This draft of the protocol model contains proposed revisions.

Maricopa Association of Governments (MAG)
Domestic Violence (DV) Protocol Evaluation Project

Misdemeanor DV Protocol Model

Revised by MAG Regional Domestic Violence Council on December 17, 2013

The MAG Domestic Violence (DV) Protocol Evaluation Project strives to increase efficiencies in arresting and prosecuting misdemeanor domestic violence offenders. The goal is to save the lives of domestic violence survivors and save money for the agencies responding to these crimes. During its first year, the project engaged more than 320 community partners in law enforcement, prosecution, and victim advocacy in developing the region's first misdemeanor domestic violence protocol model. An annual review of local and national promising practices informs the model's 29 recommended practices. Training resources created to help put these practices into place include outreach and training videos as well as webinars. Through this work, the project will increase the consistency and efficacy of the criminal justice system's response to domestic violence crimes.

Support of the MAG DV Protocol Evaluation Project grew to include more than 500 community and statewide stakeholders by its third year. Project partners currently include the Arizona Coalition to End Sexual and Domestic Violence; Arizona Criminal Justice Commission; Arizona Peace Officer Standards and Training Board; Arizona Prosecuting Attorneys' Advisory Council; City of Apache Junction Police Department; City of Avondale Police Department; City of Buckeye Police Department; City of El Mirage Police Department; Town of Gilbert Police Department; Glendale City Court; Maricopa County Prosecutor's Office; City of Mesa Prosecutor's Office; O'Connor House; City of Peoria Police Department; City of Phoenix Police Department, Prosecutor's Office, and Family Advocacy Center; City of Scottsdale Prosecutor's Office; Sojourner Center; Southwest Family Advocacy Center; and City of Tolleson Police Department. The goal is to work toward a statewide protocol model for addressing domestic violence crimes.

With ongoing support and continued collaboration, the MAG DV Protocol Evaluation Project continues to streamline the criminal justice system's response to domestic violence by saving money, and more importantly, saving lives. Project resources are available at https://www.azmag.gov/Projects/Project.asp?CMSID=3780. For more information, please contact Renae Tenney at (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(s) should adopt a neutral approach to the situation regardless of who appears to be at 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.

12. In cases of intimate partner violence, the officer(s) should ask the victim lethality/risk assessment questions to determine the level of risk/danger the victim is facing in the situation. This information should be clearly conveyed to the victim.

13. The officer(s) should advise a victim of her/his constitutional rights, both 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.

14. Officer(s) should access translators (i.e., Language Line) as needed to communicate with individuals on scene.

B. On-Scene Assistance to Victims

15. The officer(s) should call a Crisis Response or Victim Services Unit, if available, to assist victim and her/his family on scene. The officer(s) shall share the outcomes of the lethality/risk assessment questions with the responding Crisis Response or Victim Services Unit.

16. 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, resource materials, and phone numbers for accessing domestic violence assistance, including 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 was served.

    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

17. 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 witnesses, including children.

    c. Interview each person in an area out of hearing range from each other and

bystanders.

d. When interviewing the victim of intimate partner violence, use lethality/danger assessment questions to determine the level of risk/danger of the situation and convey this information clearly to the victim. If the victim is found to be in a high lethality relationship, the officer should ensure that the victim is made aware of their status and elevated risk of death or serious injury as well as document how this notification was made to the victim in their report.

e. Take audio recorded statements of interviews. Take video of the victim's statement, if possible.

f. Use supportive interviewing techniques to ask about previous incidents, frequency, and severity. Allow parties to describe and explain without interruption before asking questions.

g. Talk with children separately from parents, if parents give their consent. Use age-appropriate techniques and document children's age(s).

h. Be alert of signs of trauma or abuse. Contact appropriate agency if children are being abused.

i. Do not tell victim what action will be taken until all available information is collected.

18. 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 and describe 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 follow up if the officer(s) will not be available.

D. Arrest Decision

19. 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.

20. 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.

21. 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?

22. In order to arrest both parties, the officer(s) should have probable cause to believe both parties independently may have committed a crime.

23. 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)

24. 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.

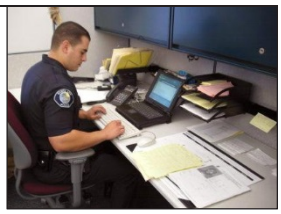
    b. Ask questions to determine the presence of firearms in the home or if the suspect has access to firearms.

    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

25. 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 unit contact information for follow up (i.e., station phone number and shift).

    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. Document the level of danger/risk determined using the lethality/risk assessment questions. If the victim is found to be in a high lethality relationship, the officer should ensure that the victim is made aware of their status and elevated risk of death or serious injury as well as document how this notification was made to the victim in their report.

    g. 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.

    h. Check protective order to determine if weapons have been ordered to be removed per domestic violence statutory requirements for "cooling-off" period.

    i. Obtain consent from the owner to remove any weapons if no protective order exists.

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

    k. 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.

    l. Take and describe photographs of all injuries found on victim and/or suspect.

    m. The officer(s) should submit a reviewable report prior to the end of shift.

26. 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.

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

28. The officer(s) should submit a report when probable cause exists, even if the victim recants or declines to assist in prosecution.

29. 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.

30. 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. Any completed lethality/risk assessment information should be submitted to the judge as well to assist with bond setting and hold determinations.

31. A copy of any completed lethality/risk assessment should be submitted to the prosecuting attorney along with the report to assist in charging determinations with submittals as well as with asking for higher bond and/or holds on in custody cases.

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