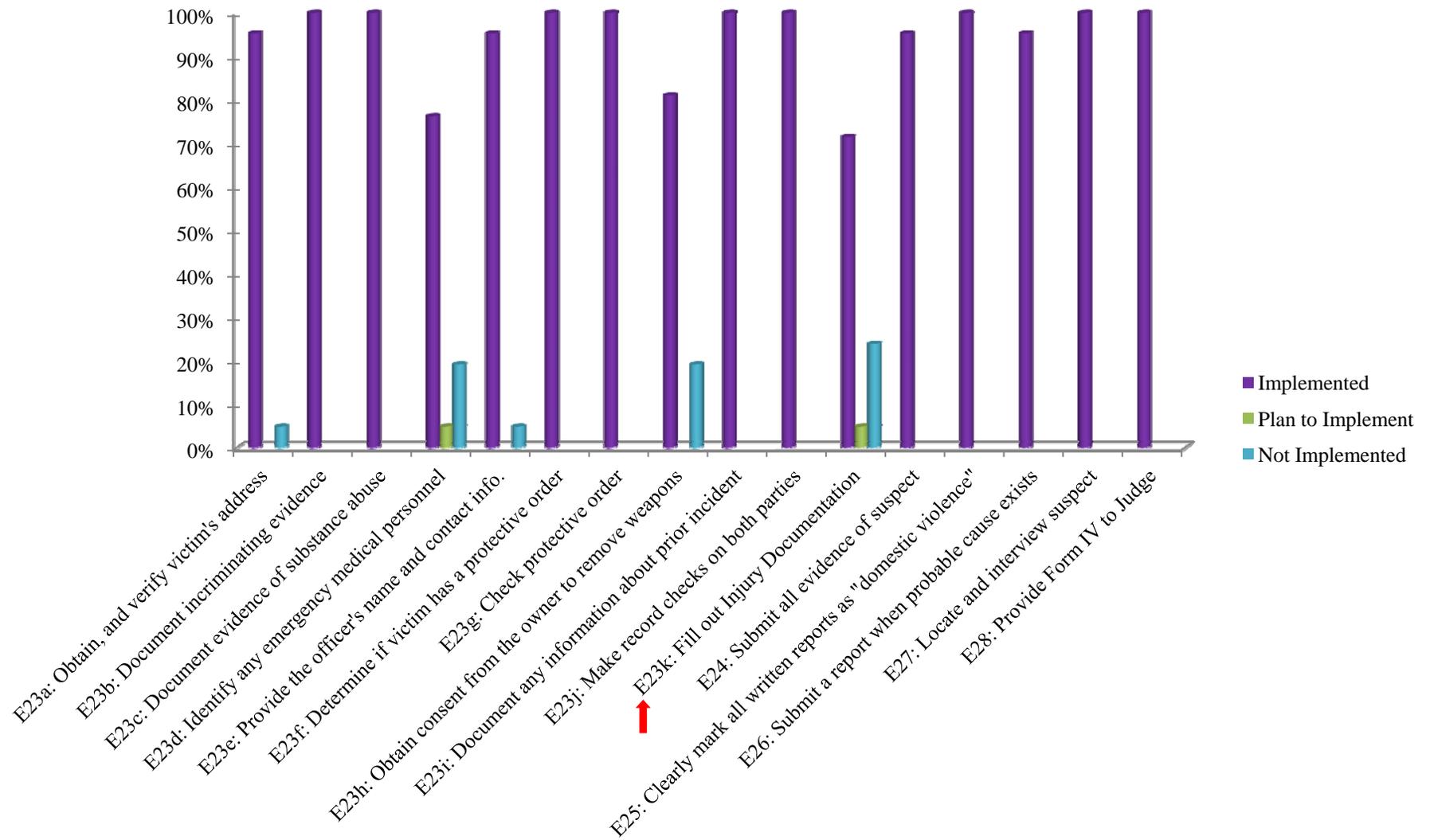


Figure 5

\*\*Note: The Complete Report protocols **not implemented** in Maricopa County include: E23K (red arrow).

**Reasons for not implementing (participants' responses):**

- E23d - We do not collect the names and phone numbers of emergency medical personnel unless they are a direct witness.
- E23e - Some have been partially implemented, but as an example, we do not provide cell phone numbers for Fire personnel. We document what personnel were on scene and the station they work out of.

### Misdemeanor Protocols: Not Implemented

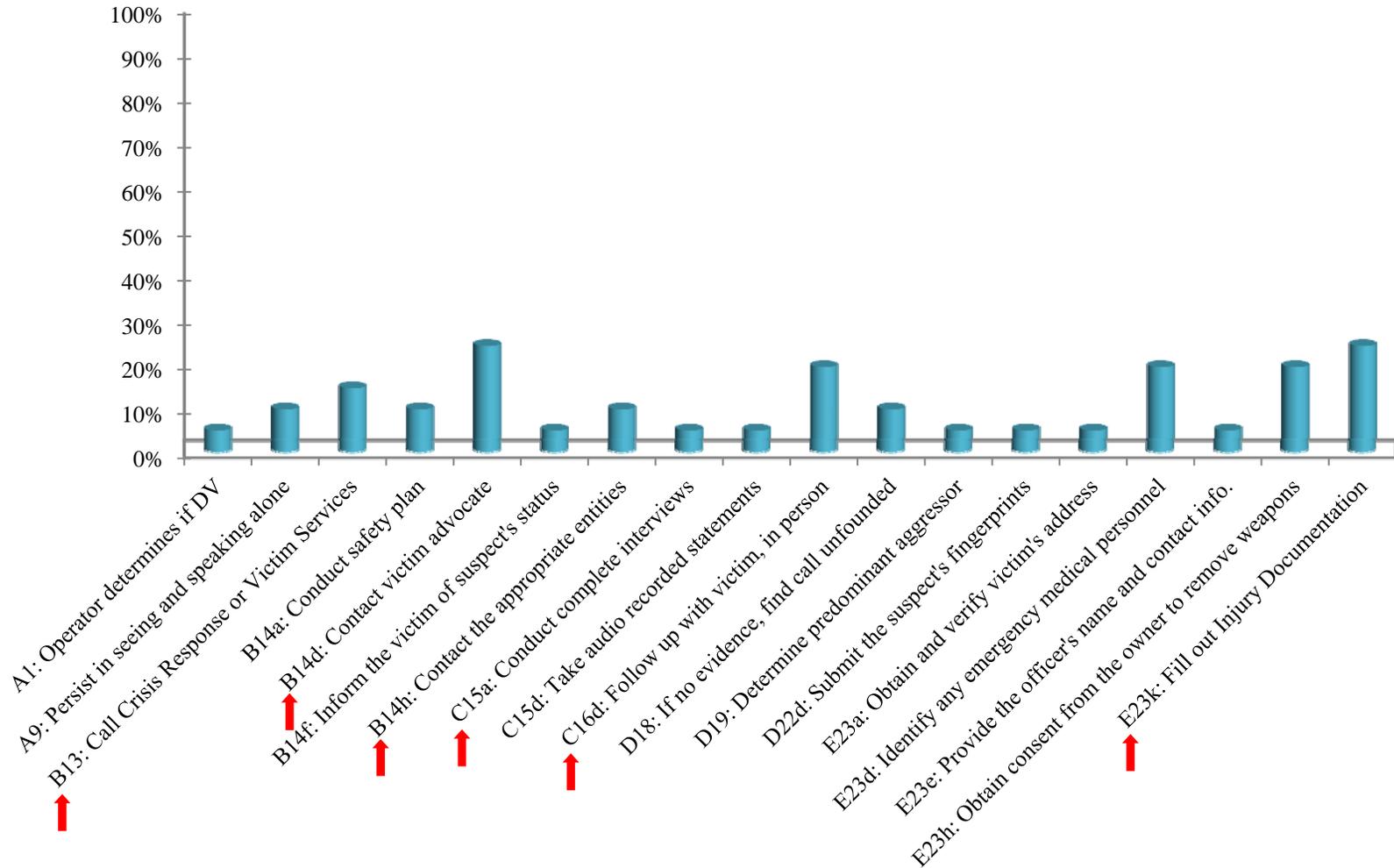
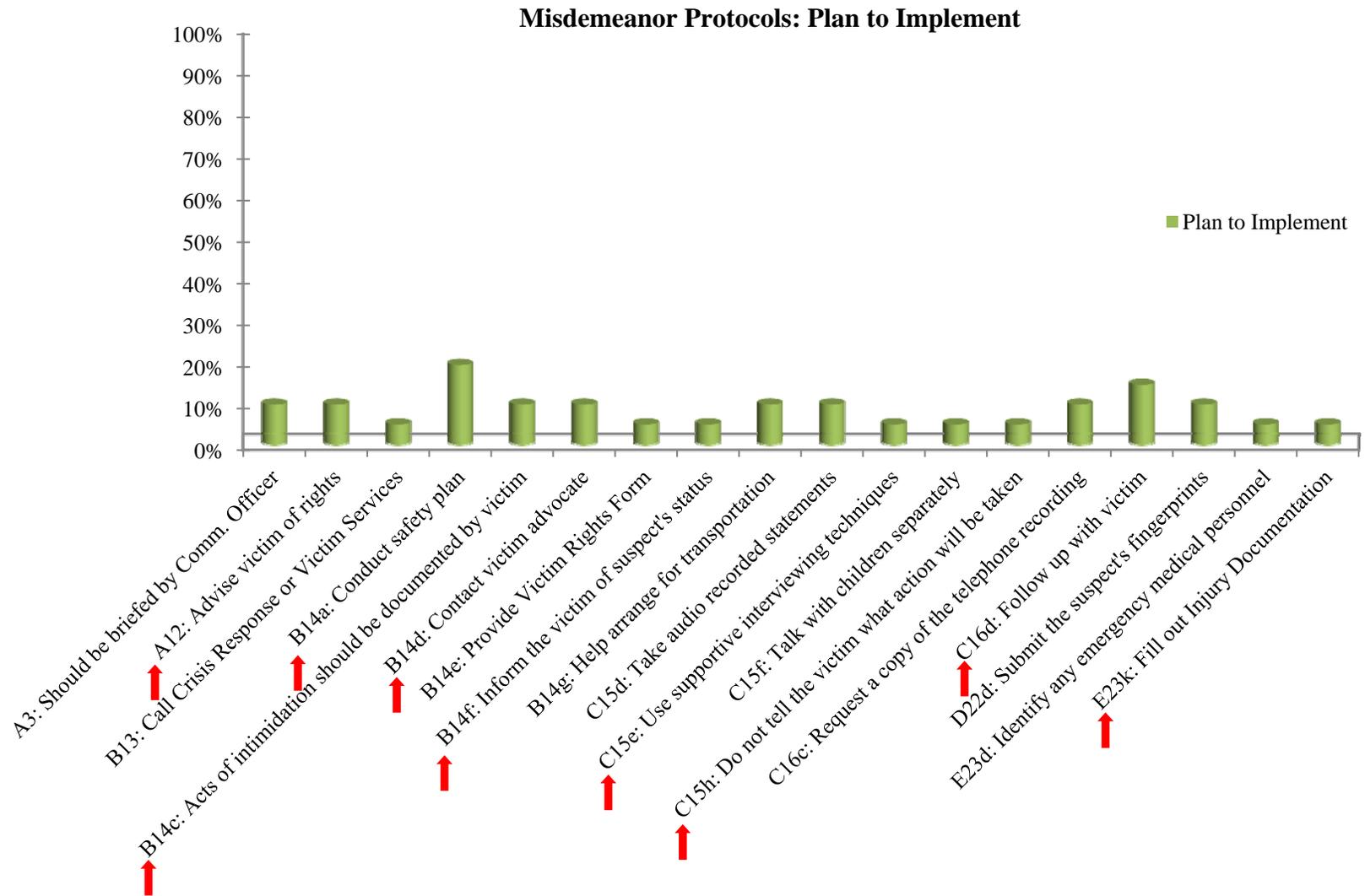


Figure 6

The above chart illustrates the protocols that are currently not implemented among the agencies that participated.

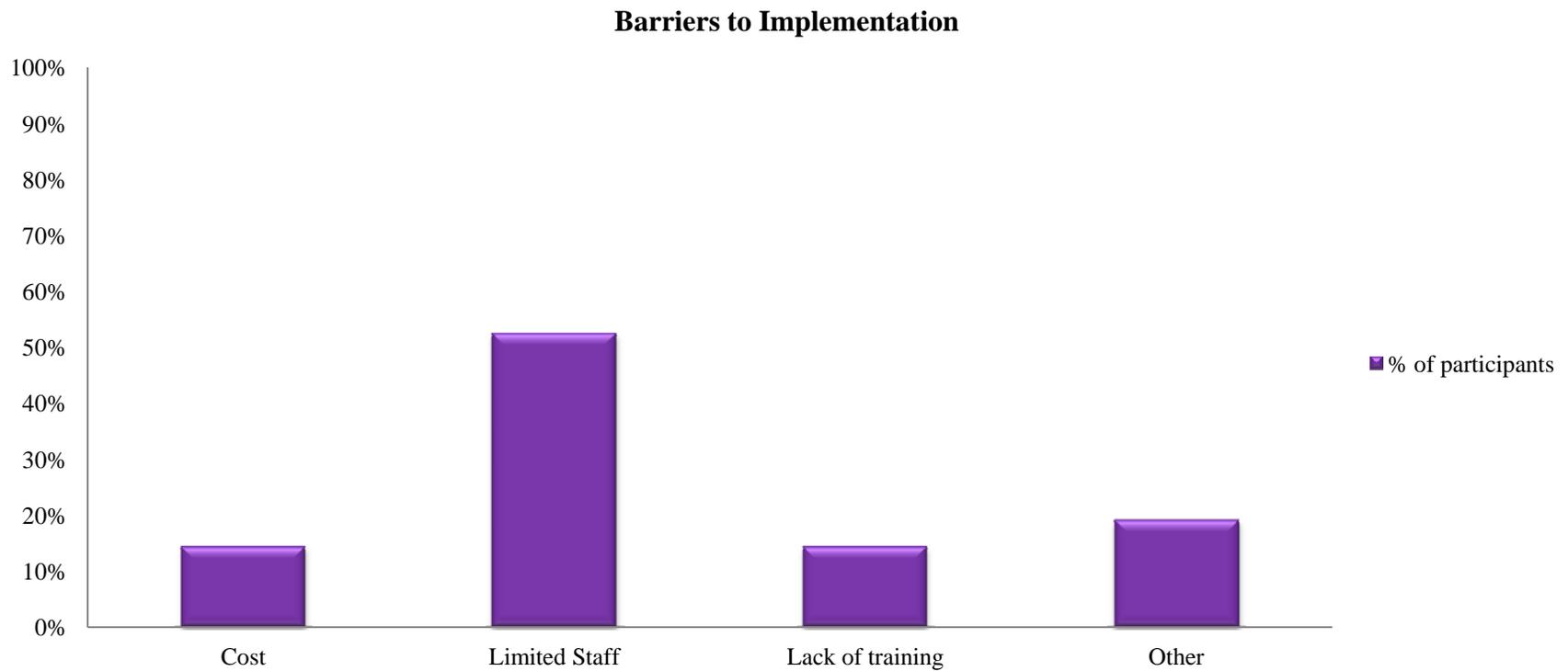
\*\*Note: the protocols **not implemented** in Maricopa County include: B13, B14d, B14h, C15a, C16d, and E23k (red arrows).



**Figure 7**

The above chart illustrates the protocols that agencies plan to implement as indicated by survey responses.

\*\*Note: the protocols **plan to implement** in Maricopa County include only: A12, B14a, B14c, B14d, B14f, C15e, C15h, C16d, E23k (red arrows).



**Figure 8**

**What barriers, if any, has your agency faced in implementing elements of the Protocol Model?**

**Participants' responses:**

- Some reliance on other agencies.
- Unnecessary.
- No protocols were implemented as a result of MAG recommendations; they were already in place for years.

### Helpful Practices

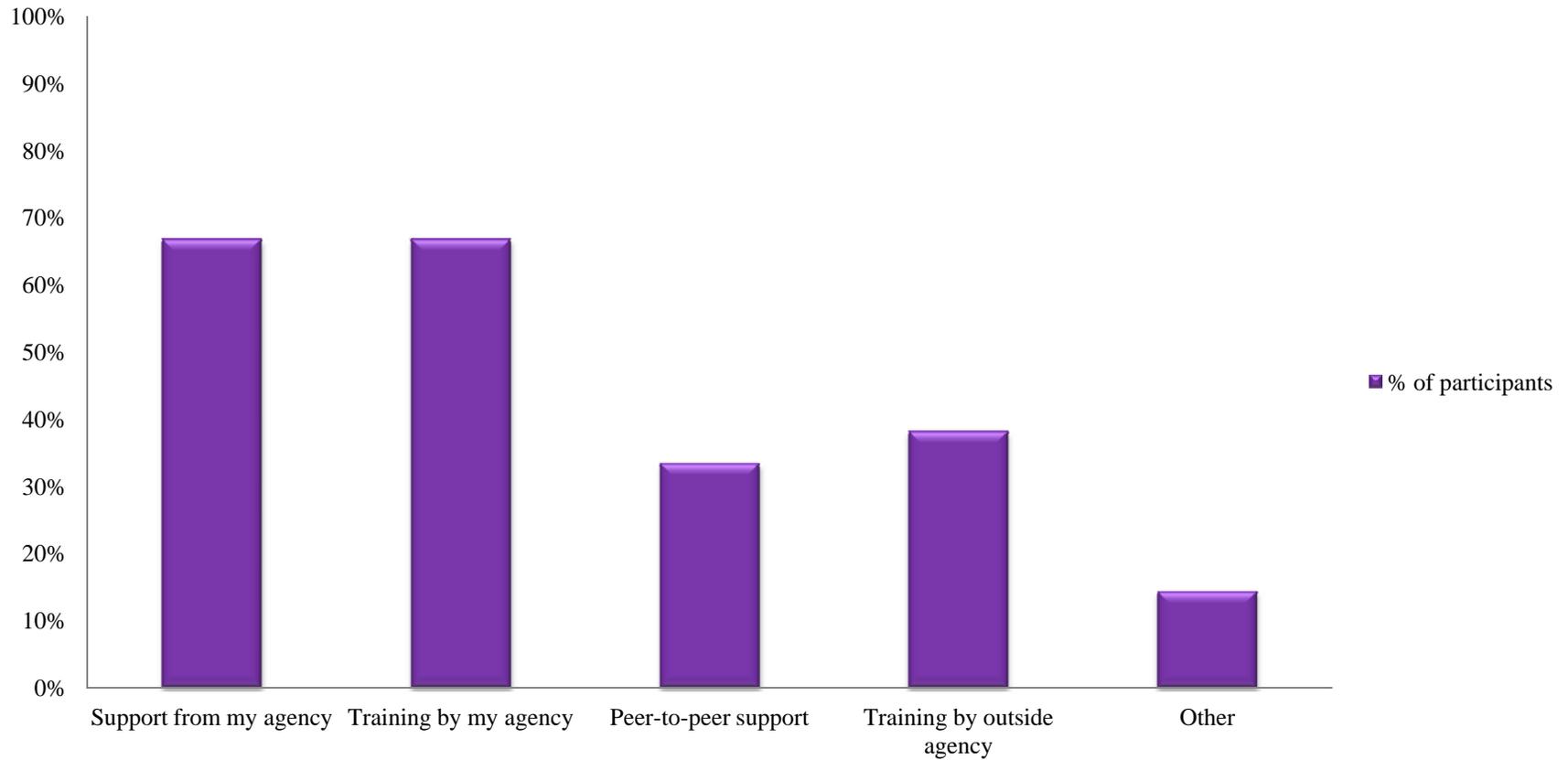


Figure 9

### What has been helpful for your agency in implementing elements of the Protocol Model?

#### Participants' responses:

- N/A, almost all recommended protocols were already in place.
- None, we incorporated the model as a reference document to our operations orders, and will provide training.

### Agency Satisfaction

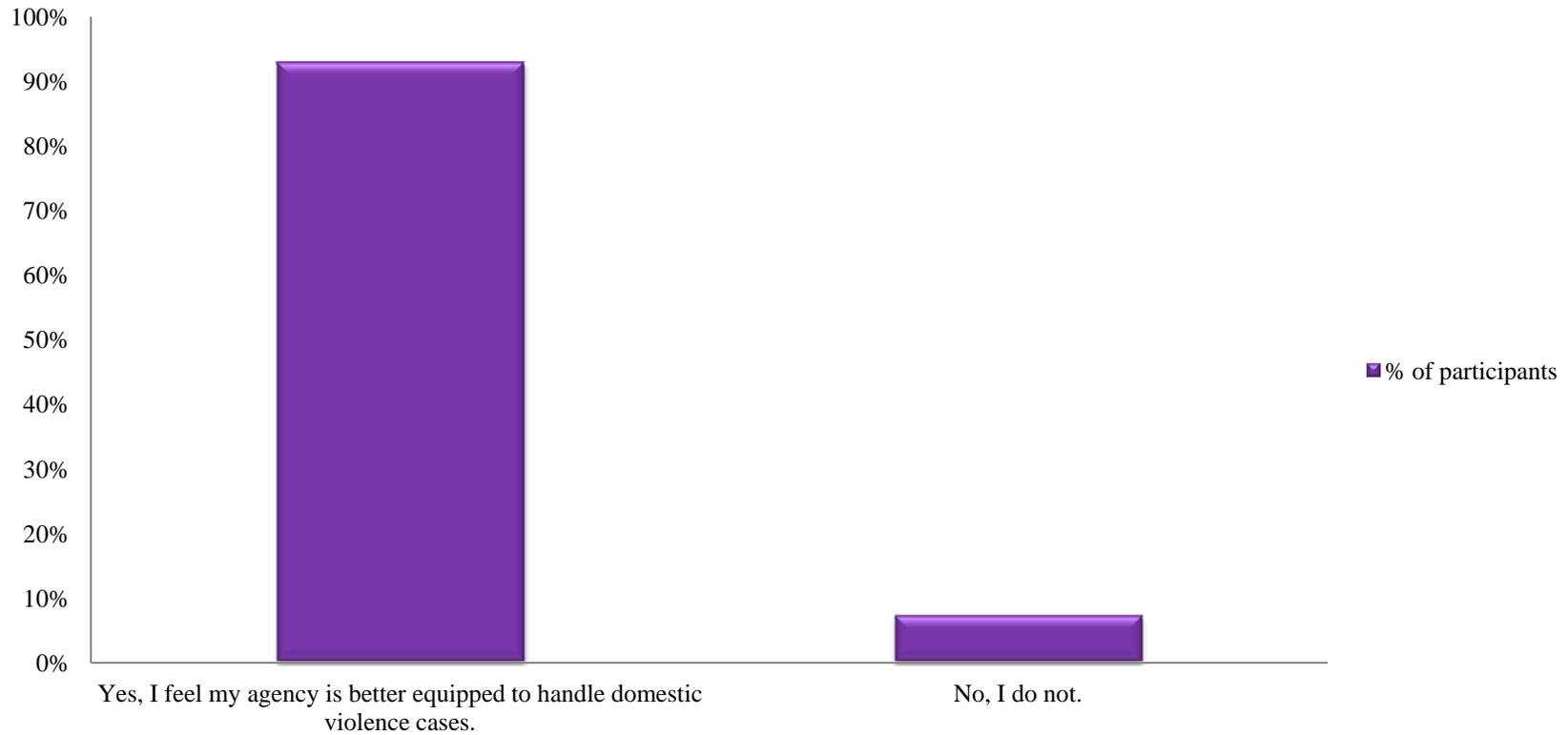


Figure 10

**Do you feel your department is better able to handle domestic violence calls and/or cases? Please explain.**

**Participants' responses:**

- Yes, we have several subject matter experts who actively train and develop departmental policy in accordance with the MAG Protocol.
- Yes, more specific policies and guidelines have been implemented.

- Our department responds to domestic violence related calls for service with the purpose of insuring the safety of residents and, if domestic violence abuse is occurring, taking the necessary steps to break the cycle of violence and provide the victims with the information and opportunity to prevent further abuse.
- I feel our department has always done a good job in handling domestic violence cases. We provide monthly specialized training classes r.e. domestic violence and have two certified domestic violence instructors who provide the training.
- Yes-better trained and informed.
- Yes, the protocols have allowed for a more consistent response to domestic violence calls.
- We have improved policy direction. Trained on better practices to investigate domestic violence. More supervisor involvement during the investigation.
- Yes. Our police department has a three member Family Violence Unit housed within the Criminal Investigations Division. Our department generally appears to have a highly pro-active approach to domestic violence investigations.
- The protocol was very similar to what we have been doing, with some finer points inserted here and there.
- Yes. The department is always looking for better ways to serve victims in DV cases and these protocols are a good tool to do so.
- Yes. The protocol provides guidance to procedures and policies related to responding to domestic violence calls for service. This guidance allows for consistency not only within the department, but among other responding agencies.
- It seems, with a roadmap such as this, it will assist our agency in working with other agencies knowing that everyone is on the same page and investigating these crimes in a similar manner.
- Absolutely. The protocols provide clear direction and our approach is much more consistent.
- Staffing is so low that officers work alone. If the single agency close to us has no officer to send to assist, call outs are made. If none of the three other officers are available, the call is handled alone. We are successful, but the restrictions of working in poorer counties place an unmeetable expectation on officers to consistently meet all facets.

### Additional Resources Needed

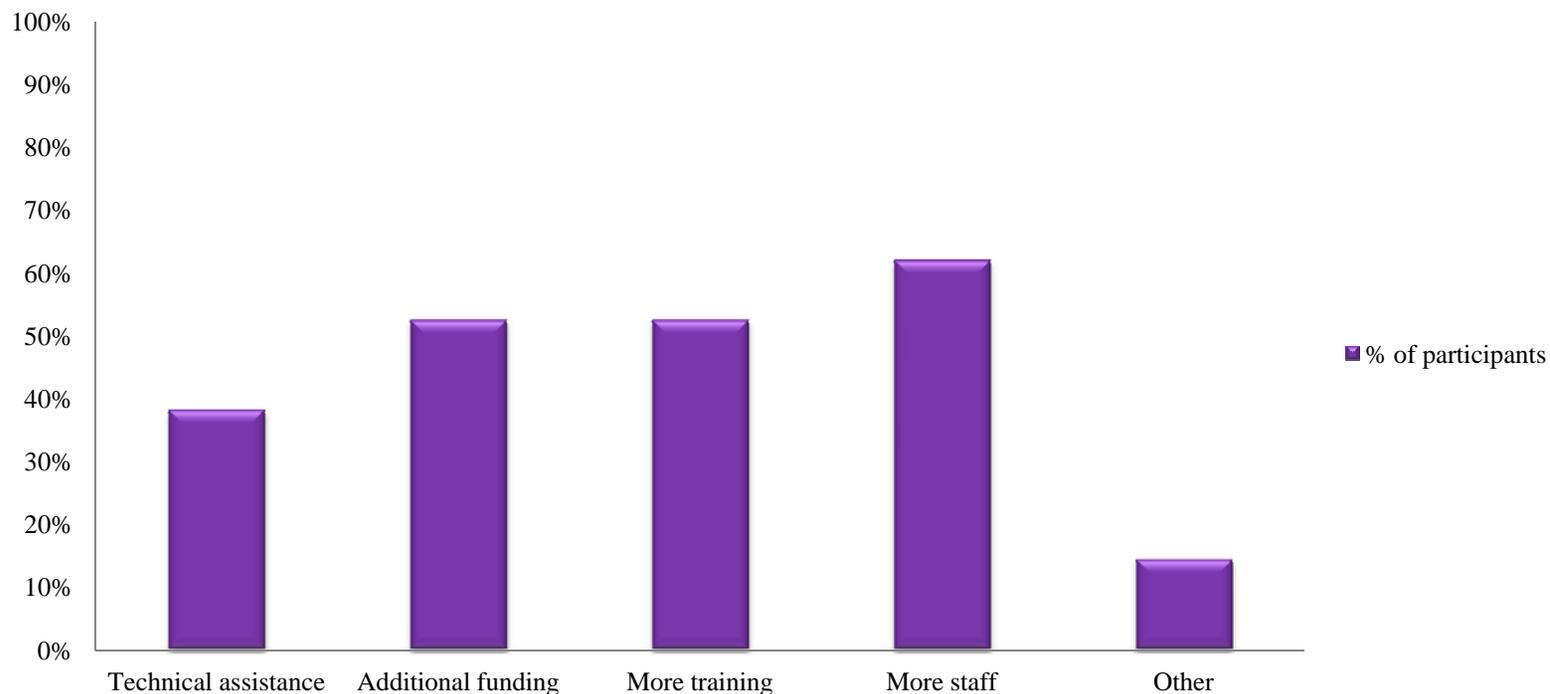


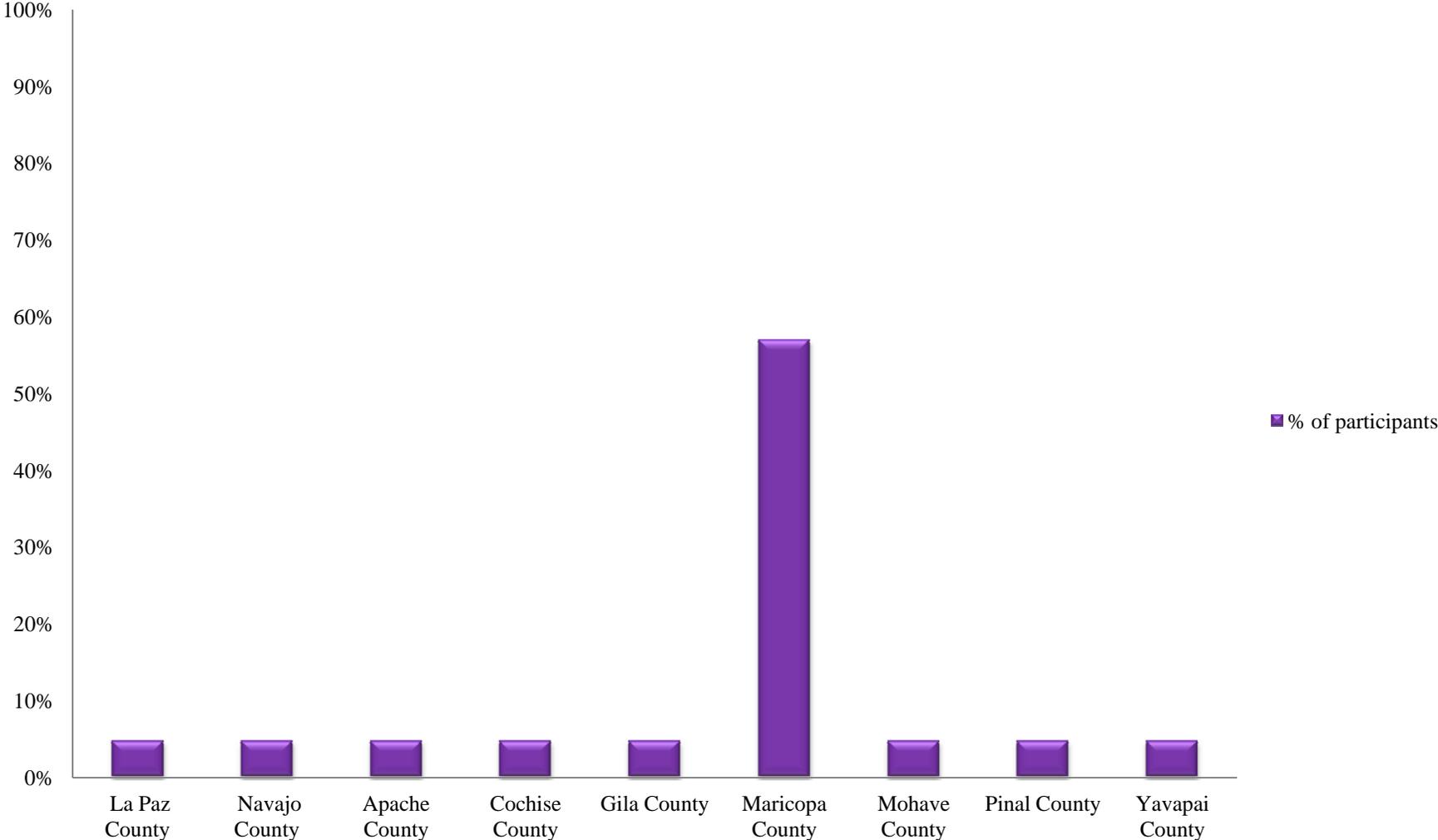
Figure 11

### What resources or assistance might help implement elements of the Protocol Model?

Participants' responses:

- For those agencies not utilizing "best practice" regarding domestic violence response and investigation, organizational focus and change in policy/procedure.
- More Victim Services personnel.

### Participating Counties



\*\*One participant did not provide identifying information.

# MAG Domestic Violence Protocol Evaluation Project Misdemeanor DV Protocol Model

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**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.
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.
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.
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.



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.

## B. On-Scene Assistance to Victims

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.
- 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.
- g. Help arrange for transportation to emergency housing, if requested by victim.
- h. Contact the appropriate entities for obtaining protective orders.

## 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.

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

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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.

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.