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I. POLICY:

The Inver Grove Heights Police Department's response to incidents of domestic abuse and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic abuse is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

II. DEFINITIONS:

Child: A person under the age of 18.

Court order: All forms of orders related to domestic abuse, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Domestic abuse: Commission of any of the following if committed against a family or household member by another family or household member (MN Statute 518B.01 Subd. 2):

- (a) Actual or fear of imminent physical harm, bodily injury, or assault
- (b) Terroristic threats (MN Statute 609.713)
- (c) Criminal sexual conduct (MN Statute 609.342 to MN Statute 609.3451)
- (d) Interference with an emergency call (MN Statute 609.78)

Domestic Abuse Program: public or private intervention project or advocacy program which provides support and assistance to the victims of domestic abuse.

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Domestic Call: A request for assistance to a law enforcement agency regarding domestic abuse or any other crime against a family or household member.

Family or Household Member: Has the meaning given it in MN Statute 518B.01 Subd. 2(b)(1)- (7): spouses, former spouses, parents and children, persons related by blood, and 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, and persons involved in a significant romantic or sexual relationship. It also includes 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.

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

Qualified Domestic Violence-Related Offense (QDVRO): Has the meaning given it in MN Statute 609.02 Subd. 16 and includes a violation of or an attempt to violate a domestic abuse order for protection; first or second degree murder; first through fifth-degree assault; domestic assault; female genital mutilation; domestic assault by strangulation; first through fourth-degree criminal sexual conduct; malicious punishment of a child; terroristic threats; violation of harassment restraining order; stalking; interference with an emergency call; and violation of domestic abuse no contact order; and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories.

If a person arrested for a domestic crime has a prior QDVRO, the new offense may be enhanceable as a higher-level crime.

Order for Protection (OFP): An order issued under MN Statute 518B.01 by a judge in civil court upon the request of the petitioner. Any family or household member of the abuser may ask the court for an OFP. The relief granted to the petitioner may include an order for the respondent to stop domestic abuse, no direct or indirect contact with petitioner, temporary custody of minor children, temporary financial support, and/or counseling for the respondent. Other forms of relief are also available. Violating an OFP is a crime.

Domestic Abuse No Contact Order (DANCO): An order issued under MN Statute 629.75 by a judge in criminal court limiting contact between a defendant and a victim of domestic abuse. DANCOs may be issued as a pretrial condition of release and/or as a probationary condition of the sentence.

Harassment Restraining Order (HRO): An order issued under MN Statute 609.748 by a judge in civil court when a petitioner requests a court order preventing another person from having contact with him/her. These orders generally prohibit all contact of any kind

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(including, but not limited to, phone calls, letters, e-mail, social media and contact through a third party) and may limit the respondent's ability to come within a certain distance of the petitioner's home, work or school. This type of order can be issued no matter the relationship between the individuals involved.

Harassment: Has the meaning given to it in MN Statute 609.748 Subd. 1(a): 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.

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 (MN Statute 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.

Stalking: Has the meaning given to it in MN Statute 609.749 Subd.1: engaging in conduct which the actor knows or has reason to know 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 regardless of the relationship between the actor and victim.

Lethality Assessment: An assessment, which is administered by either advocacy or police, to help to determine if a victim is "high risk" of lethal violence based on the assessment findings. It helps the victim and advocacy work on safety planning and referral services.

III. INVESTIGATIONS:

The following guidelines should be followed by officers when investigating domestic abuse cases:

- A. The investigation of domestic abuse cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.
- B. Calls of reported, threatened, imminent or ongoing domestic abuse and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- C. When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.
- D. Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other

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children who may not have been in the house at that particular time should also be obtained for follow-up.

- E. When practicable and legally permitted, video or audio record all significant statements and observations.
- F. All injuries should be photographed, regardless of severity, taking care to preserve the victim's privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigation Unit in the event that the injuries later become visible.
- G. Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- H. If the suspect is no longer at the scene, and there is probable cause for an arrest, officers should make reasonable efforts to locate and arrest the suspect, by issuing a KOPS Alert within the preceding 72 hours, exclusive of the day probable cause was established. If there is no arrest occurs within the 72 hours, officers should seek an arrest warrant if appropriate.
- I. Officers should also provide the suspect with an opportunity to make a statement. Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for evidence or as safekeeping.
- J. When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- K. Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Marital status of suspect and victim.
 - 2. Whether the suspect lives on the premises with the victim.
 - 3. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 4. The potential financial or child custody consequences of arrest.
 - 5. The physical or emotional state of either party.
 - 6. Use of drugs or alcohol by either party.
 - 7. Denial that the abuse occurred where evidence indicates otherwise.
 - 8. A request by the victim not to arrest the suspect.
 - 9. Location of the incident (public/private).
 - 10. Speculation that the complainant may not follow through with the prosecution.

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11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

L. If a suspect is arrested, officers should:

1. Advise the victim that there is no guarantee the suspect will remain in custody.
2. Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail (MN Statute 629.72 Subd. 6).
3. Advise the victim whether any type of court order will be in effect when the suspect is released from jail, if known.

M. If no arrest is warranted, the officer should:

1. Advise the parties of any options, including but not limited to:
 - a) Voluntary separation of the parties.
 - b) Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
2. Document the resolution in a report.

IV. **STANDARDS FOR ARRESTS:**

Officers investigating a domestic abuse report should consider the following:

A. An officer has the authority to arrest a person without a warrant, including at the person's residence, if the officer has probable cause to believe that the person has, within the preceding 72 hours, exclusive of the day probable cause was established, assaulted, threatened with a dangerous weapon or placed in fear of immediate bodily harm any person covered by the "family or household member" definition, even if the assault did not rise to the level of a felony or did not take place in the presence of the officer (MN Statute 629.34; MN Statute 629.341).

B. Single Offender

1. If a person is determined to be the sole aggressor, and the persons involved meet the definition of family or household member; that person shall be arrested and taken into custody when an officer has probable cause to believe that the person committed non-felony domestic abuse has within the last twenty-four hours:
 - a) Assaulted a family or household member causing visible signs of injury or physical impairment.
 - b) Placed a family or household member in fear of immediate bodily harm, injury or physical impairment.
 - c) Committed criminal sexual conduct against a family or household member in the fifth degree within the meaning of MN Statute 609.3451.
 - d) Interference with an emergency call of a family or household member within the meaning of section 609.78, subdivision 2.

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2. When an officer determines that probable cause exists to make an arrest under the above conditions, the officer should make diligent efforts to ensure that the offender is arrested within the preceding seventy-two (72) hours, exclusive of the day probable cause was established. If the officer is unable to make an arrest by the end of his/her shift when the initial report was taken, the officer shall advise the on-duty supervisor of the following:
 - a) The ICR, victim's name, date, time and location of the incident.
 - b) The name of the offender and any pertinent information that may aid in the offender's arrest.
 - c) That probable cause exists to arrest the offender and when the time period for the arrest expires.
3. At no time is an officer to leave a citation with the victim to give to the offender or mail a citation to the offender.

C. Multiple (Dual) Offenders

1. Officers should generally not make dual arrests but may make an arrest of a predominant aggressor. Where there are allegations that each party assaulted the other, the officer shall determine whether there is sufficient evidence to conclude that one of the parties was the predominant aggressor based on the following criteria and the officer's judgment (MN Statute 629.342, Subd. 2):
 - a) Comparative extent of any injuries inflicted.
 - b) Fear of physical injury because of past or present threats.
 - c) History of domestic abuse perpetrated by one party against the other.
 - d) The existence or previous existence of an order for protection.
 - e) Self Defense: Officers must first determine whether any injuries were inflicted as a result of self- defense. Reasonable force may be used by any person in resisting or aiding another to resist an offense against the person. The use of force must be reasonable for that person given the nature of the threat and may include the use of weapons. If one of the persons acted entirely in self-defense, the situation is dealt with as if there were a single offender.
 - f) Predominant Aggressor: If the officer determines that neither party acted in self-defense and both parties have committed an act of domestic abuse, then the officer must make a custodial arrest of the predominant aggressor considering the totality of the circumstances, including:
 - (1) The relative severity of the injuries and fear inflicted in this incident.
 - (2) The relative use of force and intimidation used in this incident.
 - (3) Information available to officers involving prior incidents involving either party.
 - (4) The likelihood of either party to commit domestic abuse in the near future.

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- (5) The disposition of the predominant aggressor should be determined using the criteria for "Single Offenders" (Section IV.B.).
- g) Care for children: In situations where probable cause exists to arrest both parties, but self-defense is not involved, and an arrest of the predominant aggressor alone cannot be made, both persons should be arrested. In situations warranting a dual arrest, if there are children present in the home, officers may make a determination about who is best able to care for the children and issue that person a citation rather than making a custodial arrest. If neither person is able to care for the children, custodial arrests of both can be made, and arrangements made for the care of the children.
2. Supervisor Approval: A supervisor must be notified of incidents that involve dual custodial arrests of multiple offenders in domestic abuse incidents. Dual arrest may only occur with supervisor approval, the arresting officer shall articulate the basis for the dual arrest along with the efforts used to establish the predominant aggressor.
- D. An officer shall not issue a citation in lieu of arrest and detention to an individual charged with any of the following offenses (MN Statute 629.72):
1. Stalking.
 2. Domestic abuse.
 3. Violation of an order for protection.
 4. Violation of a domestic abuse no-contact order.
- E. Officers shall arrest and take into custody, without a warrant, a person whom the officer has probable cause to believe has violated a court order issued pursuant to MN Statute 518B.01 or MN Statute 629.75. Such an arrest shall be made even if the violation of the order did not take place in the presence of the officer if the officer can verify the existence of the order.
- F. An arrest for a violation of an order of protection shall be made regardless of whether the excluded party was invited back to the residence (MN Statute 518B.01 Subd. 18).
- G. Following an arrest, an officer should contact the local domestic abuse program by phone as soon as possible and provide the name and address of the victim and a brief factual account of events associated with the action.
- H. An officer shall arrest and take into custody a person whom the officer has probable cause to believe has violated a harassment restraining order, pursuant to MN Statute 609.748.
- I. Officers are authorized to make an arrest without a warrant when there is probable cause to believe the person has violated the provisions of a no-contact or restraining order issued by a court, even if the offense did not rise to the level of a felony (MN Statute 629.34). While conducting a domestic abuse investigation officers shall attempt to verify whether there has been a court order issued.

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- J. Officers should consider whether other offenses have been committed that may not qualify as domestic abuse including, but not limited to, burglary, felony assault, terroristic threats, kidnapping, false imprisonment, witness tampering, trespassing, criminal damage to property, disorderly conduct or assault.

V. VICTIM ASSISTANCE:

A. Victims may be traumatized or confused. Officers should:

1. Recognize that a victim's behavior and actions may be affected.
2. Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
3. Provide the victim with the department's domestic abuse information handout, and notice of victim rights "Blue Card" even if the incident may not rise to the level of a crime.
4. Alert the victim to any available Domestic Abuse Program, shelters, and community resources.
5. Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
6. Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses concern for his/her safety or if the officer determines that a need exists.
7. Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
8. Engage advocacy to assist the victim in obtaining an emergency order if appropriate.

B. Assistance to Non-English-Speaking Victims or Victims with Communication Disabilities:

1. The officer shall use the resource list established by Department to contact a person to assist in those cases where the participants in the domestic call, including the witnesses, are non-English speaking, are hearing-impaired, or have other communication disabilities.
2. Officers should avoid the use of friends, family or neighbors serving as the primary interpreter for the investigation.

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VI. CHILDREN:

- A. If a child is present at the scene of a domestic call or is the victim of domestic abuse, officers should determine whether the child has been subjected to physical abuse, sexual abuse, or neglect, whether or not an arrest is made.
- B. Officers must always make a determination about the safety or advisability of leaving the child in the residence and comply with the requirements of MN Statute 626.556, Reporting of Maltreatment of a Minor.
- C. Before interviewing a child as a witness of domestic abuse, the officer should consider:
 - 1. the child's physical, emotional, or psychological ability to give a statement
 - 2. the child's age and ability to understand questions and formulate responses
 - 3. the likelihood the child will suffer adverse consequences.
- D. Officers shall also attempt to verify whether the child(ren) are parties to an Order for Protection (MN Statute 260C.201).
- E. If a child is a victim of domestic abuse, the previous sections of this order about arrests and assistance are applicable.

VII. LETHALITY ASSESSMENT:

- A. Lethality Assessments are part of the Lethality Assessment Program (LAP). This is a collaboration between police and advocacy service providers to identify victims at “high risk” of homicide. Generally, a police officer responding to the scene of a domestic violence incident will determine if the incident meets the criteria for screening and if so, will ensure that a brief 11-item Lethality Assessment (LA) is administered by either advocacy or police. If a victim screens in as "high risk" based on the assessment, the victim will work with advocacy on safety planning and referral services.
- B. Administration of Lethality Assessment: When responding to a Domestic Incident, the LA should be administered if;
 - 1. There is an arrest.
 - 2. There is mention of physical violence.
 - 3. There has been physical violence in the past.
 - 4. The responding officer believes other factors exist that warrant an LA.
- C. Lethality Assessment Procedure:
 - 1. If **any** of the above (4) circumstances exist, invoke the LA and follow the next steps.
 - 2. **If the victim is willing to speak to advocacy:**

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- a) Officers should contact the local Domestic Abuse Program and advise them of the situation (synopsis of the incident, including charging information) and ask that they conduct the LA.
 - b) Officers shall leave their business card and notice of victim rights “Blue Card” with the victim.
 - c) Officers shall document that advocacy was contacted and all other pertinent information in your incident report.
 - d) If the local Domestic Abuse Program is able to obtain a release of information from the victim (when advocacy performs LA), they will fax or email the form to IGH PD Records to be included in the case file.
3. **If the victim is unwilling to speak to advocacy:**
- a) Officers will then conduct the LA and record the interview.
 - b) Officers shall complete the form and determine if the individual screened in as "high risk."
 - c) Officers shall leave their business card and notice of victim rights “Blue Card” with the victim.
 - d) Officer should contact the local Domestic Abuse Program; inform them of the incident and results of the LA.
 - e) Officers shall document advocacy was contacted and all other pertinent information in your incident report.
 - f) When the officer completes the LA, it will be forwarded to the local Domestic Abuse Program and the appropriate prosecutor for review.
4. If the incident does not meet any of the above (4) circumstances required for the LA, then:
- a) Officers shall leave their business card and notice of victim rights “Blue Card” with the victim.
 - b) The officer should contact the local Domestic Abuse Program; inform them of the incident.
 - c) Officers shall document advocacy was contacted and all other pertinent information in your incident report.

VIII. SEIZURE OF WEAPONS:

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

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IX. VERIFICATION OF COURT ORDERS:

- A. Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:
1. Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
 2. Check available records or databases that may show the status or conditions of the order.
 3. Contact the issuing court to verify the validity of the order.
 4. Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

X. SERVICE OF COURT ORDERS:

- A. Officers, when reasonably safe and in a position to do so, shall serve copies or short forms of court orders as directed in MN Statute 518B.01.
- B. Officers will then prepare a report documenting service along with the completed short form affidavit of service.

XI. FOREIGN COURT ORDERS:

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

XII. REPORTS AND RECORDS:

- A. MN Statute 629.341 Subd. 4 requires an officer investigating any alleged incident of domestic abuse to complete a written report. CAD notes do not constitute a report. Per department policy, an officer must complete an incident report and document the responses in the narrative.
- B. Officers should include information related to the following in a report, as applicable (MN Statute 629.341 and 611A.0311) and see the Preliminary Investigation/Required Reports Policy for additional report information.
1. Names, addresses, telephone numbers of all involved persons
 2. Condition of clothing
 3. Description of the scene, including any property damage

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4. Evidence of physical injury, including strangulation
 5. Presence of elderly victims or persons with disabilities
 6. Facts related to any person who may have been a primary aggressor
 7. Excited utterances of the victim and the suspect
 8. The demeanor of the victim and the suspect
 9. Medical records, including the victim's statements to paramedics, nurses, and doctors
 10. Detailed statements of interviews of witnesses, including children, who may have been present, noting any language barriers
 11. A detailed explanation of the reasons for the officer's decision not to arrest or seek an arrest warrant
 12. Evidence of any prior domestic abuse, related convictions, including dates
 13. Any existing orders for protection, harassment restraining order or no contact orders
 14. Identifying information of a specific court order violated, including county of origin, the file number, and the provision allegedly violated
- C. Fees will not be charged for the release of reports related to domestic abuse, as directed in MN Statute 13.82.

XIII. FURTHER INVESTIGATION:

- A. The Domestic Abuse Response Team (DART) assists the victim by interacting with officers, investigators, prosecutors, advocates, court, and the community in an attempt to lower repeat domestic assaults.
 1. DART team officers may have contact with victims during the initial investigation, or shortly thereafter, to take additional photographs of injuries and property damage, and to assist victims with questions and concerns.
 2. DART team officers may conduct a safety assessment to investigate a domestic violence situation to help the victim not be revictimized.
 3. In some cases, charges can be sought through the DART investigation that were not possible during the initial report.
 4. DART team members may probe into reports officers have identified as a volatile situation that may progress into a physical assault in the future to work with the local Domestic Abuse Program to see if the parties would like advocacy services.
- B. A domestic abuse investigation shall be turned over to an investigator for further follow-up if appropriate. If there is an arrest, the investigator shall determine the defendant's criminal record, and if there is evidence of a previous conviction, the investigator should advise the prosecutors of any enhanced criminal charges which may be available.