

IV. Appendices

Appendix A

- Audit Worksheets

DOMESTIC VIOLENCE SAFETY AND ACCOUNTABILITY AUDIT
INTERVIEW/OBSERVATION WORKSHEET
AUDIT OF THE MINNEAPOLIS MISDEMEANOR PROCESS

Note: Auditors should use this worksheet as well as the attached three column chart to guide their interviews and observations. During the interviews and observations auditors should pay attention to how the various aspects of a staff member's job either address or ignore the particular experiences of battered women.

The worksheet is divided into categories to help structure the interview/observation. Information and categories will undoubtedly overlap. Refer to the audit manual, pages 44 to 55, for an explanation of each question. Auditors should feel free to add or change the worksheets to make them more effective.

Name of Auditor _____

Date & Time _____

Agency Audited _____

Name of Staff Member _____

Staff Member's Position/Title _____

TECHNOLOGY AND RESOURCES

1. Describe each piece of technology (computers, tape recorders, etc.) the staff member uses and how s/he uses it.
2. What kinds of information systems (e.g., data bases) are at the staff member's disposal?
3. How do the available technologies help the staff member better respond to the safety needs of battered women (e.g., obtaining the record of a long history of abuse, identifying the level of violence or danger in the relationship)? How?
4. What types of resources are available to the staff member? Are support staff available? How much time is allotted per case? What specific skills are available on staff? What kind of space is available for interviewing the suspect/defendant or the victim? Are there culturally competent resources available?
5. At what points in their work routines do staff members use available office resources?
6. How much time do staff members have to work on each part of their job?
7. How are staff members' work prioritized? By whom?
8. What resources from other agencies/organizations can and do staff members use? At what point(s)? How consistently are the resources available? How easy are they to use? How often are they used?

9. What resources/technology does the staff member believe would assist him/her in paying closer attention to the safety concerns of victims of battering?

RULES AND REGULATIONS

1. What regulations influence the work of the staff member (e.g., federal law, rules of procedure, departmental policy, informal agreements)?
2. How do the regulations require or prohibit staff members from accounting for victim safety? Are there regulations that specifically address domestic violence? What do they state? How do they influence work routines? Do they encourage an examination of the overall levels of violence or only at the particulars of a case? How?
3. How do these regulations affect the priority that staff members give to domestic violence cases?
4. How do regulations/rules positively or negatively influence the staff member's ability to hold offenders accountable?
5. Do regulations allow staff members to account for power differential between victims and offenders in these cases (e.g., do arrest regulations use the concept of predominant aggressor and/or address issues of self defense)? Do the regulations minimize the consequences of an adversarial process to victims, or the influence batterers have over their victims?
6. Do regulations address the difficulty in ascertaining the real level of violence and danger in a relationship? Do they allow for varying responses that relate meaningfully to the actual violence in the relationship? Do they account for the danger and hardship the victim faces by communicating this information? How?

7. Do regulations encourage better coordination between agencies/organizations? How do regulations handle information exchange?
8. Do regulations lead staff members to consult and/or work with agencies outside the criminal justice system? Which agencies? For what purpose?
9. Do regulations require that staff have contact with victims? If so, what sorts of contact are required?
10. Do regulations require or minimize preservation of victims' accounts of violence? How do regulations affect the import or impact of victims' account of the history of violence?
11. Do regulations promote or decrease a victim's autonomy? How?
12. Do regulations lessen the negative impact of the structural features of the criminal justice system (e.g., allowing for docket priority for domestics in an otherwise slow court process)?
13. What sorts of informal (unwritten, learned as-you-go-along) rules does the staff member abide by? What are the sources of the informal rules?

ADMINISTRATIVE PROCEDURES

1. List each step/procedure that the staff member takes/performs at this point in case processing?
2. How does processing a domestic violence case differ from processing other cases? Why? Are differences helpful?

3. What forms, reports, worksheets and instructions do staff members use?
4. How does the procedure promote actions geared toward safety and accountability (e.g. account for the overall level of danger and the power differential between the victim and batterer)?
5. Do the forms and procedures allow the victim's version of the violence to be fully documented?
6. How is information relevant to victim safety and offender accountability incorporated or ignored in the forms the staff member uses?
7. Do the procedures/forms direct staff members to prioritize some information? Which information? How?
8. Do staff members use any scales or risk indicators? Upon what are these based? How are they used? In the staff member's opinion, are they effective?
9. How is compliance with procedures monitored in the office? What sorts of supervisory oversight exist?
10. How do procedures and forms guide staff members in selecting the information they gather and document?
11. How do procedures and forms help to link one staff member to others both within the same office and within other agencies?

LINKAGES

1. How is each staff member linked to other processes and staff members in the system?
2. From whom does each staff member receive information?
3. Is the information adequate? Is it timely? Is it consistent?
4. How can the communication discussed in questions 1 to 3 be improved?
5. How can these links be institutionalized?
6. Can information easily available in the system be made easily available to this staff member?
7. When this staff member documents information, who does s/he believe needs that information? For what purpose? Who could use this information that the staff member has not previously considered? How could the staff member get the information to those people?

EDUCATION AND TRAINING

1. How has the staff member's educational background and academic concentration affected how the staff member understands domestic violence?

2. What domestic violence training and other relevant training has the staff member received? How often? When was the most recent training? Who were the presenters/trainers?
3. How have the trainings on domestic violence that the staff member has been exposed to impacted the staff member's understanding of domestic violence?
4. Has the staff member ever received training around the issue of cultural competency? What stands out in the mind of the staff member from the training(s)?
5. What manual/guides/reference materials does the staff member regularly use in his/her work?
6. How, if at all, does the staff member's education/training influence the way the staff member works for and interacts with victims of domestic violence?
7. How has the staff member's experiences working with domestic violence cases affected their work response?
8. What does the staff member think causes domestic violence? Where does this belief come from?
9. How does the staff member explain the behavior/character of victims who recant or who try to intervene on behalf of defendants? What informs this opinion?

10. How does the staff member describe the nature, frequency and impact of women's violence against men? What informs their opinion? How do they think this impacts how their agency handles these cases?

SOCIAL STATUS OF VICTIMS, OFFENDERS AND STAFF MEMBERS

1. Does the staff member believe his/her personal identity and background (e.g., sex, ethnicity, history with d.v.) influence how s/he works? If so, how? If not, how does the staff member prevent any influence of these factors?
2. How familiar is the staff member with issues around domestic violence?
3. How does the staff member define victim safety?
4. How does the staff member describe the demographics of the office in which s/he works?
5. How does the staff member describe the population s/he works with/serves?
6. Does the staff member think that an individual's social background should impact how a case is handled? How so?

Appendix B

- Law enforcement report checklist
- Sample law enforcement supervisor's checklist
- Sample Policy- Responding to Officers Who Commit Domestic Violence
- IACP model policy – Officer Involved Domestic
- Sample judicial checklist on setting bond
- Sample Information summary for Ex Parte OFP
- Sample risk assessment, DVSI
- MN Witness Fee Request Reimbursement form

Domestic Abuse Report Checklist

Scene Description/Management

- ✓ Take pictures of scene, victim, suspect.
- ✓ Collect evidence and inventory property. (broken phone, torn clothing, bloody items, etc.)

Victim/Suspect

- ✓ State relationship of victim to suspect.
- ✓ What does suspect say happened? What does victim say happened? (Put each party's responses in quotes.)
- ✓ What did you observe related to the accounts of events/ injuries?
- ✓ Describe injuries to both parties (type, size, location, color)
- ✓ Describe physical/emotional state of each party (crying, shaking, flushed face, etc.).
- ✓ Obtain name, address and phone number of person who will know how to reach victim at all times.

Witnesses (children, neighbors, etc.)

- ✓ Children present or involved? How?
- ✓ What did witnesses see or hear?
- ✓ Obtain thorough contact info for all witnesses.

General Follow-up

- ✓ Is there an OFP? Suspect on probation?
- ✓ Suspect and/or victim intoxicated? Describe.
- ✓ Medical attention required? Facility? Release signed?
- ✓ Suspect GOA? Ascertain whereabouts, assess dangerousness.

Include all details in your report

Investigatory Procedure

- Step 1. Did either or both parties use force?
- Step 2. If both parties used force, did either party use force in self-defense? If so, make arrest
- Step 3. If neither party used force in self defense, was either party the predominant aggressor? (make arrest)

Self Defense

- Did either person believe they were in danger of being harmed? Was it a reasonable belief?
- Was the harm imminent?
- Was the responding force reasonable?

Predominant Aggressor Considerations

- severity of harm, injury
- who is most afraid
- relative size and strength
- credibility of the parties, prior history, likelihood of future harm

Dangerousness Assessment

Ask victim these questions and include responses at the end of your report.

- Do you think suspect will seriously injure or kill you? Why or why not?
- What concerns do you have that suspect will use a weapon?
- Has suspect threatened suicide? When?
- Has suspect demonstrated behavior that s/he is obsessed with you or stalking you?
- What reaction has suspect had to a recent OFP, divorce or separation?

Supervisor Domestic Violence Investigation Worksheet Case File # _____

Time & Date Supervisor Notified _____

Time & Date Incident Reported _____

Officer Assigned _____ Investigator Assigned _____

Name/DOB (Principal #1) _____

Name/DOB (Principal #2) _____

Yes No *Explained in Report*

Parties' full names and DOB?

Parties' contact information?

Statement taken from victim?

Statement taken from suspect?

Statement taken from witnesses?

Children present/identified?

Statement taken from children?

Physical evidence identified?

Physical evidence collected?

Photos taken?

Hearsay exceptions noted?

Description of scene upon arrival?

Injuries noted?

Parties require hospitalization?

Strangulation involved?

Sexual assault involved?

Protection order/no contact order?

Firearms involved?

Firearms removed?

History of domestic violence?

Either party on probation?

Statement of P/C provided?

If both parties allege violence:

Self Defense considered?

Predominant Aggressor considered?

Follow-up required?

Medical release signed?

Specimen test?

SS/CPS issues?

Victim given resource info?

Advocate contacted?

911 tape requested?

SUPERVISORY OVERSIGHT POLICY

It is the policy of the Sheriff's Office to provide meaningful supervisory oversight to encourage the proper investigation and documentation of domestic violence related incidents. Supervisors immediately responsible for oversight of patrol operations will closely monitor deputies' investigative reports, determine whether all necessary steps were taken in the investigation, direct necessary follow-up investigation, and ensure notifications are made. The supervisors will then document those actions taken by means of a worksheet for each domestic violence-related incident. This worksheet will be retained only by the Lieutenant in charge of Investigation and Patrol divisions.

- A. It is the responsibility of the Lieutenant in charge of the Investigation and Patrol divisions to ensure that there is consistency in the quality of domestic violence-related investigations and report writing.

This can be achieved by making certain every patrol deputy, patrol supervisor, and criminal investigator is thoroughly familiar with the Sheriff's policies and procedures regarding the response to domestic violence related cases.

- B. When a deputy has completed the investigation of the incident, the patrol supervisor will use the Supervisory Oversight Worksheet, to make sure proper steps have been followed. When individual reports are not satisfactory, the reports will be returned to the deputy with specific instructions on rewriting the report.
- C. As soon as is practical, the patrol supervisor will either deliver or fax the completed worksheet to the appropriate Lieutenant in charge of the Investigations and Patrol Division.
- D. The Lieutenant will review the Supervisory Oversight Worksheets to verify that all necessary investigative actions have been initiated and all necessary notifications made.

- E. The Lieutenant will also review all reports and statements for thoroughness and determine if additional investigation is needed. In the absence of the Lieutenant, an appropriate supervisor will review the worksheet.

- F. The Lieutenant should monitor deputy reports to determine if additional training is warranted in investigative proficiency (e.g., interviewing techniques particularly for determining predominant aggressor and investigating self defense claims, report writing, collecting evidence, following official policy) as well as in the specific issues arising in domestic violence related cases. Such deputies will then be directed to appropriate trainings. The Lieutenant will continue to monitor deputies' investigative skills to determine the efficacy of training and the necessity for taking other measures.

Police Officer-Involved Domestic Violence The International Association of Chiefs of Police

Effective Date
April 1, 1999

Subject
Police Officer-Involved Domestic Violence

Reevaluation Date
June 30, 1999

I. PURPOSE

This policy acknowledges that some police officers commit domestic violence against their intimate partners. The purpose of this policy is to establish procedures for handling matters of domestic violence and abuse involving police officers. This policy will provide police executives and officers guidance in addressing incidents where one (or more) party to a possible domestic violence incident is an employee, whether sworn or civilian, of any rank in the department.

Although the language of the policy speaks to police officers, departments are encouraged to apply the principles to all employees whenever appropriate.

II. POLICY

The policy takes a continuum approach, seeking first to educate at all phases of an officer's career, then prevent, or interdict, domestic abuse situations early on in order to reduce victimization of the partner and increase the chances of officer career stability.

Where incidents of domestic violence are alleged to have occurred, the department will act quickly to protect the victim, arrest the perpetrator, and conduct parallel administrative and criminal investigations.

This policy delineates a position by the department of absolute intolerance (i.e., zero tolerance) of domestic violence. An officer found guilty of domestic violence, either through criminal court or an administrative hearing, shall have his/her police powers revoked.

Once implemented, the policy will apply to past convictions, and existing and future police officer domestic violence crimes.

III. DEFINITIONS

Domestic violence: For the purposes of this policy, refers to any act of violence (threatened or actual)

including but not limited to:

- * bodily injury or threat of imminent bodily injury
- * sexual battery

- * physical restraint
- * property crime directed at the victim
- * violation of a court order of protection, or similar injunction
- * death perpetrated by a police officer (on or off duty) or any police department employee upon his or her partner. Partner is defined as any individual with whom the officer:
 - * is or was legally married
 - * has a child in common
 - * is or has cohabitated
 - * has or had a dating relationship
 - * is specified as such by state law.

Note: Departmental policies concerning all other forms of family violence committed by a police officer should parallel this policy.

IV. PROCEDURES

This policy applies to past convictions for domestic violence, as well as existing and future offenses. In the process of adopting this policy of zero tolerance, departments must review the records of all officers to ensure they are free of domestic violence convictions.

Federal law prohibits police officers who have been convicted of misdemeanor domestic violence crimes from possessing a firearm.

A. Prevention, Education, and Training

The department will adhere to a zero tolerance policy towards police officer domestic violence and violations of the policy will not be tolerated. The department will provide training to officers on domestic violence and the zero tolerance policy throughout all phases of a police officer's career.

1. Prevention Through Collaboration

a. The department shall collaborate with local domestic violence victim advocacy organizations, coordinating councils, and state domestic violence coalitions in the development of domestic violence training curricula and shall use local advocates in the training of officers.

b. The department shall collaborate with local and national law enforcement agencies that have already implemented domestic violence training. The information gathered can serve as a guideline for the development of domestic violence training curricula, and experienced officers from these jurisdictions can assist in training within the department.

c. The department shall provide copies of all departmental protocols and policies on domestic violence to local domestic

violence victim advocacy organizations.

d. The department shall provide training where requested to local domestic violence victim advocacy organizations on the department's domestic violence policies and protocols.

2. Education

a. Upon implementation of the policy, all Recruit, Patrol, Internal Affairs Officers, Dispatchers/Communications Officers, Field Training Officers, and Administrative Command/Supervisors shall receive instruction on the following issues/topics:

- * General Domestic Violence Training (to include cultural, racial, gender, and same-sex issues)
- * Domestic Violence Dynamics, Tactics and Behavior Patterns
- * Cultural Dynamics and Potential Barriers to Assistance/Intervention
- * Stalking Tactics and Behavior Recognition
- * Warning Signs of Domestic Violence by Police Officers
- * Domestic Violence Response Protocol
- * Command Notification and Reporting Procedures
- * General Domestic Violence Investigation and Evidence Collection
- * Primary or Dominant Aggressor Determination
- * Officer Safety
- * Victim Rights and Safety
- * Confidentiality Issues
- * Ethical Considerations
- * Criminal and Civil Liability
- * Lethality Assessment and Safety Planning
- * Working with Advocates, Collaboration and Assistance
- * Weapons Removal and Seizure—Legal Issues
- * Cross-jurisdictional Policies and Protocol
- * Intra/Interstate Enforcement of Protective Orders
- * Federal Stalking, Domestic Violence, Immigration and Gun Control Laws

b. Additional Administrative Command/ Supervisor training related to domestic violence should address the following:

- * Department Legal Considerations and Liability
- * Media and Public Relations
- * Criminal versus Administrative Investigations
- * Conducting Lethality/Dangerousness Assessments

3. Training

a. In-Service Training

Departments shall select a series of effective and concise materials on domestic violence for routine dissemination to all personnel. Periodic in-service trainings on domestic violence and stalking shall be held to review policies and discuss their implementation.

b. Roll-Call Training

Officers shall receive regular instruction about domestic violence and stalking during roll call.

4. Program Evaluation

To enhance the effectiveness of the training, departments should work with internal or external research resources to evaluate the training being provided.

B. Early Warning and Intervention

1. Pre-Hire Screening and Investigation

a. Departments shall conduct thorough background investigations of all potential new employees to determine if elder abuse, child abuse, and/or domestic violence issues exist.

b. All candidates shall be asked about past arrests or convictions for elder abuse, child abuse, and/or domestic violence-related incidents and past civil protection orders.

c. Those candidates with a history of perpetrating elder abuse, child abuse or domestic violence shall be screened out at this point in the hiring process.

2. Post-Conditional Offer of Employment

a. The department shall require a psychological examination of all viable candidates to be performed by an experienced psychologist and/or psychiatrist.

b. The psychological screening will focus on indicators of violent or abusive tendencies or behaviors in their background.

3. Post-Hire Intervention

When new officers are hired, the department will offer training that

includes families of the recruits to discuss this policy and other issues. Families shall be instructed on whom to call in the department if problems occur.

4. Department Responsibilities

- a. The department shall either in response to observed warning signs or at the request of an officer provide non-punitive avenues of assistance to officers, their partners, and other family members before an act of domestic violence occurs.
- b. The department shall identify a procedure for making confidential referrals to confidential counseling services either internally or in collaboration with existing community services that have specific expertise in domestic violence.
- c. Officers who disclose to any member of the department that they have personally engaged in domestic violence are not entitled to confidentiality. The report of such criminal conduct must be treated as an admission of a crime and shall be investigated both criminally and administratively.

5. Supervisor Responsibilities

- a. Demonstration of inappropriate aggressive behaviors while conducting police 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.
 - i. Supervisors shall maintain close supervision of officers whose behavior is inconsistent with acceptable standards for on-duty problem resolution.
 - ii. Supervisors shall monitor frequent tardiness and absences.
 - iii. Supervisors shall proactively inquire about all on- or off-duty officer injuries.
 - iv. Supervisors shall immediately make their ranking supervisor aware of any and all such behaviors.
- b. Supervisors shall be cognizant of and document all behavior, on or off duty, where officers may be exhibiting signs of possible domestic violence-related problems; including increased use of

force during arrests, alcohol and/or drug abuse, increase in controlling behaviors, stalking activity, citizen and fellow officer complaints of unwarranted aggression and verbal abuse, and inappropriate aggression toward animals.

- i. Supervisors shall immediately make their ranking supervisor aware of any and all such behaviors.
- ii. The chief of police shall be informed of such circumstances or concerns in a timely manner through the department's chain of command.
- iii. Supervisors shall prepare and submit written requests for evaluating an officer's mental and physical well-being by suitable professionals when behaviors or circumstances deem appropriate.

6. Police Officer Responsibilities

- a. Officers are encouraged and entitled to seek confidential assistance from the department to prevent a problem from escalating to the level of criminal conduct against an intimate partner.
- b. Officers with definitive knowledge of abuse and/or violence involving fellow officers must report such information in a timely manner to their supervisor. Failure to do so will subject the officer to investigation, disciplinary action, and possible sanction and/or criminal charges.
- c. All officers shall be aware of possible witness or victim intimidation/coercion. Whenever an officer suspects this is occurring, he/she shall prepare a written report and immediately deliver it to the investigator in charge of the case through the proper chain of command.
- d. Officers who engage in threatening, harassing, stalking, surveillance or other such behavior designed to interfere with cases against fellow officers or intimidate witnesses will be subject to investigation, disciplinary action, and possible sanction and/or criminal charges.
- e. Officers who fail to cooperate with the investigation of a police officer domestic violence case will be subject to investigation, and possible sanction and/or criminal charges.

f. An officer who falsely reports that a victim of police officer domestic violence has committed a crime (such as child abuse or neglect) will be subject to investigation, and possible sanction and/or criminal charges.

g. An officer who is the subject of a criminal investigation, protective or restraining order related to domestic violence, regardless of jurisdiction, is required to report him/herself to his/her supervisor and provide notice of the court dates, times, appearances, and proceedings in a timely manner.

h. An accused officer who is the subject of any civil protective order proceeding, whether or not the order is issued and regardless of jurisdiction, shall notify his/her supervisor in a timely manner and provide a copy of the order, if issued, to his/her supervisor.

C. Incident Response Protocols

1. Department-wide Response

a. The department shall accept, document, and preserve all calls or reports, including those made anonymously, involving possible police officer domestic violence as "on-the-record" information.

b. All reports of possible criminal activity implicating police officers in domestic violence shall be documented in accordance with the policies governing the handling of all reports of domestic violence by citizens. A criminal incident report shall be completed including details on date, time, location, circumstances, names (if known), officials notified, and actions taken; a case file number shall be assigned and the report filed.

c. A copy of the report detailing the possible criminal activity implicating an officer in domestic violence shall be directed to that officer's immediate supervisor.

d. All such incident reports shall be made available by the department to the involved victim without cost.

2. Communications Response

a. Communications officers/dispatchers shall be instructed to assign top priority to all domestic violence calls, including those that involve or appear to involve a police officer of any department.

b. Communications officers/dispatchers shall document all domestic violence calls received that involve, or appear to involve, a police officer and immediately notify the supervisor, regardless of the involved officer's jurisdiction.

c. Communications officers/dispatchers shall prepare and preserve documentation of the facts and circumstances of the call, including the 911 tape, for use in potential criminal or administrative investigations.

d. Communications officers/dispatchers shall have available current lists of local domestic violence victim advocacy organizations for on-scene supervisors to provide to victims.

3. Patrol Response

a. Upon arrival on the scene of a domestic violence call/incident involving a police officer, the primary patrol unit shall immediately notify dispatch and request a supervisor be sent to the scene, regardless of the involved officer's jurisdiction.

b. If the alleged offender has left the scene and probable cause exists, the responding officers shall

i. search the area as appropriate

ii. obtain information from victim, family, and witnesses as to where the offender may have gone

iii. seek an arrest warrant.

4. On-Scene Supervisor Response

a. A supervisor shall report to the scene of all police officer domestic violence situations, regardless of the involved officer's jurisdiction.

b. The on-scene supervisor shall assume command, ensure that the crime scene is secure and that all evidence is collected, including color photographs. Video documentation of the victim and scene shall be recorded where such resources are available.

c. In cases where probable cause exists, the on-scene supervisor shall ensure an arrest is made.

- d. If the offender has left the scene, the supervisor shall ensure a search is conducted and an arrest warrant is obtained.
- e. Arrest of both parties involved in a domestic violence incident should be avoided. The supervisor shall ensure that a thorough investigation is conducted and an arrest of the primary aggressor is made in accordance with state law.
- f. Whenever an officer is arrested, the supervisor shall relieve the accused officer of his/her service weapon regardless of whether the officer is a member of the responding department. Where allowable under federal, state, or local ordinances, all other firearms owned or at the disposal of the accused officer shall be removed to ensure the victim's safety.
- g. Whenever a police officer domestic violence call does not result in an arrest, the on-scene supervisor shall submit a written report explaining any and all reasons why an arrest was not made or a warrant was not sought.
- h. The on-scene supervisor shall ensure the victim is informed of the following:
 - i. The availability of an on-scene advocate.
 - ii. Confidential transportation to a safe house, shelter, or any other location that ensures victim safety.
 - iii. Procedures for obtaining restraining and/or protective orders and victim rights.
 - iv. The standard of probable cause for arrest including the signature to appear on the complaint.
 - v. Judicial process, victim rights, and compensation following an arrest.
 - vi. Written information on community resources and local domestic violence victim advocacy organizations.

5. Additional Critical Considerations

- a. When responding to a domestic violence complaint involving a police officer from another jurisdiction, all responding officers, investigators, and supervisors shall follow the same procedures that are to be followed in responding to a domestic violence

complaint involving an officer from their own department. The responding supervisor shall notify the chief of police, or his/her designee, in the accused officer's jurisdiction verbally as soon as possible and in writing within 24 hours.

b. In the event that the reported incident involves the chief of police or commissioner, the supervisor shall immediately notify the individual in government who has direct oversight for the chief, for example, the mayor.

c. In responding to domestic violence situations where the victim is a police officer, standard domestic violence response and investigation procedures should be followed.

d. In responding to domestic violence incidents where the parties involved are both police officers, standard domestic violence response and investigation procedures should be followed. After probable cause and dominant aggressor are determined, an arrest should be made and all service weapons of the accused officer confiscated.

Note: State law may provide for the seizure of additional weapons.

6. Department Follow-Up

a. The supervisor shall in a timely manner debrief all officers who respond to a police officer domestic violence call. During the debriefing, the supervisor shall

i. Review department confidentiality guidelines.

ii. Reaffirm that officers share information only on a need-to-know basis.

iii. Establish a clear delineation of assignments in order to assist victims in a coordinated and consistent manner.

b. Arrest warrants charging police officers with domestic assault and civil protective orders issued at a later time shall be served by no fewer than two officers with at least one being of senior rank to the officer being served.

c. On-scene and follow-up investigators shall proactively seek out information on existing restraining and/or protective orders and, if found, shall enforce them.

d. Following the reported incident, the department shall designate a member of the command staff specifically trained in conducting lethality assessment and safety planning to act as a principal contact for the victim. The assigned officer will keep the victim apprised of the case throughout the adjudication process and provide the victim with a copy of the incident report.

e. A specially trained member of the command staff shall conduct an assessment to determine the potential for further violence on the part of the accused officer. Based on the outcome, the department will need to make decisions concerning referrals, duty assignments, and administrative actions.

D. Victim Safety and Protection

1. Working with community resources and advocacy agencies, the department shall make available all necessary and appropriate services to each victim.

2. All officers shall keep all information concerning victims confidential, including their whereabouts, safety plan, and any communications.

3. The command staff officer shall inquire whether the victim wants any weapons removed from his/her home for safekeeping by the department.

4. The command staff officer designated as the victim's principal contact shall conduct a lethality assessment with the victim. The information gained shall be incorporated into the safety plan developed with the victim.

5. All officers shall be aware of the increased danger to victims when the victim leaves an abusive partner, and the designated command officer shall caution the victim to be alert to stalking activities on the part of the abuser and assist in safety planning.

6. The command staff designated as principal contact for the victim shall inform the victim of confidentiality policies and their limitations, and ensure that confidentiality is maintained throughout the case.

7. All officers shall be aware of possible witness or victim intimidation/coercion. Whenever an officer suspects this is occurring, he/she shall prepare a written report and immediately deliver it to the investigator in charge of the case through the proper chain of command.

a. In order to ensure coercion is not being attempted, the investigator in charge shall seek out secondary sources of

information.

- b. Given the likelihood that a victim will recant, supplemental evidence should be sought out and preserved.

E. Post-Incident Administrative and Criminal Decisions

Departments shall conduct separate parallel administrative and criminal investigations of alleged incidents of police officer domestic violence. If the facts of the case indicate that domestic violence has occurred or any departmental policies have been violated, administrative action shall be taken separate and distinct from any criminal proceedings as soon as practicable. Independent of the outcome of the criminal case, the department shall adhere to all positions and policies relating to the incident.

The department will adhere to/observe all necessary protocols to ensure an accused officer's departmental, union, and legal rights are upheld during the administrative and criminal investigations.

1. Administrative Investigations and Decisions

The responsibility to complete the administrative investigation of a police officer domestic violence incident shall rest with the Internal Affairs Division of the department, or in the event that no such unit exists, the chief shall appoint an investigator.

- a. The investigating official shall conduct an administrative investigation utilizing standard elements of criminal investigations. Witnesses shall be contacted, re-interviewed, and statements recorded; crime scene evidence, photographs and medical records accessed, 911 tapes requested, and all information fully documented.

- b. Where sufficient information exists, the department shall take immediate administrative action to intervene, which can include removal of badge, removal of weapon, reassignment, administrative leave with or without pay, or termination.

- c. Where an arrest was not made, but sufficient concern exists, the department shall initiate an independent administrative investigation and decide the officer's status based on the outcome of the investigation.

- d. In determining the proper course of administrative action, a department shall consider factors such as level of danger an officer poses to the victim (based on risk assessment measures), an

officer's history of compliance with departmental rules, history of aggressive behaviors, and existence of an alcohol or substance abuse problem.

e. Pending the administrative and criminal investigations for alleged acts of domestic violence and/or violation of departmental policies, the department shall assign the accused officer to duties that do not require response to domestic violence cases.

2. Criminal Investigations and Decisions

The responsibility to complete a criminal investigation of an incident of police officer domestic violence shall rest with the domestic violence unit of the department, or in the event that no such unit exists, the criminal investigations unit or detective division.

a. The investigating official shall conduct criminal investigations as she/he would for any other criminal violation. Witnesses shall be contacted, statements recorded, evidence collected, photographs taken of the scene and injuries, medical records accessed, 911 tapes requested, and all information fully documented.

b. When appropriate, the investigating official or department shall conduct sufficient interviews (taped) to support criminal charges, to include family members, friends, neighbors, colleagues, or others who may have information in accordance with the officer's and victim's privacy rights.

c. Even though an initial report may already exist concerning a police officer, if the victim reports any subsequent or additional criminal activity, each incident shall be documented separately, assigned a case number, and investigated thoroughly.

d. The department shall completely investigate the charges and where warranted seek prosecution even if the victim recants the charges.

e. The department shall establish a liaison to work with the prosecuting/district attorney for each case. This officer shall present the information to the prosecuting or district attorney for proper action in a timely fashion and request that the prosecuting attorney in turn make timely decisions about the adjudication of the case.

f. Filing of court papers/complaints shall be requested by the investigating officer, as with any other case for criminal

prosecution.

3. Criminal Conviction

- a. Federal law prohibits officers convicted of misdemeanor domestic violence assaults from carrying firearms. The department shall ensure compliance with federal law.

- b. Any police officer convicted of a domestic violence crime as defined herein shall have his/her police powers revoked.

Every effort has been made by the IACP Research Center and the Police Response to Violence Against Women Advisory Group to ensure that this model policy incorporates the most current information and contemporary professional judgment on the issue. However, law enforcement administrators should be cautioned that no "model" policy can meet the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements need to be considered.

This project was supported by Grant No.97-WT-VX-KOO3 awarded by the Violence Against Women Office, Office of Justice Programs and Office of Community Oriented Policing Services, U.S. Department of Justice. The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following offices and bureaus: the Bureau of Justice Assistance, the Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, the Office of Victims of Crime, and the Violence Against Women Office. Points of view or opinions in this document are those of the author and do not represent official position or policies of the United States Department of Justice.

VIII. RESPONDING TO EMPLOYEES OR DEPUTIES WHO COMMIT DOMESTIC VIOLENCE

It is the policy of the Sheriff's Office to promote a climate of zero tolerance toward domestic violence. The Sheriff's intent is to educate all office personnel about the dynamics of domestic violence and take a preventative approach to domestic violence within the office—an approach that decreases the possibility of victimization and increases the career stability of deputies and staff.

As an employer, the Sheriff's Office can be influential in discouraging future acts of domestic violence by any of its employees. The Sheriff's Office will investigate all reports of domestic violence received through both official and unofficial channels and take such actions necessary to hold offenders accountable.

A. *BACKGROUND INVESTIGATIONS AND HIRING/SELECTION PROCESSES*

Background investigators shall be instructed to investigate thoroughly any allegations of domestic violence involving a prospective employee. Under current state law and P.O.S.T. rules, a prospective employee with a conviction for a domestic violence related offense cannot be considered for hire. Any prospective employee with an otherwise documented or self-reported history of domestic violence will not be considered for hire unless that person demonstrates substantial rehabilitation. Feedback from the victim will be strictly confidential and will be critical in determining rehabilitation.

B. *EDUCATION AND TRAINING*

All deputies and staff should read this policy and contact their supervisor if any section of this policy is unclear. As part of the domestic violence training provided to new as well as existing staff, a review of this policy, and the state and federal laws that support it, will be covered.

C. *DOMESTIC VIOLENCE-RELATED REPORTS*

Incidents of deputy-involved domestic violence are primarily reported through two channels: a) official, when a party or witness contacts 911 communications or

the office to report a specific crime, or when an employee is party to an Order for Protection; and b) unofficial, when a party, witness, or Sheriff's staff person reports confirmed or suspected domestic violence. In any of these instances, the Sheriff or Sheriff's designee will refer the case to another law enforcement agency for criminal investigation, and the Sheriff Office will conduct an administrative investigation.

1. In the event of a custodial arrest of a deputy, all county-owned weapons will be seized along with any other firearms in accordance with federal firearms prohibitions. Any weapon used in the commission of the crime will be treated as evidence.
2. In the case that an allegation or report involves the supervisory and/or administrative level of the Sheriff's Office, such proceedings will occur in accordance with Office policy.
3. All staff are responsible for reporting allegations of domestic violence involving an employee to a supervising deputy. Any deputy failing to investigate the alleged domestic violence or to follow up on reports of domestic violence will be subject to disciplinary action.
4. All administrative proceedings will occur in accordance with State Statute 626.89 (the Peace Officer Discipline Procedure Act) and other appropriate office policy.
5. The victim of the employee undergoing criminal and administrative investigation shall be assigned a contact person within the Sheriff's Office. The contact person shall provide the victim with information and referrals to community resources. See the *Domestic Violence Handbook and Training Guide* for specific procedures and information on confidentiality.

D. *OFFENDER ACCOUNTABILITY*

Some deputies who commit domestic violence will not commit any future acts of violence, but some will re-offend. Therefore, when collecting information as part of an administrative investigation as to whether abuse occurred, investigators shall also collect information that will assist the Sheriff in making a prudent decision whether a deputy is likely to re-offend. Great care will be used in making this determination. If there is any doubt, the Sheriff's Office will err on the side of caution.

A critical piece in determining likelihood to re-offend will be a detailed risk assessment conducted with the victim (see the Worksheet on Assessing Dangerousness in the *Domestic Violence Handbook and Training Guide*). Mental health assessments and other assessment tools may be used where appropriate.

In the case that the Sheriff determines that an employee is unlikely to re-offend, the Sheriff may: a) reassign the employee to a position that does not require carrying a firearm; b) instruct the employee to enroll in a batterers' program (which need not be local); and/or c) place the employee on probationary status. Probation will include close monitoring of the employee's behavior and frequent contact with the victim to confirm the employee's rehabilitation

Regardless of amenability to rehabilitation, the Sheriff may automatically terminate an employee who has been convicted of a domestic abuse related offense or has a protection order issued against him/her due to the firearm disability placed upon licensed peace officers for such offenses.

Should the Sheriff's Office determine that a person who has committed an act of domestic abuse is not amenable to rehabilitation, that person's employment shall be terminated in accordance with state law and official policy. Notably, under State Statute 626.8431, the license of a peace officer is automatically revoked if the officer is convicted of a felony.

DRAFT: FOR PURPOSES OF DISCUSSION ONLY

Bond Setting/Arraignment Information Sheet

Case No. _____ Charge(s): _____

Today's Date: _____ Judge Assigned: _____

Defendant Name(s): _____ DOB: _____

Relationship to Victim of Charges Filed: _____

Attention County/District Court Judge:

The following information should be carefully considered when setting bond on this Defendant

Criminal History:

Prior number of Domestic Violence ARRESTS _____

Prior number of ARRESTS for assault _____

Prior number of PROTECTION ORDER VIOLATIONS _____

Prior number of Domestic Violence CONVICTIONS _____

Prior number of FELONY CONVICTIONS _____

Prior number of Misd. CONVICTIONS _____

Defendant currently on PROBATION (for what) _____

NCIS/NCIC Attached YES/NO

Victim Injuries:

Victim taken for Medical Treatment YES/NO

Prior Physical Injuries to this or any Victim YES/NO # _____

Other Relevant Variables in this Incident:

Threats to Harm/Kill YES/NO

Children witnessed YES/NO

Physical Injury to Children YES/NO

FIREARMS used YES/NO

FIREARMS in Defendant's Possession YES/NO

Animals Injured (describe) _____

Property Damaged (describe) _____

Other:

CIVIL PROTECTION ORDER INFORMATION SHEET

Today's Date: _____

PETITIONER'S NAME: _____ DOB: _____

Respondent Name: _____ DOB: _____

Relationship to Victim to Respondent _____

INFORMATION SUMMARY

Information Relevant for Dangerous Assessment

TO THE BEST OF MY KNOWLEDGE, THE FOLLOWING INFORMATION IS ACCURATE AND TRUE:

Respondent was Arrested for incident(s) described in Affidavit	YES	NO	NOT KNOWN
Respondent is Currently in Police Custody	YES	NO	NOT KNOWN
Firearms were used in incident(s) described in Affidavit	YES	NO	
Respondent has Firearms in their possession	YES	NO	NOT KNOWN
Respondent has been Arrested/Convicted of other Domestic Violence crimes	YES	NO	NOT KNOWN
Respondent has been Arrested/Convicted of other crimes	YES	NO	NOT KNOWN
Respondent is currently on Probation If known, for what _____	YES	NO	NOT KNOWN

Respondent Physically Assaulted Petitioner YES NO

Petitioner received Medical Treatment for domestic violence related injuries YES NO

Respondent Threatened to Harm/Kill YES NO

Children witnessed the incident(s) described YES NO

Children were Physically Assaulted YES NO

Animals Injured (describe) _____

Property Damaged (describe) _____

For Protection Office Information:

DOMESTIC VIOLENCE SCREENING INSTRUMENT

DVSI 54

Defendant Last		Defendant First		DOB (M/D/Y)	/ /	Case No.		Judicial District					
Offense Date	/ /	Current Offense		Screening Name		Date Completed	/ /						
1. Prior non-domestic violence convictions?													
			<input type="checkbox"/> Unknown	0 <input type="checkbox"/> None	1 <input type="checkbox"/> 2 or fewer	2 <input type="checkbox"/> 3 or more							
2. Prior arrests for assault, harassment, or menacing?													
			<input type="checkbox"/> Unknown	0 <input type="checkbox"/> None	1 <input type="checkbox"/> Once	2 <input type="checkbox"/> 2 or more							
3. Prior DV treatment?													
			<input type="checkbox"/> Unknown	0 <input type="checkbox"/> None	1 <input type="checkbox"/> Once	2 <input type="checkbox"/> 2 or more							
4. Prior drug or alcohol treatment?													
			<input type="checkbox"/> Unknown	0 <input type="checkbox"/> None	1 <input type="checkbox"/> Once	2 <input type="checkbox"/> 2 or more			3 <input type="checkbox"/> 3 or more				
5. Any history of domestic violence related restraining orders?													
			<input type="checkbox"/> Unknown	0 <input type="checkbox"/> None	1 <input type="checkbox"/> Once	2 <input type="checkbox"/> 2 or more			3 <input type="checkbox"/> 3 or more				
6. Any history of violation(s) of domestic violence restraining orders?													
			<input type="checkbox"/> Unknown	0 <input type="checkbox"/> None	In the Past 1 <input type="checkbox"/> 1	Current Offense 2 <input type="checkbox"/> 2			Past & Current 3 <input type="checkbox"/> 3				
7. Any evidence of object used as weapon in commission of crime?													
			<input type="checkbox"/> Unknown	0 <input type="checkbox"/> None	Prior Offense 1 <input type="checkbox"/> 1	Current Offense 2 <input type="checkbox"/> 2			Past & Current 3 <input type="checkbox"/> 3				
8. Were children present during the domestic violence incident?													
			<input type="checkbox"/> Unknown	0 <input type="checkbox"/> None	Prior Offense 1 <input type="checkbox"/> 1	Current Offense 2 <input type="checkbox"/> 2			Past & Current 3 <input type="checkbox"/> 3				
9. Current employment status.													
			<input type="checkbox"/> Unknown	0 <input type="checkbox"/> Employed		2 <input type="checkbox"/> Unemployed			3 <input type="checkbox"/> 3 or more				
10. Has victim separated from defendant within last 6 months?													
			<input type="checkbox"/> Unknown	0 <input type="checkbox"/> None		2 <input type="checkbox"/> Yes			3 <input type="checkbox"/> 3 or more				
11. Did victim have restraining order against defendant at time of offense?													
			<input type="checkbox"/> Unknown	0 <input type="checkbox"/> None		2 <input type="checkbox"/> Yes			3 <input type="checkbox"/> 3 or more				
12. Was defendant under any form of community supervision at time of offense?													
			<input type="checkbox"/> Unknown	0 <input type="checkbox"/> None		2 <input type="checkbox"/> Yes			3 <input type="checkbox"/> 3 or more				
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	+ =		+ =										
Sentencing Date	/ /	Final Dispo.	<input type="checkbox"/> Acquittal	<input type="checkbox"/> Conviction	<input type="checkbox"/> Deferred	<input type="checkbox"/> Dismissal	<input type="checkbox"/> Diversion	Victim Last	Victim First				
Dispo. Reason								Recommend SARA	<input type="checkbox"/> Yes <input type="checkbox"/> No				

70-1000000

(To be completed by witness - PRINT or TYPE)

WITNESS FEE REQUEST

E 55758

NAME OF WITNESS
 ADDRESS
 CITY
 STATE
 ZIP

- District Court
 Juvenile Court
 Grand Jury

HC 4453 (8/96)	X	CLASS	FUND	ACCOUNT	CENTER
		CRIM-TRAFFIC-MISD.-DIV 1	10	52750	233100
		CRIM-TRAFFIC-MISD.-DIV 2	10	52750	233200
		CRIM-TRAFFIC-MISD.-DIV 3	10	52750	233300
		CRIM-TRAFFIC-MISD.-DIV 4	10	52750	233400
		CRIMINAL-FELONY	10	52750	211200
		CRIMINAL-JUVENILE	10	52750	212200
		MENTAL HEALTH	10	52750	214400

FEE RATE	TOTAL	EXTENSION
WITNESS FEE	DAYS	
TRAVEL FEE	MILES	
LOST WAGES	DAYS	
CHILD CARE	DAYS	
FEE TOTAL	\$	\$

DATES OF APPEARANCE
 IN THE MATTER OF _____ VS _____
 STATE OF MINNESOTA

COMMENTS
 The above named witness is certified to have appeared before the District Court, 4th Judicial District, Hennepin County, Minnesota, pursuant to a subpoena issued by the State of Minnesota in the above specified matter and thus to be entitled to the payment of witness fees in accordance with Minnesota Statutes, Section 357.22.

ASSISTANT COUNTY ATTORNEY _____ DATE _____
 DISTRICT COURT AUTHORIZATION _____
 ASSISTANT CITY ATTORNEY _____ DATE _____

WARRANT NUMBER _____