



Chapter 3

Law Enforcement Patrol Response

LAW ENFORCEMENT—PATROL RESPONSE

FRAMEWORK: PATROL RESPONSE TO DOMESTIC VIOLENCE-RELATED CASES

The patrol officer is the one of few practitioners in the criminal justice system to come close to seeing and hearing what really goes on in the privacy of violent homes. For a responding officer, the patrol report is one of a dozen he or she might write in a shift. In a domestic violence legal case, however, it is the most important document. In an interagency response the patrol report lays the foundation for how each subsequent intervener thinks about and acts on the case. Its attention to specific details either helps or hinders each practitioner's efforts to maximize victim safety and offender accountability. The Blueprint's interagency approach emphasizes the importance of accumulating information over time and incidents in order to understand and appropriately respond to the level of danger and risk posed by offenders¹ in a crime that is often complex and difficult to prosecute.

Each intervening practitioner has a specific role to play in a case. Each looks to the officer's report when making decisions about when and how to act.² The investigator reads a report asking, *"Can I work this up into a case that can be proven beyond a reasonable doubt? Are there witnesses? Can I find them? Did they see or hear something?"* The pre-trial officer asks, *Will this person be a threat to the public or to this or other victims?* The prosecutor asks, *What crimes were committed, if any? Was anyone acting in self-defense?* When a case results in a plea or conviction, the probation officer conducting the presentence investigation asks, *Is this event an unusual happening or part of a pattern of violence, coercion and intimidation?* To answer this question, the PSI writer reads every report written on the defendant. The Blueprint further recognizes each of these decisions is equally relevant to cases where the suspect is gone on arrival. Based on national studies, 42 to 66% of suspects are gone on arrival. These suspects are more likely to have criminal histories, less likely to be arrested, and twice as likely to re-abuse. The Blueprint positions law enforcement to vigorously search for the suspect and provide assistance to the victim at the scene in order to advance safety³.

When officers treat each call as part of an ongoing case, the pattern will emerge and the safety needs of all victims become more evident. Every goal of the Blueprint—ensure swift and sure responses, adjust responses to the level of the violence, link practitioners together with a common understanding of the violence, engage with victims, and ensure a level of interagency accountability—is largely dependent on the patrol officer's initial response to the case. This policy and the accompanying protocols should be adapted for Sheriff's Office patrol divisions.

The Blueprint's policies and protocols for law enforcement response are accompanied by three key tools for the responding officer. The first two are a practitioners' guide to risk and danger in domestic violence cases (*Appendix 1A*) and its accompanying training guide (*Appendix 1B*). They draw on research and experience we have at our disposal to help identify and document major factors indicating whether violence in a case is likely to continue, escalate, or become lethal.

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The third tool is a report-writing format that produces a patrol report that answers each of the core questions subsequent interveners will have about the incident (*Appendix 3L*).

The policies and protocols emphasize the importance of basic, solid law enforcement work in domestic violence cases, which can seem futile on a case-by-case basis but will, in many cases, result in a successful intervention over time.⁴ Such success is more likely when officers and other interveners stay engaged with victims⁵ who may be quick to call for help during an assault,⁶ but who are understandably cautious in joining in an adversarial court process against the person who holds all the power cards and readily uses coercion and violence to maintain that power. Victim engagement is a cornerstone of the Blueprint and it begins in the first hour of the case.

POLICY: PATROL RESPONSE

In addition to adhering to general agency policy, patrol officers and supervisors will take the following actions in responding to domestic violence–related calls, using the protocols, appendices, and training memos referenced and included as part of this policy.

In accordance with Kentucky State Law and for the purposes of this policy, a domestic relationship means spouses and former spouses; parents and children; grandparents and grandchildren; persons who are or have lived together; persons who have a child in common or share a pregnancy regardless of whether they have been married or have lived together at anytime; and persons involved in a dating, romantic or sexual relationship. Implement the provisions of this policy in accordance with **Protocol 1: Patrol Response to Domestic Violence–Related Calls**.

1. Respond to domestic violence–related calls directly and without delay.
2. Respond with the same protection and sanctions for every domestic violence incident, regardless of race, religion, creed, national origin, gender, sexual orientation, disability and socio-economic status, including cases where any of the alleged parties may be a law enforcement officer, public official, or a prominent citizen.
3. Treat all acts of domestic violence as criminal conduct
4. Secure the scene and as safety permits separate all parties.
5. Conduct a thorough initial investigation to determine if probable cause exists to believe a crime has been committed and identify the suspect.
6. **Note:** A private prosecution is a criminal proceeding initiated by an individual or instead of by a public prosecutor who represents the state. Kentucky is one of several states that allows a private citizen to initiate criminal cases by filing criminal complaints, although it is up to the prosecutor to decide whether to proceed with the case. Therefore it is possible for a domestic violence victim to come to a prosecutor’s office and ask to initiate a private complaint. If this occurs, the prosecutor should notify the appropriate law enforcement agency so an investigation can be conducted. Law enforcement should not utilize the allowance of private complaints in Kentucky to shift the burden of investigation or of making an arrest decision to domestic violence victims.
7. Arrest is the preferred response to domestic violence. Make the arrest decision according to the following requirements and guidelines:
8. Officers **shall arrest** when:
 - A violation of an Emergency Protective Order (EPO), a Domestic Violence Order (DVO), a Temporary Interpersonal Protective Order (TIPO), an Interpersonal Protective Order (IPO), or a Foreign Protective Order (FPO);
 - If there is probable cause to believe that any condition of a bond or pre-trial release has been violated and the officer has verified that the offender has had notice of the condition, the officer shall arrest the offender without a warrant. KRS 431.005 (5)

9. The officer may arrest without a warrant when probable cause exists and any of the following conditions are present:
 - The alleged assault or incident involves a felony-level crime.
 - The victim has signs of injury or impairment.
 - A dangerous weapon is involved.
 - If the misdemeanor assault charge is a third or subsequent offense within 5 years, the penalty can be enhanced by one degree. The enhancement of the penalty does not require the victim be the same person. KRS 508.032
 - The victim experiences harassment, which is being struck, shoved, kicked, or otherwise subjected to physical contact with the intent to intimidate, harass, annoy or alarm the victim.
 - a. In misdemeanor cases without serious injury, an officer may (with supervisor's approval) elect to not arrest when the arrest would require placing children in foster care and there is an alternative for keeping the victim/s safe. The officer shall document the decision not to arrest.
 - b. When both parties have used violence, the officer shall first make a determination if either party acted in self-defense and arrest the party that was not acting in self-defense.
 - c. When both parties have used illegal violence and neither was acting in self-defense, the officer should arrest the predominant aggressor.
 - d. When an officer believes that there is a compelling public safety issue which requires the arrest of both parties and that both parties pose a significant threat of danger to each other, the officer should arrest both parties.
 - e. Utilizing *Appendix 1C: Training Memo—Interventions with Victims of Battering as Suspects or Defendants*, be aware of the need to adjust responses when the suspect is a victim of ongoing physical and/or sexual abuse by the victim of this incident.
10. Collect and secure evidence related to the probable cause determination, regardless of whether the suspect has been arrested at the scene.
11. In cases where the suspect is gone on arrival (GOA), probable cause to arrest exists, and the officer would have made an arrest, take measures to locate the suspect and submit a complete investigation report.
 - a. Remain on the scene until the officer believes that the likelihood of imminent violence or abuse has been eliminated and the situation has stabilized.
 - b. Ensure that the victim has been given information about safety and resources before clearing the scene.
12. Whether or not there has been an arrest, provide assistance to victims, including assistance with accessing medical care, securing shelter, and providing notice of victim's rights information in accordance with **Protocol 2: Victim Engagement** and *Appendix 3A: Training Memo—Law Enforcement Response to Persons with Disabilities*.

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- a. Notify the local advocacy program of all domestic-related arrests and gone-on-arrival cases where officers issued a pick-up-and-hold as soon as possible, in accordance with **Protocol 2: Victim Engagement.**
13. Identify and check on the welfare of each child at the scene and follow up as required.
14. Submit the appropriate report on all calls that include an allegation of a domestic assault or related crime as required by **KRS 209A.120.**
15. When responding to a domestic call involving a department employee, secure the scene and address the safety needs of those present. Request that a supervisor of higher rank than the officer involved be dispatched to the scene to oversee the criminal investigation and make an arrest decision in accordance with this policy.
 - a. If the arrestee is an officer from the same agency as the responding officer, the supervisor at the scene shall recover the officer's badge, law enforcement identification card, and service weapon. If circumstances indicate a high risk of danger or potential lethality, the on-scene supervisor shall confiscate all weapons at the scene on the same basis as they would for any citizen.
 - b. If the suspect is the chief of police or the Sheriff, the second in command shall be called to the scene.
16. When responding to a domestic call involving a public figure, request that the street supervisor or station commander be dispatched to the scene, conduct a criminal investigation, and make an arrest decision in accordance with this policy. For purposes of this policy, a public figure is defined as an elected official, sports figure, television or radio personality, celebrity, or other well-known person.

Protocol 1: Patrol Response to Domestic Violence-Related Calls

A. Initial Approach

1. Respond to domestic calls directly and without delay, utilizing a tactical approach as appropriate to the circumstances of the call.
2. Approach the scene with a high degree of caution.
3. Maximize safety for all involved as officers approach the scene, make initial contact with the occupants, and gain entry to the premises.

B. Securing the Scene

1. Separate the parties.
2. Restrain the suspect if necessary, and/or remove the suspect.
3. Assess for injuries, administer first aid, and request medical services as necessary.
4. Inquire about strangulation and internal injuries.
5. Address victim concerns about the cost of paramedic services by informing them that those services are not billed to the victim unless they require insertion of an IV or medical transport is requested.
6. If injuries appear life-threatening or if the victim is impaired, e.g., through injury or intoxication and unable to make the decision, request medical services regardless of the victim's preference.
7. Determine the whereabouts and identities of all people on the premises, including children.
8. Identify and secure weapons that might pose a threat during the investigation or that might be potential evidence.
9. Separate occupants and witnesses from the victim and accused, keeping them out of sight and hearing range of one another, as safety permits.

C. Initial Investigation

1. Make initial observations and note spontaneous statements by those at the scene, including:
 - a. Immediate statements made by victim, suspect or witnesses
 - b. Observations of the crime scene (furniture tipped over; broken phones, doors, other damaged property; torn clothing; blood; no sign of physical altercation, etc.)
 - c. Emotional demeanor of parties at the scene (angry, scared, crying, etc.)
 - d. Physical appearance of parties (disheveled clothing or hair, torn clothing, obvious injury, flushed face, etc.)

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e. Indications of drug or alcohol use by those at the scene and apparent level of intoxication or impairment (coherent in responding to questions)

2. Obtain a comprehensive account of events by interviewing or talking with each party involved in or a witness to the incident.

a. To the extent possible and as safety permits, talk to all parties and witnesses away from sight and hearing range of other parties.

b. Arrange for an interpreter, or interpretation services if necessary. (Whenever possible, children should not be used as translators).

c. Seek the following information from each party involved in the incident:

- Account of events:

- Specific nature of any threats

- Indications of witness tampering or whether the suspect has threatened the victim if she or he seeks help from law enforcement

- Manner in which weapons were used

- Indications of stalking

- Details about claims of strangulation

- Indications of self-defense

- Injuries or impairment:

- Pain

- Effects of strangulation

- Breathing

- Impaired movement

- Emotional state

- Recent use of alcohol or drugs

- Relationship to other parties involved, including witnesses

- Identification, address, and means of locating the person for follow-up

- Presence and type of firearms and other weapons in the home, regardless of whether a weapon was used in the current incident

d. Talk to each witness; document what the witness saw and heard, relationship to the parties involved, date of birth, and a number and address to reach the witness.

e. Be alert to and probe for indications of sexual aggression or coercion, stalking and/or strangulation.

f. Ask the victim if the suspect knows his or her address and phone number(s). If the victim is concerned that the suspect will obtain this information, note that in the report and

inform victim that the information has been marked as confidential, but it is nevertheless possible that the suspect could gain access to it. Follow department protocol to protect victim contact information.

3. Obtain information about the history of violence and stalking from the apparent victim by asking the following three risk questions:
 - a. Do you think he/she will seriously injure or kill you, your children, or someone else close to you?
 - What makes you think so?
 - What makes you think not?
 - b. How frequently does he/she intimidate, threaten, or assault you?
 - Is it changing?
 - Getting worse?
 - Getting better?
 - c. Describe the time you were the most frightened or injured by him/her.
4. Establish whether the victim has been intimidated about cooperating with law enforcement personnel or courts by asking if the suspect has ever threatened the victim for seeking help from law enforcement/courts or others? If so, obtain details.
5. Obtain a description of what each witness saw and heard and the witness's name, date of birth, and contact information.
6. Utilizing *Appendix 1C: Interventions with Victims of Battering as Suspects or Defendants*, be attentive to the need for adjusting interventions to protect both the suspect and victim of the incident.
7. Obtain information from Dispatch using available databases.

D. Establishing Probable Cause

1. Consider the totality of circumstances when making a probable cause determination. In domestic violence cases, totality of circumstances includes:
 - a. Information received from 911
 - b. Each party's account of events
 - c. All parties' and witnesses accounts
 - d. Officer observations which corroborate or negate accounts of events by other parties
 - e. Physical evidence
 - f. Either party's history
 - g. Officer training, experience, and education

2. Attempt to talk with both parties and as many witnesses as practical prior to making a probable cause determination.

E. Arrest Decision

1. Make an arrest decision according to the conditions specified in the policy, including arrests for violations of protection orders or no-contact orders
2. **The Department discourages dual arrests.** Utilize this protocol and the guidance in the training memos to investigate and make an arrest decision when both parties have used or are alleged to have used violence against the other. In Kentucky, the use of physical force by a defendant upon another person is justifiable when the defendant believes that such force is necessary to protect himself against the use or imminent use of unlawful physical force by the other person. **KRS 503.050(1)**. A person not engaged in unlawful activity and who is attacked any place he or she has a right to be has no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force, if he or she reasonably believes it necessary to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a felony involving the use of force. **KRS 503.055(3)**. Where the officer has probable cause to believe that two or more persons committed a misdemeanor or felony, or if two or more persons make complaints to the officer, the officer shall try to determine whether one party acted in self-defense and if not, who was the predominant aggressor. The officer should arrest the predominant aggressor. Where there is probable cause to believe that all parties are equally responsible, the officer should contact his immediate supervisor for assistance in a resolution. Officers should not use mutual arrests as a substitute for a thorough investigation. Arresting both parties is not the preferred response. Factors to consider in mutual violence situations to determine the predominant aggressor:

- The history of domestic disputes/violence between the parties;
- The degree of injury inflicted upon each person keeping in mind that many injuries to the head and body may not be visible at the time;
- Objective and testimonial evidence from the parties and other persons at the scene, including children;
- Whether one person acted in self-defense
- The presence of fear of the parties involved and the level of fear (who is afraid of whom); and
- The likelihood of future injuries

NOTE: An injury inflicted in self-defense is not a basis for an arrest for a violation of a mutual protection order.

- a. Assess whether one party acted in self-defense
- b. Do not arrest a party who acted in self-defense

- c. If neither party acted in self-defense and there is probable cause to arrest both parties, investigate and make an arrest decision regarding the predominant or most dangerous aggressor. Consider who would most likely cause the greater degree of fear and harm to the other if left unrestrained. (See *Appendix 1C: Interventions with Victims of Battering as Suspects or Defendants.*)
 - d. Take the predominant or most dangerous aggressor into custody and document the probable cause determination on the secondary offender in the report.
 - e. The policy allows a dual arrest when an officer believes that there is a compelling public safety issue which requires the arrest of both parties and that both parties pose a significant threat of danger to each other.
3. Conduct the arrest swiftly and safely, once that decision has been made.
 - a. Search and handcuff the suspect prior to placing him or her in the squad.
 4. Make a record of all spontaneous statements by the suspect.
 5. After arriving at the jail, fill out the required documents to hold the defendant. Ensure that the jail has complete and accurate information so that they may enter it into the VINE system (Victim Information Notification Everyday).
 6. After arriving at the jail, attempt to interview all arrested misdemeanor-level domestic abuse suspects who were not interviewed on scene in accordance with *Appendix 3D: Training Memo—Miranda Rights and Domestic Violence Cases.*
 - a. Do not attempt to make a custodial interview of a non-English speaking suspect without the assistance of a translator or translation services

F. Evidence Collection – General

1. Collect and process all relevant evidence from the scene.
2. Photograph injuries and note bruises or other injuries that may require follow-up by investigators.
3. Obtain a medical release from the victim and information about where medical treatment will be sought. Include the following information on the release:
 - a. Date treatment was initially sought or will be sought to the present date
 - b. Victim’s authorization for release of records regarding follow up treatment
4. Photograph disarray at the scene.
5. Photograph damaged property, including all evidence seized as well as broken windows and doors, damage to vehicles, damaged telephones, and similar evidence.
6. Photograph, and if possible, collect damaged property such as broken phones, bloody or torn clothing.
7. NOTE: Do not seize a telephone if it is the only working phone available to the victim. (Local advocacy programs may be able to supply cell phones equipped to call 911.)

8. Collect electronic evidence such as text messages, email, voicemail, etc.

G. Strangulation – Investigation and Evidence Collection

1. Be alert to the signs and symptoms of strangulation.
2. If the victim has any of the symptoms of strangulation, dispatch emergency medical services. See *Appendix 3F: Training Memo—Law Enforcement Response to Strangulation* regarding medical care.
3. Conduct an initial interview of the victim regarding the method of strangulation and its impact, e.g., difficulty breathing, loss of consciousness.
4. If possible, talk with the suspect before making a probable cause determination. Take caution to not inadvertently arrest a person acting in self defense.
5. Document all evidence of strangulation in the written report, using the term “strangulation” rather than “choking,” unless quoting the party interviewed.

H. Stalking – Investigation and Evidence Collection

1. Be alert to the possibility that any single report of domestic abuse could be part of a pattern of stalking behavior. Pay particular attention to repeated violations of protection orders and no contact orders.
2. Ask questions of the victim to determine if the current incident is an isolated event or part of a pattern of behavior.
3. Be aware of the possibility that actions that would not otherwise be illegal or might not cause alarm in another context could be examples of stalking behavior and respond according to *Appendix 3G: Training Memo—Law Enforcement Response to Stalking*.
4. If an arrest is made pursuant to probable cause, search the suspect’s vehicle, if present, for tools and implements used to commit stalking, kidnapping, or related crimes. If necessary, obtain a search warrant.
5. Be alert to the existence of and collect evidence specifically associated with stalking behavior, such as floral deliveries, emails, notes, cards and letters, gifts, and similar evidence.
6. Note in the report information the victim has offered regarding previous acts of stalking or harassment for follow-up by the investigator.

I. Suspect Gone-on-arrival (GOA)

1. In addition to the initial investigation procedures included in this protocol, obtain the following information when the suspect has left the scene (GOA) prior to patrol officers’ arrival:
 - a. Suspect’s name, date of birth, and physical description, including clothing
 - b. Suspect’s direction and mode of travel upon leaving the premises

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- c. Description of the suspect's vehicle, if applicable
 - d. Where the suspect might have gone
 - e. Where the suspect stays when not with the victim
 - f. Whether the suspect has ever interfered with the victim's attempts to seek help, especially from law enforcement
2. Take the following actions when the suspect has left the scene (GOA) prior to patrol officers' arrival:
- a. Search for the suspect on the premises.
 - b. Search for the suspect in the immediate area and the direction and area where the suspect might have fled.
 - c. Check with 911 for other addresses where the suspect might be located. Issue a squad pick-up.
 - Request that 911 air squad pick-up on all active dispatch channels.
 - Issue a be-on-the-lookout alert (specify local procedures.)
 - Note squad pick-up and alert actions in the report.
 - d. Encourage the victim to call 911 if the suspect returns.
 - e. Provide information to the victim about the protective order process, advocacy services, and shelter. If appropriate, offer to file a protective order for victim.
 - f. **NOTE: If a suspect is GOA and probable cause for arrest exists, this department will continue to search for suspect until a warrant is obtained by the officer. If the incident happens on a weekend or holiday, officers will continue to search for suspect until a warrant is obtained on the next business day. If the primary officer is unable to obtain the warrant, a supervisor will assign another officer or investigator to obtain the warrant**
 - g. Offer to transport the victim or arrange for transport to shelter or another safe place if needed.
 - h. Provide whatever assistance is reasonable to help the victim to secure broken doors or windows.
 - i. Collect and process evidence in the same manner as when an arrest has taken place.
 - j. Remain at the scene until the officer believes the likelihood of further violence has been eliminated.
 - k. After leaving the scene, when possible, drive by the residence over the next few hours and return to look for the suspect.
 - l. Prior to clearing the scene, ensure that the victim receives information about victim advocacy services, protection orders and how to request criminal charges.

J. Victim Engagement

1. Work in collaboration with victims and provide specific support and attention to safety.
2. Notify the local advocacy program by telephone at (number) on all domestic-related arrests and gone-on-arrivals as soon as possible.
 - a. Provide the advocacy program with the following information:
 - Case number
 - Victim's name, address and phone numbers
 - Suspect's name and date of birth
 - The charge(s) and whether the suspect was arrested
 - A brief description of the incident
 - Any information regarding the victim's needs (e.g., interpreter, medical treatment and facility, need for shelter)

K. Children at the Scene

1. Check on the welfare of all minors at the scene and determine:
 - a. Names and **dates of birth** of any children present
 - b. Presence and location of any children at the incident
 - c. Physical and emotional condition of any children present
 - d. Child or children's involvement in the incident, if any
2. Attempt to talk with each child at the scene and explain that the officers are there to help and to make sure everyone is safe. Do so immediately, and privately, if possible.
3. Be aware of how the child is responding to the situation and try to reduce the child's anxiety and fear.
4. Be alert to and document any spontaneous and relevant statements made by a child witness.
5. In general, talk to the child about what she or he saw or heard and determine if the child has been injured or directly harmed.
6. Do not interview a child when information available to the officer suggests that it might be harmful. Document the reasons for not interviewing the child or children in the report.
7. Consider the following in determining whether to interview children:
 - a. Child's physical, emotional, or psychological ability to give a statement
 - b. Child's age and ability to understand questions and formulate responses
 - c. Non-offending parent/guardian's preferences as to whether and how to talk with the child or children

8. Avoid subduing or arresting a party in front of children whenever possible.
 - a. If a child witnesses the arrest, talk with the child to provide reassurance that the arrested person will be alright, the child did nothing wrong, the arrest is not their fault, law enforcement is there to help keep everyone safe for the night, and the officer is making the arrest decision.
9. When the actions of the officer result in a situation where no responsible adult will be in the home to care for the children (e.g., dual arrest or a single arrest and the other parent must seek medical treatment), the officer should inquire of the custodial parent if there is someone who can be contacted to care for the children. This information should then be given to the on-call social service worker to assist them in finding an appropriate placement for the children. (Note: For unmarried or dating couples, officers should attempt to determine if paternity of children has been established).
10. Notify Child Protective Services in accordance with the requirements of **KRS 620.040**, Reporting Maltreatment of a Minor, when any of the following occur:
 - a. A child has been injured as a result of an assault.
 - b. A child has been sexually abused.
 - c. A child has been neglected.
 - d. Actions taken by the officer will result in a situation where no responsible adult can be located to care for the child or children.
11. Call for medical assistance or transport the child to the nearest hospital for treatment if a child has been injured and is in need of medical care.

L. Reports – Determination of Probable Cause

1. In all cases resulting in a determination of probable cause that a crime was committed, regardless of the initial coding by dispatch and including cases where the suspect has left the scene, prepare a written report that documents the items included in *Appendix 3L: Domestic Violence Patrol Report Checklist*, attached to this protocol.

M. Reports – Determination of No Probable Cause

1. File a brief report as required by **KRS 209A.120** in cases where there was a domestic relationship but no probable cause that a crime was committed or in cases where the officers could not locate the parties. File this report by entering the information listed below into the CAD system or 911 documentation:
 - a. A brief summary (three to four sentences) of the incident
 - b. Description of the basis for the determination of no probable cause
 - c. Description of the attempts to locate the parties involved, if applicable
 - d. Names and dates of birth of the parties involved

N. Incidents Involving Department Employees

1. Secure the scene and address the safety needs of those present.
2. Request that a supervisor of higher rank than the officer involved be dispatched to the scene.
3. Under the direction of the on-scene supervisor, conduct a criminal investigation, make an arrest decision, and process evidence in accordance with the policy and this protocol.
4. If the arrestee is an officer from the same agency as the responding officer, the on-scene supervisor shall recover that person's badge, law enforcement identification card, and his or her service weapon.
 - a. If circumstances indicate a high risk of danger or potential lethality, the supervisor shall confiscate all weapons at the scene, using the same due process as with any member of the public.
 - b. If the suspect is unwilling to allow officers to take possession of the weapon or weapons, badge, and identification card, the on-scene supervisor will notify the watch commander.
 - c. If the suspect is the chief of police, the senior assistant chief shall be called to the scene.
5. If the arrestee is an officer employed by an agency other than the responding officer's agency, the on-scene supervisor shall notify the suspect's agency of the arrest.
6. The on-scene supervisor shall ensure that the victim is given the required information about the victim's rights and that the referral to the local advocacy program is made in accordance with local agreement.

O. Incidents Involving Public Figures

1. A public figure is defined as an elected official, sports figure, television or radio personality, celebrity, or other well-known person.
2. Request that a supervisor be dispatched to the scene.
3. Under the direction of the on-scene supervisor, conduct a criminal investigation, make an arrest decision, and process evidence in accordance with the policy and this protocol.
4. Notify the department's public information officer to prepare for possible inquiries from the media.
5. Take extra precautions to protect the victim's safety and confidentiality, including:
 - a. Shield the victim from the media.
 - b. Ensure that victim contact information is not included in the report, if so requested by the victim.
6. The on-scene supervisor shall ensure that the victim is given the required information about victims' rights and that the referral to the local advocacy program is made.

DOMESTIC VIOLENCE PATROL REPORT CHECKLIST		
<p>Background and officers' actions:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Time of officers' arrival and time of incident <input type="checkbox"/> Relevant 911 information, including specific details about any violence or threats in the 911 call <input type="checkbox"/> Immediate statements of either party and any witnesses at the scene <input type="checkbox"/> A complete description of the scene <input type="checkbox"/> Note any existing protection or no-contact orders, probation, warrants, prior convictions <input type="checkbox"/> Summarize actions taken by responding officers (e.g., entry, arrest, non-arrest, use of force, attempts to locate, transport, advocacy contact and referrals, victim notification, seizing firearms, rationale for self-defense or primary aggressor determination) <input type="checkbox"/> Account of evidence collected (e.g., pictures, statements, weapons, other) <input type="checkbox"/> Presence of risk factors described in <i>Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases</i> <input type="checkbox"/> If an arrest was not made, the reason why <input type="checkbox"/> When possible, issue a squad pick-up and hold on GOA suspects that are on probation. 	<p>For each witness and party involved:</p> <ul style="list-style-type: none"> <input type="checkbox"/> His/her account of events and responses to follow-up questions <input type="checkbox"/> Officer observation related to the person's account of events <input type="checkbox"/> Identification, address, and means of locating the person for follow-up, including: <ul style="list-style-type: none"> <input type="checkbox"/> Home address and phone number <input type="checkbox"/> Place of employment, work address and phone number <input type="checkbox"/> Cell phone number(s) <input type="checkbox"/> Relationship to other parties <p>For each party involved:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Injuries or impairment, (including pain, strangulation effects, breathing, movement impairment) <input type="checkbox"/> Emotional state/demeanor <input type="checkbox"/> Acts of intimidation or aggression <input type="checkbox"/> Presence or use of weapons <input type="checkbox"/> Alcohol or drug consumption and impairment of those involved 	<p>Information from the victim, including history of violence and stalking and contact information:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Responses to the risk questions: <ol style="list-style-type: none"> 1. Do you think he/she will seriously injure or kill you or your children? What makes you think so? What makes you think not? 2. How frequently and seriously does he/she intimidate, threaten, or assault you? Is it changing? Getting worse? Getting better? 3. Describe the time you were the most frightened or injured by him/her. <input type="checkbox"/> Threats to the victim for seeking help, particularly from law enforcement or courts, and stalking behaviors Name and phone numbers of someone who can always reach the victim (NOTE: Record victim contact information in the confidential section of the report and on the <i>Victim Information Form</i>.) <input type="checkbox"/> Inform the victim that every effort will be made to protect this information, but that it is possible that the suspect could gain access via court order
<p>Additional information related to the suspect:</p> <ul style="list-style-type: none"> <input type="checkbox"/> GOA: details about where the suspect might be and where he/she stays when not at the address of the incident; physical and vehicle descriptions; aliases <input type="checkbox"/> Suspect's county and state of residence during the past ten years <input type="checkbox"/> Whether Miranda is given and/or request for attorney and when this occurred <input type="checkbox"/> Whether a custodial taped interview of the suspect was conducted <input type="checkbox"/> Any spontaneous statements given by the suspect after the arrest 	<p>Additional information related to the case:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Details regarding presence, involvement, and welfare of children at the scene <input type="checkbox"/> Existence of language, communication, or cognition barriers <input type="checkbox"/> Medical help offered or used, facility, and medical release obtained with victim's SSN and appropriate boxes checked <input type="checkbox"/> Presence or involvement of elderly people or people with disabilities 	

Protocol 2: Victim Engagement Guidelines

1. Work in collaboration with victims, cognizant of the principles of “continuing engagement,” as addressed in the training memo accompanying this protocol.
 - a. Whenever possible, minimize the victim’s need to confront the offender.
 - b. When using information provided by the victim, protect her or him from retaliation.
 - c. Treat each interaction with the victim as an attempt to build collaboration over multiple interventions.
 - d. Be mindful of the complex and often dangerous implications of a victim’s cooperation with the legal system.
 - e. 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,” although they may do so in unguarded moments. Take great care to not endanger victims with what they have shared about the offender, the abuse and their situation.
 - f. Engage in dialogue with the victim, thereby avoiding inadvertently treating her or him simply as an information source.
 - g. In order to avoid unintentionally replicating or reinforcing the actions of the abuser, offer a clear alternative to messages that the victim is crazy, at fault, unbelievable, and unable to make decisions and that the abuser is unstoppable.
2. Victim engagement guidelines for patrol officers:

In responding to domestic violence–related calls, conducting the on-scene investigation, and interacting with victims and suspects, take the following specific actions, as appropriate to the circumstances of the case and victim safety:

 - a. Do not tell the perpetrator what the victim has told officers.
 - 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. Remain at the scene until the likelihood of further imminent violence has passed.
 - d. Recognize that remaining calm and professional even if the victim is upset or hostile will enable officers to obtain better information.
 - e. Recognize that the need for assistance may continue beyond the current incident and that the officer’s response will influence whether the victim will view law enforcement as a resource for ending the violence in the future.

- f. Reassure the victim that he or she can continue to call law enforcement if necessary. This is especially true for victims who seem hostile to intervention.
 - g. Be cognizant of the victim's need for privacy and dignity by allowing her or him to change clothes if needed, shielded from on-lookers.
 - h. Obtain a phone number of someone who will always know how to reach the victim and record that number on the Victim Information Form in accordance with department procedure.
 - i. Provide victim with information about shelter, orders for protection and other community resources; preferable a card that provides notice of the domestic abuse victim's rights **KRS 421.500 - 421.576**.
 - j. Recognize that for a variety of reasons a victim may appear hostile to officers even if she or he asked for help. If officers are patient and calm in the face of that hostility it will often dissipate over time; that is, initial hostility is likely to dissipate three or four calls later, but probably not five or ten minutes later.
 - k. Recognize that 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. Become familiar with *Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases* and the accompanying *Appendix 1B: Training Memo—Risk and Dangerousness*, and use them to focus questions about risk.
 - l. Recognize that the officer's need for specific information may compete with the victim's need to talk on his or her own terms.
 - m. Recognize that better information is usually obtained by asking open-ended questions and following up on responses to those questions.
 - n. Reassure the victim that the violence is not her or his fault, that she or he did the right thing by calling law enforcement, and that officers will take appropriate action to protect the victim.
 - o. Provide messages of help, reassurance, and protection.
- 3. Victim engagement guidelines for investigators:**
- In conducting the investigation and interacting with victims and suspects, take the following specific actions, as appropriate to the circumstances of the case and victim safety.
- a. Do not tell the suspect what the victim has told you.
 - b. If circumstances allow, do not tell the suspect you have spoken to the victim.
 - c. Treat each contact with the victim as an opportunity to build a continuing relationship.
 - d. Be patient with victims who may be hostile and less than appreciative of your efforts. Over time, if treated well, most victims will participate in a collaboration to stop the violence.
 - e. Ensure that the victim knows who you are and how to contact you.

- f. Encourage the victim to report contact, abusive behavior and/or violations by the suspect.
- g. Request that the victim report any threats made by the offender for cooperating with the investigation.
- h. 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.
- i. Inform victim of the availability of periodic "welfare" checks at her or his residence by officers.
- j. Problem solve with the victim around enhancing safety as the case proceeds through the legal system.
- k. If the victim is willing to talk about the full scope of abuse and violence, ask for details and record all credible reports of violence, stalking, coercion, intimidation, and related acts of abuse
- l. Inform the victim of the availability of community services that will support and enhance safety.
- m. Ask open-ended questions which are more likely to produce information than narrow questions.
- n. Provide the victim with the phone number of the local advocacy program for safety planning and services. (See *Appendix 1C: Training Memo—Interventions with Victims of Battering as Suspects or Defendants* for referrals involving victims who are suspects.)
- o. If the victim and/or witnesses do not speak English, contact appropriate interpreter services.
- p. For follow-up interviews, do not use neighbors or family members (specify local procedures for interpreter services).
- q. Provide messages of help, reassurance, and protection, using the guidance provided by *Appendix 3K: Training Memo—Victim Engagement and the Law Enforcement Response to Domestic Violence*

APPENDICES TO POLICY ON PATROL RESPONSE

The following appendices are included as part of the patrol response policy:

- *Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases*
- *Appendix 1B: Training Memo—Risk and Dangerousness*
- *Appendix 1C: Interventions with Victims of Battering as Suspects or Defendants*
- *Appendix 1E: History of Domestic Violence Summary*
- *Appendix 2E: Training Memo—911 Attention to Violence*

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- *Appendix 3A: Training Memo—Law Enforcement Response to Persons with Disabilities*
- *Appendix 3B: Training Memo—Gone-on-Arrival (GOA) Cases*
- *Appendix 3C: Training Memo—Making the Arrest Decision*
- *Appendix 3D: Training Memo—Miranda Rights and Domestic Violence Cases*
- *Appendix 3E: Training Memo—Implications of Crawford and Forfeiture by Wrongdoing*
- *Appendix 3F: Training Memo—Law Enforcement Response to Strangulation*
- *Appendix 3G: Training Memo—Law Enforcement Response to Stalking*
- *Appendix 3H: Training Memo—Response to Children in Domestic Violence–Related Calls*
- *Appendix 3I: Training Memo—How a Defense Attorney Reads a Domestic Violence–Related Report*
- *Appendix 3J: Training Memo—How a Prosecutor Reads a Domestic Violence–Related Report*
- *Appendix 3K: Training Memo—Victim Engagement & the Law Enforcement Response to DV*
- *Appendix 3L: Domestic Violence Patrol Report Checklist*

See the Madison County Blueprint for Safety Appendix for appendices referenced in the policy and protocols.

LAW ENFORCEMENT—CONDUCTING INVESTIGATIONS

FRAMEWORK: CONDUCTING INVESTIGATIONS IN DOMESTIC VIOLENCE-RELATED CASES

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.

POLICY: CONDUCTING INVESTIGATIONS

In addition to adhering to general department policy, the investigative unit will take the following actions in conducting investigations in domestic violence–related cases, using the protocols and appendices referenced and included as part of this policy.

1. Implement the provisions of this policy in accordance with **Protocol 3: Domestic Violence Investigations**.
2. The supervisor shall promptly review every domestic violence–related report where an officer has determined that probable cause exists that a crime was committed and assign the case for follow-up investigation; or send the report to the charging attorney with no further investigation.
3. In cases where a primary investigation centers on a non-domestic crime but a domestic violence–related crime was also involved in the case, fully investigate the domestic-related crime.
4. Conduct investigations supplementing the initial law enforcement investigation at the scene.
5. Prioritize investigation of cases where the suspect is gone-on-arrival in the same manner as in-custody cases and take victim safety into account.
6. Engage with the victim or victims in a way that prioritizes safety, offers resources, builds collaboration over time, and increases access to services and protection in accordance with **Protocol 2: Victim Engagement Guidelines**.
7. If a case that the investigator believes has strong merit is declined by the prosecuting authority, request the specific reason for the decision to decline and explore the possibility of further investigation to support prosecution. If the prosecutor remains reluctant to

proceed with the case, discuss it with the investigative unit supervisor for further follow-up.

The unit supervisor shall review cases regularly as appropriate with the prosecutor's office and shall meet quarterly with prosecutors to review and discuss recurring issues.

8. In cases where the prosecutor has insufficient evidence to charge the case but believes that further investigation would likely produce enough evidence to charge, the prosecutor will designate the case for release pending further investigation and return the case to the investigator specifying what additional investigation actions should be taken and designating a time period in which to gather the information.

If there is still insufficient evidence to charge at the end of the additional investigation period, the prosecutor will decline the case and promptly inform the investigator.

9. Be alert for crimes that often occur in domestic violence situations and investigate according to the related training memos; such crimes include:
 - a. Stalking/harassment
 - b. Strangulation
 - c. Sexual coercion and sexual aggression
 - d. Witness tampering
10. Conduct all investigations involving department employees and law enforcement personnel as suspects, in accordance with this policy and protocol.
11. Conduct all investigations involving a public figure in accordance with this policy and protocol, regardless of the socioeconomic status or prominence of the suspect.
12. Determine if the suspect is on probation; if so, notify probation of the circumstances of the case, including any offenses where the suspect left the scene and has not been located.

Protocol 3: Domestic Violence Investigation

A. Case Assignment

1. Regardless of whether the offender is in custody or out of custody (GOA), cases with one or more of the following factors will receive the highest priority in case assignment:
 - a. An imminent time deadline before which the suspect must be charged or released
 - b. Significant injury or impairment
 - c. Strangulation or stalking behavior has been alleged
 - d. A victim's response to risk questions indicates significant risk of harm
 - e. A victim expresses fear of imminent bodily harm
2. Cases with one or more of the following factors will receive secondary priority in case assignment:

- a. Minor injury or no injury, except where the prosecutor has requested an investigation
- b. No indication of ongoing abuse or victim intimidation by the suspect
3. No follow-up investigation will be assigned on cases involving:
 - a. Misdemeanors where the initial investigation is complete
 - b. Cases without probable cause
4. Follow-up investigation for in-custody misdemeanor cases will occur after charging at the request of the county attorney.
5. Cases shall be evaluated for multiple charges and joint investigation.
 - a. The investigative unit supervisor shall evaluate cases for multiple charges, both domestic-related and non-domestic-related.
 - b. If there is the possibility of multiple charges, the investigator will thoroughly investigate all crimes.
6. If it appears that the suspect is a victim of ongoing abuse by the victim of this incident, assign the case to an investigator with instructions to follow the procedures in *Appendix 1C: Training Memo—Interventions with Victims of Battering as Suspects or Defendants*.

B. Investigation

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, including the person who called 911 and children, if the initial interview was incomplete or missing important information.
3. Apply the following considerations in determining whether to conduct follow-up interviews with children:
 - a. The child’s physical, emotional, or psychological ability to give a statement
 - b. The child’s age and ability to understand questions and formulate responses
 - c. The non-offending parent or guardian’s preferences as to whether and how to talk with the children.
4. Arrange for a follow-up interview with the victim.
 - a. Inquire about her welfare and safety.
5. Provide referral information regarding advocacy support, restraining orders, and other community supports.
6. Conduct a thorough interview with the victim that includes attention to:
 - a. Her or his 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

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- 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
- 7.** Conduct the domestic violence risk assessment with the victim, in accordance with *Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases*, *Appendix 1B: Training Memo—Risk and Dangerousness* and *Appendix 1C: Training Memo—Interventions with Victims of Battering as Suspects or Defendants*.
- a. Review the victim's response to the risk questions included in the patrol report.
 - b. If it appears there is a history of violence, ask follow-up risk questions. Cover the following risk factors and as time allows probe for what the victim thinks are the risks associated with each factor.
 - Does he/she own a gun?
 - Have you left after living together?
 - Does he/she ever try to strangle you?
 - Has he/she ever used a weapon against you or threatened you with a weapon?
 - Has he/she threatened to kill you or himself/herself?
 - Has he/she avoided arrest for domestic violence?
 - Does he/she use drugs? If so, what kind and with what effect?
 - Has he/she ever forced you to have sex when you didn't want to?
 - Does he/she control many of your daily activities (e.g., friendships, whether or when your family can visit, travel)?
 - Is he/she jealous of you?
 - Does he/she follow or spy on you or leave threatening notes or messages?
 - Do you have a child that is not his/hers?
 - Has he/she beaten you when you were pregnant?
 - Has he/she ever threatened or tried to commit suicide?
 - Is he/she working?
 - Is he/she an alcoholic or problem-drinker?
- 8.** In the victim interview and risk assessment, probe for details related to:
- a. Severity and frequency of abuse
 - b. Victim's level of fear
 - c. Isolation

- d. History of violence (whether or not it resulted in law enforcement contact)
- 9. Follow up on any indications or suspicions of strangulation, stalking, witness tampering, or sexual coercion or aggression.
- 10. Record all statements as required by law and in other situations whenever possible.
- 11. Obtain all medical reports after verifying signed release.
- 12. Run a comprehensive criminal history check. Document all history of abuse by obtaining:
 - a. Past law enforcement reports on the offender
 - b. Past and current protection orders including the Petition and Affidavit portion, and any existing no contact orders issued by a criminal court
 - c. In cases of stalking or increased risk of harm (per risk assessment), law enforcement reports from other jurisdictions within and outside the state
 - d. NOTE: Gathering law enforcement reports from other jurisdictions may occur after charging, but before pre-trial in order to amend charges if appropriate prior to pre-trial negotiations.
- 13. Collect all evidence related to the case, including:
 - a. Follow-up photographs of injuries at 24, 48, and 72 hours in cases where bruises may develop after the initial response
 - b. Physical evidence not collected by the responding patrol officers
 - c. Any weapons used in the incident
 - NOTE: 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.
 - d. Recordings/printouts of relevant voice mail, e-mail, text messages, etc.
- 14. Make note of information missing from the patrol reports and convey incomplete reports to the investigative unit supervisor. The investigative unit supervisor will return incomplete reports to appropriate patrol commander for review and a supplement, if necessary.
- 15. Make immediately available to the probation officer conducting a presentence investigation the following information:
 - a. Instant offense
 - b. All information related to the criminal history check and history of abuse
 - c. Responses to the victim interview and risk questions, with attention to the type, severity, and frequency of violence; the victim's level of fear and degree of isolation
 - d. All supplemental reports of interviews with witnesses

C. Gone-on-arrival (GOA) cases

1. In cases where the offender was not arrested at the scene, cases with one or more of the following factors will receive the highest priority:
 - a. Significant injury or impairment
 - b. Witness tampering, strangulation or stalking behavior has been alleged
 - c. A victim's response to risk questions indicates increased risk of harm
 - d. A victim expresses fear of imminent bodily harm
2. Follow Section B-Investigation of the protocol in conducting the investigation of GOA cases.
3. Before interviewing the victim, determine if the victim is safe and able to speak freely.
4. Inform the victim that the investigator will attempt to interview the suspect.
5. 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.
6. Determine whether the suspect is on probation for a misdemeanor offense; if so, consider forwarding the incident report and contacting the probation officer to discuss whether a pick-up-and-hold should be issued.
7. If the charge is a felony, issue a pick-up-and-hold.
8. Warrants for offenders who cannot be located after a reasonable amount of time and effort should be periodically reviewed as time and personnel permit. Priority for follow-up is given to warrants for violent offenders. See Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases. When new information becomes available (for example, from advocacy programs, victims, the law enforcement, the courts, prosecution, probation, or the public), make new attempts to locate defendants as time and resources permit; give priority to domestic violence felonies and misdemeanor domestic violence cases with high risk indicators.
9. When the suspect is in custody, conduct the suspect interview at the jail.
10. Notify the victim of the prosecutor's charging decision.
 - a. Ensure that the victim has information regarding advocacy and civil protection orders.
 - b. Encourage the victim to call law enforcement again if new incidents occur.

D. Victim engagement

1. In conducting the investigation, work in collaboration with victims according to **Protocol 2: Victim Engagement Guidelines**.
2. When using information provided by the victim, protect her/him from retaliation.

- a. Do not tell the suspect what the victim has told you.
- b. If circumstances allow, do not tell the suspect you have spoken to victim.
3. Ensure that the victim knows who you are and how to contact you.
4. Encourage the victim to report contact, abusive behavior and/or violations by the suspect.
5. Request that the victim report any threats against her/him for cooperating with the investigation.
6. 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.
7. Inform the victim of the availability of periodic "welfare" checks at her/his residence by officers.
8. Problem solve with the victim around enhancing safety as the case proceeds through the legal system.

E. Declined cases

1. Notify the victim of the prosecutor's decision.
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.

If the charging attorney indicates additional investigation might result in charges, continue the investigation as requested by the prosecutor.

3. 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.
4. 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.

F. Stalking

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

G. Strangulation

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

H. 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.

I. Cases involving employees

1. Conduct the investigation following general policies and procedures and this protocol.
2. 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.
3. Contact local advocacy program for assistance in referring the victim for safety planning and services.
4. Deliver all reports and information obtained to the suspect's commander at the completion of the investigation.
5. Refer all incidents involving law enforcement personnel for review by the prosecuting authority.
6. In appropriate cases, discuss referring case to the state crime bureau or another jurisdiction with an investigative unit supervisor.

J. 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 contact information from the report if requested by the victim.
5. Contact local advocacy program for assistance in referring the victim for safety planning and services.

APPENDICES TO POLICY ON CONDUCTING INVESTIGATIONS

The following appendices are included as part of the investigation policy:

- *Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases*
- *Appendix 1B: Training Memo—Risk and Dangerousness*
- *Appendix 1C: Training Memo—Interventions with Victims of Battering as Suspects or Defendants*
- *Appendix 1E: History of Domestic Violence Summary*
- *Appendix 3E: Training Memo—Implications of Crawford and Forfeiture by Wrongdoing*

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- *Appendix 3F: Training Memo—Law Enforcement Response to Strangulation*
- *Appendix 3G: Training Memo—Law Enforcement Response to Stalking*
- *Appendix 3H: Training Memo—Response to Children in Domestic Violence–Related Calls*
- *Appendix 3I: Training Memo—How a Defense Attorney Reads a Domestic Violence–Related Report*
- *Appendix 3J: Training Memo—How a Prosecutor Reads a Domestic Violence–Related Report*
- *Appendix 3K: Training Memo—Victim Engagement and the Law Enforcement Response to Domestic Violence*
- *Appendix 3O: Follow-up Investigations and Expanded Attention to Risk*

See the Madison County Blueprint for Safety Appendix for appendices referenced in the policy and protocols.

LAW ENFORCEMENT—SUPERVISING INVESTIGATIONS

FRAMEWORK: SUPERVISING INVESTIGATIONS IN DOMESTIC VIOLENCE-RELATED CASES

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 commander 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. Implement the provisions of this policy in accordance with **Protocol 4: Supervising Investigations**.
2. Monitor investigative files to determine if all necessary actions were taken in the investigation, and direct any necessary follow-up.
3. Prepare a report outlining whether patrol reports sent to the investigative unit comply with the patrol report protocol.
4. Meet every other month with division commanders to discuss quality and compliance of patrol reports with the protocol and refer reports to commander for review and redrafting if necessary.
5. Meet quarterly with the city and county attorney’s offices to discuss and review problematic cases.
6. Meet quarterly with probation and prosecution to ensure the History of Domestic Violence Summary (see *Appendix 1D: History of Domestic Violence Summary Instructions and Sample*) is being created and updated in accordance with protocols.

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7. Prepare a quarterly case tracking report to be sent to the assistant chief of the investigative division.
8. Consult with investigators on individual cases.
9. Review Blueprint policies, protocols, and training memos with new investigators assigned to the unit within 30 days of their assignment.
10. Update policies and protocols each year pursuant to legislative, statutory changes.

Protocol 4: Supervising Investigations in Domestic Violence–Related Cases

1. Ensure that every investigator is familiar with policies and procedures.
2. Review investigation files for thoroughness and if not satisfactory return to the investigator with specific instructions on actions to take.
3. Provide consultation to investigators on cases as needed.
4. Monitor investigations to determine:
 - a. If additional training is necessary in investigative techniques (e.g., interviewing, self-defense and predominant aggressor evaluation)
 - b. If additional training is necessary in the specifics arising in domestic violence-related cases
5. If additional training is warranted, direct the investigator to appropriate training and continue monitoring to determine effectiveness of training.
6. Compile and submit a case tracking report that includes:
 - 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
7. Review Blueprint policies, protocols and training memos with new investigators assigned to the unit within 30 days of assignment.
8. Update Blueprint policies and protocols yearly to comply with legislative statutory changes.
9. Assistant Chief will review five to ten randomly selected files every six months for completeness, using the case review checklist appended to this protocol.
 - a. Number of cases investigated
 - b. Number of cases charged (misdemeanors, gross misdemeanors, and felonies)

- c. Number of cases declined (misdemeanors, gross misdemeanors, and felonies)

APPENDICES TO POLICY ON SUPERVISING INVESTIGATIONS

The following appendices are included as part of the investigation supervisory policy:

- *Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases*
- *Appendix 1B: Training Memo—Risk and Dangerousness*
- *Appendix 1C: Training Memo—Interventions with Victims of Battering as Suspects or Defendants*
- *Appendix 1D: History of Domestic Violence Summary Instructions and Sample*
- *Appendix 3E: Training Memo—Implications of Crawford and Forfeiture by Wrongdoing*
- *Appendix 3F: Training Memo—Law Enforcement Response to Strangulation*
- *Appendix 3G: Training Memo—Law Enforcement Response to Stalking*
- *Appendix 3H: Training Memo—Response to Children in Domestic Violence–Related Calls*
- *Appendix 3I: Training Memo—How a Defense Attorney Reads a Domestic Violence–Related Report*
- *Appendix 3J: Training Memo—How a Prosecutor Reads a Domestic Violence–Related Report*
- *Appendix 3K: Training Memo: Victim Engagement & Law Enforcement Response to DV*
- *Appendix 3M: Supervising Domestic Violence Investigations—Case Review Checklist*
- *Appendix 3O: Follow-up Investigations and Expanded Attention to Risk*

See the Madison County Blueprint for Safety Appendix for appendices referenced in the policy and protocols.

LAW ENFORCEMENT—SUPERVISING THE PATROL RESPONSE

FRAMEWORK: SUPERVISING THE PATROL RESPONSE TO DOMESTIC VIOLENCE-RELATED CASES

The success of the interagency approach hinges largely on what happens in the first hour of each case. The patrol officer's role in laying a foundation for all subsequent interventions cannot be over-emphasized. Patrol supervisors, in turn, relay the department's priorities and expectations, thereby reinforcing the interagency response and the patrol officer's key role. This is accomplished by supervisors periodically attending domestic violence calls at the scene, reviewing reports on a daily basis, and providing more in-depth review of reports as needed to maintain the department's report-writing standards and reinforce the importance of thorough patrol reports to the overall safety and accountability goals of the interagency approach.

POLICY: PATROL SUPERVISION

In addition to following general agency policy, patrol sergeants and department command will take the following actions in providing supervisory oversight in domestic violence-related cases, using the protocols and appendices included in this policy.

1. Implement the provisions of this policy in accordance with **Protocol 5: Supervising the Patrol Response to Domestic Violence**.
2. Monitor responding officers' on-scene activities and compliance with policy by periodically appearing on the scene of domestic calls and assessing the patrol response.
3. Review patrol reports for accuracy and completeness using *Appendix 3N: Supervising Patrol Response to Domestic Violence—Patrol Report Checklist*.
4. Respond to patrol officers' requests to approve decisions to not arrest in misdemeanor cases where probable cause has been established.
5. Respond to department employee-involved domestic violence calls by ensuring that a supervisor of higher rank than the involved officer is dispatched to the scene.
6. Ensure that patrol officers receive and are introduced to domestic violence response policies and protocols and related appendices and training memos.

Protocol 5: Supervising the Patrol Response to Domestic Violence

1. Assess the on-scene patrol response to domestic violence-related calls, including:
 - a. Skill in securing the scene and managing the immediate crisis

- b. Skill in obtaining initial information from those at the scene
 - c. Thorough assessment and documentation of probable cause determinations
 - d. Awareness of potential stalking, strangulation, and witness tampering
 - e. Skill and thoroughness in identifying, photographing (or arranging for photographs) of injuries and relevant evidence, and collecting physical evidence
 - f. Professional and competent treatment of those at the scene, including victims, children, people with disabilities, older victims
 - g. Prompt referral to advocacy
 - h. Conscientious attention to the security of the victim by making reasonable efforts to secure broken doors or windows, obtain a cell phone to call 911, etc.
2. Conduct daily and ongoing reviews of patrol officers' reports.
 - a. Use the Law Enforcement Report Checklist attached to **Law Enforcement Protocol 1: Patrol Response to Domestic Violence–Related Calls**, to review daily reports submitted by officers and approve or send back for corrections.
 - b. If the suspect is in custody and the author of the report is off-duty, approve the report and notify the investigative unit supervisor of the errors in the report.
 - c. On a quarterly basis, randomly select two reports of each officer and conduct a thorough review of the reports using *Appendix 3N: Supervising Patrol Response to Domestic Violence—Patrol Report Checklist*. Where reports do not meet the standards, meet with the officers to provide feedback and guidance.
 - d. Periodically review a sample of reports submitted by officers in cases involving a determination of no probable cause to review compliance with policy and protocol.
 3. Approve officers' decisions to not arrest in misdemeanor cases where probable cause has been established in accordance with departmental arrest policy and emphasis on avoiding unnecessarily placing children in foster care as the primary reason for no arrest in such cases.
 4. In responding to department employee–involved domestic violence, take the following action:
 - a. Recover the officer's badge, ID, and service weapon.
 - b. If the situation is deemed to be highly dangerous, remove all weapons from the scene on the same basis as any member of the public.
 - c. Supervise the on-scene investigation.
 5. Introduce and provide officers with appendices and training memos related to policies and protocols governing the patrol response to domestic violence cases.
 - a. Patrol sergeants: introduce each of the appendices and training memos and review them with patrol during roll call.

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- b. Post appendices and training memos via e-mail.
- c. Direct officers to read and confirm that they have read the documents pursuant to established procedures.

APPENDICES TO POLICY ON SUPERVISING THE PATROL RESPONSE

The following appendices are included as part of the patrol supervision policy:

- *Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases*
- *Appendix 1B: Training Memo—Risk and Dangerousness*
- *Appendix 1C: Interventions with Victims of Battering as Suspects or Defendants*
- *Appendix 1D: History of Domestic Violence Summary Instructions and Sample*
- *Appendix 3A: Training Memo—Law Enforcement Response to Persons with Disabilities*
- *Appendix 3B: Training Memo—Gone-on-Arrival (GOA) Cases*
- *Appendix 3C: Training Memo—Making the Arrest Decision*
- *Appendix 3D: Training Memo—Miranda Rights and Domestic Violence Cases*
- *Appendix 3E: Training Memo—Implications of Crawford and Forfeiture by Wrongdoing*
- *Appendix 3F: Training Memo—Law Enforcement Response to Strangulation*
- *Appendix 3G: Training Memo—Law Enforcement Response to Stalking*
- *Appendix 3H: Training Memo—Response to Children in Domestic Violence–Related Calls*
- *Appendix 3I: Training Memo—How a Defense Attorney Reads a Domestic Violence–Related Report*
- *Appendix 3J: Training Memo—How a Prosecutor Reads a Domestic Violence–Related Report*
- *Appendix 3K: Training Memo—Victim Engagement & Law Enforcement Response to DV*
- *Appendix 3L: Domestic Violence Patrol Report Checklist*
- *Appendix 3N: Supervising Patrol Response to Domestic Violence—Patrol Report Checklist*

See the Madison County Blueprint for Safety Appendix for appendices referenced in the policy and protocols.

DEFENITIONS

1. **“Domestic Violence and Abuse”** means physical injury, serious physical injury, stalking, sexual abuse, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault between family members or members of an unmarried couple. **KRS 403.720 (1)**

2. **“Family Member”** means a spouse, including a former spouse, a grandparent, a grandchild, a parent, a child, a stepchild, or any other person living in the same household as a child if the child is the alleged victim. **KRS 403.720(2).**

3. **“Member of an Unmarried Couple”** means each member of an unmarried couple which allegedly has a child in common, any children of that couple, or a member of unmarried couples; who is living together or have formerly lived together. **KRS 403.720(5)**

4. **“Dating Relationship”** means a relationship between individuals who have or have had a relationship of a romantic or intimate nature. It does not include a casual acquaintanceship or ordinary fraternization in a business or social context. The following factors may be considered in addition to any other relevant factors in determining whether the relationship is or was of a romantic or intimate nature:

(a) Declarations of romantic interest;

(b) The relationship was characterized by the expectation of affection;

(c) Attendance at social outings together as a couple;

(d) The frequency and type of interaction between the persons, including whether the persons have been involved together over time and on a continuous basis during the course of the relationship;

(e) The length and recency of the relationship; and

(f) Other indications of a substantial connection that would lead a reasonable person to understand that a dating relationship existed. **KRS 456.010(1)**

5. **“Dating violence and abuse”** means physical injury, serious physical injury, stalking, sexual assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault occurring between persons who are or have been in a dating relationship. **KRS 456.010(2)**

6. **“Sexual Assault”** refers to conduct prohibited as any degree of rape, sodomy, or sexual abuse under KRS Chapter 510 or incest under KRS 530.020. **KRS 456.010(6).**

7. **“Stalking”** refers to conduct prohibited as stalking under KRS 508.140 or 508.150. **KRS 456.010(7)**

Additional Definitions Provided by the Kentucky League of Cities (KLC) Law Enforcement Model Policy on

8. **“Domestic Disturbance or Dispute Call”** means a call involving an argument or disagreement between family members, unmarried couples, or household members.

9. **“Domestic Violence Call” & “Dating Violence Call”** means a call where an adult, child, or family member or member of an unmarried couple or persons who have been in a dating relationship is alleged to be the victim of:

- (a) Physical injury or fear of imminent physical injury (explicit or implied threats);
- (b) Sexual abuse or in fear of imminent sexual abuse;
- (c) Unlawful imprisonment/kidnapping;
- (d) Property crime;
- (e) Stalking; or,
- (f) Violation of terms or conditions of a protective order by the other party.

10. **“Victim or Complainant”** means any person who has been subjected to threats of or actual domestic and abuse or dating violence and abuse. This includes persons who, at that time, may be reluctant to see the perpetrator.

11. The statues do not define “couple” or “living together”. Officer should make a determination of whether or not parties are a “couple” or “living together” without being influenced by gender or sexual orientation or whether or not sexual activity is involved.

Protective Orders

12. **“Emergency Protective Orders” (“EPO”)** means an ex parte court order (an order issued at the request of one party without a hearing) issued under the provisions of **KRS 403.730** against a family member or a member of an unmarried couple who has been determined to present an immediate and present danger and which is valid for up to 14 days (the date of expiration should appear on the order).

13. **“Temporary Interpersonal Protective Orders” (“TIPO”)** means an ex parte order (an order issued at the request of one party without a hearing) issued under the provisions of **KRS 456.040** against a person who is or has been in a dating relationship, the alleged perpetrator of sexual assault or stalking (where a relationship may or may not exist between the perpetrator and victim) who has been determined to present an immediate and present danger and which is valid for up to 14 days (the date of expiration should appear on the order).

NOTE

- (a) The officer seeking to enforce the order shall determine that certain conduct has been prohibited on the order form or in the LINK system. He/she cannot assume that any particular provision is in force.
- (b) The officer must also determine whether service or notice of the order has been completed

14. **“Mutual Protection Order”** is an order of protection against both the Petitioner and Respondent only if each has filed a separate petition seeking protection against the other. The order must be specific so as to make clear to any peace officer which party violated the order. **KRS 402.745(4).**

NOTE: Out-of-state mutual protection orders are enforceable only if the issuing court has made specific findings that each party in a separate order was entitled to an order of protection.

15. **“Domestic Violence Order” (“DVO”)** means a court order issued under the provisions of **KRS 403.750** following a hearing against a family member or a member of an unmarried couple where the court has found violence has occurred and is likely to occur again. In Kentucky, a “DVO” is valid for up to three years (the date of expiration should appear on the order.)

16. **“Interpersonal Protective Order” (“IPO”)** means a court order issued under the provisions of **KRS 456.060** following a hearing against a person who is or has been in a dating here the court has found violence has occurred and is likely to occur again. In Kentucky, an IPO is valid for up to three years (the date of expiration should appear on the order.)

17. **“Interpersonal Protective Order” (“IPO”)** means a court order issued under the provisions of **KRS 456.060** following a hearing against a person who is or has been in a dating relationship, a victim of sexual assault or stalking where the court has found violence has occurred and is likely to occur again. In Kentucky, an IPO is valid for up to three years (the date of expiration should appear on the order.)

18. **“Foreign Protective Order” (“FPO”)** means any judgment, decree, or order of protection issued by a court of any state of the United States or tribal court which is entitled to full faith and credit in this state pursuant to 18 U.S.C. sec 2265. **KRS 403.7521(1).** Foreign Protective Orders shall be enforced as written.

NOTE: Out-of-state orders may not have an expiration date and may even contain provisions which could not otherwise be issued by Kentucky Court.

Adult Abuse or Neglect/Exploitation

19. **“Abuse”** means the infliction of injury, sexual abuse, unreasonable confinement, intimidation, or punishment that results in physical pain or injury, including mental injury. **KRS 209.020(8).**

20. **“Neglect”** means a situation in which an adult is unable to perform or obtain for himself the services which are necessary to maintain his health or welfare, or the deprivation of services by a caretaker which are necessary to maintain the health and welfare of an adult, or a situation in which a person deprives his spouse of reasonable services to maintain health and welfare. **KRS 209.020(15).**

21. **“Adult”** means a person eighteen (18) years of age or older or a married person without regard to age, who because of mental or physical dysfunction, or who is the victim of abuse or neglect inflicted by a spouse, is unable to manage his own resources, carry out the activities of daily living, or protect himself from neglect, hazardous or abusive situations without assistance from others and may be in need of protective services; or a person without regard to age who is the victim of abuse and neglect inflicted by a spouse. **KRS 209.020(4).**

22. **“Exploitation”** means the improper use of an adult or an adult’s resources by a caretaker or other person for the profit or advantage of the caretaker or other person. **KRS 209.020(8).**

Abuse or Neglected/Dependent Child Definitions

22. **“Abused or Neglected Child”** means a child whose health or welfare is harmed or threatened with harm when his parent, guardian or other person exercising custodial control or supervision of the child, inflicts or allows to be inflicted upon the child physical or emotional injury by other than accidental means; commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child; creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child; abandons or exploits such child; does not provide the child with adequate care, supervision, food, clothing, shelter and education or medical care necessary for the child’s well-being; a person twenty-one (21) years or older commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon a child less than sixteen (16) years of age. The relationship between the adult and juvenile does not have to be custodial in nature. A parent or other person exercising custodial control or supervision of the child legitimately practicing his religious beliefs shall not be considered a negligent parent solely because he fails to provide specified medical treatment for a child for that reason alone. This exception shall not preclude a court from ordering necessary medical services for a child. **KRS 600.**

23. **“Dependent Child”** means any child, other than an abused or neglected child, who is under improper care, custody, control, or guardianship that is not due to an intentional act of the parent, guardian, or person exercising custodial control or supervision of the child. **KRS 600.020 (19).**

24. **“Person Exercising Custodial Control or Supervision”** means a person or agency that has assumed the role and responsibility of a parent or guardian for the child, but that does not necessarily have legal custody of the child. **KRS 600.020 (45).**

CHAPTER 3 ENDNOTES

1. Risk markers that are clearly documented and clearly communicated are important for practitioners' and victims' accurate assessment of danger. (Kropp, 2008) Russell and Light (2006, p. 387) suggest a focus on evidence that will prove a pattern and escalation over time. Buzawa, et al. (1998, p. 198) suggest the level and conditions of an intervention could be linked to risk markers made visible for each offender.

Gondolf (2012, p.193) is adamant that a one-time, stand-alone assessment is not enough. He argues that risk is dynamic, it changes at each point of intervention and with each shift in a relationship.

2. Worden (2000, p. 7) notes that "the quality of police report writing and investigation may spell success or failure for evidence-based prosecution initiatives". In Hartley and Ryan's (2003, p. 16) study of prosecution strategies, they warn that "victim character assassination seemed especially intense in cases in which the investigation was incomplete or there was a lack of physical evidence. Worden (2000, p. 7) notes the importance of thorough investigation, documentation, and reporting to convictions and findings of probable cause.

3. An estimated 42-66% of suspects are gone upon police arrival (Klein, 2008, Part 1, p. 17).

In the Quincy study of a proactive court model, "Offenders who left the scene had twice the number of past criminal charges and twice the recidivism rate of those present when police arrive." (Buzawa, et al., 2000, p.22)

Data from 25 police departments in four states found that slightly more offenders who left the scene had prior records of abuse (36.8%) than those who did not leave the scene (30.3%). (*Hirschel and Buzawa, 2013, p. 1096*)

In one study, 40% of the offenders had left the scene and those offenders were "more than five times less likely to be arrested." (*Ibid., p. 1079*)

4. Batterers can be very resistant to change (Goodkind, et al. 2004, p. 515); 20% of offenders will re-assault regardless of the intervention (Gondolf and White 2001, p. 361). However, a number of research studies suggest that a coordinated intervention can have a positive, even cumulative, effect on the behavior of the offender (Murphy et al., 1998, p. 278; Robinson and Tregidga, 2007; Saunders, 2008, p. 165; Syers and Edleson, 1992, p. 484; Tolman and Weisz, 1995, p. 482; Worden, 2003, p. 13).

Blueprint policies and protocols for law enforcement work in domestic violence cases includes a detailed response to cases where the suspect is gone on arrival. Hirschel and Buzawa (2013, p. 1096) suggest that determining the success of proactive statutes and policies should also include those who leave the scene.

5. Interaction with an officer sets the tone for a victim's satisfaction with the criminal justice system, cooperation with prosecution, and inclusion of criminal justice as a future resource in safety planning (Belknap, 2003, p. 6; Hotaling and Buzawa, 2003b; Johnson, 2007, p. 507; Russell and Light, 2006). Victims who felt the police response did not provide for their safety were less likely to report re-abuse (Hotaling and Buzawa, 2003b, p. 20).

Russell and Light (2006) found that victims responded well to police when officers were proactive and part of an integrated team. Victims who were offered emergency transportation or notification of the offender's release (Russell & Light, 2006, p. 390), certified translators and culturally appropriate resources (Lemon, 2006), or were met with a demeanor that was empathetic and nonjudgmental (Belknap, 2003) were more likely to be empowered by their interaction with the police.

6. Bonomi et al. (2006, p. 1360) report that victims called the police when the incident involved a weapon, sexual abuse, or severe physical violence. Buzawa et al. (2000, p. 21) found that 68% of calls were made by the victim, but when third parties called, the odds of the victim having a major injury were two and one-half times higher than when a victim called directly. Senturia, et al. (2003, p. 35) found that a cross-cultural population of victims contacted police when the violence escalated or they perceived an increased risk.