

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

Misdemeanor Domestic Violence Protocol Model

Approved by the MAG Regional Council on May 22, 2019

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 41 recommended practices. Training resources created to help put these practices into place include outreach and training videos as well as brown bag trainings. 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 and Prosecutor's Office; City of Avondale Police Department; City of Buckeye Police Department; City of Chandler Prosecutor's Office; City of El Mirage Police Department; Town of Gilbert Police Department and Prosecutor's Office; Glendale City Court, Police Department and Prosecutor's Office; City of Goodyear Police Department; Maricopa County Attorney's Office; City of Maricopa Police Department; Maricopa County Sheriff'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; City of Surprise; Southwest Family Advocacy Center; City of Tempe CARE 7; City of Tolleson Police Department; and Town of Wickenburg 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 <http://azmag.gov/Programs/Domestic-Violence/Domestic-Violence-Protocol-Evaluation-Project>. For more information, please contact Brande Mead at the MAG office at (602) 254-6300 or by email at bmead@azmag.gov.

A. Initial Response

1. The 9-1-1 or Communications Operator should work with the caller to obtain all necessary information while providing reassurance. Any call involving a domestic violence incident should be given the same priority as any other emergency call.
2. The 9-1-1 or Communications officer should attempt to determine the following information. (Once the basic information is obtained, additional questions may be appropriate. Not every question is appropriate in every situation. The circumstances of the emergency may limit the inquiry):
 - a. Nature and location of emergency
 - b. Are there any injuries?



- c. Was there a weapon involved?
 - d. Who is the assailant, and where are they now?
 - e. What is the physical description of the suspect?
 - f. Has anyone involved been drinking alcohol or using drugs?
 - g. What is the caller's name and relation to the incident?
 - h. Is there an order of protection against the suspect? Has the order been served?
 - i. Have police been there before, or have there been previous calls to 911?
 - j. Are there any other witnesses?
3. Two officers should respond to the call (when possible).
 4. 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, if known.
 5. The officer(s) should be alert for weapons when arriving on scene.
 6. 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. Utilize forensic nurses as appropriate and available.
 7. Officer(s) should access translators (e.g., Language Line) as needed to communicate with individuals on scene.

B. On-Scene Investigation

8. Do not tell victim what action will be taken with suspect, including intent to arrest, until all available information and evidence is collected.
9. If suspect is on scene, the officer(s) should separate suspect from victim by removing suspect from the victim's immediate area to be interviewed, and if necessary, removed to a patrol car or restrained.
10. 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.
11. The officer(s) should conduct thorough interviews by following Sections a-1 (below).
 - a. Identify, separate, and talk with all witnesses, including children.
 - b. Conduct complete interviews and obtain written statements as soon as possible.



- c. Talk with children separately from parents. Use age-appropriate and trauma-informed techniques and document children's age(s). Consider the use of forensic interviewers when appropriate.
 - d. Be alert to signs of trauma or abuse. Contact Department of Child Safety if children are being abused. Welfare checks of children are required any time children are present (ARS§13-3601N).
 - e. Interview each person in an area as far as is practical out of hearing range and sight from each other and bystanders, while maintaining officer safety. Consider removal to a patrol car if warranted and necessary. If one party attempts to influence or intimidate another, or otherwise impede investigation, remove aggravating party to patrol car. Officer(s) should also take care to interview any independent witnesses who may be present.
 - f. 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, as appropriate.
 - g. Obtain, and if possible, verify alternate contact information for victim, suspect and all witnesses to include telephone, email, physical address, and employer. Collect safe contact information for family members or trusted contacts of the victim.
 - h. If strangulation is disclosed, follow your agency's strangulation protocol.
 - i. Interview any independent witnesses who may be present.
 - j. Make use of all available technologies; take audio and video recorded statements of interviews, whenever possible. If using body-worn cameras, exercise caution to limit recording of a victim's protected personal information, according to agency policy. Notify victim of recordings per agency policy.
 - k. Use supportive interviewing techniques to ask about previous incidents, frequency, and severity. Allow parties to describe and explain without interruption before asking questions.
 - l. The officer(s) should locate and interview the suspect if there is evidence a crime has occurred (i.e. physical injuries or damaged property), especially if there are no witnesses for corroboration.
12. In cases of intimate partner violence, the officer(s) should ask the victim lethality/danger assessment questions in accordance with agency policy to determine the level of lethality/danger the victim is facing in the relationship. Prior to use of the assessment, educate the victim on the purpose of the instrument, and discoverability of responses, according to agency policy.
 13. The results of the lethality/danger assessment should be clearly conveyed to the victim, and if the victim is found to be in a high lethality relationship, the officer(s) should ensure that the victim is made aware of his/her status and elevated risk as well as document how this notification was made to the victim in their report.
 14. The officer(s) should note the condition of the scene including any evidence to support evidence-based prosecution
 15. 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.

16. If entry is consented, the officer(s) should enter and conduct a search of the premises.
17. If refused entry, the officer(s) should persist in seeing and speaking alone with the subjects of the call. For the purpose of ensuring the welfare of all occupants inside, if access is still refused, contact a supervisor, and when warranted and advisable the officer(s) should, if deemed necessary, force entry in accordance with agency policy.
18. The officer(s) should collect important evidence by following Sections a-e (below).
 - a. Collect and preserve the physical evidence reasonably necessary to support prosecution, including evidence that substantiates victim's injuries, and elements of the incident (i.e., weapons, torn clothing, etc.).
 - b. Record the crime scene thoroughly. Take photos of visible injuries and the crime scene including any evidence which may support evidence based prosecution. Do not rely on body-worn cameras for injury photos. Document and describe these in the report.
 - c. Educate the victim about the need for follow up, and document multiple forms of contact. Arrange for follow up if the responding officer(s) will not be available. Ask for and collect any photos the victim or associates may have taken, or plan to take of the injuries.
 - d. Document and collect evidence of contact from the suspect relating to the current, or any previous domestic violence incidents, including digital communication. Take photographs when possible.
 - e. Request a copy of the 9-1-1 recording according to agency policy.

C. 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 not-sustained, according to agency policy. An electronic record of the call should be created even if the responding officer determines there is no evidence of a crime.
21. The officer(s) should determine if there is a predominant aggressor by considering all factors, which includes, but may not be limited to the following (Note: the predominant aggressor may not be the primary aggressor).
 - a. What is the prior history of violence and/or coercive control between the parties?
 - b. Is there a size differential between the parties?
 - c. What is the relative severity and extent of the injuries?
 - d. Are injuries offensive or defensive in nature?
 - e. How does the law regarding self-defense apply to this situation? (ARS §13-404)
 - f. What is the likelihood of future injury to each party?



- g. What is the relative fear of each party to the other - who is afraid of whom?
 - h. Was either party armed with or did either party use a weapon, and in what manner was it used?
 - i. What were the circumstances leading up to and surrounding the confrontation, what was said?
 - j. Are there any relevant skillsets to consider (i.e. military training, mixed martial arts, etc.)?
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§13-3601J)
24. Following an arrest decision, the officer(s) should conduct tasks, including those in Sections a-c (below).
- a. Ask questions to determine the presence of firearms in the home or if the suspect has access to firearms. If firearms are present, obtain consent from the owner or possessor (ARS§13-3601C) to remove any weapons through voluntary surrender or for safekeeping according to agency policy, if possible.
 - b. Take the accused into custody as soon as it is determined a warrantless arrest is appropriate.
 - c. If effecting the arrest of a juvenile, follow juvenile arrest procedures.

D. On-Scene Assistance to Victims

25. If not already requested, 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/danger assessment questions with the responding Crisis Response or Victim Services Unit. The Crisis Response or Victim Services Unit should assist the officer(s) with the steps in Practice 26 listed below.
26. When a Crisis Response or Victim Services Unit is NOT available, the officer(s) should assist with Sections a-j (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. Contact the appropriate entities to obtain emergency protective orders, or refer victims to appropriate court entities for an order of protection. Advise victim that emergency orders are temporary, and encourage the victim to seek a standard order if they choose.
 - c. Provide information, resource materials, and phone numbers for accessing domestic violence assistance (ARS§13-3601J).
 - d. Help arrange for transportation to emergency housing, if requested by victim.
 - e. 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.

- f. Contact the appropriate victim advocates, who may be located within the agency or at the closest Family Advocacy Center, and provide the victim's contact information for follow up to maintain the continuum of care.
- g. Provide Victim Rights Form, and have victim complete and sign, if possible and appropriate, to ensure accuracy of information. Also provide Victim Compensation Fund information, advising victim(s) of their rights both verbally and in writing. Take care to specifically explain that the suspect's initial court appearance will occur in less than 24 hours. Advise the victim that invoking their rights does not mean they wish to participate in the prosecution process, but rather will keep them informed of the case status.
- h. After interviews completed, inform the victim of suspect's status i.e. if an arrest was made and whether an order of protection was served.
- i. Provide victim with notification of initial court appearance including date, time, and location, and directions, if possible. If information is unavailable, officers should direct victims to the appropriate court or prosecutor's office to get the information, when possible. Officer(s) should be aware of the policies and procedures victims will navigate at the initial appearance. Connect victim with an advocate who can educate them on the judicial process, when available.
- j. After providing victim with all information, confirm that the victim understands the next steps. Answer any questions before leaving the scene, or connect victim with an advocate for further assistance.

E. Complete Reports

27. The officer(s) should thoroughly complete reports by following sections a-n (below).

- a. Include the necessary victim identification and follow up contact information, including trusted contacts. Document identification, including passport information for non-resident identification.
- b. Summarize audio and video recorded statements of victim and suspect, any potentially 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). Include any other incident/report numbers from other responding agencies. Note the facility parties were taken to, if known and applicable.



- e. Provide the officer(s)' names and contact information (direct numbers and cell phone numbers), and Departmental Report numbers for follow up.
 - f. Document the level of lethality/danger determined using the lethality/danger assessment questions from the Form IV, or similar assessment. If the victim is found to be in a high lethality relationship, the officer(s) should ensure that the victim is made aware of her/his 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. Request a copy of the 9-1-1 recording according to agency policy.
 - h. Determine if victim has a protective order. If so, verify protective order with the agency or entity housing it and request a copy for inclusion in the report.
 - i. Check protective order to determine if weapons have been ordered to be surrendered per domestic violence statutory requirements.
 - j. Obtain consent from the owner or possessor (ARS§13-3601C) to remove any weapons if no protective order exists through voluntary surrender or for safekeeping according to agency policy, if possible.
 - k. Ask about and document any information about prior incidents to establish a pattern or history of abuse.
 - l. 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 according to (ARS§13-3601.02)
 - m. Summarize and describe photographs of all injuries found on victim and/or suspect, including whether the nature of the injuries is reported as self-defense.
 - n. The officer(s) should submit a reviewable report prior to the end of shift.
28. The officer(s) should submit all evidence of suspect attempting to intimidate or influence victim.
 29. The officer(s) should clearly mark all written reports and documents as "domestic violence." (ARS§13-3601H).
 30. A report should be written even if reasonable attempts to contact the suspect are unsuccessful.
 31. The officer(s) should submit a report when probable cause exists, even if the victim recants or declines to assist in prosecution.
 32. The officer(s) should adopt a neutral tone in their reports. Note inconsistencies in any statements without making assumptions/inferences about validity.
 33. 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), detailed criminal history, whether suspect has access to weapons, and whether a court has issued a protective order against the suspect.
 34. Results of any completed lethality and danger assessment should be submitted to the judge as well to assist with bond setting and hold determinations, according to agency policy.

35. A copy of any completed lethality/danger 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.
36. Run criminal history and include previous convictions (include fingerprints, and all prior domestic violence).
37. Submit the suspect's fingerprints, prior criminal history, and photographs with the Departmental Report and forward them onto the Arizona Automated Fingerprint Identification System (AAFIS). Accurate criminal history information is vital to successful prosecution. Check your department records to see if prior long form cases have fingerprints.

F. Follow-Up

38. Inform the victim of any change in suspect's status after leaving the scene, including if an arrest was made and whether an order of protection was served, when possible.
39. Provide victim with notification of initial court appearance including date, time, and location, and directions, if possible. If information is unavailable, officers should direct victims to the appropriate court to get the information.
40. Follow up with victim, in person, to see if injuries are now visible or if injuries observed at the scene are changing. Ask about communication from the suspect including attempts at reconciliation or intimidation. Arrange for follow up if the officer(s) will not be available.
41. Promptly follow up on all furthers to aid successful prosecution, and review all turn-downs to enhance future investigations.



*This project was supported by subgrant No. ST-WSG-15-010115-18 awarded by the Governor's Office of Youth Faith and Family. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice, Office on Violence Against Women or the Governor's Office.