

Basic Training Module Specifications

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| <u>Functional Area:</u> | I. Investigation |
| <u>Subject Area:</u> | H. Investigation of Domestic Violence |
| <u>Module Title:</u> | 3. DOMESTIC VIOLENCE RESPONSE PROCEDURES |
| <u>Hours:</u> | Not less than 8 hours |

Notes to Instructor:

This material is designed to be taught by an instructor with expertise in domestic violence response procedures and who is well versed in pro-arrest response practices. Completion of an MCOLES-approved training course in domestic violence is recommended.

Module Objectives:

- I.H.3.1. Respond to the Scene of Domestic Violence.
- a. Responds immediately to the scene.
 - b. Evaluates the information received about the complaint, including:
 - (1) dispatch information:
 - (a) who is calling;
 - (b) location of the caller and the complaint, if different;
 - (c) phone number of the caller;
 - (d) what is happening (e.g., is the caller safe? is the assailant still present? etc.);
 - (e) presence of weapons;
 - (f) presence of children, as victims or witnesses;
 - (g) any reported injuries;
 - (h) whether a Personal Protection Order (PPO) is in effect;
 - (i) age of the complaint (e.g., in progress, hours old);
 - (j) prior history;
 - (k) whether the assailant is on probation or parole; and
 - (l) whether the assailant is subject to a conditional release order (conditional bond) (MCL 765.6b);
 - (2) information from witnesses; and
 - (3) information from other officers.

I.H.3.1. Respond to the Scene of Domestic Violence (continued)

- c. Approaches the scene in a cautious manner:
 - (1) parks a short distance away;
 - (2) waits for backup assistance before entering the scene;
 - (3) exchanges information with assisting officer(s);
 - (4) uses cover on approach, with each officer using a separate approach;
 - (5) stands clear of door or windows; and
 - (6) maintains avenues of escape.
- d. Observes and listens for unusual conditions upon arrival at the scene:
 - (1) loud arguments;
 - (2) fresh damage to residence; or
 - (3) any other unusual condition (e.g., number of persons, weapons involved, etc.).
- e. Requests assistance through the dispatcher if the situation warrants it.

I.H.3.2. Make Initial Contact at the Scene of Domestic Violence.

- a. Attempts to make contact when it appears no one is at home:
 - (1) tries to establish voice contact by shouting for a response;
 - (2) attempts to engage the party in conversation if voice contact is achieved;
 - (3) asks the dispatcher to call the scene, if the number is available;
 - (4) talks to any available witnesses.
- b. Attempts to gain entry by obtaining consent:
 - (1) asks for permission to enter; and
 - (2) establishes the person's authority to give consent, considering:
 - (a) whether the person lives there;
 - (b) age of the person giving consent; and
 - (c) area of the dwelling to be entered.
- c. Considers a forced entry if there are exigent circumstances, including:
 - (1) risk or danger to police or others inside or outside the dwelling;
 - (2) imminent destruction of evidence;
 - (3) need to prevent the suspect's escape; and
 - (4) hot pursuit.
- d. Evaluates initial information when the suspected assailant answers the door:
 - (1) does not accept statements that the call was a mistake;
 - (2) is aware a denial or a minimizing of the violence is likely;
 - (3) is aware that the assailant may blame the victim or blame alcohol or drugs for the violence;
 - (4) asks to speak to each person at the residence; and
 - (5) refuses to leave without speaking to the victim even when the assailant says everything is fine.

I.H.3.2. Make Initial Contact at the Scene of Domestic Violence (continued).

- e. Evaluates initial information when the victim answers the door:
 - (1) asks if the assailant is at the scene;
 - (2) does not accept statements that the call was a mistake;
 - (3) looks for signs of physical and/or emotional trauma;
 - (4) asks to speak to each person at the residence; and
 - (5) refuses to leave without further investigation, even if the victim says everything is fine.

- f. Evaluates initial information when a young child or youth answers the door:
 - (1) explains to the child who you are and why you are there;
 - (2) asks the child who else is present at the scene;
 - (3) evaluates whether there is an independent basis for entry (e.g., exigent circumstances);
 - (4) evaluates whether it is reasonable to enter the residence on the basis of the child's comments or behavior, indicating an emergency or exigent circumstance; and
 - (5) refuses to leave without further investigation when the child says everything is fine.

I.H.3.3. Enter the Domestic Violence Scene Effectively and Safely.

- a. Enters the scene cautiously:
 - (1) introduces self as a police officer;
 - (2) looks for possible weapons;
 - (3) explains the necessity to ensure that everyone is safe;
 - (4) locates all of the occupants;
 - (5) observes for any possible signs of injury; and
 - (6) advises all parties the police are there to investigate and determine if a crime has been committed.

- b. Separates the victim and the assailant immediately upon entry, if possible, to separate rooms.

- c. Considers having the assailant step outside if the officer is working alone [Note: One officer response to domestic violence complaints is strongly discouraged and is only to be used when no back-up unit is available].

- d. Maintains physical separation of the victim and the assailant without losing eye contact with the other officer.

I.H.3.4. Conduct a Preliminary Criminal Investigation upon Entry to the Scene.

- a. Observes the location, posture, and demeanor of all present when entry and separation is made.
- b. Scans the scene and makes a mental note about the condition of the scene.
- c. Makes a mental note of any spontaneous statements (excited utterances) made by those present (e.g., victim, assailant, witnesses, including children).
- d. Makes a mental note of the physical condition and emotional state of all those present.
- e. Takes note of anything that may be evidence of a crime which will need to be properly collected.
- f. Takes note of anything that may require explanation or that can be used by officers in interviewing.
- g. Takes note of any apparent injuries.
- h. Seizes any weapons that are visible or available.

I.H.3.5. Interview the Suspected Assailant as Part of the Complete Criminal Investigation at a Domestic Violence Scene.

- a. Maintains physical separation of the victim and the suspected assailant without losing eye contact with the other officer.
- b. Interviews the suspected assailant separately:
 - (1) prevents the suspected assailant from making eye contact with the victim so as not to intimidate the victim;
 - (2) asks questions about the current incident; and
 - (3) remains neutral.
- c. Recognizes tactics that assailants might use when being interviewed:
 - (1) attempts to rationalize the violence;
 - (2) denies or minimizes the violence;
 - (3) blames the victim for causing the violence;
 - (4) attempts to make a complaint against the victim to counter any complaint the victim may be able to make in response to the assailant's violent behavior;
 - (5) presents a very calm, cooperative, non-combative demeanor; or
 - (6) attempts to draw the officer in by making statements such as "what would you do," or "you know how it is."

I.H.3.6. Interview the Victim as Part of the Complete Criminal Investigation at a Domestic Violence Scene.

- a. Interviews the victim separately:
 - (1) prevents the suspected assailant from making eye contact with the victim so as not to intimidate the victim; and
 - (2) prevents the suspected assailant from listening to the victim interview to prevent interference and possible later retribution.

- b. Overcomes the reluctance of the victim to talk by:
 - (1) exercising patience;
 - (2) advising that a crime occurred, and that the victim has a right to be free from assault and abuse;
 - (3) giving assurance that the violence of the assailant is not the victim's fault;
 - (4) giving assurance that the victim is not alone in being the victim of abuse;
 - (5) advising the victim about the availability of support services through the local domestic violence shelter program;
 - (6) informing the victim that domestic violence usually happens again and gets worse unless there is intervention; and
 - (7) explaining to the victim that an arrest does not necessarily mean a prison term for the offender.

- c. Interviews the victim by asking:
 - (1) Do you hurt anywhere?
 - (2) How did you get hurt?
 - (3) Who hurt you?
 - (4) What is your relationship to the assailant?
 - (5) What happened?
 - (6) How were you injured? Were you hit? If so, with a closed or open fist? Where on your body were you hit?
 - (7) Were there any weapons or objects used to strike you?
 - (8) Were any threats made against you or others?
 - (9) Were you forced to have sex when you did not want to?
 - (10) Did the assailant hurt any pets?
 - (11) Did the assailant break or damage anything?
 - (12) Is the assailant on probation or parole?
 - (13) Is the assailant out on bond?
 - (14) Are any court cases pending against the assailant?
 - (15) Does the assailant have reason to believe you might want to leave?

I.H.3.6. Interview the Victim as Part of the Complete Criminal Investigation at a Domestic Violence Scene (continued).

- d. Questions any statements by the victim that injuries were caused by an accident.
- e. Interviews the victim about behaviors that might constitute stalking, asking, “Has the assailant...
 - (1) been following you?
 - (2) been showing up at your place of work or school?
 - (3) been coming to or watching your home?
 - (4) been trying to contact you by telephone, mail, or e-mail?
 - (5) threatened you, your family or anyone who lives with you?
 - (6) damaged any of your property?
- f. Asks historical questions:
 - (1) When was the first time the assailant hit you?
 - (2) When was the first time you had to go to the doctor or hospital?
 - (3) When was the first time the assailant broke a bone?
 - (4) When was the first time the assailant used an object to hit you?
 - (5) When was the first time the assailant used a weapon?
 - (6) What incident was the most serious? What usually happens before you are assaulted?
 - (7) Has the assailant ever been arrested for assaulting you or your family or friends? Where? When? Was the case prosecuted? By a state or federal prosecutor?
 - (8) Has the assailant ever forced you or threatened you to have sex when you did not want to?
 - (9) Is the assailant on probation or parole?
 - (10) Is the assailant out on bond?
 - (11) Are there any Personal Protection Orders (PPOs) or other court orders in effect against the assailant?
 - (12) Has the assailant ever stalked you in the past?
- g. Interviews children away from the parents, in the home.

I.H.3.7. Determine Whether Probable Cause Exists to Make an Arrest When Responding to Domestic Violence.

- a. Attempts to establish probable cause by considering all relevant factors, including:
 - (1) statements by the victim, children or other witnesses;
 - (2) demeanor of victim, assailant, children or other witnesses;
 - (3) the dispatcher's and other officers' information;
 - (4) physical evidence that a crime occurred;
 - (5) aggressive or threatening behavior by the assailant;
 - (6) information gathered by investigating wounds to determine:
 - (a) offensive wounds, and
 - (b) defensive wounds;
 - (7) property in the house damaged or broken;
 - (8) brandishing of weapons; or
 - (9) the existence of a personal protection order (PPO).

- b. Does NOT consider the following factors in determining probable cause:
 - (1) the lack of a PPO;
 - (2) the fact that no arrests were made previously;
 - (3) that the victim does not want the assailant arrested or prosecuted;
 - (4) the officer's belief that there will be no prosecution;
 - (5) verbal assurances by either party that the violence will stop;
 - (6) the possibility of reprisals against the victim;
 - (7) the race, ethnicity, sexual orientation, social class and/or occupation of the victim or the assailant;
 - (8) threats by the assailant to sue the police; and
 - (9) negative consequences to the assailant's status in the community.

- c. Does not preclude a finding of probable cause based upon:
 - (1) denial by either party that violence occurred; or
 - (2) a lack of visible bruises or injuries.

- d. Identifies that in determining whether the individual honestly and reasonably believed that the force used was necessary, the officer should consider the facts and circumstances as they appear to the individual. Officers should consider:
 - (1) any history of domestic violence between the individuals;
 - (2) offensive and defensive wounds;
 - (3) the size, strength, and bulk of the parties;
 - (4) the possibility that one of the parties acted in self-defense;
 - (5) the apparent ability of each party to do what was alleged; and
 - (6) witness statements (including children) and other evidence.

I.H.3.7. Determine Whether Probable Cause Exists to Make an Arrest When Responding to Domestic Violence (continued).

- e. Identifies that where there is probable cause to believe that the crimes are committed against each other, the officer should determine who to arrest by considering:
 - (1) the intent of the law to protect victims of domestic violence;
 - (2) the degree of injury inflicted on the individuals involved;
 - (3) the extent to which the individuals have been put in fear of physical injury to themselves or other members of the household;
 - (4) any history of domestic violence between the individuals; and
 - (5) the intent of the law that officers should not make dual arrests to avoid conducting a thorough criminal investigation;

I.H.3.8. Arrest a Domestic Violence Assailant After Establishing Probable Cause That a Crime Has Been Committed.

- a. Affects an arrest when the assailant is present by:
 - (1) arresting and handcuffing the assailant;
 - (2) informing the assailant that the decision to arrest and prosecute is being made by the officer, not the victim; and
 - (3) securing the arrested assailant in the patrol car.
- b. Responds pro-actively when the assailant is not present:
 - (1) assists victim in determining if it is safe to remain on the premises;
 - (2) provides assistance to the victim in relocating, if necessary;
 - (3) attempts to locate and arrest the assailant and issues a bulletin to attempt to locate the assailant; and
 - (4) seeks a warrant when unable to locate.

I.H.3.9. Arrest the Assailant After Establishing That a Personal Protection Order (PPO) Has Been Violated

- a. Asks the victim if a Michigan PPO (either a domestic relationship or non-domestic stalking) or a foreign protection order has been issued against the assailant.
- b. Verifies the validity of the PPO by:
 - (1) verifying it through LEIN; or
 - (2) seeing a true copy of the PPO.
- c. Determines if the assailant has been served by:
 - (1) verifying service via LEIN; or
 - (2) seeing a copy of the proof of service.

I.H.3.9. Arrest the Assailant After Establishing That a Personal Protection Order (PPO) Has Been Violated (continued).

- d. Identifies that if the assailant has been served, a police officer shall arrest if probable cause exists to believe:
 - (1) a domestic relationship PPO or non-domestic stalking PPO exists;
 - (2) the PPO states on its face that violation subjects the violator to immediate arrest and criminal contempt punishable by not more than 93 days and/or a fine of not more than \$500; and
 - (3) the assailant is in violation of the PPO by engaging in or having engaged in the conduct restrained or enjoined by the PPO (MCL 764.15b(1)).

- e. Identifies that if the assailant has not been served, the law enforcement agency or officer responding to a call alleging a violation of a PPO shall:
 - (1) serve the assailant with a true copy of the PPO; or
 - (2) provide the assailant actual notice of the:
 - (a) existence of the PPO;
 - (b) specific conduct enjoined;
 - (c) penalties for violating the PPO; and
 - (d) location where the assailant may obtain a copy of the order; and
 - (3) complete proof of service form and provide a copy to:
 - (a) the victim;
 - (b) the law enforcement agency that entered the PPO in LEIN; and
 - (c) the circuit court that issued the PPO.

- f. Identifies that after being served or provided notice of the PPO at the scene, the assailant shall be given an opportunity to immediately comply with the PPO.

- g. Identifies that the failure to immediately comply with the PPO shall be grounds for an immediate custodial arrest.

- h. Conducts a thorough criminal investigation whenever there is an alleged violation of a PPO to determine if there also was a violation of any criminal law.

- i. Recognizes that arrest for a violation of a PPO does not preclude arrest for the violation of any criminal law.

- j. Responds pro-actively when the assailant is not present.
 - (1) assists victim in determining if it is safe to remain on the premises;
 - (2) provides assistance to the victim in relocating, if necessary;
 - (3) attempts to locate and arrest the assailant and issues a bulletin to attempt to locate the assailant; and
 - (4) seeks a warrant for any crime committed when unable to locate.

- I.H.3.10. Arrest a Domestic Violence Assailant After Establishing That a Conditional Release Order (Conditional Bond) Has Been Violated.
- a. Determines that the assailant has been released on conditional bond via the LEIN.
 - b. Arrests the assailant when there is probable cause to believe the assailant is violating or has violated a provision of a conditional release order (conditional bond).
 - c. Prepares a "complaint of violation of conditional release" pursuant to MCL 764.15e, containing:
 - (1) officer's name and badge number;
 - (2) statement of verification;
 - (3) statement of conditions; and
 - (4) statement of probable cause that assailant violated the conditions.
 - d. Determines the court that imposed the conditions of release.
 - e. Takes appropriate action, including:
 - (1) if the arrest occurred within the jurisdiction of the court that imposed the conditions of release, the officer shall:
 - (a) immediately provide the original and one copy of the complaint to that court;
 - (b) immediately provide one copy of the complaint to:
 - i. the assailant; and
 - ii. the prosecuting attorney for the case in which the conditional release was granted;
 - (c) retain one copy of the complaint; and
 - (d) bring the assailant before that court within one business day following the arrest; or
 - (2) if the arrest occurred outside the jurisdiction of the court that imposed the conditions of release, the officer shall:
 - (a) immediately provide the original and one copy of the complaint to the district or municipal court where the violation occurred;
 - (b) immediately provide one copy of the complaint to the assailant;
 - (c) retain one copy of the complaint; and
 - (d) bring the assailant before the district or municipal court where the violation occurred within one business day following the arrest.
 - f. Identifies the importance of documenting lethality factors in officer's written report in order for arresting police agency, or officer in charge of the jail, to determine whether it is safe to release the assailant before the assailant is brought before the court.

I.H.3.11. Complete the Criminal Investigation at the Domestic Violence Scene.

- a. Collects any other additional information:
 - (1) interviews other witnesses (e.g., other adults and children in the residence, neighbors, complainant, etc.); and
 - (2) prepares to write a complete report by documenting in the field notes:
 - (a) the demeanor of victim, assailant, children, or other witnesses;
 - (b) the condition of victim, assailant, children, or other witnesses;
 - (c) spontaneous statements;
 - (d) any torn clothing;
 - (e) smeared makeup;
 - (f) any evidence of injuries, with a diagram;
 - (g) indications of strangulation (e.g., red marks, difficulty breathing or swallowing, hoarse speech, etc.); and
 - (h) referral(s) to victim services agencies.

- b. Identifies the importance of successful prosecution through the collection and preservation of evidence sufficient to proceed without the victim's testimony:
 - (1) notes (sketches) the condition of the crime scene (e.g., disarray of/damage to the physical surroundings);
 - (2) photographs and/or documents the crime scene;
 - (3) collects and tags as evidence firearms, other weapons and/or other objects used;
 - (4) photographs the victim's, assailant's and/or children's injuries;
 - (5) seizes and/or photographs other evidence of violence (e.g. broken dishes and furniture, phones, damage to walls, doors, windows, etc.);
 - (6) requests 911 or dispatch audio tapes be held as evidence; and
 - (7) requests hospital/medical reports when applicable.

I.H.3.11 Complete the Criminal Investigation at the Domestic Violence Scene.
(continued)

- c. Conducts a lethality assessment considering the following indicators (also see I.H.1.8.):
 - (1) the victim has left or the assailant has discovered the victim is about to leave or file for a divorce;
 - (2) weapons are present; (the assailant has):
 - (3) threatened to kill self, victim or others;
 - (4) ease of access to the victim and/or the victim's family;
 - (5) a history of prior calls to the police;
 - (6) engaged in stalking behavior;
 - (7) threatened the children;
 - (8) threatened to take the victim hostage;
 - (9) killed or mutilated a pet;
 - (10) a history of assaultive behavior;
 - (11) a history of using weapons; or
 - (12) an alcohol and/or drug addiction.

I.H.3.12. Provide Appropriate Assistance to the Domestic Violence Victim when an Arrest Has Been Made

- a. Provides victims the written notice required by MCL 764.15c which must include the following:
 - (1) name and telephone number of the responding police agency;
 - (2) name and badge number of the responding officer; and
 - (3) a prescribed statement informing the victim of the:
 - (a) right to obtain a copy of the police incident report;
 - (b) right to go to court and file a petition requesting a Personal Protection Order (PPO); and
 - (c) local domestic violence shelter program and other resources that provide victims information about services and legal rights.
- b. Assists the victim in obtaining medical assistance consistent with departmental policy by:
 - (1) encouraging the victim, if reluctant, to obtain medical assistance, noting that:
 - (a) injuries are often not readily visible, and
 - (b) injuries can be documented that are not visible to the officer; and
 - (2) consulting with community shelters, which may provide or arrange for emergency medical assistance to victims.
- c. Assists the victim and the children with transportation (e.g., to a shelter or friend's home), in a manner that is consistent with departmental policy.

I.H.3.12. Provide Appropriate Assistance to the Domestic Violence Victim When an Arrest Has Been Made (continued)

- d. Provides the victim within 24 hours of the initial contact with the information required by the Crime Victim's Rights Act (MCL 780.753), including:
 - (1) availability of emergency and medical services, if applicable;
 - (2) availability of victim's compensation benefits and the address of the crime victim's compensation board;
 - (3) address and phone number of the prosecuting attorney; and
 - (4) required statement regarding information on the status of the case.

I.H.3.13. Secure a Domestic Violence Scene When an Arrest Cannot Be Made.

- a. Creates a calm atmosphere at the scene before leaving.
- b. Assesses the lethality of the scene (See Objectives I.H.1.8. and I.H.3.11.).
- c. Ensures the safety of all parties.
- d. Provides victims the written notice required by MCL 764.15c which must include the following:
 - (1) name and telephone number of the responding police agency;
 - (2) name and badge number of the responding officer; and
 - (3) a prescribed statement informing the victim of the:
 - (a) right to obtain a copy of the police incident report;
 - (b) right to go to court and file a petition requesting a Personal Protection Order (PPO); and
 - (c) local domestic violence shelter program and other resources that provide victims information about services and legal rights.
- e. Documents in the report the reasons why an arrest was not made.
- f. Provides protection to the victim while essential property is collected (e.g., clothes, medicine, etc.) in preparation for leaving.
- g. Assists the victim and children with transportation (e.g., to a shelter or friend's home, etc.) when it is consistent with departmental policy.

I.H.3.13. Secure a Domestic Violence Scene When an Arrest Cannot Be Made (continued).

- h. Advises the victim of the process for seeking a warrant if a misdemeanor assault took place prior to the arrival of officers, but the relationship between the assailant and the victim is not:
 - (1) a spouse or former spouse;
 - (2) a resident or former resident of the same household;
 - (3) has had a child in common; or
 - (4) in a current or former dating relationship.
- i. Remains at the scene while the suspect leaves when the suspect has no right to remain at the scene.

I.H.3.14. Write a Domestic Violence Report Documenting the Domestic Violence Investigation.

- a. Writes a report consistent with Michigan law documenting the domestic violence response (MCL 764.15c). (See I.H.2.13.6).
- b. Reviews field notes taken at the domestic violence scene.
- c. Documents in the domestic violence written report all facts of the investigation, including:
 - (1) address, date, and time of the incident;
 - (2) name, address, home and work telephone numbers, race, sex, and date of birth of:
 - (a) victim;
 - (b) assailant; and
 - (c) witnesses, including children;
 - (3) information describing the assailant and whether there is a Personal Protection Order (PPO) issued against the assailant;
 - (4) relationship of any witness to victim or assailant;
 - (5) name of the person who called the law enforcement agency;
 - (6) relationship of the victim and assailant;
 - (7) whether drug or alcohol use was involved and by whom;

I.H.3.14. Write a Domestic Violence Report Documenting the Domestic Violence Investigation (continued).

- (8) narrative about the incident and the scene, describing:
 - (a) the incident and what led up to it;
 - (b) whether and how many times the assailant physically assaulted the victim;
 - (c) any weapon or object used;
 - (d) injuries sustained by the victim and how injuries were sustained;
 - (e) property damage;
 - (f) if the victim sought medical attention, information about transportation of victim, admittance to hospital or clinic for treatment, and name and telephone number of the attending physician;
 - (g) facts to support all elements of any offenses committed;
 - (h) all spontaneous statements (excited utterances) made at the scene;
 - (i) a description of the demeanor and emotional state of the person making spontaneous statements;
 - (j) documentation of evidence that was collected at the scene;
 - (k) the rationale for the arrest or no arrest decision;
 - (l) documentation that the victim was provided the written notice required;
 - (m) documentation of referrals made; and
 - (n) a second address and phone number for the victim which must remain confidential;
 - (9) description of previous domestic violence incidents between assailant and victim; and
 - (10) date and time of the report, and name, badge number, and signature of the officer completing the report.
- d. Documents any lethality factors identified that should be considered for purposes of conditional release (conditional bond).
 - e. Writes a supplement to the report, if new information becomes available.
 - f. Notifies the Department of Human Services, Children's Protective Services when there is suspicion and/or evidence of child abuse and completes an DHS form 3200 and attaches the domestic violence police report to it.

Module History:

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| Revised | 6/98 |
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