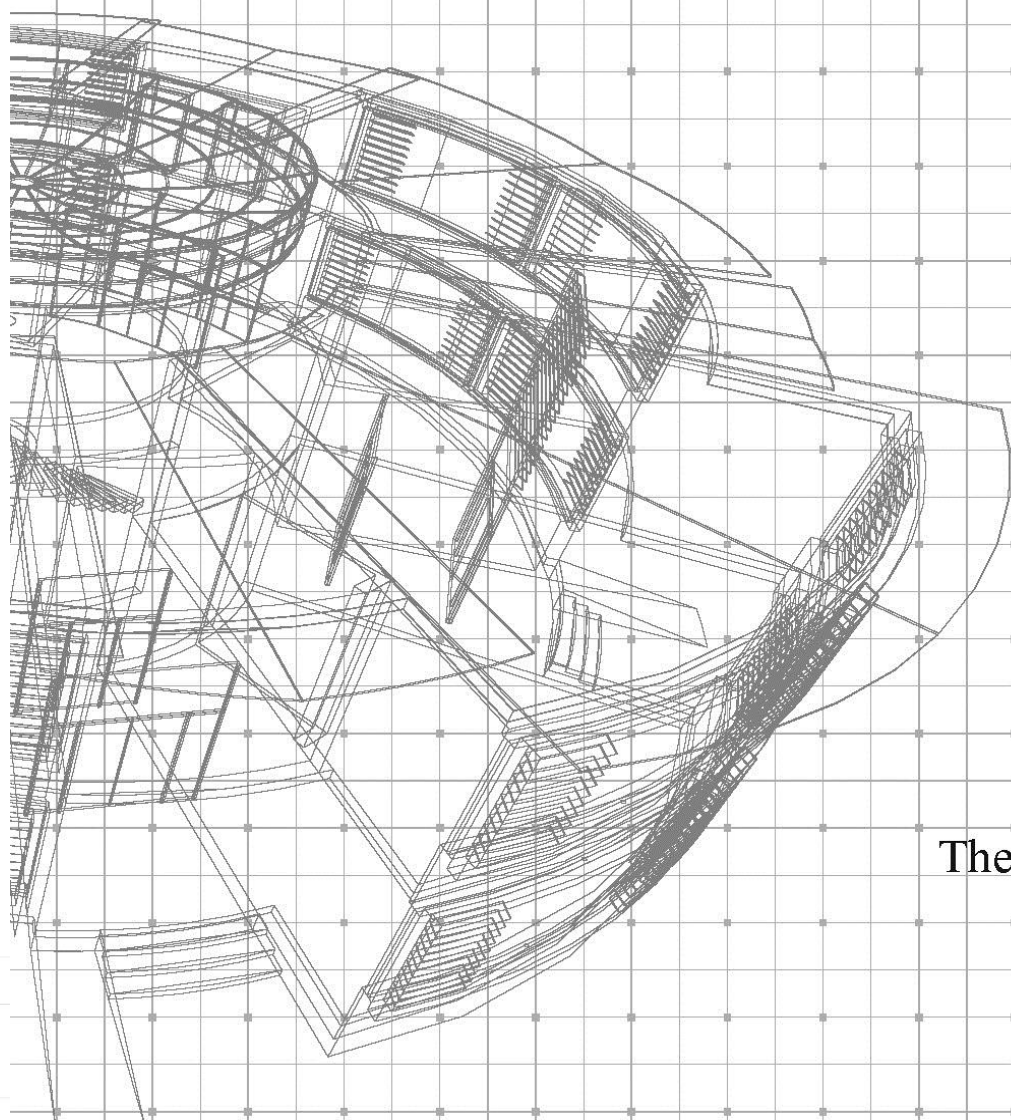


CHAPTER 8

# Resource Materials

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The Duluth  
**blueprint**  
*for* **safety**

# Resource Materials

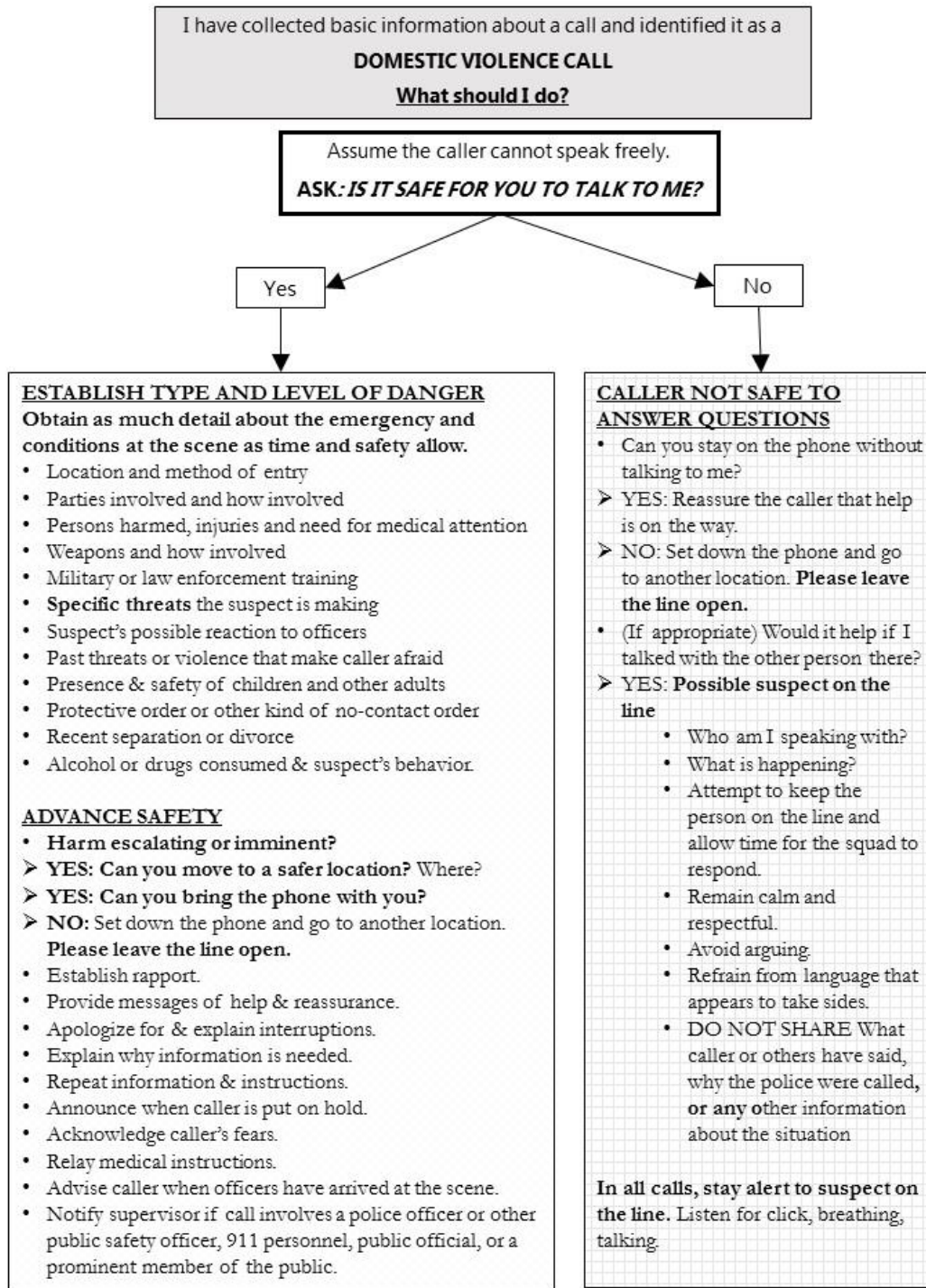
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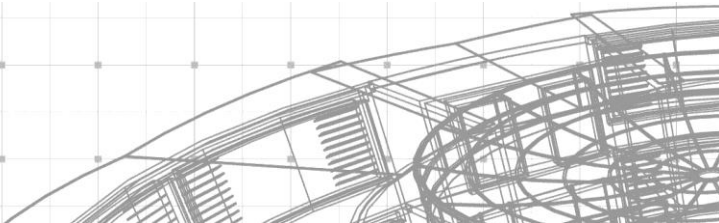
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# 911 Emergency Communications: Dispatch Domestic Violence Call Guide





# Duluth Police Department Policy: Officer Response to Calls

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## 306.1 PURPOSE AND SCOPE

Varied incidents are reported to the Department. The Patrol Division is responsible for the initial response to all calls dispatched by the 9-1-1 Emergency Communications Center. This order provides guidelines for the types of response and number of officers required to respond.

## 306.2 RESPONSE TO CALLS

### 306.2.1 RESPONSE TO EMERGENCY CALLS

When incident information is reported only as a matter of record, an officer is not required to respond unless the complainant specifically requests one. **Policy 325: Preliminary Investigations and Required Reports**, outlines the expectations of officers.

Reports that do not require the response of an officer and may be taken over the phone:

- Lost property

Matter of record reports must be taken promptly.

Additional property loss, or identifying information on lost or stolen property, reported after the preliminary investigation may be reported directly to the Records Support Unit.

### 306.2.2 LIGHTING EXEMPTION OF LAW ENFORCEMENT VEHICLES

1. “Code One” calls do not require the immediate response by an officer.
2. In responding to a “Code One” call, traffic laws are obeyed and the emergency signal devices are not used.
3. “Code One” calls are handled when the officer is not assigned another call with a higher priority. As a courtesy officers should notify the reporting party if the reporting party expects to see the officer, and response is going to be delayed.
4. An officer may operate a vehicle without lights if the officer reasonably believes that operating the vehicle without lights is necessary under the circumstances to investigate a criminal violation or suspected criminal violation (Minn. Stat. § 169.541). This is not appropriate when several officers are responding to one incident or driving at a Code Two or Three Response.

### **306.2.3 CODE TWO RESPONSES**

“Code Two” calls require the immediate, but non-emergency response by an officer. In responding to the call, traffic laws are obeyed and the emergency signal devices are not used. If the call does not require the officer to meet with the reporting party a phone call to advise them of police action on the incident is appropriate.

A minimum of two officers should respond to any “Code Two” calls that pose a threat to:

- Property
- Persons
- Responding officers

Included are domestic disturbances, person disturbing, and prowler calls.

Due to the very high rate of false alarms, a “Code Two” response is made to automatic alarms at private residences. Patrol Supervisors monitor response to ensure an appropriate number of officers are responding, or are on scene.

### **306.2.4 CODE THREE RESPONSES**

While operating a vehicle in response to an emergency call for service, officers shall do so with due regard to the safety of others as stated in Minn. Stat. § 169.03, Subd. 1 through 5 and 169.17.

## **169.03 EMERGENCY VEHICLES; EXEMPTIONS; APPLICATION.**

Subdivision 1. Scope. The provisions of this chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district, or any other political subdivision of the state, subject to such specific exemptions as are set forth in this chapter with reference to authorized emergency vehicles.

Subdivision 2. Stops. The driver of any authorized emergency vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety, but may proceed cautiously past such red or sign or sign or signal after sounding siren and displaying red lights, except that a law enforcement vehicle responding to a call shall sound its siren or display at least one lighted red light to the front.

Subdivision 3. One-way roadway. The driver of any authorized emergency vehicle, when responding to any emergency call, may enter against the run of traffic on any one-way street, or highway where there is authorized division of traffic, to facilitate traveling to the area in which an emergency has been reported; and the provisions of this section shall not affect any cause of action arising prior to its passage.

Subdivision 4. Parking at emergency scene. An authorized emergency vehicle, when at the scene of a reported emergency, may park or stand, notwithstanding any law or ordinance to the contrary.

Subdivision 5. Course of duty. No driver of any authorized emergency vehicle shall assume any special privilege under this chapter except when such vehicle is operated in response to any emergency call or in the immediate pursuit of an actual or suspected violator of the law.

## 169.17 EMERGENCY VEHICLES

The speed limitations set forth in sections 169.14 to 169.17 do not apply to authorized emergency vehicles when responding to an emergency. Drivers of all emergency vehicles shall sound an audible signal by siren and display at least one lighted red light to the front, except that law enforcement vehicles shall sound an audible signal by siren or display at least one lighted red light to the front. This provision does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the street, nor does it protect the driver of an authorized emergency vehicle from the consequence of a reckless disregard of the safety of others.

Officers must operate the red lights and/or the siren when responding to an emergency in order to be exempt from traffic regulations. The siren is defined as the wail, yelp, or high low functions on the siren controller. The air horn and vehicle horn may be used in addition to the siren; however, they may not be used in place of the siren.

“Code Three” calls require an emergency response from multiple officers (the number of officers is dependent upon the type of call). The following require a “Code Three” response:

- Structure fires
- Burglary alarms or reports of in progress burglaries
- Code two response is made to automatic alarms at private residences( See “C” above)
- Intrusion alarms indicated by a portable Department alarm
- Robbery alarms or reports of in progress robberies
- Life threatening medicals (may only require one officer)
- Violent crimes (in-progress rape, homicides, in-progress assaults, aggravated robberies, felony assaults)
- Accidents with injuries or fatalities
- Person with a gun or “shots fired”
- Officer needs assistance

Some incidents require an unannounced arrival such as burglar alarms to avoid causing the burglar to flee, or robbery alarms to avoid precipitating a hostage taking. In these instances officers take the

environment into account and turn off their siren prior to reaching a location where it may be heard by the offender, and turn off their emergency lights prior to being seen by the offender. Officers must proceed very cautiously when their emergency signal devices are not activated.

Officers continuously evaluate the appropriateness of an emergency response. Upon arrival at the scene officers evaluate the situation and notify other responding officers when an emergency response is no longer necessary.

### **306.3 REQUESTING EMERGENCY ASSISTANCE**

#### **306.3.1 NUMBER OF UNITS PARTICIPATING**

Radio traffic should be severely limited when officers are responding “Code Three” to a potentially hazardous situation, such as robberies and gun calls. Consideration should be given to “securing” the radio channel and restricting its use to squads assigned to the incident.

#### **306.3.2 ROBBERY ALARMS**

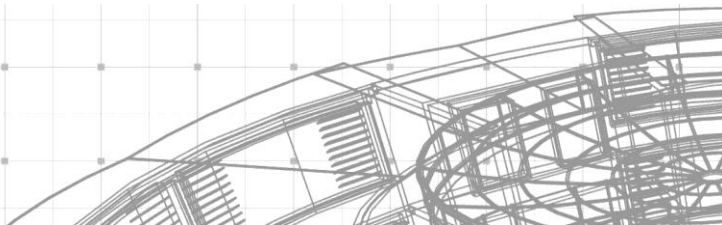
Robbery alarms require a “Code Three” response. An unannounced arrival is required. Officers secure the perimeter and make phone contact when appropriate to avoid precipitating a hostage incident. False alarms require an employee to exit the building to speak with officers. If the perpetrators have fled officers may enter the building to begin the investigation.

### **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:

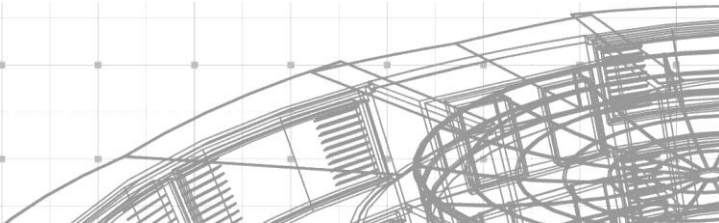
- Arson
- Armed robbery
- Deaths
- Civil disturbances
- Felony assault
- Felony level Incidents involving weapons
- Injury accidents involving on-duty police vehicles
- Kidnapping





- Officer use of deadly force
- On-duty officer injury
- 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.



# Duluth Police Department Policy: Harassment Restraining Orders

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## 309.1 PURPOSE AND SCOPE

The Department and State of Minnesota are committed to protecting persons from harassers. The State of Minnesota allows victims of harassment court ordered protection from their harassers. This order outlines an officer's role in enforcing these orders.

## 309.2 DEFINITIONS

Harassment includes:

- a single incident of physical or sexual assault or repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target
- targeted residential picketing
- a pattern of attending public events after being notified that the actor's presence at the event is harassing to another

Respondent includes:

- any adults or juveniles alleged to have engaged in harassment or organizations alleged to have sponsored or promoted harassment

Petitioner includes:

- any adult, or children on behalf of an adult, granted court ordered protection

Targeted residential picketing includes the following acts when committed on more than one occasion:

- marching, standing, or patrolling by one or more persons directed solely at a particular residential building in a manner that adversely affects the safety, security
- privacy of an occupant of the building
- marching, standing, or patrolling by one or more persons which prevents an occupant of a residential building from gaining access to or exiting from the property on which the residential building is located

### **309.3 PROVISIONS**

Harassment restraining orders require the respondent to cease or avoid harassing the petitioner and to have no contact with the petitioner. Harassment restraining orders do not require that a previous or current relationship exist (as with Orders for Protection).

Parents or guardian may seek a harassment restraining order on behalf of a minor.

### **309.4 PROCEDURE**

#### **309.4.1 MANDATORY ARREST**

Minn. Stat. § 609.748, Subd. 6 requires officers to arrest persons 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.

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

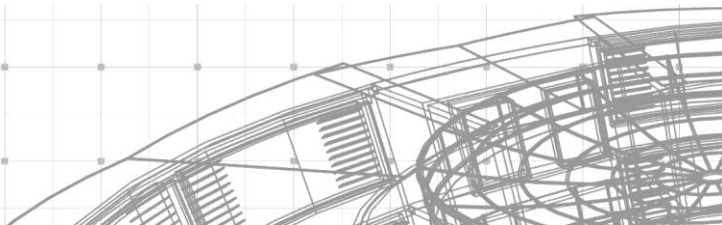
An officer, in consult with a shift sergeant, should determine a strategy to effect arrest within the next 72 hours. The strategy should be recorded in a Patrol Log entry.

#### **309.4.2 REPORTS/INVESTIGATIONS**

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. Submitted reports will include statement forms, MNCIS, criminal histories (CCH), and citations when one is issued. Reports should also include officer recommendations for follow up activity. Determine if the relationship qualifies as intimate partner domestic abuse and if so, ask the Risk Questions.

Reports must 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 concern about the safety of the victim or others

The paperwork will be given to the shift sergeant. The shift sergeant will forward the necessary reports to the Domestic Violence Response Team (DVRT). Referrals to the DVRT are documented in the Case Activity Log in conjunction with forwarding the paperwork. DVRT will process the reports necessary for custodial arrests and ensure that the charges are appropriate.

### **309.4.3 LOCATING SUSPECT**

Officers shall attempt to locate suspects when they have probable cause to believe that they have violated a Harassment Restraining Order as long as the officer has information or knowledge regarding possible locations of the suspect. Information about possible locations and efforts to locate the suspect are documented in the investigative report. It may be appropriate to enter possible location information in the Patrol Log.

### **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 PAVSA if appropriate.

## **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 the ten years following conviction for that offense (regardless if the violation is domestic-related.)

A person is guilty of a felony if the person knowingly violates the order:

- during the time period between the first of two or more previous qualified domestic violence related offense convictions and the end of the ten years following conviction for that offense

Qualified domestic related offenses include First and Second degree murder and attempts, all assaults, CSC first through fourth degree, Malicious Punishment of a Child, Terroristic Threats, violation of harassment or no contact orders, orders for protection, harassment/stalking, and interference with a 911 call.

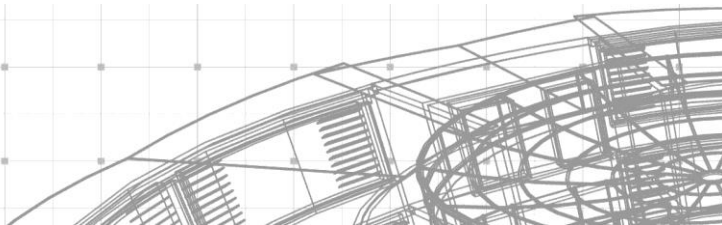
- because of the victim's or another's actual or perceived race, color, religious, sex, sexual orientation, disability as defined in Minn. Stat. § 363A.03, age, or national origin
- by falsely impersonating another
- while possessing a dangerous weapon
- with an intent to influence or otherwise tamper with a juror or a judicial proceeding or with

intent to retaliate against a judicial officer, as defined in Minn. Stat. § 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding

- against a victim under the age of 18, if the respondent is more than 36 months older than the victim

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.



# Duluth Police Department Policy: Orders for Protection

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## 314.1 PURPOSE AND SCOPE

The Department and State of Minnesota are committed to protecting persons from violence. Minn. Stat. § 518B.01 allows arrests for violations of Orders for Protection and No Contact Orders based on probable cause.

In addition, the 1994 Violence Against Women Act (VAWA) directs jurisdictions to give full faith and credit to [enforce] valid orders of protection issued by other jurisdictions. (18 U.S.C. 2265) Officers shall enforce the provisions of valid protection orders issued in other jurisdictions and by tribal nations in compliance with Title IV of the Violent Crime Control and Law Enforcement Act (P.L. 103-322, Section 225).

## 314.2 DEFINITIONS

Minn. Stat. § 518B.01(b) “Family or household members” means:

- 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 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

**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 to be arrested committed the crime.

**Ex Parte Order:** An order granted by the court (including an Order for Protection) granted for a set period of time, usually for the period between application and a formal hearing. If no hearing is held, then the Ex Parte Order stands as the protection order. An Ex Parte Order carries the full force and effect of any post-hearing order.

**Protection Order:** Under the Federal Violence Against Women Act a protection order is defined as: any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact, or communication with, or physical proximity to, another person. (M.S. 518B.01, Subd. 14)

**Criminal No Contact Order:** An order issued by the court against a defendant in a criminal proceeding for domestic abuse which prohibits the defendant from any contact with the victim. A Criminal No Contact Order is initiated by the Judge, not on petition from the victim; it is personally issued to the Respondent by the Judge and is signed by the Respondent. (M.S. 518.B01, Subd 22)

### **314.3 PROCEDURE**

For the purpose of this general order, Ex Parte Orders, Orders for Protection, Criminal No Contact Orders and protection orders from other jurisdictions are referred to as Protection Orders; there is no distinction in actions or obligations of the officer in response to violations of these orders unless specified.

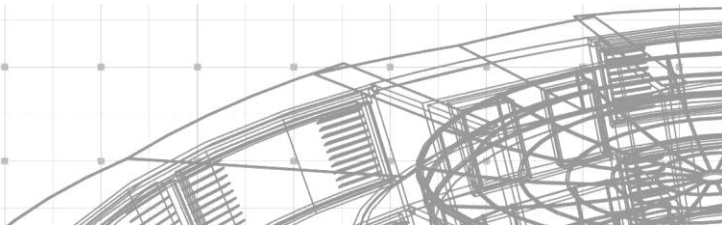
#### **314.3.1 MANDATORY ARREST**

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

- restraining the person (from committing further acts of domestic abuse), (Minn. Stat. § 518B.01, Subd. 14(e)); or
- 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).

An 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
- interviewing the subject
- researching available court and local records
- review of relevant statutes





There are no time constraints on arrest. An officer, in consult with a shift sergeant or lieutenant should determine a strategy to affect the arrest within the next 72 hours. The strategy should be recorded in a patrol log entry.

### **314.3.2 DISCRETIONARY ARRESTS**

Officers may make an arrest for an un-witnessed violation of an order for protection, even if it is not mandated (Section 325.3.1, above), Officer's may use their discretion in determining whether a custodial arrest, or the issuance of a citation (misdemeanors only) is warranted.

In all cases prior to making the arrest the officer must verify:

- the existence of the protection order;
- that a violation of terms and conditions of the protection order occurred; and
- that probable cause exists that the offender knew the protection order existed.

### **314.3.3 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 to resolve the situation.

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; or
- when there is a 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.

The Domestic Violence Response Team (DVRT) conducts follow up investigation on domestic arrests and arrests for violations of protection orders. DVRT 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.

#### **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.

#### **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.

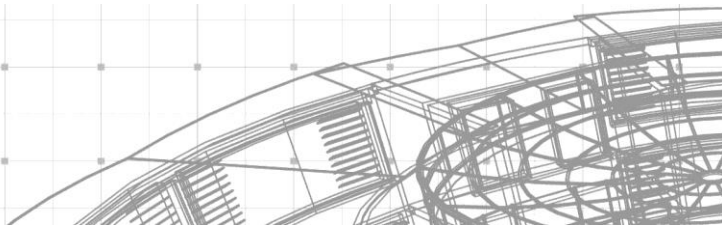
Before clearing the incident officers shall notify the local battered women's program if:

- 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.

If possible they will also notify the victim if threats are made against them. Officers shall include in their report who was notified.

#### **314.4 FIREARMS - VIOLATION OF OFP/CONVICTIONS/SEIZURE**

1. Federal law prohibits a respondent in a protection order from possession of firearms and ammunition (18 U.S.C. 922(g) (8)). When an officer determines that a valid protection order has been issued against a respondent, the officer should enforce the firearms prohibition and seize the weapons and ammunition. The seizure must be reported to the Federal Bureau of Alcohol, Tobacco, and Firearms by the seizing officer for possible prosecution. Seizure of weapons and ammunition subject to this prohibition is essential to victim and community safety.



2. Minn. Stat. § 518B.01, Subd. 14(j). When a person is convicted of violating an order for protection and the court determines the person used a firearm in anyway during commission of the violation, the court may prohibit the person from possessing any type of firearm for a designated period of time (refer to Statute for specific limitations in effect). The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant. A violation is a gross misdemeanor.
3. Minn. Stat. § 518B.01, Subd.14 (k). Except as otherwise provided in paragraph (j), a person is not entitled to possess a pistol if the person has been convicted under paragraph (b) or (c) after August 1, 1996, of violating an order for protection, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section. Property rights may not be abated but the courts may restrict access. A person who possesses a pistol in violation of this paragraph is guilty of a gross misdemeanor.

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.

### **314.5 MUTUAL ORDERS**

Sometimes a protection order will contain a mutual “no contact” provision or it will direct both parties not to abuse each other. The full faith and credits section of VAWA requires special safeguards for inter-jurisdictional enforcement of this type of order. Basically it states that an order should be enforced against the respondent and not the petitioner unless the issuing court made a specific finding that each party had abused the other. If such findings were made, the order may be enforced against both parties.

### **314.6 SHORT FORM NOTIFICATION**

Minn. Stat. § 518B, Subd. 8a. provides that in lieu of personal service of an Ex Parte Order or Order for Protection, a law enforcement officer may serve a person with a Short Form Notification. Standard Short Forms are available in the department. Short Form Notifications may be served anytime, including Sundays and legal holidays; officers are granted statutory authority to detain the respondent for a reasonable time necessary to complete and serve the short form notification. Officers shall not indicate to the respondent the existence of an OFP prior to its service. When the short form is first served upon the person at a location at which, under the terms of the order, the person's presence constitutes a violation, the person shall not be arrested for the violation of the order without first being given a reasonable opportunity to leave the location in the presence of the peace officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this paragraph is immune from civil liability that might result from the officer's actions.

## Chapter 8: Resource Materials

In the case where an OFP was served via publication, squads should serve a short form to the respondent upon contact. This will ensure that future violations can be charged out appropriately.

After serving a short form notification, officers are to put the “court” copy and the “serving agency” copy in patrol’s non-custodial in box.

# Duluth Police Department Policy: Preliminary Investigation/Required Reports

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## 325.1 PURPOSE AND SCOPE

Preliminary investigations vary widely from case to case. The scope of preliminary investigation may be limited by investigative policy or by an officer's workload. Officers should continue a preliminary investigation if there is a viable lead, but shall not delay the investigation to the point where it will jeopardize the investigation.

Timely and thorough preliminary investigations are essential to tracking crime patterns and trends; influencing the development of policing plans and the deployment of police resources necessary for effective and efficient problem solving and crime prevention.

The Department relies on real time records to guide intelligence-led policing efforts; focusing on developing actionable criminal intelligence, analysis of crime trend data, timely communication to stakeholders and effective operational responses to problem solve and reduce crime.

### 325.1.1 POLICY: WRITTEN REPORTS AND CITATIONS

Preliminary investigations are the responsibility of patrol officers. The Department prefers that officers speak to victims and witnesses in person. Non-verbal information can be an important factor in many investigations, but is lost when interviews are conducted over the phone. The gathering of physical evidence and observations by the investigating officer may also be compromised. A phone response to calls for service is acceptable if the incident is of a minor nature and the phone response does not compromise the quality of the response, including the quality of information gathered and evidence collection. Crimes of violence and crimes against persons shall not be investigated over the phone.

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. 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.

## **325.2 PRELIMINARY INVESTIGATIONS**

The preliminary investigation consists of:

- Locating, identifying, and interviewing victim/complainant and witnesses; including full name, date of birth, address, place of employment, work and home phone
- Neighborhood canvas if appropriate
- Statements of all involved persons and witnesses
- Observations of conditions at the scene
- Events observed
- Interviewing the suspect if appropriate
- Maintaining the crime scene and protecting evidence
- Collecting evidence if an evidence technician does not respond
- Effecting the arrest of the suspect, if appropriate
- Documenting the incident fully and accurately
- Notifying any other jurisdiction that may be effected by the incident

### **325.2.1 CONTINUED INVESTIGATIONS BY PATROL**

Patrol officers shall conduct continued investigations when:

- There is a reasonable chance of apprehending the suspect
- It is necessary to prevent further criminal conduct; and/or
- Information or evidence will deteriorate if the investigation is delayed

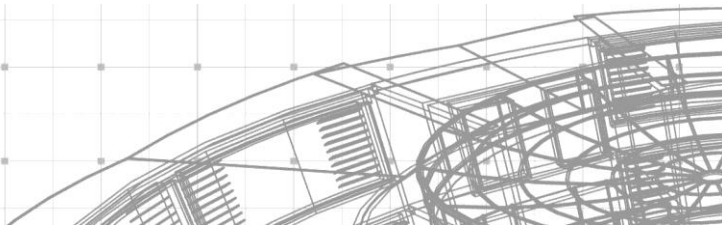
Officers are expected to continue investigations in the above circumstances. Officers are encouraged to continue investigations which do not fall into the above categories, as time and duties permit. CAL entries must be made on continued investigative activities to eliminate a duplication of effort.

Supervisory approval should be obtained when officers need additional time or must leave their district for further investigation.

### **325.2.2 AT MAJOR CRIME SCENES**

The nature of some crimes requires specialized and in-depth investigation. The following incidents may require on-scene investigative assistance:

- Arson
- Armed robbery



- Death scenes
- Felony assault
- Kidnapping
- Sexual assault
- Serial crimes
- Major or multiple burglaries
- Major traffic crashes/CVO
- Domestic

Investigating officers will notify their shift sergeant in the above listed instances and of any felony cases they respond to. The shift sergeant will determine the need for assistance. In some circumstances officers can directly contact an appropriate investigator for consultation.

### **325.2.3 SOLVABILITY FACTORS-ASSESSMENT**

After an officer has completed an initial investigation, the case will be assessed as to the likelihood of the crime being solved through continued investigation. This assessment is done by the initial investigating officer through the use of the Solvability Factor Matrix.

Solvability Factors are defined as: “Elements of information about a crime which have proven in the past to be important in the successful conclusion of a case. Case screening is designed to provide sufficient information about a case at the earliest possible time in the investigative process in order to permit a decision to be made regarding the value of continuing an investigation. These solvability factors are weighted in order to help officers decide how to move cases through the department, based on the determination that some information obtained in a case is more valuable toward a successful conclusion than other information.”

Solvability factors include, but are not limited to the following:

1. Reliable witness (3); Individual with factual information regarding crime elements
2. Suspect names (5); Actual identity has been determined
3. Suspect described (2); Description is adequate to separate suspect from others
4. Suspect Location (2); Residence, locations frequented or other known location
5. Suspect identified (2); Identity can be determined by photo images or line-up
6. Suspect previously seen (1); Victim/witness has seen suspect before
7. Suspect vehicle described (2); License #, make, model, color, or distinctive identifiers

8. Traceable property (1); Serial #, owner applied marks, damage, or unique description
9. Significant modus operandi (1); Distinct pattern or method linking suspect to multiple crimes
10. Usable physical evidence (2); Significant physical evidence collected
11. Limited opportunity for anyone other than suspect to commit the crime (1); Evidence eliminates other potential suspects

The numbers in parenthesis represent the point value assigned to that category; a total of 5 points is needed for a case to remain in an “open” status.

### **325.2.4 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.

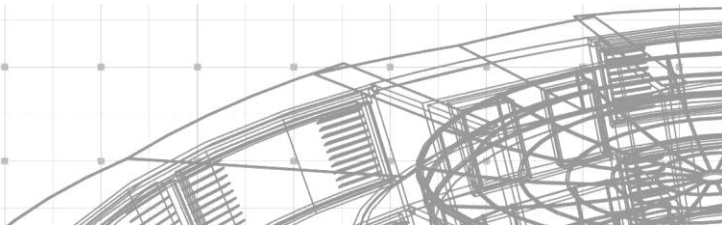
Officers should provide the complainant with a completed INFORMATION CARD. The INFORMATION CARD contains the officer's name and badge number, and information about applicable services available to them. Additional information, such as the case number, phone numbers to call to provide additional information 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.

### **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 overlooked. CAL entries should provide details as to type of crime, time of day, place of occurrence and information relating to the solvability factors used.

Officers must include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. If an officer learns of potentially exculpatory information any time after submission of the case, the officer must notify the prosecutor as soon as practical.

Evidence or facts that are considered material if there is a reasonable probability that they may impact the result of a criminal proceeding or trial. Determining whether evidence or facts are





material often requires legal or even judicial review. An officer who is uncertain whether evidence or facts are material should address the issue with a supervisor.

### **325.3.1 FOLLOW UP INVESTIGATION**

Officers are encouraged to do follow-up investigations. The Officer, who will be doing follow-up on a case, must do a CAL entry indicating that they will be doing follow-up. In addition to a CAL entry, a HEADER and SYNOPSIS report is required. Any follow-up documentation is done in the form of a SUPPLEMENTAL REPORT.

### **325.3.2 ARREST REPORTS**

In addition to arrest reports, all in-custody arrests (adult and juvenile) require the completion of an APPLICATION FOR JUDICIAL DETERMINATION FOR PROBABLE CAUSE TO DETAIN (48-hour hold) Arrests for warrants with no additional charges only require appropriate CAD notes. Arrest reports must be completed for:

- Felony arrests
- Gross misdemeanor arrests
- Non-traffic misdemeanor arrests
- Some misdemeanor traffic arrests

### **325.3.3 OTHER REPORTS**

All other reports such as crash reports or other hand-written or electronic reports must be completed prior to the end of the Officer's four-day rotation or as otherwise directed. Prior supervisory authorization must be obtained if completion of a report is delayed.

### **325.3.4 INCIDENT REPORTS**

INCIDENT REPORTS must be completed for:

- State Mandated Reports

Minn. Stat. § 626.5531 mandates that police officers must report all crimes motivated by bias (race, religion, national origin, sex, age, disability, or characteristics identified as sexual orientation). If the officer or the victim believes the crime was motivated by bias, the State of Minnesota “Bias Offense Report” must be completed. The form is located on the I-drive. The completed form is sent to the Records Services Unit (RSU). The reporting officer should note in the narrative report that the form was completed. The RSU personnel routing reports will make a CAL entry (MNRPT) noting the form was completed and sent to the State.

### **325.3.5 WARRANT ARREST PROCEDURES**

Officers arresting an individual on a warrant that encounter no resistance, and there are no additional charges may make CAD notes in the following manner using the “Attach Info” function, in the following order, separated by semi- colons:

- Start the entry with WARRANT/NR/SDL; (NR €# no resistance, SDL-handcuffs spaced and double locked)
- Race of arrested person (B,W,A,I)
- Sex of arrested person (M/F)
- School
- Employer
- Next of kin in parenthesis (mother, father, spouse,) followed by full name (L, F M), and DOB and NOK
- Home address
- Phone number
- Originating agency for the warrant
- Originating Agency Case Number
- Click the “Attach Info” button
- Code the disposition “Jail”.

### **325.4 REPORT DICTATION AND ROUTING**

Reports are to be dictated in the following order:

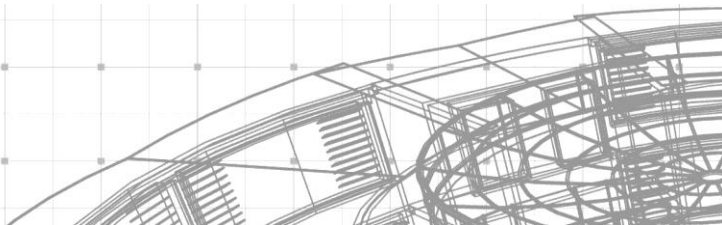
- Header
- Name type
- Synopsis
- Narrative

Name type: spell-out the name and give DOB the first time the name is mentioned in the name type format.

- Last, first, middle; pronounced then spelled

Synopsis and Narrative: spell out the name and give the DOB the first time the name is mentioned.

- First, middle, last: pronounced then spelled



Dictation: dictate and download the report in the digital dictation system. Paperwork is placed in the appropriate bin, organized as follows, from the top of the packet down:

- Citation
- St. Louis County Jail Request for Commitment
- Remainder of paperwork in no particular order

## **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.

### **325.5.1 WRITTEN REPORTS AND CITATIONS**

When a report or citation is handwritten by an officer, the officer must turn the report into a Shift Report bin for supervisory review. The Shift Sergeant must review the report for:

- Full name and date of birth of all mentioned persons
- Complete address including zip code
- Complete phone numbers (home, work, cellular) including area code
- Detailed narrative and statement of probable cause (if required)
- Completeness (all blanks completed)

Incomplete or inaccurate reports are returned to the officer by the Shift Sergeant for corrections. Acceptable reports are initialed by the approving Shift Sergeant and forwarded to the appropriate unit, Records Support Unit, or to the Court.

### **325.5.2 DICTATED REPORTS**

Officers will receive a copy of their dictated reports via email. They will make corrections and forward the corrected report in electronic WORD document form to unit folder located in the 'I'-Drive, for unit leaders who will review it for completeness. Officers should diligently complete timely review and correction of draft reports so final approval will be without delay.

Supervisors should review reports for:

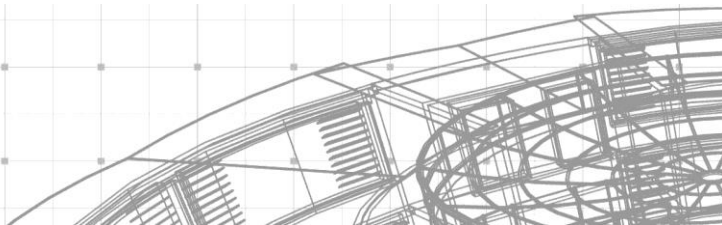
- Full name and date of birth on all persons mentioned
- Complete addresses, including zip codes

## Chapter 8: Resource Materials

- Complete phone numbers (home, work, cellular) including area code
- Detailed synopsis including call type, noteworthy names, final disposition (jail, detox, tag, rpt, etc.) charges, Miranda read and suspect response
- Chronological narrative describing the investigation in detail, the arrest and/or facts constituting probable cause, and a foundation for further investigation
- Supervisors should diligently complete timely review of officer draft reports so final approval will be without delay and should not extend past a four-day rotation.

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.



# Duluth Police Department Policy: Case Screening, Assignment, and Management

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## 600.1 PURPOSE

Due to the high volume of criminal matters reported to the Department, it is necessary to establish criteria by which cases are assigned for follow-up investigation. Some cases, by their nature, require follow-up; however, the majority of cases must be viewed in terms of solvability and available resources.

## 600.2 POLICY

It is the policy of the Duluth Police Department to investigate crimes to the extent practical. The Duluth Police Department's investigative resources will be managed to ensure that the focus is on those cases and offenders that possess the highest probability of conclusion.

The decision to continue or discontinue a case shall be made on available information, and may be based in part, on the desire and willingness of the victim to pursue the case, the existence of any suspects, and the existence of sufficient weighted solvability factors obtained through the initial investigation. (See **Policy 345**)

### 600.2.1 OBJECTIVES OF CASE SCREENING

1. To establish the policies and procedures for determining whether to assign a case for additional follow-up investigation or to suspend any further investigation.
2. To establish the responsibility and accountability for the decision to assign or screen out a case.
3. To manage the investigative caseload so that the potential for solving cases is improved.
4. To assign for additional follow-up investigation only those cases with sufficient solvability factors, in order to increase the probability of case clearance.
5. To provide procedures for notifying crime victims of the current status of their case.

### 600.2.2 OUTCOMES OF CASE SCREENING

1. Early suspension of unpromising cases, or
2. Follow-up investigation of those cases with a reasonable probability of case clearance.

### 600.3 CASE SCREENING RESPONSIBILITY

1. 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 a CAL referral to the appropriate investigative unit.
2. 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

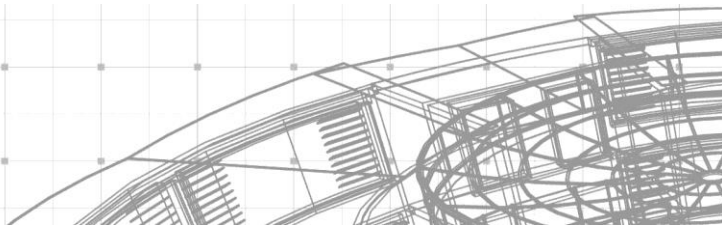
The responsibility of the Unit leader in the case screening process will be:

1. To review all offense reports forwarded to the investigative section.
2. To assure all cases receive one of the following designations:
  - Open - Case is assigned to an investigator, or has been referred back to patrol for completion, the case is active.
  - Suspended - Case is not actively being investigated but may be re activated if warranted. Cases may be suspended after preliminary investigation or when follow-up investigation becomes unproductive. (Suspended cases will be considered closed when the statute of limitations has expired.)
  - Closed - Case has been resolved by prosecution, charges were denied, or investigation resulted in unfounded complaint. Closed cases may be reactivated, but it is not anticipated they will warrant reactivation.
  - Cited - A citation has been issued ordering the offender to appear in court.
  - Charged - The case has been referred to the prosecuting attorney and the offender(s) has been formally charged with a crime.

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.

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

1. The quality of the preliminary investigation,
2. Whether sufficient solvability factors and values are present in the case,
3. 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 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 leader 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 to 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:

1. Offenses of significant importance to the community.
2. Potential danger to victim(s) or witness(es).
3. Seriousness of offense.
4. Modus operandi, pattern, or frequency of the offense.
5. Management decisions to pursue a case regardless of solvability factors.

6. 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.

### **600.6 REPORT REVIEW - CRIME ANALYST AND COMPSTAT COORDINATOR DUTIES**

The responsibility of the Crime Analyst and Compstat Coordinator in the case screening process will be:

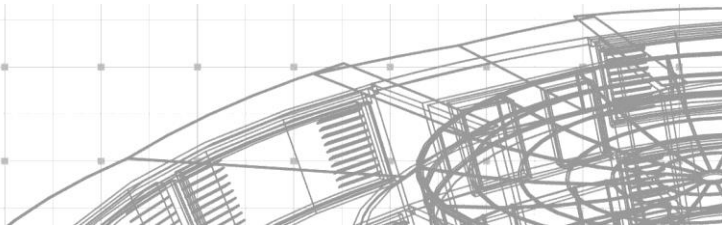
1. To analyze offense type, incident and other reports for crime patterns and trends, similar modus operandi characteristics, or unique factors;
2. Notify appropriate personnel of the results of these analyses through bulletins, spot maps and/or other appropriate reports;
3. Track case details for those incidents that do not have enough solvability factors to be assigned for follow up;
4. Analyze changes in patterns and trends in connection with changes in enforcement efforts.
5. Review current trends, patterns, and/or problems with the Chief of Police (or designee) as needed.

Crime analysis/Compstat data will be available to Patrol Officers, Investigators and Supervisors on a weekly basis, through hard copy and electronic means.

### **600.7 LIEUTENANT - INVESTIGATIONS/MAJOR CRIMES**

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

1. Oversee the case screening process, and
2. Resolve any problems or conflicts developing from the process.





# Duluth Police Department Policy: Police Officer Involved Domestic Abuse

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## PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for handling matters of domestic violence involving police officers. This policy will provide administrators and officers guidelines to be followed when one (or more) party to a possible domestic violence incident is an employee of the Duluth Police Department, whether sworn or civilian and of any rank, or an officer from an outside agency. The development and implementation of this policy underscores this law enforcement agency's commitment to thoughtfully and thoroughly investigating all incidences of domestic assault, and the recognition of the unique circumstances posed by police officer involved domestic violence incidents.

## POLICY

This policy takes a continuum approach, seeking first to educate, then prevent, or interdict, domestic abuse situations early on in order to reduce victimization of the partner and increase the opportunity for continued officer career stability. Where incidents of domestic violence are alleged to have occurred, the department will take immediate and thoughtful action to safeguard the victim(s), arrest the perpetrator, and conduct the appropriate parallel administrative and criminal investigations.

An officer of the Duluth Police Department convicted of a qualified domestic abuse related crime, becomes subject of a protective order, or found to be in violation of this policy is subject to departmental intervention which may include but is not limited to the following: referral to counseling services, remedial training, discipline up to and including termination.

## DEFINITIONS, CODES, AND STATUTES

### 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**

Family or household members are defined in Minn. Stat. § 518b.01, Subd. 2 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**

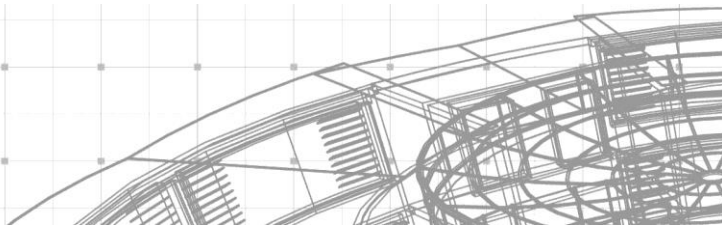
Reasonable force used by any person in resisting or aiding another to resist an offense against the person (Minn. Stat. § 609.06, Subd. 1(3)). The use of force must be reasonable for that person given the nature of the threat. Reasonable force to defend oneself does not include seeking revenge or punishing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

## **PREDOMINANT AGGRESSOR**

In the absence of self-defense, the family or household member who has engaged in the most immediate and significant aggression, by considering certain factors (**Policy 320: Victim and Witness Assistance**), including the comparative severity of injuries involved and the likelihood of future harm.

## **US CODE, TITLE 18, PART I, CHAPTER 44, § 922 (A) (1) (D) (8)**

“It shall be unlawful” “for any person” that “is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable



fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that:

- a) was issued after a hearing of which such person received actual notice, and at which such intimate partner of child; or
- b) (i) includes a finding that such person represents a credible threat to the physical safety of intimate partner or child; or  
(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or  
(9) has been convicted in any court of a misdemeanor crime of domestic violence,  
“to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce”.

### **MINN. STAT. § 624.713**

Certain Persons Not to Possess Firearms, Subd. 1, Ineligible persons, (b), a person who has been convicted of a crime of violence.”

## **PROCEDURES**

This policy is designed to address and/or provide the following:

- Prevention through hiring and training practices;
- Direction to supervisors for intervention when warning signs of domestic abuse are evident;
- A structured response to reported incidents of domestic abuse involving officers;
- Direction for conducting the subsequent administrative and criminal investigations.

## **PREVENTION AND TRAINING**

1. The department will adhere to a zero tolerance policy toward police officer domestic abuse. The department will provide training to officers on domestic abuse and this zero tolerance policy.
2. Additional training will be provided to supervisors and administrative personnel related to domestic abuse to include but not limited to:
  - a) Departmental legal considerations and liability
  - b) Media and Public Relations

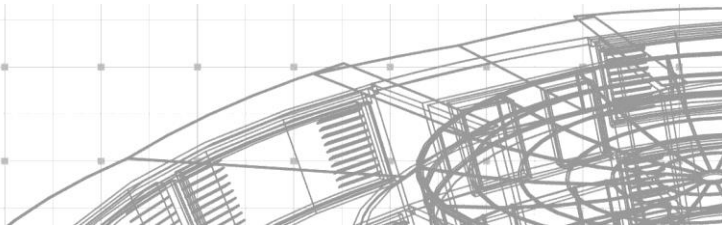
- c) Conducting criminal investigation in incidents of domestic abuse when one or more person involved is a police officer
3. The department will establish ongoing relationships with local victim advocacy organizations to assist in prevention, training, and intervention in regard to domestic abuse issues.

## **EARLY WARNING AND INTERVENTION**

1. Pre-Hire Screening and Investigation:
  - a) The Duluth Police Department shall conduct a thorough background investigation of all employee applicants. All candidates shall be questioned about their past to determine if any allegations, arrest and/or convictions for abuse or violence exist.
  - b) The Department shall require as part of their psychological exam of all viable candidates a focus on indicators of violence or abusive tendencies.
2. Department Responsibilities:
  - a) The department shall, either in response to observed warning signs or at the request of an officer or other family member, provide non-punitive avenues of assistance to officers, their partners, and other family members before an act of domestic abuse occurs. This may include but is not limited to referral to the Employee Assistance Program. The department shall inform officers of the procedure for seeking confidential referrals to appropriate confidential counseling services.
3. Officers Responsibilities:
  - a) Officers have a moral, ethical, and professional obligation to provide assistance to victims and to enforce the laws of the State of Minnesota. With this in mind, the department has an expectation that any officer who has knowledge of a domestic abuse incident involving a fellow officer will report that incident, fulfilling their obligation to the law and to the Duluth Police Department. A disclosure on the part of any officer, intimate partner, or family member to any member of the department that an officer, intimate partner, or family member has engaged in domestic abuse will be treated as an admission or report of a crime and shall be investigated. Officers who disclose to any member of the department that they have personally engaged in domestic violence are not entitled to confidentiality.

## **SUPERVISOR RESPONSIBILITIES**

1. Demonstrations of inappropriate aggressive behaviors while conducting law enforcement business shall be documented for consideration by Supervisors. These behaviors include the following: stalking and inappropriate surveillance activities, unusually high incidences of physical altercations, injuries or verbal disputes. Supervisors shall be cognizant of and



document any pattern of abusive behavior potentially indicative of domestic abuse including but not limited to the following:

- a) excessive and/or increased use of force during arrests;
  - b) alcohol and/or drug abuse;
  - c) increase in controlling behaviors;
  - d) stalking activity;
  - e) citizen and fellow officer complaints of unwarranted aggression and/or verbal abuse;
2. When the supervisor notes a pattern of problematic behavior, the supervisor shall:
- a) Address the behaviors through coaching and/or progressive discipline when applicable documenting all contacts;
  - b) Forward documented problematic behavior to the appropriate Deputy Chief through the chain of command in a timely manner.
  - c) If problematic behavior is observed that rises to a level where it is affecting the officer's ability to perform their job duties, the supervisor will prepare and submit a written report to their Lieutenant and the appropriate Deputy Chief requesting administrative intervention.

## **DULUTH POLICE OFFICER RESPONSIBILITIES**

1. Officers are encouraged and entitled to seek confidential assistance from the department and/ or the Employee Assistance Program to prevent a problem from escalating to the level of criminal conduct.
2. Officers who engage in any of the following will be subject to an administrative and/or criminal investigation:
  - a) Failure to fully document, report, or investigate an allegation of domestic abuse involving a police officer that is brought to their attention.
  - b) Failure to cooperate with the investigation of a police officer involved domestic abuse incident.
  - c) Interference with cases involving themselves or fellow officers.
  - d) Intimidation/coercion of witnesses, victims, or investigating officer(s);
  - e) Any employee who threatens harasses, or abuses someone using this department's resources such as work time, workplace telephones, fax machines, mail, e-mail, or any other means shall be subject to corrective or disciplinary action.
3. Officers who learn they are the subject of a criminal investigation regardless of jurisdiction are required to immediately notify their supervisor and provide copies of notice of the court date and time, appearances and proceedings.

4. Officers who learn they are the subject of a protective order, regardless of jurisdiction, shall immediately notify their supervisor and provide the department a current and complete copy of the order.
5. Employees of this Department will not accompany law enforcement officers or employee suspects to any domestic related court proceedings while on duty unless subpoenaed to appear or ordered to do so by their supervisor. If appearing while off duty they will neither carry nor display any department equipment, to include assigned firearms or insignias on their person, concealed or not. An officer's mere presence in domestic violence related actions may appear intimidating to a victim.

## **VICTIMS OF DOMESTIC VIOLENCE WHO ARE OFFICERS**

The department does not require any employees who are victims of domestic violence to report even if the abuser is an employee with this Department. However, they are strongly encouraged to make contact with the Employee Assistance Program and/or a domestic violence advocacy group for assistance. Officers who are victims of domestic violence may choose not to cooperate in an investigation in which they are the alleged victim.

1. Officers and/or Department members are encouraged to notify their supervisor as soon as practical if they become the petitioner of a protective order:
  - a) to have the ability to plan in advance for the protection of the employee at the work place, such as; coming to and leaving work and limiting access to the respondent of the secure areas of the work place;
  - b) to ensure the safety of all Department employees.

## **INCIDENT RESPONSE PROTOCOLS**

### **DEPARTMENTAL RESPONSE**

1. 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.
2. 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.
3. 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.

## PATROL RESPONSE

1. 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 the 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.
  - a) The responding officers shall perform all duties related to the investigation of Domestic Abuse as prescribed in **Policy 320: Victim and Witness Assistance**.
  - b) Officers shall follow all necessary steps outlined in **Policy 320** to ensure the victim's safety and protection.

## ON-SCENE SUPERVISOR RESPONSE

1. 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:
  - a) the responding supervisor shall ensure all guidelines regarding **Policy 320: Victim and Witness Assistance** are followed;
  - b) in cases where probable cause is present the on-scene supervisor shall ensure an arrest is made;
  - c) whenever a Duluth Police Officer is arrested, the supervisor shall relieve the accused officer of all service weapons, ID card, and badge;
  - d) 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;
  - e) 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;
  - f) the supervisor shall as soon as practical notify the involved officer's Lieutenant and the appropriate Deputy Chief of the incident.
  - g) Take steps to protect the confidentiality and privacy of the victim
2. The on-scene supervisor shall ensure the victim is informed of or provided the following:
  - a) availability of an on-scene advocate;
  - b) confidential transportation to a shelter or other location for safety;
  - c) procedures for obtaining an Order for Protection;
  - d) judicial process and victim rights;
  - e) written Information on community resources and local domestic violence victim advocacy organizations;
  - f) all other notifications as required by law.

3. Additional Critical Considerations:

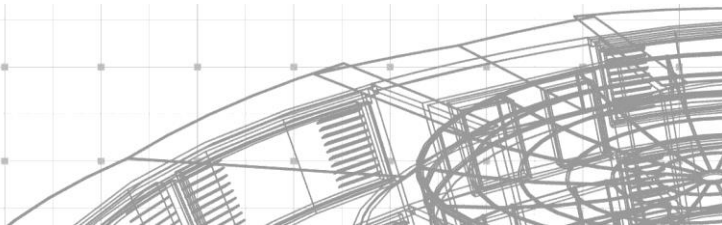
- a) When responding to a domestic abuse incident involving a police officer from another jurisdiction, the same procedures as those set out by this policy shall be followed. The supervisor shall notify the highest ranking member of the accused officer's department or their designee. All notifications and attempts to notify shall be fully documented.
  - o 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.
  - o In responding to domestic abuse situations where the victim is a police officer, standard domestic abuse response and investigation procedures should be followed.
  - o 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.

#### **DEPARTMENT FOLLOW-UP**

1. 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.
2. 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) A review of department confidentiality guidelines.
  - b) A direct order prohibiting discussion of the incident outside of the official inquiry.
  - c) A clear delineation of assignments.

#### **POST-INCIDENT ADMINISTRATIVE AND CRIMINAL DECISIONS**

The department shall conduct separate administrative and criminal investigations of alleged incidents of police officer involved domestic abuse in a manner that maintains the integrity of both investigations. If the facts of the case indicate that domestic abuse has occurred or any departmental policies have been violated, administrative action may be taken separately and distinct from any criminal proceedings.





The department will adhere to all necessary protocols to ensure an accused officer's departmental, union and legal rights are upheld during the administrative and criminal investigations. Pending the administrative and criminal investigations for alleged acts of domestic abuse and/or violation of departmental policies, the department may assign the accused officer to administrative duties, or place them on paid administrative leave.

### **ADMINISTRATIVE INVESTIGATION**

1. The responsibility to complete the administrative investigation of a police officer domestic abuse incident will be assigned by the Administrative/Investigative Deputy Chief or his/her designee. The Deputy Chief may also ask an outside agency to conduct the administrative investigation.
2. When an investigation of an incident reveals officers who had knowledge of violence on the part of another officer but failed to notify the department or engaged in actions intended to interfere with the investigation, the department shall investigate the actions of those officers.

### **CRIMINAL INVESTIGATIONS AND DECISIONS**

1. The Deputy Chief may request an independent agency to conduct the criminal investigation. If the investigation will be conducted by the Duluth Police Department the responsibility will be assigned by the Deputy Chief, or their designee.
2. If additional criminal activity is found to have occurred it shall be documented separately, assigned a case number, and investigated thoroughly.
3. The department shall completely investigate the charges and where warranted, seek prosecution even if the victim recants or declines to cooperate.

### **VICTIM SAFETY AND PROTECTION**

1. The Department shall work with community resources and advocacy agencies to provide families, and children with access to appropriate services;
2. All victim information shall be kept confidential in accordance with data privacy laws (Chapter 13);
3. As soon as possible following an officer involved domestic violence incident the electronic case file should be protected and only accessible to the investigative team.

### **DISCIPLINARY PROCEDURES**

1. If there is just cause to discipline an officer, the appropriate Deputy Chief will do so in accordance with department practice and state law.
2. Federal law prohibits the purchase and possession of firearms and ammunition by persons who have been convicted in any court of a “misdemeanor crime of domestic violence” and/

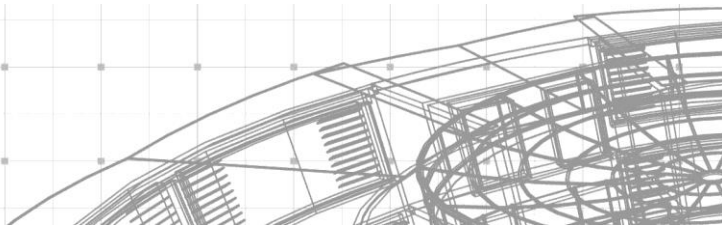
or who are subject to certain domestic violence protective orders. 18 U.S.C. § 922(g) (8-9).  
The department shall ensure compliance with Federal law.

## REFERENCE

### 1. Policy 320: Victim and Witness Assistance

#### 2. Statutes:

- Minn. Stat. § 518B.01; § 609.06, Subd. 1; § 609.2242; § 609.2247; § 609.341- 345; § 609.713; § 609.731; § 609.78; § 611A.36, Subd. 2; § 243.166, § 244.052, § 344.053, § 253B.18, § 253B.185, Chapter 13, US Code, Title 18, Part I, Chapter 44, § 922



# Duluth Police Department: Victim Engagement Guidelines for Patrol Officers and Investigators

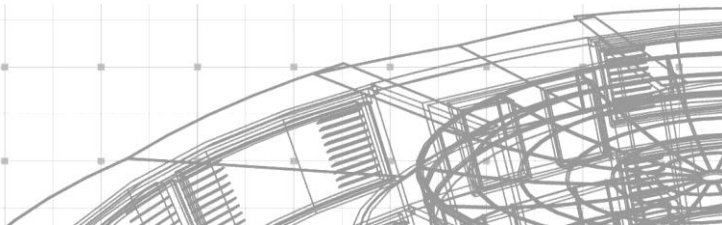
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How victims are treated in domestic abuse-related cases has much to do with advancing victim safety and offender accountability. Most domestic violence crimes are part of a pattern of ongoing violence, intimidation, and abuse that requires ongoing intervention. Cooperation with the legal system often has complex and dangerous consequences for victims, which need to be recognized and countered if victims are to view intervention as meaningful and something they can fully support. Patrol officers, investigators, and other police personnel can engage with victims in ways that set and reinforce a tone of support and protection through by following the principle of continuing engagement.

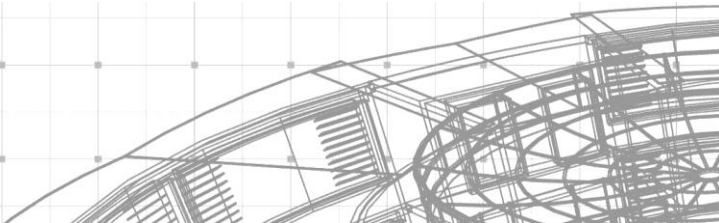
## CONTINUING ENGAGEMENT PRINCIPLES

1. Minimize the victim's need to confront the offender.
  - a) Do not tell the perpetrator what the victim has told you.
  - b) Do not ask the victim if she or he:
    - Wants the suspect arrested
    - Will testify in court
    - Will sign a citizen's arrest form
  - c) 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.
2. Protect the victim from retaliation when using information they have provided.
  - a) Stay at the scene until the likelihood of imminent violence has passed.
  - b) If circumstances allow, do not tell the suspect you have spoken to the victim.
3. Treat each interaction with the victim as an attempt to build collaboration over multiple interventions.
  - a) Remain calm and professional even if the victim is upset or hostile. This will enable officers to obtain better information and build relationships with victims.
  - b) The victim's need for assistance most likely will continue beyond the current incident and the officer's response will influence whether the victim will view law enforcement as a resource.

- c) Be patient with the victim. Some victims will eventually feel safe to participate in the investigation and prosecution of a case if they are treated with respect and care.
  - d) Reassure the victim that they can continue to call law enforcement as needed; emphasize this to victims who seem hostile to intervention or in cases where there is no probable cause for arrest.
  - e) If appropriate; in cases where there is no probable cause for an arrest, offer your number and encourage victims to contact you with additional information.
4. Be mindful of the complex and often dangerous implications of a victim's cooperation with the legal system.
- a) Encourage the victim to report contact, abusive behavior, or threats due to their involvement in the criminal case.
  - b) Inform the victim of the importance of keeping a record of mail, voice mail, e-mail, text messages, and other communication and contact from the suspect or others acting on the suspect's behalf.
  - c) Inform the victim as time permits that officers will periodically check for suspects on gone on arrival cases within the first 72 hours. Emphasize to the victim to call 911 if suspect has any contact.
  - d) If a victim is reporting an assault, do not arrest on non-violent misdemeanor warrants.
5. Be aware that the fundamental purpose of battering, which characterizes the majority of domestic violence criminal cases is to control what the victim says, thinks, feels, and does. Victims are rarely in a position to "tell all". Do not endanger victims with what they have shared about the offender, the abuse and their situation. Problem solve as to how the victim might enhance safety as the case proceeds through the legal system.
- a) Obtain phone numbers of someone who will always know how to reach the victim and record that number on the booking sheet as well as in the police report.
  - b) Verbally provide victim with information about shelter, orders for protection, safety planning, DANCOs, and other community resources and give them the ICR Card (name) that provides notice of the domestic abuse victim's rights (Minn. Stat. § 629.341, subd.3) per policy. This connection can enhance their safety.
  - c) For investigation: ensure that the victim knows who you are and how to contact you.
6. Engage in dialogue with the victim to avoid treating them as an information source.
- a) Victims are most likely to disclose abuse to the responding officer immediately following an assault. Most of the information on lethality and risk will be disclosed at this point in time.
  - b) Recognize that the officer's need for specific information may compete with the victim's need to talk on their own terms.
  - c) Ask open-ended questions and following up on those responses.



- d) If the victim is willing to talk about the full scope of abuse and violence, ask for details and record all reports of violence, stalking, coercion intimidation, and related acts of abuse.
7. Offer clear messages that the victim is believable and not at fault. This is to avoid reinforcing the actions of the abuser and the victim's belief that the abuser is unstoppable. Examples of messages of help, reassurance, and protection:
- a) You don't deserve this kind of treatment.
  - b) What is being done to you is a crime.
  - c) It is our responsibility to investigate and respond to crimes. The offender is getting arrested because of their actions.
  - d) These cases need intervention from the court system to put controls on the offender to reduce the likelihood he will abuse.
  - e) You and your children deserve to live without fear, upheaval, and violence.



# Duluth Police Department: Conducting and Supervising Investigations in Domestic Violence-Related Cases

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## CONDUCTING INVESTIGATIONS

Investigators build upon and expand the initial evidence collection and attention to danger and risk provided by patrol officers. The subsequent investigation can be a critical factor in determining whether a prosecutor can take action in ways that minimize the victim's direct participation in the prosecution and need to confront the offender. Evidence developed by the investigator can make it possible to pursue charges related to witness tampering and to actions of violence that are associated with increased risk and lethality, such as stalking, strangulation, and sexual coercion and aggression.

### Blueprint Training Memos and Protocols

(Available from Praxis International [http://www.praxisinternational.org/blueprint\\_materials.aspx](http://www.praxisinternational.org/blueprint_materials.aspx))

- *1A Practitioner's Guide to Risk and Danger in Domestic Violence Cases*
- *1C Training Memo - Interventions with Victims of Battering as Suspects or Defendants*
- *1D History of Domestic Violence Summary Instructions and Sample*
- *3A Training Memo - Law Enforcement Response to Persons with Disabilities*
- *3B Training Memo - Gone on Arrival (GOA) Cases*
- *3C Training Memo - Making the Arrest Decision*
- *3D Training Memo - Miranda Rights and Domestic Violence Cases*
- *3F Training Memo - Law Enforcement Response to Strangulation*
- *3G Training Memo - Law Enforcement Response to Stalking*
- *3H Training Memo - Response to Children in Domestic Violence Related Calls*
- *3I Training Memo - How a Defense Attorney Reads a Police Report*
- *3J Training Memo - How a Prosecutor Reads a Police Report*
- *3M Supervising Domestic Violence Investigations - Case Review Checklist*
- *3N Supervising Patrol Response to Domestic Violence - Patrol Report Checklist*
- *5A Training Memo - Implications of Crawford and Davis for Prosecution of Domestic Abuse Cases*

In development:

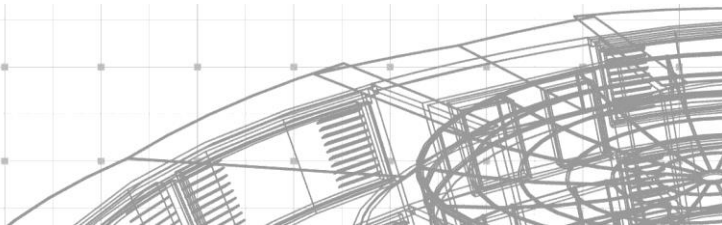
- Memorandum of Understanding Regarding Exchange of Records

### Witnesses

1. Identify and obtain contact information for witnesses if not included in the incident report.
2. Conduct follow-up interviews with and obtain statements from witnesses if the initial interview was incomplete or missing important information.

### Victims

1. Conduct a thorough interview with the victim that includes attention to:
  - a) The victim's account of events surrounding the incident.
  - b) The extent to which the victim feels uneasy about providing information to law enforcement and if so, why.
  - c) 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.
  - d) Initial and continuing treatment of injuries.
  - e) Indicators of stalking.
  - f) Provide referral information regarding advocacy support, restraining orders, and other community supports.
2. 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 police report.
3. 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?
  - Victims level of fear.
  - History of violence not reported to police.





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

### **Evidence**

1. Collect or coordinate the collection of all evidence related to the case, including:
  - a) If appropriate and able, follow-up photographs of injuries at 24, 48, and 72 hours in cases where bruises may develop after the initial response.
  - b) Any physical evidence not collected by the responding patrol officers. Any weapons used in the incident. If the incident included threats to kill, highlight threats for prosecution so a request can be made for seizure and/or no possession of weapons as a condition of release.
  - c) Recordings/printouts of relevant voice mail, e-mail, text messages, etc.
  - d) Make note of missing information from the patrol reports and convey incomplete reports to the DVRT Sergeant. The DVRT Sergeant will return incomplete reports to the appropriate patrol commander for review and a supplement, if necessary.

### **Gone-on-arrival (GOA) cases**

1. 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.

### Victim:

1. Before interviewing the victim, determine if the victim is safe and able to speak freely. Inform the victim that the investigator will attempt to interview the suspect.

### Suspect:

1. Take the following actions when interviewing a suspect who is out of custody/GOA:
  - a) Conduct the interview in person so that suspect reactions can be assessed.

- b) Notify the victim if the investigator assesses increased risk of harm and assist the victim in problem-solving regarding enhancing her/his safety.
- c) Determine whether the suspect is on probation; if so, consider contacting the probation officer and determining whether a pick-up and hold should be issued.
- d) If the charge is a felony, issue a pick-up and hold.
- e) Conduct the suspect interview at the jail when taken into custody.
- f) Attempt to notify the victim of the prosecutor's charging decision.
  - o Ensure that the victim has information regarding advocacy and civil protection orders.
  - o Encourage the victim to call law enforcement again if new incidents occur.

### Stalking

1. Investigate allegations or indications of stalking according to guidance provided in *3G: Training Memo—Law Enforcement Response to Stalking*
2. Keep in mind that stalking is typically not charged until after arraignment.

### Strangulation

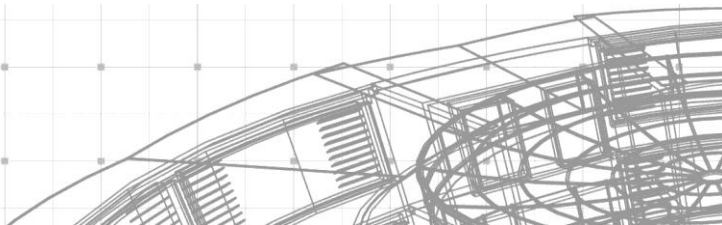
1. Investigate allegations or indications of strangulation according to guidance provided in *3F: Training Memo—Law Enforcement Response to Strangulation*.

### Sexual coercion and aggression

1. Review the officer's report for indications of or references to sexually coercive or aggressive behavior.
2. Interview the victim with sensitivity to the complexity of revealing sexual aggression or coercion.
3. Consult with an advocate if sexual coercion or aggression is indicated in the initial report.
4. Assess whether a SANE exam would be appropriate.

### Cases involving employees

1. Conduct the investigation following **Policy 1001: Police Officer Involved Domestic Abuse** and **Policy 310: Domestic Abuse** and this protocol.
2. Patrol must request a supervisor be called to the scene, regardless of whether the involved officer is a member of the Duluth police department or another law enforcement agency. In the 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.



3. If patrol has not already done so, the investigative unit supervisor shall notify the supervisor of the suspect's unit as soon as possible after the incident. The supervisor as soon as practical should notify the officer's lieutenant.
4. Contact local advocacy program for assistance in referring the victim for safety planning and services.
5. Deliver all reports and information obtained to the employees suspects Lieutenant at the completion of the investigation.
6. Refer all incidents involving law enforcement personnel for review by the prosecuting authority.
7. In appropriate cases, discuss referring case to the state crime bureau or another jurisdiction with an investigative unit supervisor.

#### **Cases involving public figures**

1. Conduct the investigation following general policies and procedures and this protocol.
2. Coordinate with and refer media inquiries to the department's public information officer.
3. Shield the victim from media inquiries.
4. Omit victim address and phone number from the report if requested by the victim.
5. Contact local advocacy program for assistance in referring the victim for safety planning and services.

#### **Declined cases**

1. Notify the victim of decision to not issue citations for misdemeanor cases or when GM and felony cases are not being sent to prosecution.
2. When the prosecutor declines a case the investigator believes has merit, he or she should discuss the case with the supervisor and then contact the charging attorney to discuss the reason for declining the case and explore the possibility of further investigation.
3. If the charging attorney indicates additional investigation might result in charges, continue the investigation as requested by the prosecutor.
4. After a prosecutor's initial decision to decline the case, if the investigator concludes the case has strong merit, he or she may request supervisory approval to retain the case and gather additional evidence to improve the possibility of charging.

5. If the case is finally declined by the prosecutor as a felony and transferred to another prosecuting authority as a misdemeanor, the investigator shall be informed of the transfer and contact the new charging attorney to discuss the case.

### **Victim engagement**

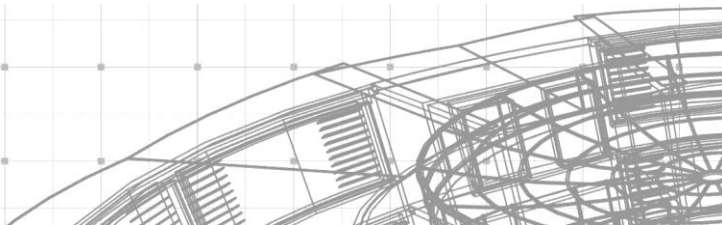
1. Follow *3K Training Memo - Victim Engagement and the Law Enforcement Response to Domestic Violence*.
2. When using information provided by the victim, protect her/him from retaliation.
3. Do not tell the suspect what the victim has told – be mindful when speaking with suspects that it may cause the suspect to retaliate. If circumstances allow, do not tell the suspect you have spoken to victim.
4. Ensure that the victim knows who you are and how to contact you.
5. Encourage the victim to report contact, abusive behavior and/or violations by the suspect.
6. Request that the victim report any threats against her/him for cooperating with the investigation.
7. Inform the victim of the importance of keeping a record of mail, voice mail, e-mail, text messages, and other forms of communication and contact from the suspect or others acting on the suspect's behalf.
8. Problem solve with the victim around enhancing safety as the case proceeds through the legal system.

## **SUPERVISING INVESTIGATIONS**

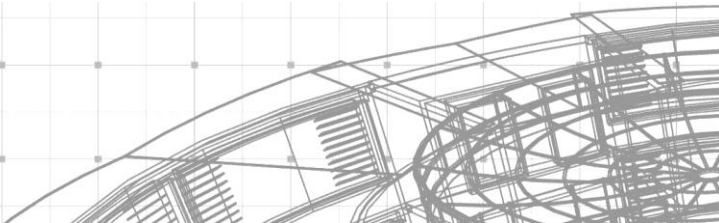
Supervisory oversight of domestic violence investigations ensures that this link in the interagency response works to its fullest potential. Oversight should reinforce thorough evidence collection, attention to risk and danger, and strategies that minimize the need for a victim to confront the offender. Oversight should emphasize proper investigation and documentation to accurately charge a case. In addition to the responsibility of the supervising investigators who follow up on patrol reports, the Sergeant of the investigative unit in charge of domestic violence cases also assists patrol supervisors in maintaining the quality of patrol reports and helps maintain connections between the department and other intervening agencies.

### **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.



1. Monitor investigative files to determine if all necessary actions were taken in the investigation, and direct any necessary follow-up.
2. Document work product feedback to patrol supervisors.
3. Meet as necessary with the city and county attorney's offices to discuss and review problematic cases.
4. Consult with investigators on individual cases.
5. Review policies, SOPs, and training memos with new investigators assigned to the unit within 30 days of their assignment.
6. Forward the quarterly case tracking report created by DVRT to Lieutenant of the investigative division. The report should contain the following:
  - a) Number of cases investigated
  - b) Number of cases charged (misdemeanors, gross misdemeanors, and felonies)
  - c) Number of cases declined (misdemeanor, gross misdemeanor, and felonies)
  - d) Number of incomplete patrol reports returned
  - e) Concerns that need to be resolved and anticipated challenges
  - f) 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).
  - g) Update policies and protocols each year pursuant to legislative, statutory changes.
7. Review investigations to determine:
  - a) If additional training is necessary in investigative techniques.
  - b) If additional training is necessary in the specifics arising in domestic violence cases.
8. Review Blueprint policies, protocols and training memos with new investigators assigned to the unit within 30 days of assignment.
9. Update Blueprint policies and protocols yearly to comply with legislative statutory changes.
10. 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.



# Duluth Police Department: Domestic Abuse Arrest/Incident Guide

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## Duluth Police Department 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 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; put on the Sheriff's booking form.
  - 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 impairment is suspected; describe your observations, ask how much suspect drank and request a PBT
6. Evidence collected.
7. Children present, involvement in incident, general welfare. Children not present but reside at the residence.
8. The presence of elderly victims, persons with disabilities, persons with limited English proficiencies and whether interpreter services were used.
9. Where suspect has lived during the past ten years.
10. Medical help offered or used

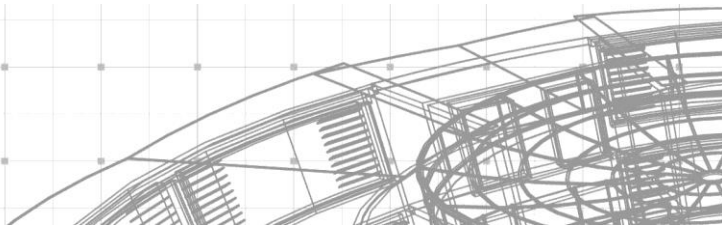
- a) Facility
- b) Medical release obtained
11. Rationale for arrest/non-arrest decisions. (self-defense, predominate aggressor, mutual combatants and cases involving caregivers assaulted by juvenile offenders require supervisory consultation)
12. Summarize actions (i.e., arrest, non-arrest, attempts to locate, transport, referrals, victim notification, seizing firearms).
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
14. Victim's responses to risk assessment questions including your observations of their response; ask expanded domestic assault questions for cases where you believe victim is at a higher risk.
15. Names and phone numbers of 2 people who can always reach the victim and document them on the Sheriff's Booking Form. (Do not include these numbers in the police report) Relay information to Safe Haven Shelter.

### **Risk Questions for Domestic Violence/Protection Orders**

1. Do you think he/she will seriously injure or kill you or your children or someone close to you?
  - o What makes you think so? What makes you think not?
  - o 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?

### **Victim Notification for Domestic Violence/Protection Orders**

1. Provide victim with Crime Victim Information Card (including ICR number and officer's





name).

2. Notify the victim of the possibility of the court issuing a DANCO and highlight the information on the blue card for information.
3. Advise of services of local domestic violence shelter (female only).
4. Advise victim that an advocate will contact them to provide information and support.
5. Contact battered woman's shelter as soon as possible and advise them of all domestic violence arrests/incidents. Be prepared to give them a quick synopsis of the assault and document the advocate's first name in the report.

## Definitions

Harassment/Stalking the actor knows or has reason to know their actions would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated; and causes this reaction on the part of the victim. A person who harasses another by committing any of the following acts is guilty of a gross misdemeanor:

- directly or indirectly manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;
- stalks, follows, monitors, or pursues another, whether in person or through technological or other means;
- returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent;
- repeatedly makes telephone calls, or induces a victim to make telephone calls to the actor, whether or not conversation ensues;
- makes or causes the telephone of another repeatedly or continuously to ring;
- repeatedly mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, messages, packages, or other objects; or
- knowingly makes false allegations against a peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties.

Self Defense means reasonable force used by any person in resisting or aiding another to resist or prevent bodily injury that appears imminent. Reasonable force to defend oneself does not include seeking revenge or punishing the other party.

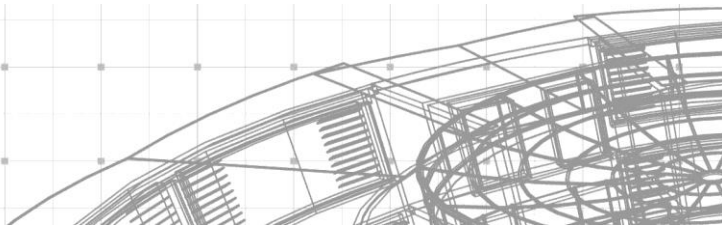
Strangulation means intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person.

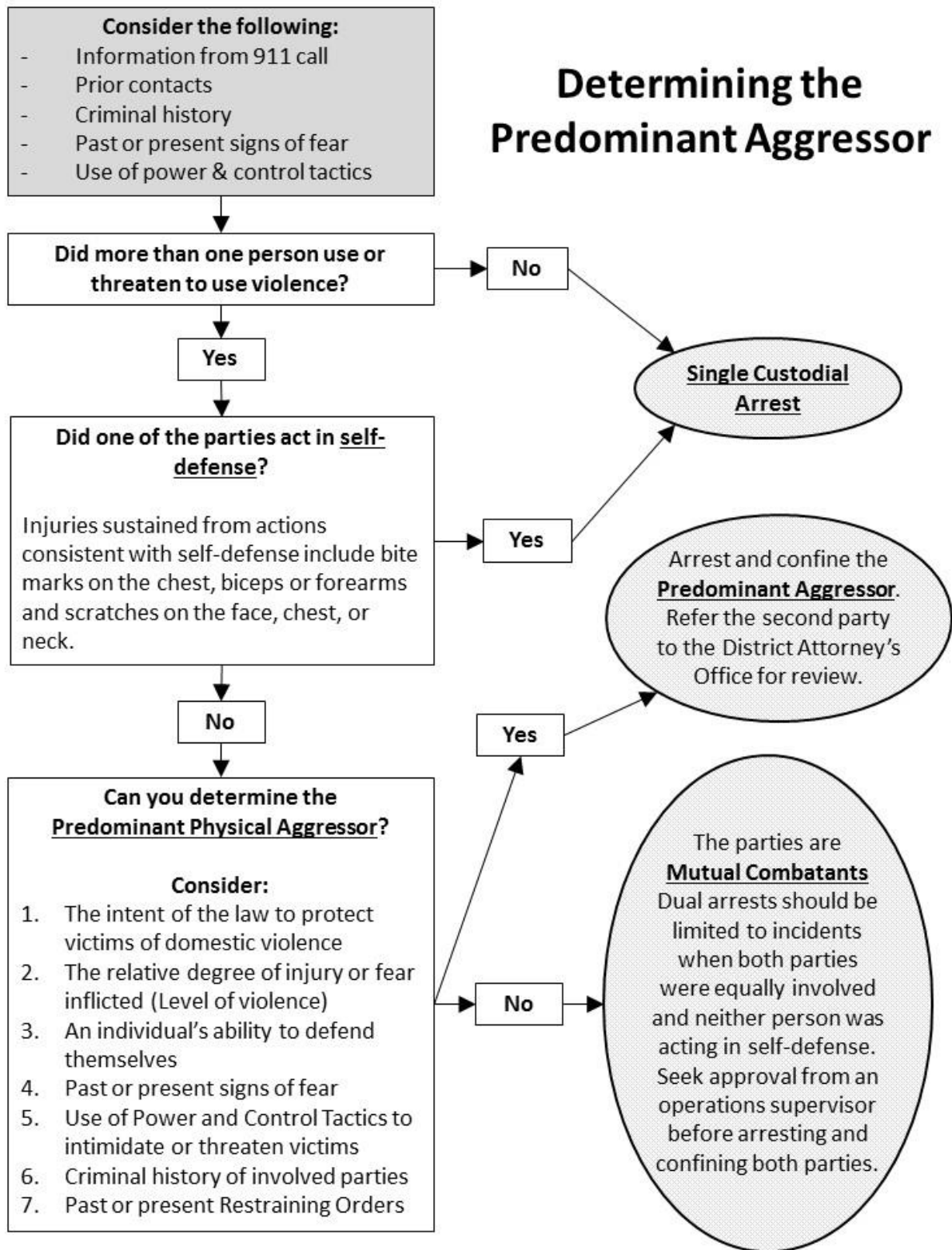
Predominant Aggressor means the person who is most responsible for the abuse, uses the highest level of abuse, has an established history of abuse in the relationship, and who represents the more serious present threat of abuse, when both parties have committed some sort of abuse toward each other.

### **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
- Who is afraid
- Purpose of violence





## Dangerous Suspect Assessment

To be used by court for conditions of release, PSIs for recommendation to court, by advocates providing victim services.

Ask the victim several questions to get at the history and context of violence in the relationship.

In your narrative try to 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 the children in the home; determine if children are shared between victim and suspect.
- 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 others to be aware of
- Where the suspect has lived during the last ten years

## OFP Conditions and Codes

NH No physical harm to petitioner/children

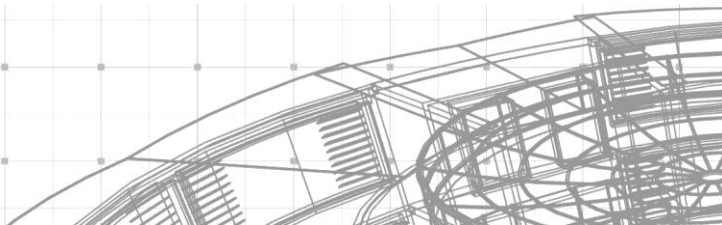
NC No contact with petitioner/children

NK No contact with children

NP No contact with petitioner

XR Respondent must not enter petitioner's residence

NX No contact with protected parties, but exceptions exist: see full Order



- XA Respondent is excluded from a reasonable area surrounding petitioner's residence
- XW Respondent is excluded from petitioner's place of employment
- LW Respondent's access to petitioner's place of employment is limited as follows
- CC Temporary custody of children is granted to the petitioner
- PD Petitioner is awarded use and possession of the shared dwelling at:
- FR Respondent is ordered not to ship, transport, possess, or receive any firearm or ammunition

### **Domestic Assault Charges**

- Domestic Assault—MSD 609.2242-1
- Domestic Assault—GM 609.2242-2
- Domestic Assault—Felony 609.2242-4
- Domestic Assault by Strangulation—Felony 609.2247
- Firearms Violations after Domestic Assault—Felony 609.2242-3
- Harassment/Stalking—GM 609.749
- Interference with 911 Call—GM 609.78-2
- Terroristic Threats—Felony 609.713
- Domestic Abuse No Contact Order (DANCO)—629.75
- Violation Order For Protection—518B.01-14
- Violation Harassment/Restraining Order—609.748-6

### **Common Charges with Domestic**

- Assault 2nd Degree—609.222
- Assault 3rd Degree—609.223
- Assault 4th Degree—609.2231
- Assault 5th Degree—609.224
- Burglary—609.582

## Chapter 8: Resource Materials

CSC 1st Degree—609.342 (f)

CSC 2nd Degree—609.343 (f)

Damage to Property—609.595

False Imprisonment—609.255

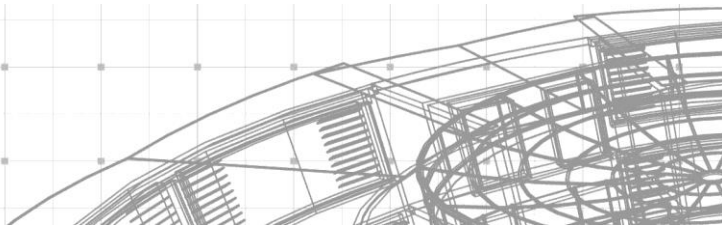
False Information to Police—609.506-1 (m) or 609.506-2 (gm)

Felon Not To Possess Firearm—609.165-1(B) – (f)

Obscene or Harassing Telephone Calls—609.79-1

Obstructing—609.50

Theft—609.5



## Minnesota Domestic Abuse Enhancements Based on Prior Offenses

### **QDVROCAD = Qualified Domestic Violence-Related Offense Conviction or Adjudication of Delinquency = Minn. Stat. § 609.02, subd. 16: Violation of an Order for Protection**

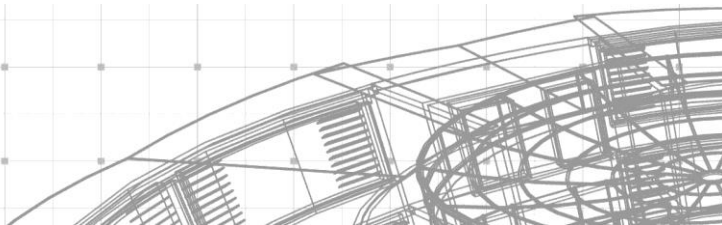
Violation of a Domestic Abuse No Contact Order, Interference with an Emergency Call, 1st Deg. Assault, 2nd Deg. Assault, 3rd Deg. Assault, 4th Deg. Assault, 5th Deg. Assault, Domestic Assault, Domestic Assault by Strangulation, 1st Deg. Criminal Sexual Conduct, 2nd Deg. Criminal Sexual Conduct, 3rd Deg. Criminal Sexual Conduct, 4th Deg. Criminal Sexual Conduct Malicious Punishment of a Child, Terroristic Threats, Violation of a Harassment Restraining Order, Harassment/Stalking, First Degree Murder, Second Degree Murder, attempts of all of the above: and similar laws of other states, the United States, the District of Columbia, tribal lands, and U.S. Territories.

### **CONVICTION = § 609.02, subd. 5: plea of guilty or verdict of guilty accepted by the court**

New Offense	Victim(s) of past conviction(s)	Time Limit	Prior Convictions(s)	New Offense Level
<b>5<sup>th</sup> Degree Assault</b> (Minn. Stat. § 609.224)	Same victim	w/in 10 yrs. of conviction	QDVROCAD	Gross Misdemeanor
	Any victim	w/in 3 yrs. of conviction	QDVROCAD	Gross Misdemeanor
	Same victim	w/in 10 yrs. of 1 <sup>st</sup> of 2 or more convictions	QDVROCAD	Felony
	Any victim	w/in 3 yrs. of 1 <sup>st</sup> of 2 or more convictions	QDVROCAD	Felony
<b>Domestic Assault</b> (Minn. Stat. § 609.2242)	Family/household member	w/in 10 yrs. of conviction	QDVROCAD	Gross Misdemeanor
	Any victim	w/in 10 yrs. of 1 <sup>st</sup> of 2 or more convictions	QDVROCAD	Felony
<b>Order for Protection Violation</b> (Minn. Stat. § 518B.01, Subd. 14) OR <b>Harassment Order Violation</b> (Minn. Stat. § 609.748, Subd. 6) OR <b>No Contact Order Violation</b> (Minn. Stat. § 518B.01, Subd. 22)	Any victim	w/in 10 yrs. of conviction	QDVROCAD	Gross Misdemeanor
	Any victim	w/in 10 yrs. Of 1 <sup>st</sup> of 2 or more convictions	QDVROCAD	Felony
<b>Harassment/Stalking</b> (Minn. Stat. § 609.749)	Any victim	w/in 10 yrs. of conviction	QDVROCAD	Felony
<b>Interference with Privacy</b> (Minn. Stat. § 609.746)	Any victim	None	Interference with privacy or Harassment/Stalking	Gross Misdemeanor

## **Domestic Violence Resources**

Domestic Violence Unit	730-5260
Dabinoo'Igan Shelter/24 hr	722-2247
DAIP (Domestic Abuse Intervention Program)	722-2781
DAIP-Duluth Family Visitation Center	722-2781 ext. 204
Safe Haven Shelter/24 hr	728-6481
Safe Haven Resource Center	623-1000





# The Domestic Violence Response Team

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## Collaboration between the Duluth Police Department, the Domestic Abuse Intervention Programs, Safe Haven Shelter and Resource Center, American Indian Community Housing Organization and Arrowhead Regional Corrections

In Duluth, the Domestic Violence Response Team (DVRT) was originally tried in the early 90's with one community advocate tasked with collecting and distributing arrest and court data on offenders in-custody so that each agency making pre-trial and sentencing recommendations on offenders would be making those decisions from a consistent base of information. The program was deemed a success by each agency but when the funding ran out, so did the intervention. In 2005, the DAIP took this idea and feedback from criminal justice partners who took part in the earlier intervention and wrote an Office on Violence Against Women Grant to Encourage Arrest (GTEA) to re-create this response by including an advocate from Safe Haven Shelter and the Domestic Abuse Intervention Program, one police detective and a probation officer. The task was to find a way to divide responsibilities that: 1) generated the risk, history and contextual data needed by criminal justice agencies to make pre-trial and sentencing recommendations; 2) design a way for this data to be collected and collated so each practitioner could receive and review it in a time efficient manner; 3) and re-route how cases were processed through the Duluth Police Department (DPD) so DVRT could monitor DPD domestic assault cases and liaison between DPD, prosecutors, warrants division, and probation. This work led to subsequent GTEA grants that created specialized advocate roles with the addition of American Indian Community Housing Organization (AICHO) within the domestic violence unit at the DPD and specialized units in the St. Louis County Attorney's Office and the Duluth office of Arrowhead Regional Corrections (ARC).

One of the significant hurdles to overcome in any multiagency response is fragmentation. Within a criminal justice response, each agency has a method of collecting information to make their decisions, but that information isn't always readily available to other agencies. Furthermore, each agency tends to collect information that satisfies the goals of their particular point in the processing of a case. For example, law enforcement will collect evidence to satisfy a probable cause standard of proof for an arrest but may not collect risk data that prosecutors need to make pre-trial recommendations to the court. Men's nonviolence programs may get a referral from the court but not have access to any of the data that was used to order him to the program. A fundamental goal of a coordinated community response is to gather a broad base of data on an offender, analyze and organize it in a way that improves each step of case processing while providing advocates with the necessary information they need to advocate for victims. Additionally, the collection, analysis and distribution have to be timely and formatted in a way that meets the timelines each agency has for either recommendations or decisions.

The Domestic Violence Response Team in Duluth has defined and continues to refine how we meet the goals of collection, analysis and distribution of data. DVRT has also become a resource for victims, prosecutors, probation and community advocates. Of all the interventions Duluth has pioneered over the years, few have had the impact of this response on our community's ability to impact domestic assault cases.

### **DVRT team members and role in case investigation, processing and review**

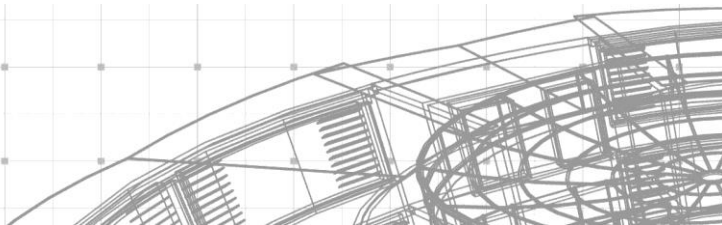
- All members of DVRT are responsible for maintaining a collaborative, coordinated approach to domestic assault cases consistent with Duluth Police Policy 310.1, Domestic Abuse, Purpose and Scope.
- All members are responsible for participating in the development of Duluth's coordinated community response to domestic violence by attending multidisciplinary meetings and internal policy and practice meetings when necessary.
- All members are responsible for conducting parts of new recruit training on the patrol response to domestic assault cases and when necessary, conduct any turn-out training of Duluth Police Department patrol officers relevant to responding to domestic assault cases.

### **Sergeant in charge of DVRT**

- Manage investigative caseload, 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 the resources are available for timely and thorough investigative work.
- Availability 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.

### **Domestic Violence Investigator Gross Misdemeanor and Felony:**

- Handles approximately 200 intimate partner cases a year.



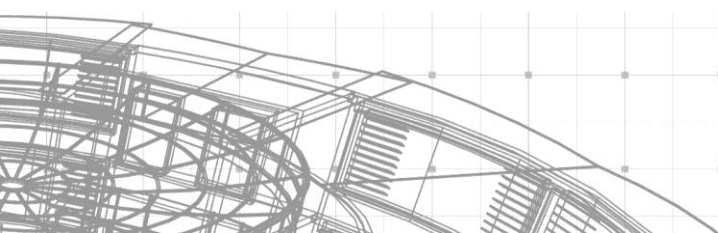
- Reviews all GM and felony domestic violence cases generated by the Duluth Police Department.
- Completes warrant requests and conducts follow-up investigation on gone-on-arrival domestics.
- Reviews referrals of domestic cases where patrol does not believe they have probable cause for an arrest.
- Is the Duluth Police investigative contact for the St. Louis County Attorney's Office.
- Refers cases back to patrol when aspects of the initial investigation require more follow-up.
- In high-risk cases, conduct or coordinate warrant and probable cause pick-ups of domestic assault offenders.
- Participate in in GM and felony and unserved OFPs as part of a periodic round-up of domestic offenders and suspects.
- Location is primarily the Duluth Police Department Sex Crimes, Abuse and Neglect (SCAN) Unit but also has space at Safe Haven Resource Center.

**Domestic Violence Investigator Misdemeanor:**

- Handles approximately 250 intimate partner cases a year.
- Reviews all misdemeanor domestic violence cases generated by the Duluth Police Department.
- Completes warrant requests and conducts follow-up investigation on gone-on-arrival domestics.
- Reviews referrals of domestic cases where patrol does not believe they have probable cause for an arrest.
- The Duluth Police investigator is the contact for the Duluth City Attorney's Office.
- Refers cases back to patrol when aspects of the initial investigation require more follow-up.
- In high risk cases, conduct or coordinate warrant and probable cause pick-ups of domestic assault offenders.
- Location is primarily the Duluth Police Department Sex Crimes, Abuse and Neglect (SCAN) Unit but also has space at Safe Haven Resource Center.

**Domestic Violence Specialist:**

- Employee of Domestic Abuse Intervention Programs (DAIP).
- Prepares DVRT files\* Monday through Friday and distributes them to St. Louis County Attorney's Office, Duluth City Attorney's Office, Arrowhead Regional Corrections and the court.



- Reviews all arrest reports from DPD for missed enhancements and compliance with DPD's General Orders.
- Provides a review to Lieutenants on specific patrol reports regarding adherence to policy.
- Provides DV Summary and Risk Assessment sheet to judges for domestic cases investigated in Duluth and southern St. Louis County.

**Domestic Violence System Specialist:**

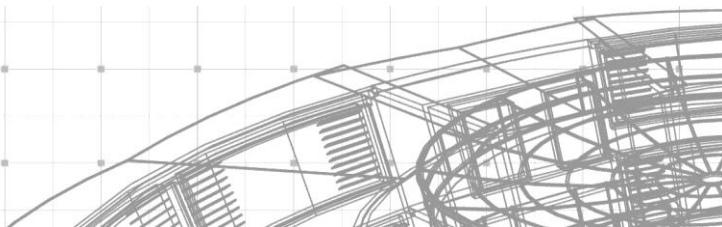
- Employee of Domestic Abuse Intervention Program.
- Reviews DPD patrol reports to monitor cases involving the co-occurrence of domestic assault and sexual assault. Ensures reports are reviewed by both the sex crimes and domestic violence teams for investigation and advocacy services.
- Responsible for identifying system response gaps that make it difficult to make it safer for women and hold offenders accountable.
- Responsible for backing up the duties of the Domestic Violence Specialist when necessary.

**Domestic Violence Legal Advocates:**

- Employee of Safe Haven Resource Center and American Indian Community Housing Organization.
- Provides support to DVRT team with direct follow-up of victims of domestic violence offering assistance with community referrals, Order for Protections, Harassment Orders, and to help victims who wish to connect with law enforcement.
- Reviews DPD incident and arrest reports for the purpose of providing direct advocacy to victims of domestic violence when no probable cause exists for arrest or suspect is gone on arrival.
- Notify victims if offenders are apprehended on warrants and placed into custody.
- Responsible for backing up the duties of the Domestic Violence Specialist when necessary.

**Probation:**

- A probation officer from the ARC Domestic Unit.
- Reviews all previous day's arrests appropriate for pre-trial release, what the safety issues are and whether the defendant should be held or released and if so under what conditions.
- Is a resource for DVRT for adding high-risk offenders on ARC's Weekly Intensive Supervision List.\*\*



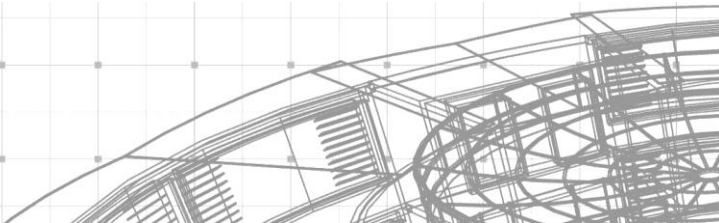
## Footnotes:

### **\*DVRT File Composition:**

- Summary of Domestic Violence Risk and Assessment Tool Sheet
- ODARA Score Sheet
- All past Orders for Protection (including petitioner affidavits) and Harassment Restraining Orders.
- All incident and arrest reports involving domestic violence, domestic disturbances, sexual abuse, burglaries with weapons, harassment and stalking.
- Criminal and civil history
- Men's Nonviolence Program attendance history
- Bail Memo sheet filled in with history of his abusive behavior and risk indicators.

### **\*\*ARC Weekly Intensive Supervision List:**

- Intervention created to address high risk offenders on probation supervision on a weekly basis. The list changes weekly based on the understanding that offender risk isn't static but dynamic. A list of approximately ten offenders will be tracked down in the field each Friday by a team of agents and interviewed for compliance to release or sentence conditions. Each probationer found will be tested for substances.



# Duluth Police Department: Blue Form 132

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This document is a double sided, foldable, pocket card and is given to victims of crime at the scene by a patrol officer (it is referred to as the “Blue Card”). It gives victims a statement of their rights, information on Domestic Abuse No Contact Orders (DANCO), Order For Protection and Harassment Orders, a way for the officer to leave his/her contact information, culturally specific services for Native Women, and a case identifying ICR# for the victim to use as a reference when calling for assistance from law enforcement or prosecution.

## Side One

Form 132-56 / 03/2015

### RIGHTS AND SERVICES FOR ALL CRIME VICTIMS

#### CRIME VICTIM'S RIGHTS

1. You have the right to apply for financial help for losses resulting from a violent crime. This assistance does not cover property losses, but may cover costs incurred for medical care, counseling, lost wages, child care, or funeral expenses. Claims must be filed within two years of the injury except cases involving domestic child abuse. For application and information, call 1-888-622-8799 TTY: 1-651-205-4827.
2. You have the right to request that the law enforcement agency withhold public access to data revealing your identity. The law enforcement agency may comply if you are a victim of sexual assault or your safety or property is threatened.
3. You have the right, if an offender is charged: to be informed of and participate in the prosecution process; to be notified of plea negotiations; to be present at sentencing and to object orally or in writing to a proposed agreement or sentence; to be notified of the final disposition of the case; and the right to request restitution (money ordered to be paid from the offender to the victim).

For criminal charges that include some sort of bodily harm, the jail will make 3 reasonable attempts to notify you (victims) when the offender is going to be released from incarceration. In order to contact you, it is important that they have a current telephone number, an alternate number and a current address. You may access the current jail list via:

<http://www.stlouiscountymn.gov/LAWPUBLICSAFETY/Jail/JailRoster.aspx>

You may call the jail and request that they block your phone; this prevents the offender from calling you while in jail. The above is not a complete list of your rights. If you are in need of services or a referral, call one of the phone numbers above/below or on the reverse side of this card.

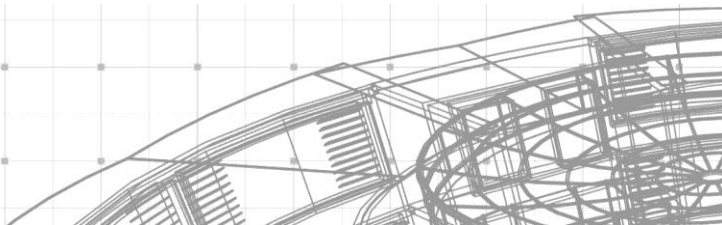
## Chapter 8: Resource Materials

Case/Officer/Badge ON FILE/OPEN

DULUTH POLICE

CRIME VICTIM INFORMATION

Duluth City Attorney	730-5490
DPD Patrol Supervisor	730-5150
DPD Domestic Violence/Neglect/Abuse Unit	730-5260
DPD Sex Crimes Unit	730-5070
DPD Traffic Unit	730-5400
DPD Violent Crimes Unit	730-5050
DPD Special Investigation Unit (Drug Unit)	730-5750
DPD Financial/Property Crimes Unit	730-5160
MN Crime Reparations Board	1(888) 622-8799
TTY	1(651) 205-4827
MN Department of Human Rights	1(651) 296-5663
National Center for Victims of Crime	
• (Helpline for non-English speakers)	1(800) 394-2255
• Statewide referral Services (toll free)	1(800) 247-0390
St. Louis County Attorney & Victim Services	726-2323
St. Louis County Jail	726-2345
St. Louis County Sheriff's Office	726-2340
Probation	726-2633
VINE Minnesota (victim notification of an offender's release from incarceration or to check offender incarceration status)	
• (toll free)	1(877) 664-8463
• To speak to a live operator	press 0





Officers Phone #

Duluth Police Department

Main Headquarters

2030 N. Arlington Ave.

Duluth, MN 55811

- Customer Service (218) 730-5400

[www.duluthmn.gov](http://www.duluthmn.gov)

Duluth Police Department

West Duluth Station (218) 730-5890

5830 Grand Ave.

Duluth, MN 55807

## Side Two

### DOMESTIC VIOLENCE INFORMATION

#### Order for Protection and Harassment Orders

If you are a victim of domestic violence, you have the right to go to court and file a petition requesting an Order for Protection from domestic abuse. The order could include the following:

- An order restraining the abuser from further acts of abuse;
- An order directing the abuser to leave your household;
- An order preventing the abuser from entering your home, school, business, or place of employment;
- An order awarding you or the other parent custody of or parenting time with your minor child or children; and or
- An order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so. For assistance in filing an OFP call: 623-1000

#### D.A.N.C.O. (Domestic Abuse No Contact Order)

A DANCO may be issued by a Judge at the offender's first court appearance which could occur as soon as the next morning at 11:00am (M-F). This order would prohibit the offender from having contact with you. If the offender violates the DANCO, he/she could be arrested by law enforcement and face additional charges. As the victim you can make a request to the judge to either modify or dismiss the DANCO to assist with your safety by contacting Safe Haven Resource

## Chapter 8: Resource Materials

Center: 218-623-1000 between 8:00am-4:00pm (M-F). An advocate will be available to confidentially let you know your options and can relay your request to the court or you may also appear at St. Louis County Courthouse at the first hearing to tell the judge you would like modifications or dismissal of the DANCO. The judge will make the final decision as to whether a DANCO is issued. The judge's decision will be based primarily on safety.

You have the right to notification if prosecution of the case is declined or criminal charges are dismissed.

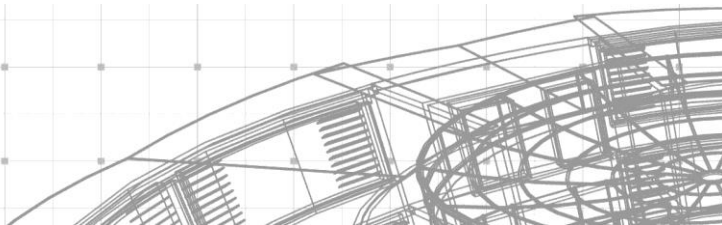
### **EMERGENCY DOMESTIC VIOLENCE SHELTERS/PROGRAMS/CRISIS LINES**

Safe Haven Shelter for Battered Women 24/hr	728-6481
Safe Haven Resource Center/Legal Advocacy	623-1000
• Toll Free	1(877) 880-3094
• TTY	730-2464
P.A.V.S.A. (Program to Aid Victims of Sexual Assault)	726-1931
Domestic Abuse Intervention Program	722-2781
Mental Health Crisis Line (emotional/psychiatric crisis)	211
Bethany Crisis Shelter/Nursery	626-2726
Day One Program (toll free statewide Referral Service for emergency shelter for domestic violence victims)	1(866) 223-1111

### **CULTURALLY SPECIFIC SERVICES FOR NATIVE AMERICAN WOMEN**

(Shelter services open to all women seeking help and services)

Dabinoo 'Igan Shelter (American Indian) 24/hr.	722-2247
Fond du Lac Advocates 24/hr Crisis Line	348-1817
Min No Aya Win Fond du Lac Human Services/C.A.I.R	726-1370
American Indian Community Housing Org	722-7225
Indian Legal Assistance	727-2881

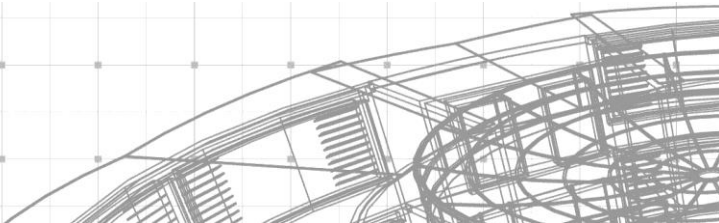


## **SERVICES TO ASSIST PEOPLE WITH DISABILITIES**

Access North/ Center for Independent Living-V/TTY	722-5625
Disability Law Center	722-5625
Human Development Center	728-4491

## **OTHER IMPORTANT NUMBERS**

United Way Information and Referral	211 or 1 (800) 543-7709
St. Mary's Medical Center	786-4000
St. Luke's Medical Center	249-5555
Miller Dwan Medical Center	727-8762
Child Care Resources/Referral - St. Louis County	726-2101
St. Louis County Social Services/ I.I.U.	726-2012
Life House	722-7431
Legal Aid Service of Northeastern Minnesota	623-8100
Duluth Detoxification Center (Detox)	723-8444
Visitation Center (D.A.I.P.)	722-2781 Ext. 204
First Witness Child Advocacy Center	727-8353
City of Duluth Animal Shelter	723-3259
<a href="http://northlandchildrensmentalhealth.org">http://northlandchildrensmentalhealth.org</a>	



# Sample Bail Memo

STATE OF MINNESOTA  
COUNTY OF ST. LOUIS

DISTRICT COURT  
SIXTH JUDICIAL DISTRICT, DULUTH

STATE OF MINNESOTA, Plaintiff,  Vs.  Steven Walter Smith, Defendant	<b>BAIL AND NO CONTACT ORDER REQUEST</b>  ICR No.: 123456789  <b>Prosecutor:</b>
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The State requests a DANCO pursuant to Minn. Stat. § 629.75. In addition, the State requests bail in the amount of \$\_\_\_\_\_ or bail in the amount of \$\_\_\_\_\_ with the following conditions pursuant to Minn. Stat. § 629.72.

- \_\_\_\_ (1) enjoining the person from threatening to commit or committing acts of domestic abuse or harassment against the alleged victim or other family or household members or from violating an order for protection or a domestic abuse no contact order;
- \_\_\_\_ (2) prohibiting the person from harassing, annoying, telephoning, contacting, or otherwise communicating with the alleged victim, either directly or indirectly;
- \_\_\_\_ (3) directing the person to vacate or stay away from the home of the alleged victim and to stay away from any other location where the alleged victim is likely to be;
- \_\_\_\_ (4) prohibiting the person from possessing a firearm or other weapon specified by the court;
- \_\_\_\_ (5) prohibiting the person from possessing or consuming alcohol or controlled substances; and
- \_\_\_\_ (6) specifying any other matter required to protect the safety of the alleged victim and to ensure the appearance of the person at subsequent proceedings.

## Summary

### Current incident

Mr. Smith denied hurting the victim, but several witnesses observed him hitting her multiple times and slamming on the brakes and forcing her head toward the dashboard. Witnesses also said they heard Mr. Smith say he would kill Ms. Anderson. Mr. Smith had consumed alcohol and was legally drunk when the officer arrived at the scene. Mr. Smith was on probation two years ago for a previous DWI and was violated and served his sentence.

### Past incident(s)

In a previous road rage incident (January 2013) where Mr. Smith was the driver, the victim in the recent incident (Ms. Anderson) was a passenger in the car. The officer noticed Ms. Anderson seemed scared during his investigation at the scene. This officer asked if she had ever been assaulted by Mr. Smith. She said he hadn't hit her for about three years, although she did state that she was afraid and that if he were to get in trouble, she would bear the brunt of it. There is a concern that this past incident and statement indicate a pattern of abuse by Mr. Smith against Ms. Anderson.

Factors supporting the pre-trial request are as follows:

- 1 Number of offenses against this victim
- 0 Number of prior offenses against other victims
- 39% ODARA score from attached Domestic Violence Risk Management Tool
- 0 Number of bench warrants issued including prior history of escape/extradition
- 1 Non-compliance with probation or pre-trial release conditions

**Chemical Use:** Both a batterer and alcohol treatment study similarly reveals a consistent, high correlation between alcohol abuse and domestic violence. In one, for example, 272 males entering treatment for battering or alcoholism, the odds of any male to female aggression were 8 to 11 times higher on days they drank than days they had not. It was 11 times higher on days the men were drinking than on days of no drinking.

**Implications:** The presence of drug and/or alcohol abuse makes continued offending more likely. While sobriety may not eliminate the risk for re-abuse, research suggests it may be a necessary ingredient. **Research**

**Basis:** Correlation is found in multiple studies across the country.

Fals-Stewart, W. (2003). The Occurrence of Partner Physical Aggression on Days of Alcohol Consumption: A Longitudinal Diary Study. *Journal of Consulting Psychology* 71 (1), 41-52.

**Failure of prior intervention:** There is widespread agreement among multiple studies that "abusers cited for misdemeanors are as likely to be dangerous as those charged with felonies."<sup>(1)</sup> Klein concluded that "Prosecutors should understand that if an abuser has a prior record for any crime, the prosecutor should assume him to be a high-risk domestic violence offender, not a low-risk 'first' offender."<sup>(2)</sup>

(1) Klein A. R. "Practical Implications of Current Domestic Violence Research: For Law Enforcement, Prosecutors and Judges." NIJ Special Report for Office of Justice Programs. Washington, DC: US Department of Justice, Office of Justice Programs, June 2009, NCR 225722.

<https://www.ncjrs.gov/pdffiles1/nij/225722.pdf>

(2) Klein (2009), p. 25.

**Threats to Kill:** Women whose partners threatened to kill them were 14.9 times more likely to be killed.<sup>(1)</sup> Prior threats to kill and prior threats with a weapon together are risk factors that help predict femicides.<sup>(2)</sup>

(1) Campbell, J., D. Webster, J. Koziol-McLain, C. Block, D. Campbell, M. Curry, F. Gary, J. McFarlane, C. Sachs, P. Sharps, Y. Ulrich, and S. Wilt. "Assessing Risk Factors for Intimate Partner Homicide." *NIJ Journal* 250 (November 2003): 14-19. p. 17. NCJ 196547.

<http://www.ncjrs.gov/App/Publications/abstract.aspx?ID=196547>

(2) Campbell, J., D. Webster, J. Koziol-McLain, R. Block, D. Campbell, M. Curry, F. Gary, N. Glass, J. McFarlane, C. Sachs, P. Sharps, Y. Ulrich, S. Wilt, X. Manganello, X. Xu, J. Schollenberger, V. Frye, V. and K. Laughon. "Risk Factors for Femicide in Abusive Relationships: Results from a Multistate Case Control Study." *American Journal of Public Health* 93(7) (2003): 1089-1097.

# Appendices

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The following appendices referenced in this chapter are available from Praxis International—Blueprint Materials ([http://www.praxisinternational.org/blueprint\\_materials.aspx](http://www.praxisinternational.org/blueprint_materials.aspx))

- *1A Practitioner's Guide to Risk and Danger in Domestic Violence Cases*
- *1C Training Memo - Interventions with Victims of Battering as Suspects or Defendants*
- *1D History of Domestic Violence Summary Instructions and Sample*
- *3A Training Memo - Law Enforcement Response to Persons with Disabilities*
- *3B Training Memo - Gone on Arrival (GOA) Cases*
- *3C Training Memo - Making the Arrest Decision*
- *3D Training Memo - Miranda Rights and Domestic Violence Cases*
- *3F Training Memo - Law Enforcement Response to Strangulation*
- *3G Training Memo - Law Enforcement Response to Stalking*
- *3H Training Memo - Response to Children in Domestic Violence Related Calls*
- *3I Training Memo - How a Defense Attorney Reads a Police Report*
- *3J Training Memo - How a Prosecutor Reads a Police Report*
- *3M Supervising Domestic Violence Investigations - Case Review Checklist*
- *3N Supervising Patrol Response to Domestic Violence - Patrol Report Checklist*
- *5A Training Memo - Implications of Crawford and Davis for Prosecution of Domestic Abuse Cases*

In development:

- Memorandum of Understanding Regarding Exchange of Records