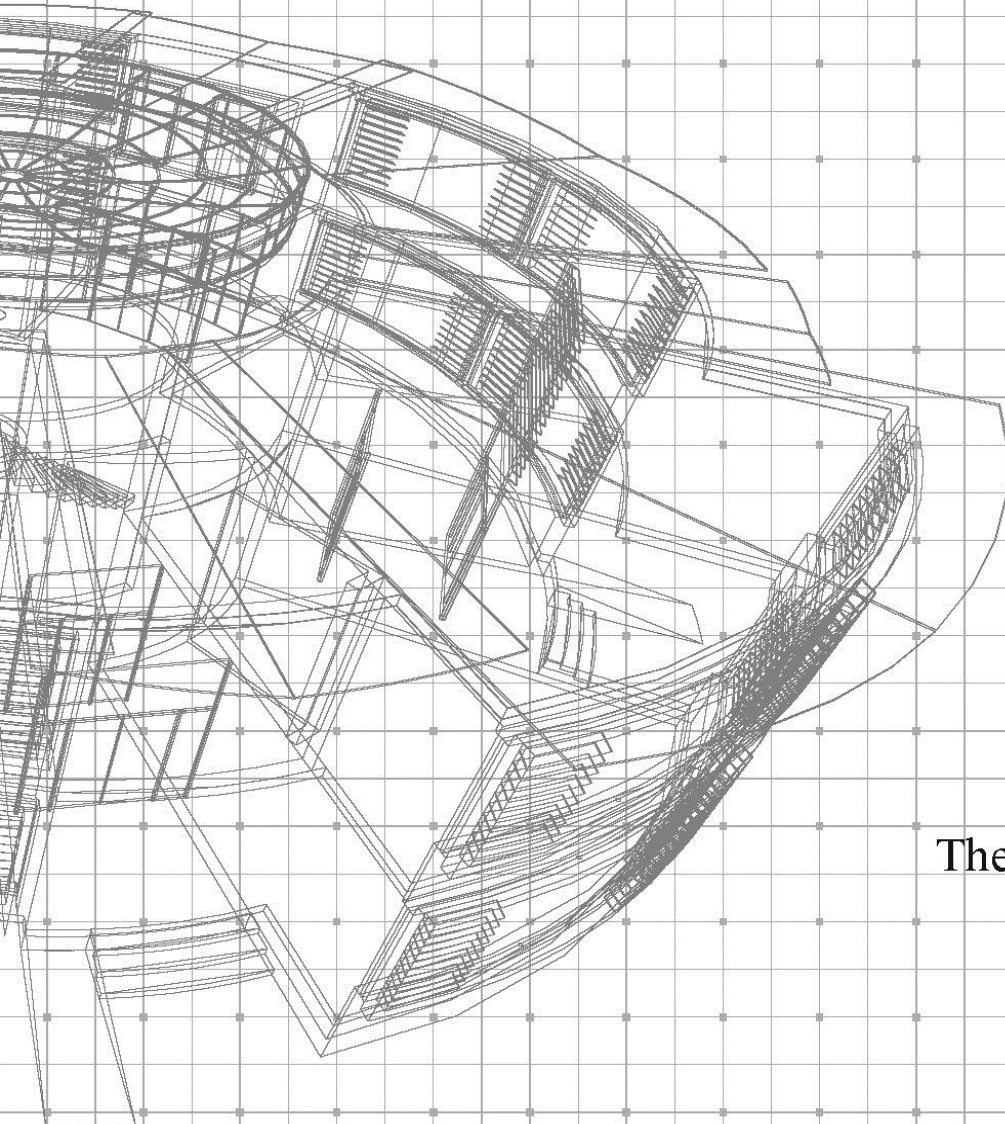


CHAPTER 3

Law Enforcement

Duluth Police Department



The Duluth
blueprint
for **safety**

Law Enforcement

Policy 310: Domestic Abuse

310.1 PURPOSE AND SCOPE

The department is committed to engaging in a comprehensive approach to intervening in domestic abuse incidents. The investigation of these cases sets the foundation for almost every subsequent action by the courts and community-based agencies. It is the cornerstone of an effective, coordinated inter-agency response. The intent of the law and this order is to protect victims from ongoing domestic abuse.

This order defines the department's procedures in the initial investigation and response to domestic abuse incidents. This order is in compliance with Minnesota Statutes pertaining to police authority and responsibilities in domestic abuse cases.

310.2 DEFINITIONS

Domestic Abuse: Minn. Stat. § 518B.01, Subd. 2(a) defines domestic abuse, if committed against a family or household member by a family or household member, as follows:

- physical harm, bodily injury or assault
- the infliction of fear of any of the following: imminent physical harm, bodily injury or assault
- terroristic threats within the meaning of Minn. Stat. § 609.713, Subd. 1
- criminal sexual conduct in the first, second, third, fourth, or fifth degree (Minn. Stat. § 609.342, 609.343, 609.344, 609.345, and 609.3451)
- interference with an emergency call within the meaning of Minn. Stat. § 609.78, Subd. 2

Family or Household Members: Minn. Stat. § 518B.01, Subd. 2 defines household members as:

- spouses and former spouses
- parents and children
- persons related by blood
- persons who are presently residing together or who have resided together in the past
- persons who have a child in common regardless of whether they have been married or have lived together at any time
- a man and a woman if the woman is pregnant and the man is alleged to be the father regardless of whether they have been married or have lived together at any time

- persons involved in a significant romantic or sexual relationship. (In determining whether or not a significant romantic or sexual relationship exists, the court shall consider the length of time of their relationship, type of relationship, frequency of interaction between the persons, and if the relationship has terminated, the length of time since the termination.)

Probable Cause: A belief, based on an officer's observations and reasonable judgment, and statements by parties and witnesses involved, that a crime occurred and the subject committed the crime.

Self Defense: Reasonable force used by any person in resisting or aiding another to resist an offense against the person (Minn. Stat. § 609.06 Subd. 1(3)). The use of force must be reasonable for that person given the nature of the threat. Reasonable force to defend oneself does not include seeking revenge or punishing the other party.

Felony Domestic Assault by Strangulation: Unless a greater penalty is provided elsewhere, whoever assaults a family or household member by strangulation is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both. Strangulation is defined as “intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person.” (Minn. Stat. § 609.2247)

310.3 PROCEDURES

310.3.1 SINGLE OFFENDER

If a person is determined to be the sole aggressor, and the persons involved meet the definition of family or household member; that person shall be arrested within 72 hours and taken into custody when an officer has probable cause to believe that the person has:

- Has committed a misdemeanor assault against a family or household member which may include a physical assault or placed the victim in fear of immediate bodily harm.
- Has threatened a family or household member with dangerous weapons.
- Interference with an emergency call.
- Has made terroristic threats within the meaning of Minn. Stat. § 609.731, subd. 1.
- Has committed criminal sexual conduct in the first, second, third, or fourth degree within the meaning of Minn. Stat. § 609.342, 609.343, 609.344, or 609.345.
- Juveniles may be arrested for domestic assault against a caregiver after considering self-defense, predominant aggressor and consultation with a supervisor.

When an officer determines that probable cause exists to make an arrest under the above conditions, the officer should make diligent efforts to ensure that the offender is arrested within 72 hours of the incident. If the officer is unable to make an arrest by the end of his/her shift, the officer shall meet all reporting requirements as explained in section VIII and complete a patrol log indicating:

- the ICR, victim's name, date, time and location of the incident
- the name of the offender and any pertinent information that may aid in the offenders arrest
- that probable cause exists to arrest the offender and when the time period for the arrest expires

At no time is an officer to leave a citation with the victim to give to the offender or mail a citation to the offender. If a citation cannot be personally served, refer the case to DVRT.

310.3.2 MULTIPLE OFFENDERS

Minn. Stat. § 629.342, Subd. 2 discourages dual arrest. When evidence of mutual combat is present, the situation does not necessarily dictate the arrest of both parties.

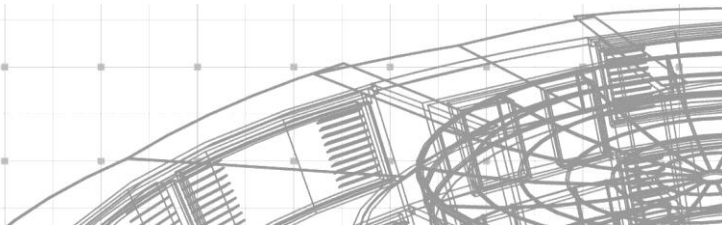
Self Defense: Officers must first determine whether any injuries were inflicted as a result of self-defense. Reasonable force may be used by any person in resisting or aiding another to resist an offense against the person. The use of force must be reasonable for that person given the nature of the threat and may include the use of weapons. If one of the persons acted entirely in self-defense the situation is dealt with as if there were a single offender.

Predominant Aggressor: If the officer determines that neither party acted in self-defense and both parties have committed an act of domestic abuse, then the officer must make a custodial arrest of the predominant aggressor considering the totality of the circumstances, including:

- the relative severity of the injuries and fear inflicted in this incident
- the relative use of force and intimidation used in this incident
- information available to officers involving prior incidents involving either party
- the likelihood of either party to commit domestic abuse in the near future

The disposition of the predominant aggressor should be determined using the criteria for “Single Offenders” (Section IV.A.) The rationale for determining self-defense or predominant aggressor must be documented in the report along with supervisorial consultation on the arrest. The reports are forwarded by the patrol supervisor to the Domestic Violence Response Team (DVRT). The DVRT is responsible for referring the case to the appropriate prosecutor along with a recommendation concerning whether or not charges are appropriate for the non-dominant aggressor. The prosecutor is responsible for determining disposition involving the non-dominant aggressor.

Multiple Domestic Abuse Arrests: In situations where probable cause exists to arrest both parties, but self-defense is not involved, and an arrest of the predominant aggressor alone cannot be made,



both persons should be arrested. In situations warranting a dual arrest, if there are children present in the home, officers may make a determination about who is best able to care for the children and issue that person a citation rather than making a custodial arrest. If neither person is able to care for the children, custodial arrests of both can be made and arrangements made for the children's care.

310.4 NOTIFICATION RESPONSIBILITIES

A patrol supervisor must be consulted in domestic incidents involving: multiple offenders, juveniles involving caregivers, self-defense, predominant aggressor or mutual combatants.

A patrol supervisor shall be notified of felony assaults and incidents involving weapons.

310.5 CHILDREN EXPOSED TO DOMESTIC ABUSE

If a child is a victim of domestic abuse, the previous sections of this order pertaining to arrests are applicable.

The presence of children, their location and any injuries, involved in any domestic abuse situation needs to be fully documented. Officers may be mandated to report if the incident involves neglect, or potential neglect, of the child whether or not an arrest is made. Officers must always make a determination about the safety or advisability of leaving the child in the residence.

Before interviewing a child as a witness of domestic abuse, the officer should consider:

- the child's physical, emotional, or psychological ability to give a statement
- the child's age and ability to understand questions and formulate responses
- the likelihood the child will suffer adverse consequences

310.6 STRANGULATION

Strangulation behavior is potentially lethal, and it is a common action used by an abuser to dominate a victim. Any incident in which an offender places his or her hand or arm or another object around the victim's neck or throat and squeezes is potentially lethal behavior and creates a grave risk of injury and death. An offender's use of strangulation may foreshadow escalating use of violence and homicidal intent.

- If the victim has any of the symptoms of strangulation, talk with the victim of the potential lethality and the need to request emergency medical services. See *3F Training Memo - Law Enforcement Response to Strangulation* regarding medical care.
- Conduct an initial interview of the victim regarding the method of strangulation and its impact, e.g., difficulty breathing, loss of consciousness, etc.

- If possible, talk with the suspect before making a probable cause determination. Take caution to not inadvertently arrest a person acting in self-defense.
- Document all evidence of strangulation in the written report. Refer to *3F Training Memo - Law Enforcement Response to Strangulation* for interview and report writing tools.

310.7 STALKING: INVESTIGATION AND EVIDENCE COLLECTION

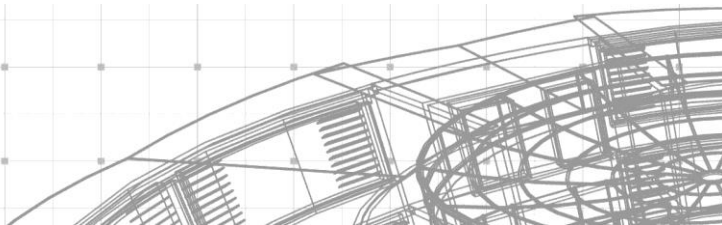
- Be alert to the possibility that any single report of domestic abuse could be part of a pattern of stalking behavior. Pay particular attention to repeated violations of the protection orders and no contact orders.
- Ask questions of the victim to determine if the current incident is an isolated event or part of a pattern of behavior.
- Be aware of the possibility that actions that would not otherwise be illegal or might not cause alarm in another context could be examples of stalking behavior and respond according to *3G Training Memo - Law Enforcement Response to Stalking*.
- When conducting an investigation into alleged stalking, consider that evidence to the crime might be present in the suspect's vehicle. See **Policy 311: Search and Seizure**. Consider tools or implements used to commit stalking, kidnapping, or related crimes such as floral deliveries, emails, notes, cards, letter, gifts, cell phones, cameras, computers, etc. Note the information from the victim regarding previous acts of stalking and harassment for follow-up by officer.

310.8 GONE ON ARRIVAL (GOA): POLICY ADDITION

Domestic violence incidents where the suspect leaves the scene before police arrive often involve dangerous suspects hoping to evade consequences for their actions. When an officer makes a determination that probable cause exists for an arrest but the suspect is not present, officers should prioritize apprehension of the suspect. See *3B Training Memo - Gone on Arrival (GOA) Cases* for cautions in interviewing GOA suspects.

Take the following actions when the suspect has left the scene (GOA) prior to patrol officers' arrival:

- Search for the suspect on the premises
- Search for the suspect in the immediate area and the direction and area where the suspect might have fled
- Check with 911 for other addresses where the suspect might be located. Issue an attempt to Locate (ATL)
 - Request that 911 issue an ATL on all active dispatch channels.
 - Suspect's name, date of birth, and physical description, including clothing
 - Suspect's direction and mode of travel upon leaving the premises



- Description of the suspect's vehicle, if applicable
 - Where the suspect might have gone
 - Where the suspect stays when not with the victim
- Encourage the victim to call 911 if the suspect returns
 - Provide information to the victim about restraining orders, how to request that the prosecutor file a criminal complaint, advocacy services, and shelter.
 - Offer to transport the victim or arrange for transport to shelter or another safe place if needed.
 - Provide whatever assistance is reasonable to help the victim to secure broken doors or windows.
 - Collect and process evidence in the same manner as when an arrest has taken place.
 - Remain at the scene until the officer believes the likelihood of further violence has been eliminated.
 - After leaving the scene, when possible, drive by the residence over the next few hours and return to look for the suspect.

310.9 SEXUAL ASSAULT

Recognizing the crossover between domestic violence and sexual assault allows us to have a more comprehensive victim-centered response. Consider this co-occurrence when interviewing the victim and if an allegation of sexual assault is disclosed, follow **Policy 602: Sexual Assault Investigation by Patrol Officers**.

310.10 SEIZURE OF WEAPONS IN DOMESTIC ABUSE INCIDENTS

Officers investigating domestic abuse incidents who have probable cause to believe the domestic abuse incident involved weapons should, when lawfully possible, seize all weapons used in the assault. In other instances, it may be appropriate to take weapons for safe keeping. The purpose of this is twofold, to preserve evidence and also to safeguard the welfare of the people involved.

310.11 REPORTS

Minn. Stat. § 629.341 Subd. 4 requires an officer investigating any alleged incident of domestic abuse to complete a written report. CAD notes do not constitute a report. Per department policy an officer must complete the Risk Questions and document the responses in the narrative. Arrest CALs are required on all domestic arrests. DVRT CALs are required on all GOA cases regardless of the level of offense. Officers must contact Safe Haven Shelter or Dabinoo 'Igan Shelter for domestic incidents and arrests that result in a narrative report. Computer Aided Dispatch (CAD) notes are acceptable for documenting a code change, i.e. it was not an incident or allegation of domestic abuse. For example, It was a loud, verbal argument without threats, without fear, and without

physical contact.

Officers should include information related to the following in a report, as applicable (Minn. Stat. § 629.341 and 611A.0311), and see **Policy 325: Preliminary Investigation/Required Reports** for additional report information:

- a) Names, addresses, telephone numbers of all involved persons
- b) Condition of clothing
- c) Description of the scene, including any property damage
- d) Do not seize a phone if it would leave the victim without a working phone. Photographs and audio will suffice as evidence from the phone.
- e) Evidence of physical injury, including strangulation
- f) Presence of elderly victims, persons with disabilities, people with limited English proficiency and whether interpreter services were used.
- g) Facts related to any person who may have been the predominant primary aggressor/ document any determination made regarding self-defense or predominant aggressor.
- h) Excited utterances of the victim and the suspect
- i) Demeanor of the victim and the suspect
- j) Medical records, including the victim's statements to paramedics, nurses and doctors
- k) Detailed statements of interviews of witnesses, including children, who may have been present, noting any language barriers
- l) A detailed explanation of the reasons for the officer's decision not to arrest or seek an arrest warrant
- m) Evidence of any prior domestic abuse, related convictions, including dates
- n) Any existing orders for protection, harassment restraining order or no contact orders
- o) Identifying information of a specific court order violated, including county of origin, the file number and the provision allegedly violated

When a custodial arrest is mandated, but cannot be made because the offender is not located, the investigating officer will dictate a “RUSH” report. If it is a misdemeanor the officer will also complete a citation. The paperwork will be given to the district sergeant, or in their absence the Watch Commander. The sergeant will be advised when the time period for the arrest expires and will attempt to have officers make the arrest. If the offender has not been arrested within the mandatory arrest period, the original responding officer shall deliver a citation to the offender. In the event the offender cannot be located, the DVRT Unit Leader should be consulted for alternatives. In instances where a citation does not apply (GM or Felony) and an arrest has not been made by the end of the shift, reports must be forwarded to DVRT. The sergeant must ensure that the disposition is recorded in the case activity log.

Officers conducting all criminal investigations will, whenever possible, record oral victim and witness statements in lieu of written statements. Statement evidence obtained during an initial investigation can be very powerful evidence in determining the course of an investigation; ultimately

impacting charging decisions and convictions.

It is not necessary to advise a victim or witness that their statement is being recorded. If victim requests not to be recorded, Officers shall turn off recording device. Officers should use discretion when determining the best method of recording depending on the circumstances of the event. For example with cases of domestic or sexual violence, a discrete and low profile approach to recording would be appropriate in an effort not to add to the distress the victim may already be experiencing. Utilize *3K Training Memo - Victim Engagement and the Law Enforcement Response to Domestic Violence* when interacting with victims.

310.12 MANDATED VICTIM ASSISTANCE

In all domestic abuse incidents, officers will provide the victim with the Duluth Police Crime Victim Information Card which contains the ICR number and the officer's name. Officers shall notify victims of the availability of services of Safe Haven Shelter, the Domestic Abuse Intervention Project (DAIP) and Dabinoo 'Igan Shelter. Incidents involving child victims require notification of the Initial Intervention Unit.

Following domestic abuse incidents, officers shall advise victims that an advocate will be contacting them from either Dabinoo 'Igan or Safe Haven. The officer is to ask the victim if she/he has a preference as to which advocacy agency contacts them. If yes, the officer will notify the chosen shelter. If the victim expresses no interest or says they do not want contact, the officer will then inform Safe Haven of the arrest. The arresting officer will advise the shelter how and where to contact the victim, and give the shelter the name of the arrested party. Officers will document in their report that they asked the question on shelter choice, which shelter was chosen, and if none was chosen, that Safe Haven was contacted. This advisory must be given prior to clearing from the incident.

If the victim needs transportation, the responding officer shall offer to transport the victim, or make arrangements for transportation to a safe place.

The officer shall obtain at least two phone numbers of persons who can reach the victims in emergencies to enable notification concerning the offender's release and other safety issues. These numbers are to be recorded on the back of the booking form and provided to Safe Haven Shelter.

310.13 SECOND OFFENSES AND GROSS MISDEMEANOR FELONY CHARGES

When an arrest is made, officers must determine if enhancement is appropriate by interviewing the victim and the offender and by researching available court and local records. Officers must document sources consulted in an effort to locate enhancement information (MNCIS, CCH, counties contacted, etc.).

310.14 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic abuse cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

310.15 PROBATION

Patrol Officers should determine if suspect is currently on probation and inform probation of any incident, investigation and/or detention of suspect.

310.16 DOMESTIC VIOLENCE RESPONSE TEAM (DVRT)

The DVRT Unit conducts follow up investigation on domestic arrests and reported incidents. Patrol officers will submit arrest and incident reports to their supervisor. The patrol supervisor will forward the necessary reports to the DVRT Unit. Submitted reports will include statement forms, signed medical releases, MNCIS, criminal histories, and citations when one is issued. Referrals to the DVRT Unit are made through, and documented in the Case Activity Log.

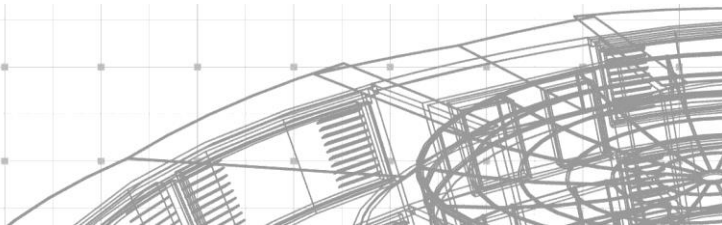
The DVRT Unit will process the reports necessary for custodial arrests and ensure that the charges are appropriate. The unit will also follow up on investigations that do not result in an arrest when they believe the offender or family needs intervention not available from the Patrol Division.

The DVRT Unit will follow *3M Supervising Domestic Violence Investigations - Case Review Checklist*.

Addendum

Risk Questions

1. Do you think he/she will seriously injure or kill you, your children, or someone else close to you? What makes you think so? What makes you think not? Does he/she have access to guns?
2. How frequently does he/she assault you? Describe the time you were the most frightened or injured by him/her.
3. Does he/she initiate unwanted contact either electronically or in person? Describe the unwanted contact. How often?
4. How frequently does he/she intimidate or threaten you? Has he/she intimidated or threatened you regarding talking to police or seeking help from the court?
5. Has he/she ever forced you to do things sexually you didn't want to?



Blueprint for Safety Initiative: Duluth Police Department's Essential Elements

The Domestic Abuse Intervention Project (DAIP) and the Duluth Police Department (DPD) have been collaborating on policy, practice and intervention design for 34 years. Given that history, the DPD has taken domestic violence cases into account in many different adaptations to its domestic violence and general police policy. The Blueprint project presented some unique challenges to meeting the essential elements of what a Blueprint policy would reflect in that many of the elements required are found in the DPD's general policy rather than the domestic policy. The following is how the CCR has chosen to represent the Duluth Police Department policies that meet the Blueprint Essential Elements. Each essential element is listed with the corresponding policy below. General Order 310, which is the specific Domestic Policy, is broken down and listed under the essential elements.

The Duluth Police Department's response to domestic violence-related cases is guided by the following policies, training bulletins, references and guides.

Departmental policies

- Policy 306: Officer Response to Calls
- Policy 309: Harassment Restraining Orders
- Policy 310: Domestic Abuse
- Policy 314: Orders for Protection
- Policy 325: Preliminary Investigation/Required Reports
- Policy 600: Case Screening, Assignment and Management
- Policy 602: Sexual Assault Investigations by Patrol Officers
- Policy 1001: Police Officer Involved Domestic Abuse

Additional resources available in Chapter 8: Resources

- Victim Engagement Guidelines for Patrol Officers and Investigators
- Conducting and Supervising Investigations in Domestic Violence-Related Cases
- Domestic Abuse Arrest/Incident Guide
- Domestic Violence Response Team (DVRT) Procedures
- Duluth Police Crime Victim Information Card (Blue Form 132)
- Dispatch Domestic Violence Call Guide

LAW ENFORCEMENT ESSENTIAL ELEMENT 1

Obtain or request enhanced information from dispatch, including:

- Type & level of danger, weapons, types of violence used, etc.
- Exact report of what caller saw/heard/experienced
- All parties at the scene
- Information to aid in locating suspect who has left the scene

Policy Citations

Patrol Bulletin—What 911 will convey to patrol (excerpt):

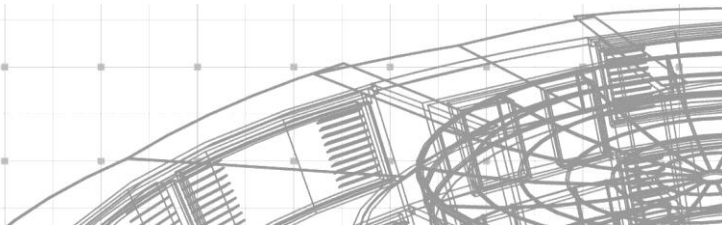
When time and caller safety permits, dispatch will convey to patrol relevant information from the scene.

Direct responding officers to the correct address, location, and parties at the scene.

- Establish the correct address and physical location of the event.
- Utilize information available via the ANI/ALI screen and GPS sources as necessary and appropriate.
- Establish the means of entry to the premises.
- In third-party calls, determine whether the caller can let officers in to the building.
- Establish the identities, descriptions, and locations of those involved at the scene.
- Establish and communicate the caller's location.
- Relay to responding officers all available details about suspect identity, physical description, and vehicle when the suspect has left the scene or is reported as gone-on-arrival.

Establish the type and level of danger to the caller, responding officers, and others at the scene.

- Establish as clear a picture as possible of the type of violence and actions of aggression or harm involved, drugs or alcohol involved and the immediate danger.
- Enter specific details in the CAD about the type of violence, actions of aggression, injuries, harm being reported and what the suspect is upset about.
- Include an exact report of what the caller saw or heard in order to assist officers in determining the means of entry, asking questions at the scene, and establishing probable cause.
- Determine the presence and use of weapons.



- Elicit pertinent information about the suspect's history of aggression, including aggression toward law enforcement.
- Stay alert to changing conditions at the scene.

Excerpt from Report Writing Checklist

2. Relevant 911 information. If incomplete or missing, request 911 convey relevant information.

LAW ENFORCEMENT ESSENTIAL ELEMENT 2

Separate the parties and minimize sight and sound contact between suspect and victim(s) as safety permits.

Excerpt from Report Writing Checklist

3. Separate parties from sight and sound of each other.

LAW ENFORCEMENT ESSENTIAL ELEMENT 3

Communicate in a person's first language and in ways that address limited English proficiency and literacy.

336 Limited English Proficiency Services

336.3.2. Telephone Interpreter Services

The watch commander and the Communications Supervisor will maintain a list of qualified interpreter services. These services shall be available, with the approval of a supervisor, to assist Department personnel in communicating with LEP individuals via official cellular telephones.

336 Limited English Proficiency Services

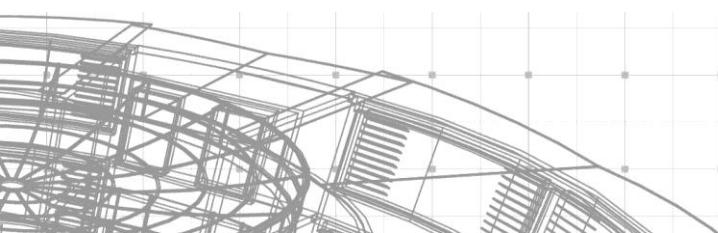
336.3.3 Community Volunteers and other sources of Interpretation

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, are generally not recommended. Department personnel shall make case-by-case determinations on the appropriateness of using such individuals (for further guidance see Section V(3) of the USDOJ Final Guidance available at the UDOJ website, <http://www/usdoj.gov>).

336 Limited English Proficiency Services

336.4.2 Investigative Interviews

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses, and suspects. In such



situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

337 Hearing Impaired/Disabled Communications

337.3.1 Telephone Interpreter Services

The Watch Commander and Communications Supervisor will maintain a list of qualified interpreter services, to be contacted at Department expense and upon approval of a supervisor, to assist deaf or hearing-impaired individuals. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity.

337 Hearing Impaired/Disabled Communications

337.4.1 Qualified Interpreter Required in Arrests

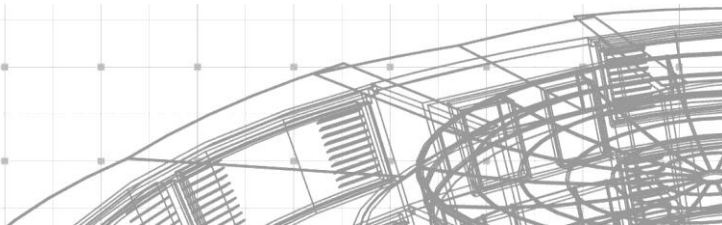
An officer who arrests a person who, due to deafness or a physical speaking impairment, cannot readily understand or communicate in the English language or cannot understand the proceedings, and before an interrogation or the taking of a statement, shall inform his/her supervisor of the arrest and ensure a qualified interpreter as specified by law is available at public expense of the arrestee (Minn. Stat. § 611.32 Subd.2)

337.4.2 Custodial Interrogations and Bookings

To ensure the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this department places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, Department personnel providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals.

Employees providing such assistance shall also be aware of the inherent communication impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is under the control of Department personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, optional illness, symptoms of withdrawal from certain medications or the need to segregate the arrestee from other prisoners, Therefore it is important for this department to make every reasonable effort to provide effective communication assistance in these situations.

- a) Individuals who require communications aids (e.g., hearing aids) should be permitted to retain such devices while in custody.
- b) While it may present officer safety or other logistical problems to allow a physically disabled



individual to retain devices, such as a wheel chair or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.

- c) Whenever a deaf or hearing-impaired individual is detained or arrested and placed in handcuffs, officers should consider, safety permitting, placing the handcuffs in front of the body to allow the individual to sign or write notes.

Excerpt from training memo “Victim Engagement Guidelines for Patrol Officers and Investigators”

- If the victim/and or witnesses do not speak English or are hearing impaired, contact the Shift Commander to obtain interpreter services.
 - For follow-up interviews DO NOT use neighbors or family members

Excerpt from Report Writing Checklist

- 8. The presence of elderly victims, persons with disabilities, persons with limited English proficiencies and whether interpreter services were used.

310 Domestic Abuse

Officers should include information related to the following in a report, as applicable (Minn. Stat. § 629.341 and 611A.0311), and see **Policy 325: Preliminary Investigation/Required Reports** for additional report information:

- a) Presence of elderly victims, persons with disabilities, people with limited English proficiency and whether interpreter services were used.

LAW ENFORCEMENT ESSENTIAL ELEMENT 4

Interview everyone at the scene (including children) and obtain contact information for all

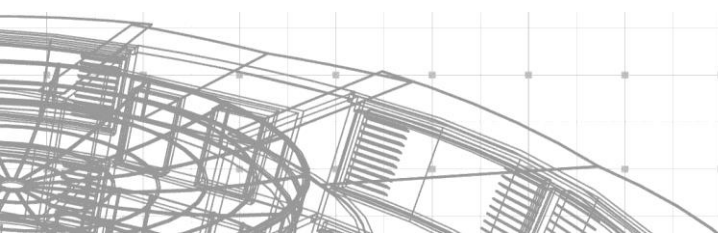
- Obtain detailed contact information for the victim
- Obtain suspect’s statement if present at the scene or if s/he can be located

310 Domestic Abuse

310.3.1 Single Offender

When an officer determines that probable cause exists to make an arrest under the above conditions, the officer should make diligent efforts to ensure that the offender is arrested within 72 hours of the incident. If the offender is unable to make an arrest by the end of his/her shift, the officer shall meet all reporting requirements as explained in section VIII and complete a patrol log indicating:

- The ICR, victim’s name, date, time and location of the incident



- The name of the offender and any pertinent information that may aid in the offenders arrest
- That probable cause exists to arrest the offender and when the time period of the arrest expires

310 Domestic Abuse

310.11 Reports

Officers conducting all criminal investigations will, whenever possible, record oral victim and witness statements in lieu of written statements. Statement evidence obtained during an initial investigation can be very powerful evidence in determining the course of an investigation, ultimately impacting charging decision and convictions.”

Excerpt from Report Writing Checklist:

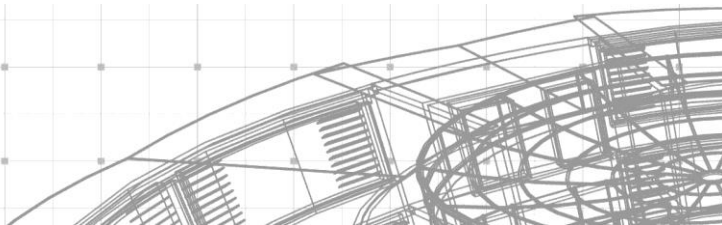
4. Audio record interviews with all parties and witnesses documenting the following:
 - a) Relationship of parties involved/witnesses
 - b) Name, address, phone numbers
 - Cell/Home (document number in police report and whether it is safe to leave messages; if it is not safe do not put the number on the Sheriff's booking form)
 - Suspect's employer
 - Contacts of two people who can reach victim and relay messages to them.
 - c) Individual's accounts of the events
 - d) When and how the violence started
 - e) Officer observation related to account of events
 - f) Injuries, including those not visible (i.e. sexual assault, strangulation)
 - g) Emotional state/demeanor
 - h) If alcohol or drug impairment is suspected; describe your observations, ask how much suspect drank and request a PBT

416 Detentions and photographing Detainees

416.3.3 Witness Identification and Interviews

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available personnel for the following:

- a) Identify all persons present at the scene and in the immediate area.
 1. When reasonably feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.



2. Any potential witness who is unwilling or unable to remain available for formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
 - b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.
3. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if reasonably available, prior to transport.

LAW ENFORCEMENT ESSENTIAL ELEMENT 5

Identify and check on the welfare of all children at the scene.

310 Domestic Abuse

310.5 Children Exposed to Domestic Abuse

If a child is a victim of domestic abuse, the previous sections of this order pertaining to arrests are applicable.

The presence of children, their location and any injuries, involved in any domestic abuse situation needs to be fully documented. Officers may be mandated to report if the incident involves neglect, or potential neglect, of the child whether or not an arrest is made. Officers must always make a determination about the safety or advisability of leaving the child in the residence.

Before interviewing a child as a witness of domestic abuse, the officer should consider:

- the child's physical, emotional, or psychological ability to give a statement
- the child's age and ability to understand questions and formulate responses
- the likelihood the child will suffer adverse consequences

338 Child and Dependent Adult Safety

338.3 Procedures during an arrest

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurances to the child or

dependent adult that he/she will receive appropriate care.

338.3.1 After an Arrest

- a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregivers judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 2. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

338.3.2 During the Booking Process

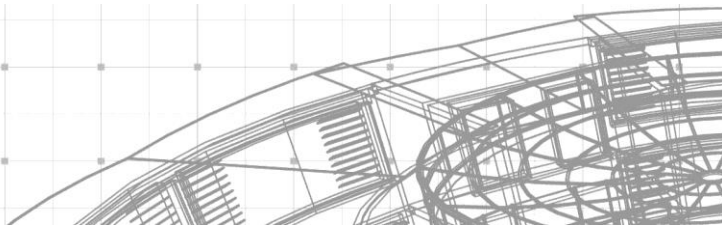
During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

338 Child and Dependent Adult Safety

338.3.3 Reporting

- a) For all arrests where children are present or living in the household, the reporting employee will document the following information:
 1. Name
 2. Sex
 3. Age
 4. How, where and with whom or which agency the child was placed
- b) For all arrest where dependent adults are present or living in the household, the reporting employee should document the following information about the dependent adult:
 1. Name
 2. Sex
 3. Age



4. Whether he/she reasonable appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself.

Excerpt from Report Writing Checklist

7. Children present, involvement in incident, general welfare. Children not present but reside at the residence.

LAW ENFORCEMENT ESSENTIAL ELEMENT 6

All incidents involving actual or suspected vulnerable adult abuse shall be responded to immediately, fully investigated and appropriately documented. A CAL referral shall be made to the appropriate investigative unit.

315.2 Abuse of Vulnerable Adults

The Duluth Police Department will meet Minnesota mandates related to adults who may need heightened protection due to their age or infirmities. Members of the Duluth Police Department will treat these persons with a high level of compassion and care.

315.3 Mandatory Reporting Requirements

Officers are mandated reporters (Minn. Stat. § 626.5572). If, during the course of an investigation, an officer has reason to believe that a vulnerable adult has sustained a physical injury that is not reasonably explained, the officer shall take a report, investigate and immediately make a telephone report to the county agency designated to receive such reports.

Failure to report or document an incident, which includes providing false, deceptive, misleading or omitted information by an employee, may be a crime. (Minn. Stat. § 609.234, subd.1)

Officers should report incidents to St. Louis County Common Entry Point at (218) 726-3164 or 800-450-9777.

315.4 Officer's Response

All incidents involving actual or suspected vulnerable adult abuse shall be responded to immediately, fully investigated and appropriately documented (Minn. Stat. § 626.557, Subd. 9b). A CAL referral shall be made to the appropriate investigative unit.

315.4.1 Protective Orders and Emergency Protective Orders

In any situation where an officer reasonably believes that a vulnerable adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), he officer may contact Adult Protective Services and request that they obtain a protective order against the person alleged to have committed or threatened such abuse if that person is not in custody (Minn. Stat. § 524.5-401). If an offense is taken where it I clear

there has been family violence against an elder or dependent adult, upon arrest of the suspect, the officer should request that a social services agency seek an Emergency Protective Order.

LAW ENFORCEMENT ESSENTIAL ELEMENT 7

Document and collect all available evidence, including photos, broken or damaged belongings, weapons, witness statements, electronic (e.g., recordings of text messages, voice-mail, social media), indicators of strangulation, indicators of stalking, and injuries.

- Do not seize telephone if it would leave victim without a working phone
- Request the victim sign a medical release if medical treatment will be sought
- Collect and secure evidence related to probable cause regardless of suspect's absence from the scene
- Note spontaneous statements by those at the scene
- Note physical appearance and emotional demeanor of parties.

310 Domestic Abuse

310.7 Reports

Minn. Stat. § 629.341, Subd. 4 requires an officer investigating any alleged incident of domestic abuse to complete a written report. CAD notes do not constitute a report. Per department policy an officer must complete the Risk Questions and document the responses in the narrative.

- Officers should include information related to the following in a report, as applicable (Minn. Stat. § 629.341 and 611A.0311), and see **Policy 325: Preliminary Investigation/Required Reports** for additional report information:
 - a) names, addresses, telephone numbers of all involved persons
 - b) condition of clothing
 - c) description of the scene, including any property damage
 - d) do not seize a phone if it would leave the victim without a working phone. Photographs and audio will suffice as evidence from the phone.
 - e) evidence of physical injury, including strangulation
 - f) presence of elderly victims, persons with disabilities, persons with limited English proficiencies and whether interpreter services were utilized.
 - g) facts related to any person who may have been a predominant aggressor/document any determination made regarding self-defense or predominant aggressor.
 - h) excited utterances of the victim and the suspect
 - i) demeanor of the victim and the suspect
 - j) medical records, including the victim's statements to paramedics, nurses and doctors
 - k) detailed statements of interviews of witnesses, including children, who may have been

- present, noting any language barriers
- l) a detailed explanation of the reasons for the officer's decision not to arrest or seek an arrest warrant.
 - m) evidence of any prior domestic abuse, related convictions, including dates
 - n) any existing orders for protection, harassment restraining order or no contact orders
 - o) identifying information of a specific court order violated, including county of origin, the file number and the provision allegedly violated.

Excerpt from Report Writing Checklist

1. Time of arrival and incident.
2. Relevant 911 information; if incomplete or missing, request 911 convey relevant information.
3. Separate the parties from sight and sound of each other
4. Immediate statements of either party.
5. Audio record interviews with all parties and witnesses documenting the following:
 - a. Relationship of parties involved/witnesses
 - b. Name, address, phone numbers
 - Cell/Home (document number in police report and whether it safe to leave messages. if it is not safe to leave messages do not document it on the Sheriff's booking form)
 - Suspect's employer
 - Contacts of two people who can reach victim and relay messages to them.
 - c. Individuals' accounts of events
 - d. When and how the violence started
 - e. Officer observation related to account of events
 - f. Injuries, including those not visible (i.e., Sexual assault, Strangulation)
 - g. Emotional state/demeanor
 - h. If alcohol or drug use is suspected; document your observations, ask how much suspect drank and request a PBT
6. Evidence collected.

310 Domestic Abuse

310.6 Policy Additions: Strangulation

Strangulation behavior is potentially lethal and it is a common action used by an abuser to dominate a victim. Any incident in which an offender places his or her hand or arm or another object around the victim's neck or throat and squeezes is potentially lethal behavior and creates a grave risk of injury and death. An offender's use of strangulation may foreshadow escalating use of violence and homicidal intent.

- If the victim has any of the symptoms of strangulation, request emergency medical services. See *3F Training Memo - Law Enforcement Response to Strangulation* regarding medical care.
- Conduct an initial interview of the victim regarding the method of strangulation and its impact, e.g., difficulty breathing, loss of consciousness, etc.
- If possible, talk with the suspect before making a probable cause determination. Take caution to not inadvertently arrest a person acting in self-defense.
- Document all evidence of strangulation in the written report. Refer to *3F Training Memo - Law Enforcement Response to Strangulation* for interview and report writing tools.

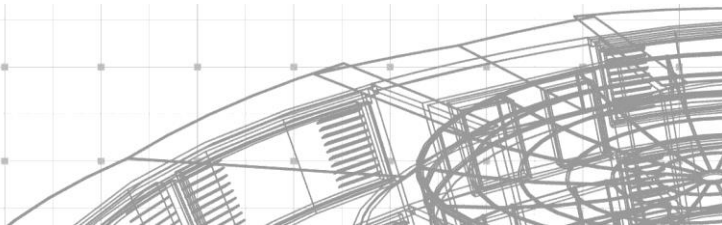
310 Domestic Abuse

310.7 Stalking-Investigation and Evidence Collection

- Be alert to the possibility that any single report of domestic abuse could be a part of a pattern of stalking behavior. Pay particular attention to repeated violations of protection orders and no contact orders.
- Ask questions of the victim to determine if the current incident is an isolated event or part of a pattern of behavior.
- Be aware of the possibility that actions that would not otherwise be illegal or might not cause alarm in another context could be examples of stalking behavior and respond according to *3G Training Memo - Law Enforcement Response to Stalking*.
- When conducting an investigation into alleged stalking, consider that evidence to the crime might be present in the suspect's vehicle. See policy on search and seizure. Consider tools or implements used to commit stalking, kidnapping, or related crimes such as floral deliveries, emails, notes, cards, letter, gifts, cell phones, cameras, computers, etc. Note the information from the victim regarding previous acts of stalking and harassment for follow-up by officer.

LAW ENFORCEMENT ESSENTIAL ELEMENT 8

Determine the existence of civil protection orders, harassment restraining orders, and



criminal no-contact orders.

100 Law Enforcement Authority

100.8 Arrest Dispositions

b. Incarceration: “Officers booking a person into a facility are responsible to see that the arrestee is being held on the correct charges. In cases where crimes are enhanced due to prior convictions, officers are expected to check an arrestee’s prior record to determine if there were prior convictions which make the current charge more serious. Appropriate sources to check are SHIELD (department records), MNCIS (state-wide court records), and CCH (F.B.I. records).

310 Domestic Assault

310.13 Second Offenses and Gross Misdemeanor Felony Charges

When an arrest is made, officers must determine if enhancement is appropriate by interviewing the victim and the offender and by researching available court and local records. Officers must document sources consulted in an effort to locate enhancement information (MNCIS, CCH, counties contacted, etc.).

310.14 Foreign Court Orders

Various types of orders may be issued in domestic abuse cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

309 Harassment Restraining Orders

309.5 Gross Misdemeanor and Felony Charges

A person is guilty of a gross misdemeanor who knowingly violates the order during the time period between a previous qualified domestic violence related offense conviction and the end of ten years following conviction for that offense (regardless if the violation is domestic related).

Officers must document in the report sources consulted in an effort to obtain enhancement information (MNCIS, CH, counties contacted, etc.). If officers are unable to verify a possible gross misdemeanor or felony, this must also be documented in the report.

314 Order For Protection

314.3.3 Follow-Up/Reports

In all cases submitted reports will include statement forms, medical releases, MNCIS, criminal histories, and citation when one is issued.

310 Domestic Abuse

310.11 Reports

Minn. Stat. § 629.341 Subd. 4 requires an officer investigating any alleged incident of domestic abuse to complete a written report. CAD notes do not constitute a report. Per department policy an officer must complete the Risk Questions and document the responses in the narrative.

Officers should include information related to the following in a report, as applicable (Minn. Stat. § 629.341 and 611A.0311), and see **Policy 325: Preliminary Investigation/Required Reports** for additional report information.

- m) any existing orders for protection, harassment restraining order or no contact orders

Excerpt from Report Writing Checklist

2. Relevant 911 information/ call 911 if additional information is needed

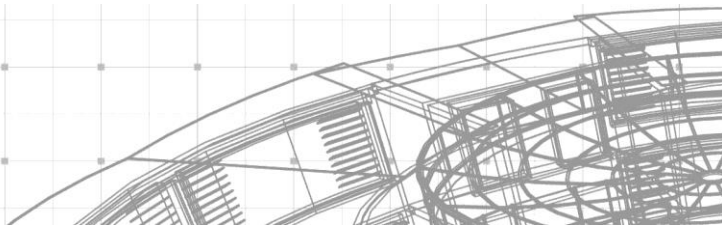
13. Existence of:

- a) OFP/DANCO/HRO
- b) Probation; check S-cubed and call probation for verification and notification of who is current.
- c) Warrants
- d) Prior convictions

LAW ENFORCEMENT ESSENTIAL ELEMENT 9

Ask about and document past history of violence and stalking.

- Victim and witness informants
- Law enforcement and criminal history records



See **911 Training Bulletin** (In development)

310 Domestic Abuse

Addendum Risk Questions

2. How frequently and seriously does he/she assault you? Describe the time you were the most frightened or injured by him/her.
3. Does he/she initiate unwanted contact either electronically or in person? Describe the unwanted contact. How often?
4. How frequently does he/she intimidate or threaten you? Has he/she intimidated or threatened you regarding talking to police or seeking help from the court?

309.4.1. Mandatory Arrest

Violations are misdemeanors unless that can be enhanced. Officers are to take the following actions to determine if the violation can be enhanced:

- Interview the victim
- Interview the subject
- Research available court and local records
- Review of relevant statutes
- An officer, in consult with a shift sergeant, should determine a strategy to effect arrest within the next 72 hours. The strategy should be recorded in a Patrol Log entry.

310 Domestic Violence

310.13 Second Offenses and Gross Misdemeanor Felony Charges

When an arrest is made, officers must determine if enhancement is appropriate by interviewing the victim and the offender and by researching available court and local records. Officers must document sources consulted in an effort to locate enhancement information (MNCIS, CCH, counties contacted, etc.)

309 Harassment Restraining Orders

309.5 Gross Misdemeanor and Felony Charges

Officers must document in the report sources consulted in an effort to obtain enhancement information (MNCIS, CCH, counties contacted, etc.). If officers are unable to verify a possible gross misdemeanor or felony, this must also be documented in the report. Citations are not issued for gross misdemeanor or felony charges.

Excerpt from Report Writing Checklist

13. Existence of:

- a) OFP/DANCO/HRO
- b) Probation; check S-Cubed and call probation for verification of who is current
- c) Warrants
- d) Prior convictions

Excerpt from Predominant Aggressor Policy on Report Writing Checklist

Predominant Aggressor Considerations

Intent of policy is to protect victims from ongoing abuse.

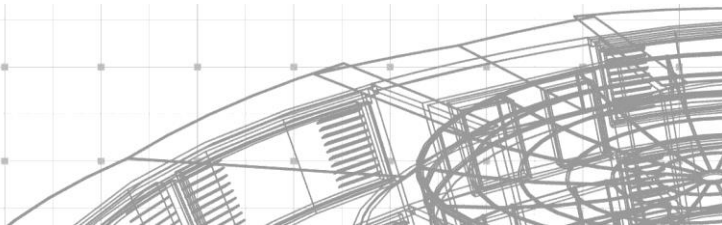
Compare the following:

- Severity of their injuries and their fear (incident)
- Use of force and intimidation
- Prior domestic abuse by either party
- Likelihood of either party to cause future injury
- Strength of each party

310 Domestic Abuse

310.7 Stalking-Investigation and Evidence Collection

- Be alert to the possibility that any single report of domestic abuse could be a part of a pattern of stalking behavior. Pay particular attention to repeated violations of the protection orders and no contact orders.
- Ask questions of the victim to determine if the current incident is an isolated event or part of a pattern of behavior.
- Be aware of the possibility that actions that would not otherwise be illegal or might not cause alarm in another context could be examples of stalking behavior and respond according to *3G Training Memo - Law Enforcement Response to Stalking*.
- When conducting an investigation into alleged stalking, consider that evidence to the crime might be present in the suspect's vehicle. See **Policy 31: Search and Seizure**. Consider tools or implements used to commit stalking, kidnapping, or related crimes such as floral deliveries, emails, notes, cards, letter, gifs, cell phones, cameras, computers, etc. Note the information from the victim regarding previous acts of stalking and harassment for follow-up by officer.



LAW ENFORCEMENT ESSENTIAL ELEMENT 10

Ask and document responses to the 3 Blueprint risk questions and follow-up:

1. Do you think he/she will seriously injure or kill you, your children, or someone else close to you?
What makes you think so? What makes you think not?
2. How frequently does he/she intimidate, threaten, or assault you?
Is it changing? Getting worse? Getting better?
3. Describe the time you were the most frightened or injured by him/her.

Addendum to Policy 310 Domestic Abuse

Risk Questions:

1. Do you think he/she will seriously injure or kill you or your children or someone close to you?
 - What makes you think so? What makes you think not?
 - Does he/she own or have access to a gun?
2. How frequently and seriously does he/she assault you? Describe the time you were the most frightened or injured by him/her.
3. Does he/she initiate unwanted contact either through media or in person? Describe the unwanted contact. How often?
4. How frequently does he/she intimidate or threaten you? Has he/she intimidated or threatened you regarding talking to the police or seeking help from the court?
5. Has he/she ever forced you to do things sexually you didn't want to?

310 Domestic Abuse

310.11 Reports

Per department policy an officer must complete the Risk Questions and document the responses in the narrative.

314 Orders for Protection

34.3.3 Follow-Up/Reports

Per department policy an officer must complete the Risk Questions and document the responses in the narrative. In all cases submitted reports will include statement forms, medical releases, MNCIS, criminal histories, and citation when one is issued.

309 Harassment Restraining Orders

309.4.2 Reports/Investigations

Determine if the relationship qualifies as intimate partner domestic abuse and if so, ask the risk questions.

602 Sexual Assault Investigations by Patrol Officers

602.3.3 Preliminary Interview of the Victim

Recognizing the crossover between domestic violence and sexual assault allows us to have a more comprehensive victim centered response. Consider this co-occurrence when interviewing the victim. Begin by determining if there is a qualifying relationship (family or household members are defined in Minn. Stat. § 518b.01 Subd. 2) as you would in a domestic violence investigation. If it is a domestic relationship then the Risk Questions should be asked and the report should be forwarded to SCAN. Document in your report what the relationship is and if there is a history of domestic violence between the victim and the suspect.

Excerpt from Report Writing Checklist

14. Victims response to the Risk Questions including your observations of their response; ask expanded domestic assault questions for cases where you believe victim is at a higher risk.

LAW ENFORCEMENT ESSENTIAL ELEMENT 11

When both parties have used violence:

1. Assess first for self-defense; arrest the party who was not acting in self-defense.
2. If cannot determine self-defense, assess for the predominant aggressor; arrest the predominant aggressor.

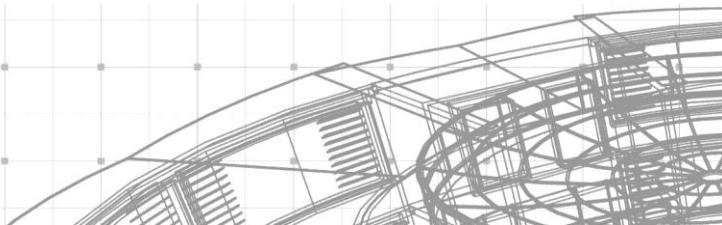
Dual arrest is discouraged

Policy 310 Domestic Abuse

310.3.2. Multiple Offenders

Minn. Stat § 629.342, Subd. 2 discourages dual arrest. When evidence of mutual combat is present, the situation does not necessarily dictate the arrest of both parties.

Self Defense: Officers must first determine whether any injuries were inflicted as a result of self-defense. Reasonable force may be used by any person in resisting or aiding another to resist an offense against the person. The use of force must be reasonable for that person given the nature of the threat and may include the use of weapons. If one of the persons acted entirely in self-defense, the situation is dealt with as if there were a single offender.



Predominant Aggressor: If the officer determines that neither party acted in self-defense and both parties have committed an act of domestic abuse, then the officer must make a custodial arrest of the predominant aggressor considering the totality of the circumstances, including;

- The relative severity of the injuries and fear inflicted in this incident
- The relative use of force and intimidation used in this incident
- Information available to officers involving prior incidents involving either party
- The likelihood of either party to commit domestic abuse in the near future

The disposition of the predominant aggressor should be determined using the criteria for “Single Offenders”. The rationale for determining self-defense or predominant aggressor must be documented in the report along with supervisory consultation. The reports are forwarded by the patrol supervisor to the Domestic Violence Response Team (DVRT). The DVRT is responsible for referring the case to the appropriate prosecutor along with a recommendation concerning whether or not charges are appropriate for the non-dominant aggressor. The prosecutor is responsible for determining disposition involving the non-dominant aggressor.

Multiple Domestic Abuse Arrests: In situations where probable cause exists to arrest both parties, but self-defense is not involved, and an arrest of the predominant aggressor alone cannot be made, both persons should be arrested. In situations warranting dual arrest, if there are children present in the home, officers may make a determination about who is best able to care for the children and issue that person a citation rather than make a custodial arrest. If neither person is able to care for the children, custodial arrest of both can be made and arrangements made for the children’s care.

310.4 Notification Responsibilities

A patrol supervisor must be consulted in domestic incidents involving: multiple offenders, juveniles, self-defense, predominant aggressor or mutual combatants.

A patrol supervisor shall be notified of felony assaults and incidents involving weapons.

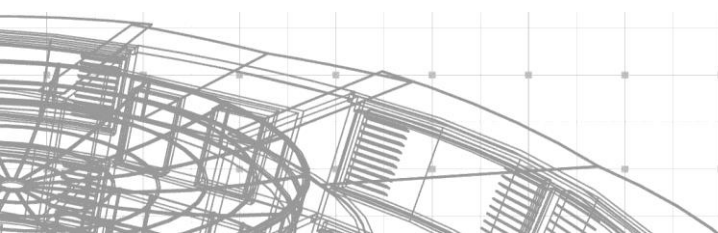
Excerpt from Report Writing Checklist

11. Rationale for arrest/ non-arrest decisions. (self-defense, predominate aggressor, mutual combatants and cases involving caregivers assaulted by juvenile offenders require supervisory consultation)

LAW ENFORCEMENT ESSENTIAL ELEMENT 12

Mandatory arrest with probable cause and any one or more of the following conditions:

- Felony-level crime
- Injury or impairment to victim



- Dangerous weapon involved
- Violation of order for protection, harassment restraining order, or no-contact order
- Victim fears imminent bodily harm

Policy 310 Domestic Abuse

310.3.1 Single Offender

If a person is determined to be the sole aggressor, and the persons involved meet the definition of family or household member, that person shall be arrested within 72 hours and taken into custody when an officer has probable cause to believe that the person has:

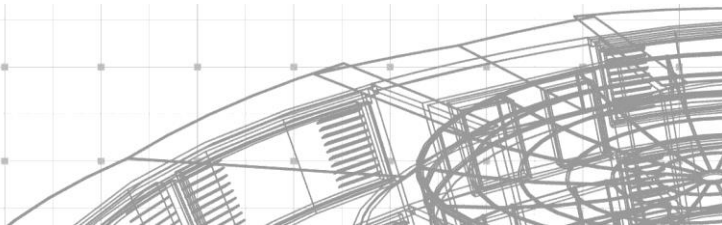
- Has committed a misdemeanor assault against a family or household member which may include a physical assault or placed the victim in fear of immediate bodily harm.
- Has threatened a family or household member with dangerous weapons.
- Has interfered with an emergency call.
- Has made terroristic threats within the meaning of Minn. Stat. § 609.731, Subd. 1
- Within the past twenty four hours has committed criminal sexual conduct in the first, second, third, or fourth degree within the meaning of Minn. Stat. § 609.342, 609.343, 609.344, or 609.345.
- Juveniles may be arrested for domestic assault after considering self-defense, predominant aggressor and consultation with a supervisor.

Policy 314 Orders for Protection

Policy 314.3.1 Mandatory Arrest

A warrantless probable cause arrest is required for violations of the following conditions of a protection order:

- Restraining a person (from committing further acts of domestic abuse), (Minn. Stat. § 518B.01, Subd. 14(e))
- Violations excluding the person from the residence or the petitioner's place of employment; (Minn. Stat. § 518B.01, Subd. 14(e)). (Minn. Stat. § 518B.01, Subd. 18(2) states that the respondent is forbidden to enter or stay at the petitioner's residence, even if invited to do so by the petitioner or any other person; in no event is the order for protection voided.)
- Violations of a domestic abuse criminal no contact order (this includes any type of contact) (Minn. Stat. § 518B.01, Subd. 22)



Arrest is required even if the violation did not take place in the officer's presence; it is not a violation by the petitioner to invite and/or admit the other person into the residence. A violation of a protection order is a misdemeanor, unless it can be enhanced. Officers must determine if enhancement is appropriate by: interviewing the victim, the subject, researching available court and local records; review of relevant statutes.

Policy 308 Harassment Restraining Orders

309.4.1. Mandatory Arrest

Minn. Stat. § 609.748, Subd. 6 requires officers to arrest a person without warrant and take into custody a person whom the peace officer has probable cause to believe has violated a harassment order. Prior to making the arrest, officers must verify the existence of the order and that the respondent knew of the order.

LAW ENFORCEMENT ESSENTIAL ELEMENT 13

Ask about and document threats to victim for seeking help or attempts to dissuade victim from seeking help.

314.3.5 Victim Assistance

If possible they (officers) will also notify the victim if threats are made against them.

325 Preliminary Investigation/Required Reports

325.2.4. Disposition

Information is verbally provided to explain what to do if the victims or witnesses are threatened by the perpetrators, and what steps may be taken. It is important for the officer to communicate to a complainant that case status can change if additional information comes to light.

320 Victim and Witness Assistance

320 Crime Victims

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation.

310 Domestic Assault

Risk Questions Addendum

4. How frequently/seriously does he/she intimidate or threaten you? Has he/she intimidated or threatened you regarding talking to police or seeking help from the court?

LAW ENFORCEMENT ESSENTIAL ELEMENT 14

Whether or not there has been an arrest, provide assistance to victims before clearing the scene:

- At a minimum, address: medical care, transport to a safe place, notice of victim's rights and compensation, advocacy and community resources, civil protection orders
- Encourage victim to call 911 if suspect returns to the scene

309 Harassment Restraining Orders

309.4.4 Victim Assistance

Officers will provide the victim with the DPD Crime Victim Information Card that contains the ICR number and the officer's name. Officers shall advise victims of the availability of services of Safe Haven Shelter, Dabinoo 'Igan Shelter or Program for Aid to Victims of Sexual Assault (PAVSA) if appropriate.

310 Domestic Abuse

310.12 MANDATED VICTIM ASSISTANCE

In all domestic abuse incidents, officers will provide the victim with the Duluth Police Crime Victim Information Card which contains the ICR number and the officer's name. Officers shall notify victims of the availability of services of Safe Haven Shelter, the Domestic Abuse Intervention Project (DAIP) and Dabinoo 'Igan Shelter. Incidents involving child victims require notification of the Initial Intervention Unit.

Following domestic abuse incidents, officers shall advise victims that an advocate will be contacting them from either Dabinoo 'Igan or Safe Haven. The officer is to ask the victim if she/he has a preference as to which advocacy agency contacts them. If yes, the officer will notify the chosen shelter. If the victim expresses no interest or says they do not want contact, the officer will then inform Safe Haven of the arrest. The arresting officer will advise the shelter how and where to contact the victim, and give the shelter the name of the arrested party. Officers will document in their report that they asked the question on shelter choice, which shelter was chosen, and if none was chosen, that Safe Haven was contacted. This advisory must be given prior to clearing from the incident.

If the victim needs transportation, the responding officer shall offer to transport the victim, or make arrangements for transportation to a safe place.

The officer shall obtain at least two phone numbers of persons who can reach the victims in emergencies to enable notification concerning the offender's release and other safety issues. These numbers are to be recorded on the back of the booking form and provided to Safe Haven Shelter.

314 Orders for Protection

314.3.5. Victim Assistance

Officers will provide the victim with the DPD Crime Victim Information Card that contains the ICR number and the officer's name. Officers shall advise victims of the availability of services of Safe Haven Shelter and Dabinoo 'Igan Shelter.

Following an arrest for protection order violation, officers shall advise the victim that an advocate will be contacting them to explain their legal rights and options.

Before clearing the incident officers shall notify the local battered women's program if;

- An arrest for violation of a protection order has been made;
- An arrest for a domestic assault has been made;
- The respondent makes a statement or threat that indicates a risk to the petitioner during or after being served or arrested.

320 Victim and Witness Assistance

320.5 Victim Information

The administration Supervisor shall ensure that victim information handouts are available and are current. These should include as appropriate:

- a) Shelter and other community resources for victims of domestic violence.
- b) Program for Aid to Victims of Sexual Assault (PAVSA)
- c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg).
- d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- e) A clear explanation of relevant court orders and how they can be obtained.
- f) Information regarding available compensation for qualifying victims of crime.
- g) Resources available for victims of identity theft.
- h) A place for the officer's name, badge number and any applicable case or incident number.
- i) Notices and information regarding the rights of crime victims, domestic abuse victims, and offender release as detailed in the following:
 - Safe at Home address confidentiality program (Minn. Stat. § 5B.03)
 - Offender release notification (Minn. Stat. § 244.052; Minn. Stat § 244.053; Minn. Stat § 611A.06; Minn. Stat § 629.73)
 - Tenancy issues (Minn. Stat. § 504B.205; Minn. Stat. § 504B.206).
 - Victim and specific domestic violence victim information/Minnesota CHOICE (Minn. Stat. § 611A.02, et seq.; Minn. Stat. § 629.341; Minn. Stat. § 629.72)

- j) A notice that a decision to arrest is the officer's and the decision to prosecute lies with the prosecutor, even when a victim requests no arrest or prosecution.
- k) Contact information for the Office of Justice Programs and the Emergency Fund and Crime victim's reparations.

Policy 325 Preliminary Investigation/Required Reports

325.2.4 Disposition

Officers should provide the complainant with a completed INFORMATION CARD. The INFORMATION CARD contains the officer's name and badge number, and information about applicable services available to them. Additional information, such as the case number, phone numbers to call to provide additional information or to check the case status will also be provided. Information is verbally provided to explain what to do if the victims or witnesses are threatened by the perpetrators, and what steps may be taken. It is important for the officer to communicate to a complainant that case status can change if additional information comes to light.

601.2 Investigation Considerations

601.2.1 Victim Confidentiality

Officers investigating or receiving a report of an alleged sex offense shall assist in keeping the identity of the victim private by providing the victim with Safe at Home Program Information. (Minn. R. 8290, et seq. and Minn. Stat. § 5B et seq.) A notation should be made within the incident report that the Safe at Home Program information was provided to the victim.

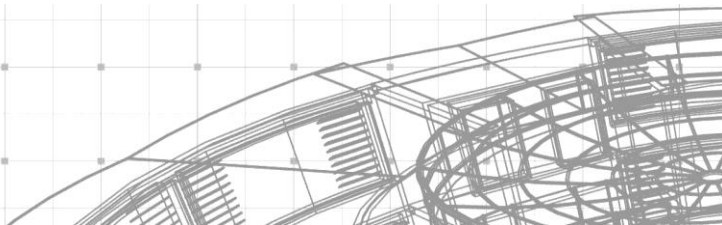
The department shall withhold public access to information that would reveal the identity of a victim or alleged victim of criminal sexual conduct (Minn. Stat. § 13.82, Subd. 17 (b) and Minn. Stat. § 611A.021).

LAW ENFORCEMENT ESSENTIAL ELEMENT 15

Document patrol response and arrest decision in a report utilizing the Domestic Violence Patrol Report Checklist.

Excerpt from Report Writing Checklist

11. Rationale for arrest/non-arrest decisions. (self-defense, predominate aggressor, mutual combatants and cases involving caregivers assaulted by juvenile offenders require supervisory consultation)
12. Summarize actions (i.e., arrest, non-arrest, attempts to locate, transport, referrals, victim notification, seizing firearms).



Law Enforcement Essential Element 16

If there is an allegation of a domestic assault by either party or third party and there is insufficient probable cause for an arrest, write a brief report to document the complaint and the response. Do not recode a call dispatched as domestic abuse-related to a non-domestic category.

310 Domestic Abuse

310.11 Reports

Minn. Stat. § 629.341 Subd. 4 requires an officer investigating any alleged incident of domestic abuse to complete a written report. CAD notes do not constitute a report. Per department policy an officer must complete the Risk Questions and document the responses in the narrative. Arrest CALs are required on all domestic arrests. DVRT CALs are required on all GOA cases regardless of the level of offense. Officers must contact Safe Haven Shelter or Dabinoo 'Igan Shelter for domestic incidents and arrests that result in a narrative report. Computer Aided Dispatch (CAD) notes are acceptable for documenting a code change, i.e. it was not an incident or allegation of domestic abuse. For example, It was a loud, verbal argument without threats, without fear, and without physical contact.

314 Orders for Protection

34.3.3 Follow-Up/Reports

When a violation of a protection order does not require a mandatory arrest, officers must determine if the conduct necessitates an arrest or the issuance of a citation.

Department policy requires an officer investigating any alleged violation of a protection order to complete a written report. CAD notes do not constitute a report.

- If a report is coded domestic, patrol supervisor is responsible for ensuring CAL entries are made to DVRT

Law Enforcement Essential Element 17

When probable cause exists to make an arrest and the suspect has left the scene, take measures to locate the suspect and protect the victims; submit an investigation report. If the suspect is gone from the scene (GOA), collect evidence in the same way as when an arrest has taken place and search for suspect as is reasonably possible.

310 Domestic Abuse

310.11 Reports

When a custodial arrest is mandated but cannot be made because the offender is not located, the investigating officer will dictate a “RUSH” report. If it is a misdemeanor the officer will also

complete a citation. The paperwork will be given to the district sergeant or in their absence the Watch Commander. The sergeant will be advised when the time period for the arrest expires and will attempt to have officers make the arrest. If the offender has not been arrested within the mandatory arrest period, the original responding officer shall deliver a citation to the offender. In the event the offender cannot be located, the DVRT unit Leader should be consulted for alternatives. In instances where a citation does not apply (GM or Felony) and an arrest has not been made by the end of the shift, reports must be forwarded to DVRT. The sergeant must ensure that the disposition is recorded in the case activity log.

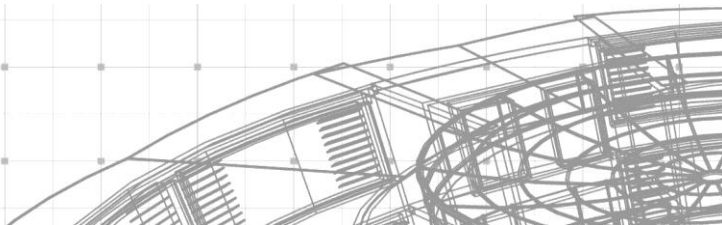
310 Domestic Abuse

310.8 Gone On Arrival (GOA)

Domestic violence incidents where the suspect leaves the scene before police arrive often involve dangerous suspects hoping to evade consequences for their actions. When an officer makes a determination that probable cause exists for an arrest but the suspect is not present, officers should prioritize apprehension of the suspect. See *3B Training Memo - Gone on Arrival (GOA) Cases* for cautions in interviewing GOA suspects.

Take the following actions when the suspect has left the scene (GOA) prior to patrol officers' arrival:

- Search for the suspect on the premises
- Search for the suspect in the immediate area and the direction and area where the suspect might have fled
- Check with 911 for other addresses where the suspect might be located. Issue an attempt to Locate (ATL)
 - Request that 911 issue an ATL on all active dispatch channels.
 - Suspect's name, date of birth, and physical description, including clothing
 - Suspect's direction and mode of travel upon leaving the premises
 - Description of the suspect's vehicle, if applicable
 - Where the suspect might have gone
 - Where the suspect stays when not with the victim.
- Encourage the victim to call 911 if the suspect returns
- Provide information to the victim about restraining orders, how to request that the prosecutor file a criminal complaint, advocacy services, and shelter.
- Offer to transport the victim or arrange for transport to shelter or another safe place if needed.
- Provide whatever assistance is reasonable to help the victim to secure broken doors or windows.



- Collect and process evidence in the same manner as when an arrest has taken place.
- Remain at the scene until the officer believes the likelihood of further violence has been eliminated.
- After leaving the scene, when possible, drive by the residence over the next few hours and return to look for the suspect.

310 Domestic Abuse

At no time is an officer to leave a citation with the victim to give to the offender or mail a citation to the offender. If citation cannot be personally served, refer case to DVRT.

314.3.4 Locating Suspect

Officers shall attempt to locate suspects when they have probable cause to believe that suspects have violated a protection order as long as the officer has information or leads regarding possible locations of the suspects.

LAW ENFORCEMENT ESSENTIAL ELEMENT 18

Cases with one or more of the following receive high priority regardless of whether offender is in custody or out of custody (GOA):

- Imminent time deadline
- Significant injury or impairment
- Strangulation or stalking alleged
- Victim's response to risk questions indicates significant risk

In gross misdemeanor and felony cases:

- Conduct an expanded domestic violence risk assessment as warranted, starting from responses to the three risk questions. Evaluate for all possible charges.

310 Domestic Abuse

310.16 Domestic Violence Response Team (DVRT)

The DVRT unit will follow training memo **Conducting and Supervising Investigations in Domestic Violence-Related Cases**.

Excerpt from training memo **Conducting and Supervising Investigations in Domestic Violence-Related Cases: Gone-on-arrival (GOA) cases**.

In cases where the offender was not arrested at the scene, rate these types of cases as highest priority:

- Significant injury or impairment.
- Witness tampering, strangulation or stalking behavior has been alleged.
- A victim's response to risk questions indicates increased risk of harm.
- A victim expresses fear of imminent bodily harm.

Excerpt from training memo “Conducting Investigations/Supervision in Domestic-Violence Related Cases: Victims”

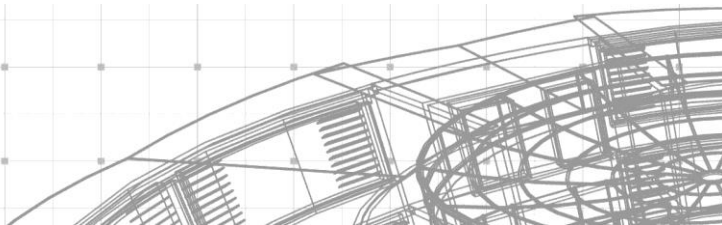
Conduct a thorough interview with the victim that includes attention to:

- The victim's account of events surrounding the incident.
- The extent to which the victim feels uneasy about providing information to law enforcement and if so, why.
- The extent to which the suspect has ever warned the victim about talking with law enforcement or outsiders for help, now or in the past, and the specifics of any threats or warnings.
- Initial and continuing treatment of injuries.
- Indicators of stalking.
- Provide referral information regarding advocacy support, restraining orders, and other community supports.

Ask the domestic violence risk questions of the victim. Review the victim's response to the risk questions included in the police report. If it appears there is a history of violence, ask follow-up risk questions. Be sure not to duplicate questions that the victim has already given in the policy report.

Review the following risk factors prior to you call and choose those either not answered or need more information about. Attempt to gather how risky each factor is from the victim.

- Does he own a gun?
- Have you left or are you going to leave the relationship?
- Does he ever try to strangle you?
- Has he ever used a weapon against you or threatened you with a weapon?
- Has he threatened to kill you or himself?
- Has he avoided arrest for domestic violence?
- Does he use drugs or alcohol? If so, what kind and with what effect?
- Victim's level of fear
- History of violence not reported to police.



- Follow up on any indications or suspicions of strangulation, stalking, witness tampering, or sexual coercion or aggression.
- Record all statements as required by law and in other situations whenever possible.
- If applicable, obtain all medical reports after verifying signed release.
- Where suspect lived last 10 years for enhancements purposes.
- When accounting for the children in the home, determine if any are shared children between victim and suspect.

Excerpt from Report Writing Checklist

Dangerous Suspect Assessment

Ask the victim several questions to get at the history and context of violence in the relationship. In your narrative give specific examples from the victim interview.

- Also include your impressions which would be useful in determining the level of danger a suspect poses.

If possible, record any indications that:

- The suspect owns or has access to guns
- The suspect is likely to use a weapon against a family member or others
- The violence is getting more severe or more frequent. How?
- The suspect has threatened to commit suicide or to kill victim or others
- The victim believes suspect could seriously injure or kill her/him
- The suspect is obsessed with or stalking the victim
- Account for children in the home; determine if children are shared between suspect and victim
- There has been a recent separation, OFP or divorce in past 6 months
- The suspect appears to be reacting to the OFP or divorce in a dangerous way
- Record other information you think is important for other interveners to be aware of
- Where has the suspect lived during the last 10 years

LAW ENFORCEMENT ESSENTIAL ELEMENT 19

Be alert to and investigate types of crimes associated with domestic violence:

- Stalking/harassment
- Strangulation

- Sexual coercion and sexual aggression
- Witness tampering

310 Domestic Abuse

310.7 Stalking-Investigation and Evidence Collection

- Be alert to the possibility that any single report of domestic abuse could be a part of a pattern of stalking behavior. Pay particular attention to repeated violations of the protection orders and no contact orders.
- Ask questions of the victim to determine if the current incident is an isolated event or part of a pattern of behavior.
- Be aware of the possibility that actions that would not otherwise be illegal or might not cause alarm in another context could be examples of stalking behavior and respond according to *3G Training Memo - Law Enforcement Response to Stalking*.
- When conducting an investigation into alleged stalking, consider that evidence to the crime might be present in the suspect's vehicle. See policy on search and seizure. Consider tools or implements used to commit stalking, kidnapping, or related crimes such as floral deliveries, emails, notes, cards, letter, gifs, cell phones, cameras, computers, etc. Note the information from the victim regarding previous acts of stalking and harassment for follow-up by officer.

310 Domestic Abuse Policy

The DVRT unit will follow training memo **Conducting and Supervising Investigations in Domestic Violence-Related Cases**.

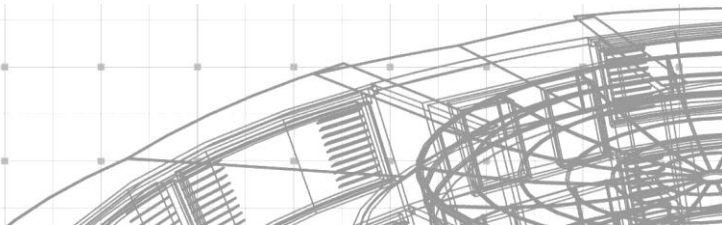
DPD's Risk Questions have been tailored to ask questions regarding stalking/harassment, sexual coercion/aggression, and witness tampering.

2. How frequently and seriously does he/she assault you? Describe the time you were the most frightened or injured by him/her.
3. Does he/she initiate unwanted contact either through media or in person? Describe the unwanted contact? How often?
4. How frequently does he/she intimidate or threaten you? Has he/she intimidated or threatened you regarding talking to the police or seeking help from the court?

310 Domestic Abuse

310.6 Policy Additions: Strangulation

Strangulation behavior is potentially lethal and it is a common action used by an abuser to dominate a victim. Any incident in which an offender places his or her hand or arm or another object around



the victim's neck or throat and squeezes is potentially lethal behavior and creates a grave risk of injury and death. An offender's use of strangulation may foreshadow escalating use of violence and homicidal intent.

- If the victim has any of the symptoms of strangulation, request emergency medical services. See *3F Training Memo - Law Enforcement Response to Strangulation* regarding medical care.
- Conduct an initial interview of the victim regarding the method of strangulation and its impact, e.g., difficulty breathing, loss of consciousness, etc.
- If possible, talk with the suspect before making a probable cause determination. Take caution to not inadvertently arrest a person acting in self-defense.
- Document all evidence of strangulation in the written report. Refer to *3F Training Memo - Law Enforcement Response to Strangulation* for interview and report writing tools.

LAW ENFORCEMENT ESSENTIAL ELEMENT 20

Promptly notify the victim when a case is declined for referral to prosecution.

Preliminary Investigation/Required Reports Policy

32.2.4 Disposition

Officers will advise the complainant of the anticipated disposition of the case (“open” or “suspended”) and of the complainant’s role in the investigation. A complainant will be advised that their case may be suspended if the solvability assessment totals less than five. A complainant will be advised that the case may remain open for further investigation if the total is five or above.

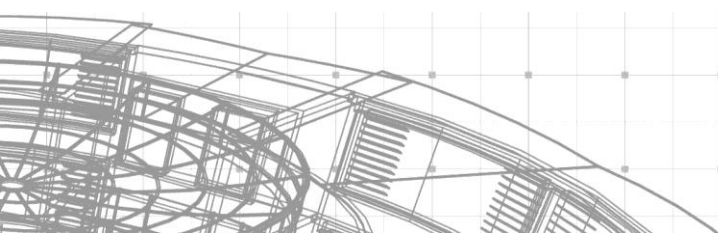
Officers should provide the complainant with a completed INFORMATION CARD. The INFORMATION CARD contains the officer’s name and badge number, and information about applicable services available to them. Additional information, such as the case number, phone numbers to call to provide additional information or to check the case status will also be provided. Information is verbally provided to explain what to do if the victims or witnesses are threatened by the perpetrators, and what steps may be taken. It is important for the officer to communicate to a complainant that case status can change if additional information comes to light.

600 Case Screening, Assignment, and Management

600.4 Investigative Unit Leader

The Unit Leader or their designee is responsible for notifying the victim of any changes in case status. This may be accomplished via a letter or phone call to the victim. Be sure to call all the numbers provided by the victim including extra contacts.

The unit leader is responsible for assuring that the appropriate CAL entry has been done regarding



any change in case status.

The Unit Leader is responsible for assuring that CAL entries are utilized by investigators to detail the actions taken throughout the investigative process. CAL entries allow officers, unit leaders and Record Support Unit personnel to access critical information about incidents. This enables personnel to make appropriate decisions regarding new information that becomes available in the investigators absence. It also provides accurate and timely answers in response to requests for information from victims/witnesses, in the investigating officer's absence.

LAW ENFORCEMENT ESSENTIAL ELEMENT 21

Determine if the suspect is on probation; if so, notify probation of the circumstances of the case, including any offenses where the suspect left the scene and has not been located.

310 Domestic Abuse

310.15 Probation

Patrol Officers should determine if suspect is currently on probation and inform probation of any incident, investigation and/or detention of suspect.

Excerpt from Report Writing Checklist

13. Existence of:

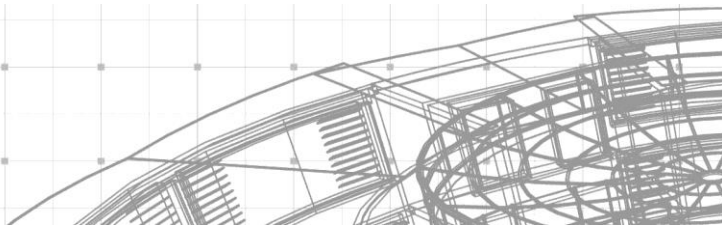
- a) OFP/DANCO/HRO
- b) Probation; check S-Cubed and call probation for verification of who is current
- c) Warrants
- d) Prior convictions

LAW ENFORCEMENT ESSENTIAL ELEMENT 22

Adopt Blueprint victim engagement protocols to protect victims from retaliation, prioritize safety, offer resources, build collaboration over time, and increase access to services and protection.

310 Domestic Abuse

It is not necessary to advise a victim or witness that their statement is being recorded. If victim requests not to be recorded, officers shall turn off recording device. Offices should use discretion when determining the best method of recording depending on the circumstances of the event. For example with cases of domestic or sexual violence, a discrete and low profile approach to recording would be appropriate in an effort not to add to the distress the victim may already be experiencing. Utilize training memo **Victim Engagement Guidelines for Patrol Officers and Investigators** when interacting with victims.



320.3 Victim Witness Assistance

The lead investigator shall serve as the crime victim liaison. The crime victim liaison will be the point of contact of individuals requiring further assistance of information from the Duluth Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

320.3.1 Specific Victim Liaison Duties

The crime victim liaison shall assist the Minnesota Crime Victims Reparations Board in performing its duties and ensure that the Records Bureau forwards copies of requested reports to the board or other authorized organizations within 10 days of receipt, in compliance with the Reparations Board.

320.4 Crime Victims

Officers should provide all victims with the applicable victim information handouts. Officers will encourage victims and witnesses not speak with the media prior to case resolution as it may jeopardize the investigation and the case prior to trial. Officer's should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

320.6 Witnesses

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Policy 412 Immigration Violations

412.4 Considerations Prior To Reporting to ICE

The Duluth Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is the primary interest in dealing with any persons. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion and socioeconomic status alone are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses or take law enforcement action against them absent exigent circumstances or reasonable case to believe that a crime victim or

witness is involved in violating criminal laws. Generally, if an officer suspects that a victim or witness is an undocumented immigrant, the officer need not report the person to ICE unless circumstances indicate such reporting is reasonably necessary.

412.4.1. U-VISA/T-VISA Non-Immigrant Status

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8USC 1101 (a)(15)(U and T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate US. Department of Homeland Security (DHS) form I-918 or I-914 by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a u-Visa/T-Visa to be issued.

Law Enforcement Essential Element 23

Conduct prompt supervisory review and (1) assign follow-up investigation when patrol has determined probable cause for an arrest or (2) forward to charging attorney when further investigation is not needed.

310.16 Domestic Violence Response Team (DVRT)

The DVRT Unit conducts follow up on investigation on domestic arrests and reported incidents. Patrol officers will submit arrest and incident reports to their supervisor. The patrol supervisors will forward the necessary reports to the DVRT Unit. Submitted reports will include statement forms, signed medical releases, MNCIS, criminal histories, and citations when one was issued. Referrals to the DVRT Unit are made through and documented in the Case Activity Log.

The DVRT Unit will process the reports necessary for custodial arrest and ensure that the charges are appropriate. The unit will also follow up on investigations that do not result in an arrest when they believe the offender or family needs intervention not available from the Patrol Division. The DVRT unit will follow training memo **Conducting and Supervising Investigations in Domestic Violence-Related Cases.**

314 Orders for Protection

314.3.3 Follow-Up/Reports

Department policy requires an officer investigating any alleged violation of a protection order to complete a written report. CAD notes do not constitute a report. Per department policy an officer must complete the Risk Questions and document the responses in the narrative. In all cases submitted reports will include statement forms, medical releases, MNCIS, criminal histories, and citations when one is issued. Reports should also include officer recommendations for follow-up activity.

Reports should be completed before the end of the officer's shift:

- When a custodial arrest is made
- When there is probable cause for a custodial arrest but the subject was not arrested
- When there is compelling public safety risk
- If a report is coded domestic, patrol supervisor is responsible for ensuring CAL entries are made to DVRT

The patrol supervisor will ensure the necessary referrals to DVRT are made and documented in the Case Activity Log.

325 Preliminary Investigation/Required Reports

325.5 Unit Leaders

Unit Leaders are responsible for reviewing and tracking the investigations and reports completed by officers assigned to their unit. Public confidence and perception is partially formed by the thoroughness of reports which are reviewed by members of the criminal justice community and the public. The supervisory review of reports and citations (except parking citations) is critical to maintaining complete and accurate records.

325.5.2 Dictated Reports

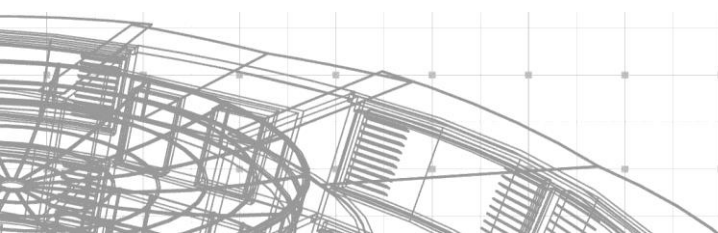
Incomplete/inaccurate reports are returned to the officer by the Supervisor. Approved reports are placed in the approved folder located in the "I"-Drive.

Subsequent to Supervisors approval, reports are downloaded into Shield and are available to anyone with proper access. Cases requiring follow-up are referred to the appropriate unit via CAL referral. Cases of interest to a particular unit, but not sent for further investigation or assignment purposes are also referred to that unit via a CAL referral by either the Officer or the Supervisor.

600 Case Screening, Assignment, and Management

600.3 Case Screening Responsibility

- a) At the conclusion of the patrol investigation, The Patrol Officer/Supervisor must decide further action. The case can be suspended at the patrol level, or forwarded by the Patrol Supervisor (or their designee) for follow-up by investigations. This is accomplished thru CAL referral to the appropriate investigative unit.
- b) Patrol Officers/Supervisors are also required to make appropriate CAL entries regardless of the case status. This is done to insure that any potential crime patterns or trends are not overlooked. CAL entries should provide details as to the type of crime, time of day, place of occurrence and information relating to the solvability factors used.



600.4 Investigative Unit Leader

The responsibility of the Unit leader in the case screening process will be:

- a) To review all offense reports forwarded to the investigative section.
- b) To assure all cases receive one of the following designations: Open, Suspended, Close, Cited, Charged.

The unit leader or their designee is responsible for notifying the victim of any changes in case status. This may be accomplished via a letter or phone call to the victim. Be sure to call all the numbers provided by the victim including extra contacts.

LAW ENFORCEMENT ESSENTIAL ELEMENT 24

Conduct regular supervisory quality and compliance review of departmental practice according to adapted Blueprint policies and protocols.

- Patrol and investigation supervisors conduct regular review of reports and files
- Refer reports to supervisors and commanders for review, redrafting, and policy/protocol clarification
- Approve officers' actions when exceptions to arrest policy are contemplated

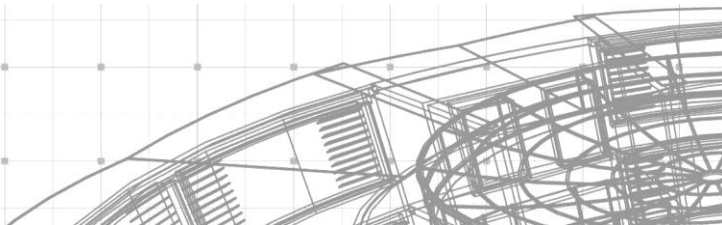
325 Preliminary Investigation/Required Report

325.3 Reports

Officers are required to complete all narrative reports and property reports on incidents they are assigned prior to the end of shift. Prior supervisory authorization must be obtained if completion of a report is delayed. Officers are also required to make appropriate CAL entries regardless of the case status. This is done to insure that any potential crime patterns or trends are not over looked. CAL entries should provide details as to type of crime, time of day, place of occurrence and information relating to the solvability factors used.

310.4 Notification Responsibilities

A patrol Supervisor must be consulted in domestic incidents involving: multiple offenders, juveniles, self-defense, aggressor or mutual combatants. A patrol supervisor shall be notified of felony assaults and incidents involving weapons.



Policy 100 Law Enforcement Authority

100.8 Arrest Dispositions

- a) Supervisory Approval: Patrol officers making a custodial arrest are required to notify their sergeant of the arrest prior to, or during, transportation to the jail. Sergeants/unit leaders approving an arrest are responsible for ensuring the legality of the arrest and appropriateness of confinement.

Policy 100 Law Enforcement Authority

c. Criminal Charges Without a Custodial Arrest

Officers may issue citations for unwitnessed misdemeanors or petty misdemeanors. This method is more efficient than requesting a complaint/summons. If the individual does not appear, the prosecutor requests a complaint/summons be issued by the court.

600 Case Screening, Assignment, and Management

600.4 Investigative Unit Leader

The Unit Leader or their designee is responsible for notifying the victim of any changes in case status. This may be accomplished via a letter or phone call to the victim.

The unit leader is responsible for assuring that the appropriate CAL entry has been done regarding any change in case status.

The Unit Leader is responsible for assuring that CAL entries are utilized by investigators to detail the actions taken throughout the investigative process. CAL entries allow officers, unit leaders and Record Support Unit personnel to access critical information about incidents. This enables personnel to make appropriate decisions regarding new information that becomes available in the investigators absence. It also provides accurate and timely answers in response to requests for information from victims/witnesses, in the investigating officer's absence.

The decision as to whether a crime report will be investigated should be based on the following factors.

- a) The quality of the preliminary investigation
 - b) Whether sufficient solvability factors and values are present in the case
 - c) Investigative resources
- Upon assignment of the case by the Investigations Supervisor, an investigation shall be initiated and a follow-up report submitted within 10 days. The follow up report can be in the form of a CAL entry indicating the investigator has reviewed the file, contacted the victim and made progress towards clearance. This may be extended or waived at the discretion of the Unit Leader.

- Unless otherwise directed, upon assignment of the case, the assigned Investigator shall ensure all records, statements, lab reports, and other case related materials with the case file have been loaded into Shield. This allows other investigators and the Unit Leaders to have access to the file at all times. This does not pertain to confidential information such as internal investigations, protected cases and investigations conducted by SIU/GSF.
- The investigator shall review the status of all assigned cases within 30 days after assignment. Investigators will make a recommendation to the unit leaders to either to leave the case in an “Open”, “Suspended”, or “Closed” status. Open cases will remain under investigation. Suspended cases are those cases that may need more elements to move a closed status. Cases may be closed by arrest, exceptional clearance, or charges.
- Investigative Unit Leaders should review quarterly, the number of cases assigned to each officer in their Unit, and the case dispositions. Annually the Unit Leader will submit unit statistics and a synopsis of unit activity to the Divisional Deputy Chief for inclusion in the annual report.

600.5 Exceptional Circumstances

While the case screening criteria are very specific, the Investigative Case Screening Process will be flexible enough to allow for exceptional circumstances including, but not limited to:

- a) Offenses of significant importance to the community
- b) Potential danger to victim (s) or witness(es)
- c) Seriousness of offense
- d) Modus operandi, pattern, or frequency of the offense
- e) Management decisions to pursue a case regardless of solvability factors
- f) While there is a degree of flexibility in the case screening process, exceptional circumstances such as those described above shall be the exception, rather than a standard procedure.

600.7 Lieutenant-Investigations/Major Crimes

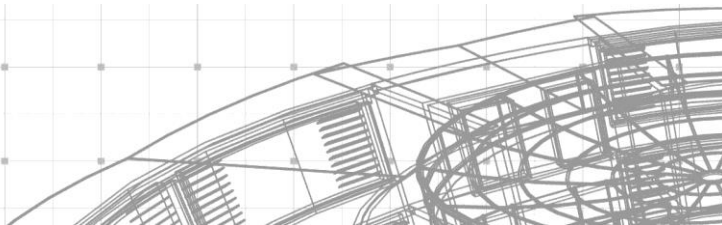
The responsibility of the Major Crimes Lieutenant in the case screening process will be:

- a) Oversee the case screening process, and
- b) Resolve any problems or conflicts developing from the process.

310 Domestic Abuse

310.16 Domestic Violence Response Team

The DVRT unit will follow training memo **Conducting and Supervising Investigations in Domestic Violence-Related Cases.**



Excerpt from training memo “Conducting Investigations/Supervising in Domestic-Related Cases”

In addition to following general agency procedures covering supervisory oversight of investigations, the investigative unit supervisor will take the following actions in providing supervisory oversight of investigations in domestic violence–related cases, using the protocols and appendices referenced as part of this policy.

- Monitor investigative files to determine if all necessary actions were taken in the investigation, and direct any necessary follow-up.
- Document work product feedback to patrol supervisors.
- Meet as necessary with the city and county attorney’s offices to discuss and review problematic cases.
- Consult with investigators on individual cases.
- Review policies, SOPs, and training memos with new investigators assigned to the unit within 30 days of their assignment.
- Forward the quarterly case tracking report created by DVRT to Lieutenant of the investigative division. The report should contain the following:
 - Number of cases investigated
 - Number of cases charged (misdemeanors, gross misdemeanors, and felonies)
 - Number of cases declined (misdemeanor, gross misdemeanor, and felonies)
 - Number of incomplete patrol reports returned
 - Concerns that need to be resolved and anticipated challenges
 - Adherence to asking risk questions, contacting Safe Haven, documenting self-defense and predominant aggressor determinations and asking if victim would like the case charged in intimate partner domestic cases (request from DAIP).
 - Update policies and protocols each year pursuant to legislative, statutory changes.
- Review investigations to determine:
 - If additional training is necessary in investigative techniques.
 - If additional training is necessary in the specifics arising in domestic violence cases.
- Review Blueprint policies, protocols and training memos with new investigators assigned to the unit within 30 days of assignment.
- Update Blueprint policies and protocols yearly to comply with legislative statutory changes.
- Lieutenant assigned to the domestic violence unit will review five to ten randomly selected files every six months for completeness, using the case review checklist.

LAW ENFORCEMENT ESSENTIAL ELEMENT 25

Provide structure for supervisors to participate in ongoing interagency Blueprint monitoring, evaluation, and maintenance. Meet regularly with 911, prosecution, and probation to discuss and resolve problematic cases and responses.

201 General Order and Directives

201.2 Responsibilities

Orders specific to specialized units: It is the responsibility of the Unit Supervisor to review semiannually the General Orders that are specific to specialized units in order to ensure that they are current and accurately represent common practice and procedure.

Excerpt from training memo “Conducting and Supervising Investigations in Domestic Violence-Related Cases”

Policy: Supervising Investigations

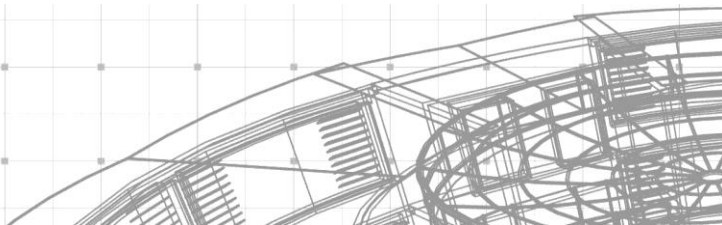
In addition to following general agency procedures covering supervisory oversight of investigations, the investigative unit supervisor will take the following actions in providing supervisory oversight of investigations in domestic violence–related cases, using the protocols and appendices referenced as part of this policy.

- Monitor investigative files to determine if all necessary actions were taken in the investigation, and direct any necessary follow-up.
- Document work product feedback to patrol supervisors.
- Meet as necessary with the city and county attorney’s offices to discuss and review problematic cases.
- Consult with investigators on individual cases.

Excerpt from training memo “The Domestic Violence Response Team”

Sergeant in charge of DVRT

- Manage investigative case load, referrals and adherence to investigative timelines.
- Oversee investigations, assuring that cases are as complete as possible before they are referred to prosecution.
- Liaison between the police department and partner agencies; both in problem solving and developing best practice ensuring a victim centered approach.
- Communicate issues regarding individual police reports to supervisors and any trends in police report writing to Lieutenant in charge of investigations.



- Participate in training new officers, current staff and partner agencies, assuring that best practice is being utilized amongst all levels of the process.
- Support investigators, making sure that the resources are available for timely and thorough investigative work
- Available to partner agencies for questions, information, collaboration in projects that continue to move DVRT toward more improved safety for victims and accountability for offenders.
- Attend internal, external and multidisciplinary meetings that impact the work of DVRT.

LAW ENFORCEMENT ESSENTIAL ELEMENTS 26 & 27

Essential Element 26: Incidents involving department employees

- Investigate, make arrest decision, process evidence, and conduct follow-up investigation in accordance with adapted Blueprint policies and protocols.
- Send a supervisor of higher rank than the suspect to the scene.
- Supervisor shall recover arrestee's badge, law enforcement identification card, and weapon.

Essential Element 27: Incidents involving public figures

- Investigate, make arrest decision, process evidence, and conduct follow-up investigation in accordance with adapted Blueprint policies and protocols.
- Send a supervisor to the scene.
- Take precautions to protect the victim's safety and confidentiality.

306.4 Initiating Emergency Call Response

The nature of some incidents, due to being high profile, or exposing the city to liability, requires that on-scene patrol officers notify a patrol unit leader of the incident. Once notified, the unit leader must determine whether to assume command of the incident or delegate command to the officers already at the scene.

Incidents a patrol unit leader must be notified of, or acknowledge, are:

- Arson
- Armed robbery
- Deaths
- Civil disturbances
- Felony assault
- Felony level Incident involving weapons

- Injury accidents involving on-duty police vehicles
- Kidnapping
- Officer use of deadly force
- Vehicle pursuit
- Labor disputes
- Sexual assault
- Unusual occurrences
- Subjects injured due to police action
- Injuries on city property
- Fatal traffic accidents
- Accidents with life threatening injury
- Incidents involving significant property damage or loss
- Threats to schools or staff
- Significant incidents arising from extra-duty or non-duty employment
- Any police response to off-duty behavior, incident, or injury involving a department employee and investigated by the Duluth Police Department
- Any calls that may have media attention
- Calls that may be of concern to department administration

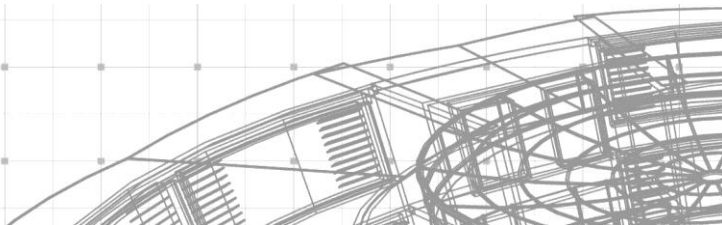
Unit leaders notified of such incidents must notify command staff. Command Staff need to learn of incidents through police department channels, not when the media or City administration asks for information on the incident.

323 Conduct Policy

Any of the following actions may be deemed sufficient cause for the discipline, discharge, suspension, demotion or removal of any employee:

323.3.2. General Conduct

- b) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.
- g) Establishing an inappropriate social relationship with a known victim, witness, suspect or defendant of a Department case while such case is being investigated or prosecuted as a result of such investigation.



330 Major Incident Notification

330.3 Minimum Criteria for Notification

The nature of some incidents, due to being high profile, or exposing the city to liability, requires that on-scene patrol officer notify a patrol unit leader of the incident. Once notified, the unit leader must determine whether to assume command of the incident or delegate command to the officers already at the scene. (Excerpt)

- Violent death or death under unusual circumstances
- Felony assault
- Felony level incidents involving weapons
- Sexual assault
- Any significant off-duty behavior, incident, or injury involving a department employee and investigated by the DPD

Major Incident Notification

330.4 Watch Commander Responsibilities

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempt to obtain as much information on the incident as possible before notification. The Watch commander shall attempt to make the notifications as soon as practicable. Notification should be made by using the call notification protocol posted in the Communication Center.

330.4.1 Staff Notification

In the event an incident occurs as identified in the Minimum Criteria for Notification, the Chief of Police, the Deputy Police Chiefs, and the Command Staff, shall be notified.

341 Off-Duty Law Enforcement Actions

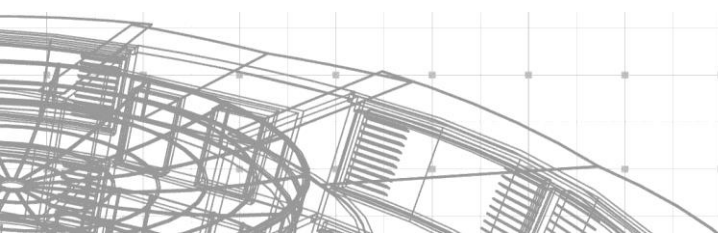
341.4.2 Incidents of Personal Interest

Officers should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, officers should call the responsible agency to handle the matter.

1000 Reporting of Employee Convictions and the Court Orders

1000.3.1 Court Orders

All employees shall promptly notify the department if they are a party to, or have been served with any court order from any jurisdiction.



1000.4 Reporting Procedure

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) on writing of any past or current criminal arrest or conviction regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining court order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

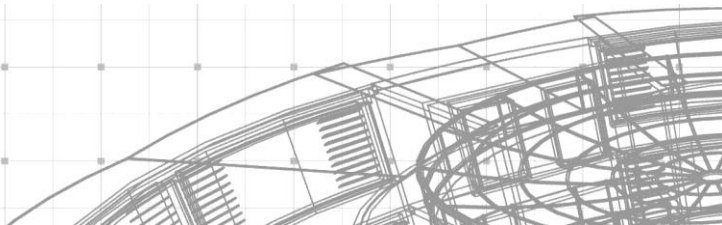
1001 Police Officer Involved Domestic Abuse

1001.8.1 Departmental Response

- a) All reports of potential criminal activity implicating police officers in domestic abuse shall be documented in accordance with state statute and department policies governing the handling of any domestic abuse situation.
- b) A copy of the report detailing the potential criminal activity implicating an officer in domestic abuse shall be directed to that officer's Division Lieutenant and the appropriate Deputy Chief.
- c) All investigations shall be in accordance with the employee's labor contract and constitutional rights. Accused employees/officers will be treated with respect and in a manner that maintains the integrity of the administrative and criminal investigations. The department will adhere to and observe all procedures to ensure the accused departmental, union, and legal rights are upheld during these investigations.

1001.8.2 Patrol Response

- a) Upon arrival on the scene of a domestic abuse incident involving a police officer, the arriving officers shall, as soon as practical, request that a supervisor be sent to the scene, regardless of whether the involved officer is a member of the Duluth Police department or another law enforcement agency. In a case of involvement by a member of the Duluth Police Department, the responding supervisor will be of a rank superior to that of the involved officer.
 - o The responding officers shall perform all duties related to the investigation of Domestic Abuse as prescribed in **Policy 320: Victim and Witness Assistance**



- Officers shall follow all necessary steps outlined in **Policy 320** to ensure the victim's safety and protection

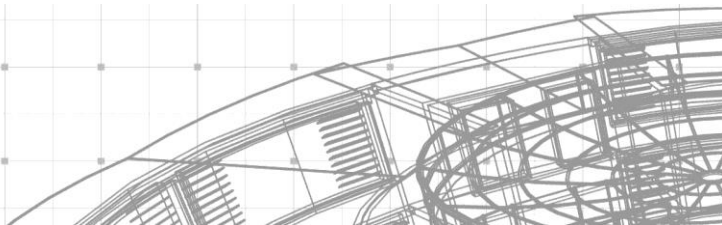
1001.8.3 On-Scene Supervisor Response

- a) A supervisor shall report to the scene of all police officer domestic abuse situations, regardless of the involved officer's jurisdiction and ensure the following:
 - The responding supervisor shall ensure all guidelines regarding **Policy 320: Victim and Witness Assistance** are followed
 - In cases where probable cause is present the on-scene supervisor shall ensure an arrest is made
 - Whenever a Duluth Police Officer is arrested, the supervisor shall relieve the accused officer of all service weapons; ID card, and badge
 - If the officer has left the scene prior to police arrival the supervisor will take possession of the officer's department issued duty weapon if the access to the weapon can be legally obtained
 - the supervisor shall leave a report of the incident and shall include whether or not the officer was arrested and shall include an explanation of that decision
 - the supervisor shall as soon as practical notify the involved officer's Lieutenant and the appropriate Deputy Chief of the incident
 - Take steps to protect the confidentiality and privacy of the victim
- b) The on-scene supervisor shall ensure the victim is informed of or provided the following:
 - availability of an on-scene advocate
 - Confidential transportation to a shelter or other location for safety
 - procedures for obtaining an Order for Protection
 - judicial process and victim's rights
 - written information on community resources and local domestic violence victim advocacy organizations
 - all other notifications as required by law
- c) Additional Critical Considerations
 1. When responding to a domestic abuse incident involving a police officer from another jurisdiction, the same procedures as those set out by this policy shall be followed. The supervisor shall notify the highest ranking member of the accused officer's department or their designee. All notifications and attempts to notify shall be fully documented.
 - In the event that the reportable domestic abuse incident involves a command staff member of the Duluth Police Department, or a supervisor for whom a supervisor of superior rank cannot be located for response to the scene, the supervisor shall request the St. Louis County Sheriff's Department for response to the scene.

- In responding to domestic abuse situations where the victim is a police officer, standard
- Domestic abuse response and investigation procedures should be followed.
- In responding to domestic violence incidents where the parties involved are both police officers this policy will be followed. After probable cause and issues of self-defense and/or the predominant aggressor have been determined, an arrest shall be made within statutory guidelines.

1001.8.4 Department Follow-Up

- a) Given the circumstances of the incident and to prevent the appearance of a conflict of interest, the investigation may be turned over to an outside agency. This decision will be made by the Patrol Division Deputy Chief or designee.
- b) The Patrol Division Deputy Chief or designee shall ensure that officers who responded to a police officer domestic abuse call are debriefed in a timely manner. The debriefing shall include the following:
 - A review of department confidentiality guidelines.
 - A direct order prohibiting discussion of the incident outside of the official inquiry.
 - A clear delineation of assignments.



References

The following appendices and training memos referenced in this chapter are available online from Praxis International's *Blueprint Materials*

(http://www.praxisinternational.org/blueprint_materials.aspx):

- *3B Training Memo - Gone on Arrival (GOA) Cases*
- *3F Training Memo - Law Enforcement Response to Strangulation*
- *3G Training Memo - Law Enforcement Response to Stalking*
- *3K Training Memo - Victim Engagement and the Law Enforcement Response to Domestic Violence*
- *3M Supervising Domestic Violence Investigations - Case Review Checklist*

The following policies and training memos referenced in this chapter are available in the Duluth *Blueprint for Safety* Chapter 8 (Resources) or from the Duluth Police Department:

- Policy 311: Search and Seizure
- Policy 602: Sexual Assault Investigation by Patrol Officers
- Victim Engagement Guidelines for Patrol Officers and Investigators
- Conducting and Supervising Investigations in Domestic Violence-Related Cases
- Domestic Abuse Arrest/Incident Guide
- Domestic Violence Response Team (DVRT) Procedures
- Duluth Police Crime Victim Information Card (Blue Form 132)
- Dispatch Domestic Violence Call Guide