

438.15 Domestic Abuse Protocol

The following protocol is based on the Saint Paul Blueprint for Safety.

(See [General Order 408.04, Exceptions to In-Presence Requirements](#))

I. Introduction and Purpose

1. The City of Saint Paul and its police department recognize domestic abuse as a serious problem in today's society. This agency's policy is to protect victims of domestic abuse by making an arrest whenever authorized by law and by ensuring its police officers have a full understanding of the law governing this area. This policy prescribes the course of action police officers should take in response to a domestic call.
2. Purpose - The principal purpose of this protocol is to establish guidelines and procedures to be followed by Saint Paul Police personnel in responding to domestic abuse. Additionally, this protocol has as its goals:
 - A. Preventing future incidents of domestic abuse by using arrest rather than mediation as the preferred law enforcement response to domestic abuse.
 - B. Maximizing protection and support to victims of domestic abuse cases by coordinating law enforcement and victim assistance programs.
 - C. Reaffirming police officers' authority and responsibility to make arrest decisions in accordance with established probable cause standards.
 - D. Promoting police officer safety by ensuring that they are as fully prepared as possible to respond to domestic calls.
 - E. Heightening law enforcement's accountability to the public in responding to domestic abuse.
 - F. Documenting allegations of domestic abuse to facilitate meaningful prosecution and delivery of victim services.

II. Definitions

1. Domestic abuse means the following committed against a family or household member; physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault; terroristic threats; criminal sexual conduct in the first through fifth degree; or interference with a 911 call. [Minnesota Statute 518B.01 subd 2a.](#)
2. Domestic abuse intervention program - for the purposes of this protocol it refers to the Saint Paul and Ramsey County Domestic Abuse Intervention Project, a local advocacy program which provides support and assistance to victims of domestic abuse.
3. Child means a person under the age of 18.
4. Family or household member means spouses, former spouses, parents and children, persons related by blood, and persons who are presently residing together or who have resided together in the past, persons who have a child in common, regardless of whether they have been married or have lived together at any time, and persons involved in a significant romantic or sexual relationship. It also includes a man and a woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time. [Minnesota Statute. 518B.01, subd. 2b.](#)
5. Domestic call means a request for assistance to a law enforcement agency regarding domestic abuse or any other crime against a family or household member.
6. Qualified Domestic Violence-Related offense (QDVRO) refers to prior convictions for violation of an Order for Protection (OFP), Harassment Restraining Order (HRO), assault in the first through fifth degree, domestic assault, criminal sexual conduct in the first through

fourth degree, malicious punishment, terroristic threats, harassment/stalking, interference with 911, nonconsensual dissemination of private sexual images, murder in the first or second degree. If a person arrested for a domestic crime has a prior QDVRO conviction, the new offense may be chargeable as a higher level crime. The QDVRO includes convictions of similar laws in other states or under federal or tribal law.

7. The Family Violence Unit (F.V.U.) of the Saint Paul Police Department is responsible for the investigation of the above listed domestic related crimes.

III. Receiving Calls

1. If the caller calls back and requests the call be canceled, officers should continue to the scene anyway to ensure the caller's safety.
2. Two officers will respond to each active domestic call and may consider use of other unit officers such as canine to serve as back up officers if another district officer is unavailable.

IV. Responding to Calls

1. Driving to the scene

The officers should respond directly and without unreasonable delay to the scene of a domestic call. Be aware of persons leaving or fleeing the scene either on foot or by vehicle.

2. Redacted

3. Initial contact with occupants

Upon being met, the responding officers should identify themselves as police officers, explain their presence and request entry into the home. Weapons may be drawn if evidence indicates a felony has been committed or is in progress. An officer may also draw their weapon when necessary to protect themselves or others. The officers should ask to see the person who is the subject of the call. If both a possible domestic abuse victim and the suspect are in the home, the parties should be separated and interviewed separately. If the person who called the law enforcement agency is someone other than the subject of the call, the officer should not reveal the caller's name. The officer should check to make sure all of the occupants are safe.

Control the movements of the parties involved. Do not let them get behind you or close to your gun. Determine if any weapons were used, and if so, locate them. Be aware of potential weapons that are readily available (i.e. knives in kitchens, hammers, etc.) Do not let anyone leave the room unescorted to get a coat, hat, etc. Get the article for the person and search it before giving it to the person.

4. Entry

- A. **Refused** - If refused entry, the officer should be persistent about seeing and speaking alone and separately outside the home with both the possible abused party and the suspect. If access is refused, the officers should request the emergency communications center to call the 911 caller and (if different) the phone at the residence where they are being refused entrance. Request dispatch for a call back in an attempt to find out the identity of the person answering, inform them that officers are outside the residence and are requesting that someone from that residence step outside to speak with them. If they continue to refuse to do so inform the requesting officer.
- B. **Forced entry** - If access is still refused and the officers have reason to believe that someone is in imminent danger or other exigent circumstances exist, the officers are

permitted to force entry. The officers need to contact their supervisor by radio or telephone to notify him/her of their intention to force the door prior to doing so, unless they believe someone is being immediately harmed. The circumstances of the forced entry will need to be explained in the body of the offense report.

C. **Search warrant entry** - If the officers are refused entry and have no legal grounds for forced entry and they have reasonable grounds to believe a crime has been committed, they will need to contact an F.V.U. investigator or their supervisor to assist them in obtaining a search warrant.

5. First aid

After securing the scene, the responding officers shall provide the necessary first aid or summon medical assistance from the fire department.

6. Victim safety

Assure the victim that her/his immediate safety is your first priority as an officer. Take steps to protect the victim's privacy and dignity. (For example, protect them from intrusive media/onlookers, and allow them to change clothes consistent with evidence collection procedures.) Provide for the care and safety needs of children present.

7. Obtain information about the history of violence and stalking from the apparent victim by asking the following five risk questions:

1. 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?
2. How frequently 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.
4. If we cannot contact you, who can we call that will know where you are?
5. Where has he/she lived for the past 10 years?

8. When a victim reports being strangled ask the following questions to obtain additional information:

1. What were you strangled with? Hands (one or both) or other object?
2. What was the suspect saying to you while being strangled?
3. What happened to you while you were being strangled?
 - a. Were you light headed, or see stars?
 - b. Were you able to breathe?
 - c. Were you able to speak or scream?
 - d. Did you lose consciousness or pass out? If so, for how long?
 - e. Is your voice hoarse or raspy? Is your throat sore?
 - f. Are you having trouble eating, drinking or swallowing?
 - g. Did you lose bowel or bladder control?
 - h. What did you think was going to happen to you?

V. Reports- Determination of Probable Cause

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 the [“Domestic Violence Patrol Report Checklist”](#).

VI. Reports- Determination of No Probable Cause

File a brief report as required by [Minnesota Statute 629.341](#) 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:

- 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

VII. Arrest Decisions

1. Making arrests/department policy

After securing the scene and providing any first aid, the officers will begin a criminal investigation to determine if there is probable cause to believe that a crime has been committed based on the evidence and not upon the victim's willingness or unwillingness to have an offender arrested. It is important to find out what the relationship is between the victim and suspect (i.e. whether they live together or did in the past, if they have a child in common, are family members, etc.) and document it in the offense report.

This department's policy of arrest for domestic assault is that an officer shall arrest when one of the following occurs:

- When visible signs, of injury or impairment exist and the officer determines it was not self-defense.
- When a dangerous weapon is involved.
- When a court order has been violated.
- When an assault is alleged and supported by other evidence.
- When a victim is in fear of immediate bodily harm.
- The alleged assault or incident involves a felony-level crime.
- An order for protection, harassment restraining order, or domestic abuse no-contact order has been violated.

Other considerations

- 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.
- 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.
- When both parties have used illegal violence, and neither was acting in self-defense, the officer shall arrest the predominant aggressor; the prosecutor will determine whether the second party will be charged.
- When an officer believes 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.
- Collect and secure evidence related to the probable cause determination, regardless of whether the suspect has been arrested at the scene.
- In cases where the suspect is gone on arrival (GOA), the probable cause to arrest exists, and the officer would have made an arrest, take measures to locate the suspect and submit a complete investigative report. Remain on the scene until the officer believes the likelihood of imminent violence or abuse has been eliminated and the situation has stabilized. Ensure the victim has been given information about safety and resources before clearing the scene.

- 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](#). Notify the Saint Paul and Ramsey County Intervention Project of all domestic –related arrests and gone on arrival cases where officers issued a pick-up-and-hold as soon as possible.
- Identify and check the welfare of each child at the scene and follow up as required, including interviewing the child.
- Submit the appropriate report on all calls that include an allegation of a domestic assault or related crime as required by [Minnesota Statute 629.341](#)
- Do not re-code any call coded as a domestic by dispatch where the relationship between the parties fits the domestic relationship definition. A call may be re-coded if it can be verified there is no domestic relation between the parties.
- If a call was coded as a domestic by dispatch and it is determined that there was no domestic relationship as defined in this policy, explain the situation in a brief entry (three to four sentences, including full names and dates of birth of all parties involved) in the CAD and re-code the call appropriately.

The officers should collect relevant physical evidence, including weapons which may have been used, take photographs of the scene and any injuries and interview the involved parties and witnesses, including children separately from adults.

The history of the relationship between the victim and the suspect, in a domestic relationship, is crucial information for all phases of the investigation, prosecution and sentencing of the suspect. Notwithstanding any of the information listed below, the officers should document as much of the behavior/history between the victim and offender as possible (past, present, potential for future – Lethality Questions).

Relevant evidence may include:

- Any visible injury or complaint of pain.
- Condition of clothing.
- Property damage. (Photograph and describe in narrative of report).
- Any statements of the victim, suspect or witness (including children) related to the incident, including those made spontaneously while still stressed by the incident, those describing events as they happen, and those made to each other in the presence of the officers.
- Demeanor of the victim, children at the scene, and the suspect.
- Names and contact information for all potential witnesses.
- Evidence that the suspect has intimidated the victim, particularly related to threats or other intimidation if the victim contacts the police or cooperates with prosecution.
- Medical records including the victim's statements to paramedics, nurses and doctors. **Be sure to have the victim sign a medical release form before clearing the call, even if the victim is not sure if she/he will seek medical care.**
- Interviews of witnesses including children who may have been present (include full name, date of birth, address and phone numbers).
- Evidence that the suspect has access to firearms.
- Evidence of any prior domestic abuse-related police calls and whether any conviction resulted.
- Any existing OFP, HRO or DANCO. (The jurisdiction or county of origin of convictions and any OFP, HRO or DANCO should also be noted.) Note: Prior conviction for a

QDVRO may provide the basis for enhancement to a gross misdemeanor or even felony charges.

- 911 recordings.
- Messages left by the suspect on voice mail, answering machines, e-mail or any written communications.
- Photograph caller ID messages, texts messages or any other relevant communications which may be lost, or require a subpoena to obtain, if not gathered immediately.

Ask questions in a supportive, non-judgmental manner. Be calm, direct and patient. Explain the necessity of asking personal questions. **Do not ask the victim:**

- If she will testify in court.
- If she wants the abuser arrested.
- If she will sign a citizen's arrest form.

2. Factors not to be considered in making the arrest

Arrests should be made without regard to:

- A. Marital status, sexual orientation, race, culture or socio-economic position (including public or professional status or occupation, including police officers).
- B. Ownership, tenancy rights of either party or the fact the incident occurred in a private place.
- C. Belief that the victim will not cooperate with criminal prosecution or that the arrest may not lead to a conviction.
- D. Verbal assurances that the abuse will stop.
- E. Disposition of previous police calls involving the same victim or suspect.
- F. Denial by either party that the abuse occurred when there is evidence of domestic abuse.
- G. Lack of a court order restraining or restricting the suspect.
- H. Concern about reprisals against the victim.
- I. Adverse financial consequences that might result from arrest.
- J. Chemical dependency or intoxication of the parties.

3. Presumptions against dual arrests

The Saint Paul Police Department discourages dual arrests. Where there are allegations that each party assaulted the other, officers are expected to exercise their good judgment and training to assess who is the primary aggressor based on the following criteria:

1. Comparative extent of injuries inflicted.
2. Fear of physical injury because of past or present threats.
3. Actions taken in self-defense.
4. The history of domestic abuse perpetrated by one party against the other.
5. Existence of a current or prior OFP, HRO or DANCO.

As a practical matter, if the officers fail to make an assessment of who is the primary aggressor and arrest both parties, the chances of a successful prosecution of either are significantly reduced.

4. Victim request not to prosecute

If the officers find probable cause to believe a domestic abuse offense has been committed and intend to arrest but the victim requests no arrest or prosecution, the officers should inform the victim that the decision to arrest is the officer's and the decision to prosecute lies with the prosecutor.

5. Officer safety

Once the officer has made the decision to arrest, it should be done swiftly and smoothly. A strong family bond may exist, and it is not uncommon for the two parties (victim and suspect)

to act collectively against officers when an arrest is made. Be sure the suspect is searched and handcuffed prior to being placed in the squad.

VIII. Legal Authority for Arrest

An officer who has answered a domestic abuse call may make an arrest without a warrant under the following circumstances:

1. Felonies

When an officer has probable cause to believe a felony has been committed. [Minnesota Statute 629.34 subd 1\(c\)\(3\)](#).

Note: Other than felony assault, felony stalking and the enhanced misdemeanors and gross misdemeanors listed on the domestic abuse enhancement chart, other felonies which may be applicable to domestic abuse situations include: terroristic threats, criminal damage to property (more than \$500), burglary, kidnapping, false imprisonment and tampering with a witness.

2. Gross misdemeanor and misdemeanors

When the offense is committed in the presence of the officer [Minnesota Statute 629.34 subd 1\(c\)\(1\)](#) with the following exceptions noted below.

These are the general rules applicable to warrantless arrests for all crimes. The following additional authority to arrest may be applicable to domestic abuse situations and permits (and in one instance mandates) arrest based on probable cause for certain misdemeanor and gross misdemeanor crimes:

3. Probable cause arrest for stalking

When the officer has probable cause to believe the gross misdemeanor offense of stalking has occurred. [Minnesota Statute 629.34 subd. 1\(c\)\(5\)](#).

4. Probable cause arrest for domestic abuse

When the officer has probable cause to believe domestic abuse occurred within the previous 72 hours. Although the general rule is that officers may not make probable cause arrests for misdemeanors unless the offense occurs in their presence, domestic abuse is an exception. A police officer may arrest a person anywhere without a warrant, including at the person's residence, if the officer has probable cause to believe that the person within the preceding 72 hours has committed domestic abuse. [Minnesota Statute 629.341 subd 1](#). A police officer acting in good faith and exercising due care in making an arrest pursuant to this statute is immune from civil liability that might result from the officer's action.

5. Probable cause arrest for violation of a Harassment/Restraining Order or Domestic Abuse No Contact Order

When the officer has probable cause to believe the offender has violated a harassment restraining order or domestic abuse no contact order, they shall arrest the offender. This includes violations of an OFP, HRO and other pre-trial or probationary DANCO issued in connection with a criminal case. [Minnesota Statute 629.34 subd 1\(c\)\(6\)](#).

6. Mandatory probable cause arrest for OFP violations

When the officer has probable cause to believe a person has knowingly violated an OFP, the officer **shall** arrest if the existence of the order is verified and the person has been served with the order. [Minnesota Statute 518B.01 subd. 14\(e\)](#). If an active OFP has been served on the person and the person is in violation of its terms, an arrest is mandatory. If the suspect has violated a provision excluding them from the protected party's residence, the mandatory arrest provision applies even if they were invited to the residence.

Verification of the existence of the order and that the person has been served is accomplished through the computerized Criminal Justice Information System (CJIS) "hot files" system and follow up contact with the controlling law enforcement originating agency, which is accessible 24 hours a day. This may be done at the Ramsey County Emergency Communication Center by

querying data channel. Verification may not be done through the CJIS system alone; the controlling law enforcement originating agency must be contacted directly to make sure the order is still in effect and has been served.

If the verification reveals the order is in effect but the person has not been served, the officer shall **not** arrest without giving the person a reasonable opportunity to leave in the officer's presence. Before allowing the person to leave, however, the officer shall fill out and serve the OFP Short Form following the instructions in the reverse side. (Every squad should carry blank OFP Short Forms to be prepared for this exigency.) If the petitioner (protected party in the OFP) is present and has a copy of the full OFP, the full OFP should be served instead since it contains more detail than can be included on the Short Form. Whichever is served, the officer shall complete a certificate of service so that actual service can be proved and the CJIS computer updated.

If after being served, the person fails to take advantage of the reasonable opportunity to leave, or if the person leaves but returns in violation of the OFP, the mandatory arrest provision applies.

Note: Unlike the domestic abuse probable cause arrest provision described above, there is **no hour limitation** on warrantless arrest for violation of an OFP or DANCO.

7. Enhancements

A prior conviction for any QDVRO may enhance what would otherwise be a misdemeanor arrest to a gross misdemeanor or a gross misdemeanor to a felony arrest. Two prior QDVROs within ten years can enhance a misdemeanor to a felony arrest. See the [domestic abuse enhancement chart](#) for details. This means it is always worth asking about prior convictions in any domestic call.

8. Mandatory detention for misdemeanor level domestic abuse crimes or court order violations

All misdemeanor level offenders of these types of crimes must be booked. In domestic abuse cases, the continued detention of the defendant is generally the best means of protecting the victim from further harm. Arrests on Sunday through Thursday permit a next day court appearance. On weekends Ramsey County judges perform a judicial review for persons arrested for domestic abuse (as is required for felonies).

9. Notice to victim of defendant's release in domestic abuse, OFP violation, violation of Domestic Abuse No Contact Order and harassment cases

If after a suspect has been arrested and brought to the jail and the suspect makes bail or is ordered released by a judge, the jail must make a good faith effort before release to notify the victim orally of: 1) the conditions of release; 2) the time of release; 3) the date, time and place of the defendant's next court appearance and the victim's right to be present; and 4) the location and phone number of the local battered women's shelter designated by the Minnesota Department of Corrections. [Minnesota Statute 629.72 subd 6](#)

To assure this happens, the arresting officer shall complete the detention agency's Victim Information and Notification Form. (Merely booking the suspect for a domestic abuse or harassment crime, or any other crime of violence, is insufficient because it does not provide the detention agency the information required to contact the victim.)

10. Interviewing suspects

Officers will attempt to interview all suspects for misdemeanor level, domestic abuse related crimes (assaults & court order violations). Since there is no time for an investigator to talk with the suspect before his/her first court appearance, this is generally the only opportunity to "lock" the suspect into a story.

Officers are encouraged to interview suspects on domestic related crimes, regardless if there is a previous QDVRO that would enhance the new offense to a level higher than a misdemeanor.

All in-custody interviews will be recorded on digital recorders or audio tape. A recorder is available from the watch commander. Do **not** attempt to question a non-English speaking suspect without the assistance of a court-certified interpreter. (See [General Order 409.01: Persons Disabled in Communication](#))

IX. Remaining at Scene, Victim Assistance, Crime Victim Rights and Services

1. Staying at the scene

If an arrest does not occur, officers should remain at the scene of the disturbance until they believe the likelihood of further imminent abuse has been eliminated. The officer should contact the [Saint Paul and Ramsey County Domestic Abuse Intervention Project](#) for victim assistance prior to checking back into service. If the victim is planning to leave their residence, it is important to find out from them a telephone number where they can be reached within the following days so the investigator can make contact.

Note: Even if an officer does not make an arrest, the officer must provide immediate assistance to the victim including assisting the victim in obtaining necessary medical treatment and providing the victim with the notice of rights described below. [Minnesota Statute 629.342 subd 3](#).

2. Assistance to non-English speaking victims and victims with communication disabilities.

Per [General Order 409.01: Persons Disabled in Communication](#), Communicating with a Victim or Critical Witness:

Officers must provide auxiliary aids necessary to communicate effectively with deaf or hard-of-hearing complainant, witness, or victim promptly after learning such an individual is deaf or hard-of-hearing.

Obtaining a Qualified Interpreter:

If an officer needs a qualified interpreter for a victim, witness, or suspect, they should contact the unit that will investigate the case or their supervisor for authorization. (the investigative units, districts, and the watch commander, will have a list of qualified interpreters, the languages they interpret, and their phone numbers).

3. Notice of domestic abuse victim's rights

The officer shall provide the victim of a domestic call with information regarding what shelter or other services are available in the community and give the victim a copy of the domestic abuse victim's rights form. [Minnesota Statute 629.341 subd 3](#).

4. Services

To expedite advocate response to victims, officers will contact the [Saint Paul and Ramsey County Domestic Abuse Intervention Project](#) as soon as possible on all arrest situations and provide the name, address and phone number of the victim and a brief factual reconstruction of events associated with the action (unless the victim specifically requests no notification).

5. Victim request for confidentiality

If the victim is concerned that the suspect will learn their new address and phone number because of fear for personal safety or property, explain that they have a right to request that this data be non-public. [Minnesota Statute 13.82 subd. 17\(d\)](#). Whenever this is a concern, the officer should clearly indicate on the report that the victim requests their address and phone number be kept confidential from the suspect. This will alert the prosecutor to the need to black out this information on disclosure made to the defense. On the offense report the non-public box should be checked.

X. Children

If a child is present at the scene of a domestic call, the child should be identified by name and date of birth and interviewed as a witness to the abuse whenever feasible. This interview should be conducted privately away from the involved adults, if possible. The officer should document the demeanor of the child at the scene and during the interview.

The officer should determine if the child is also a victim of domestic abuse. If a child has been physically or sexually abused or neglected, the officer shall comply with the requirements of [Minnesota Statute 626.556](#), Reporting of Maltreatment of a Minor. The existence of any juvenile or family court OFP issued for the protection of a child can also be verified through the CJIS "hot files" and the originating law enforcement ORI in the same manner as an OFP for an adult. If the child has been physically injured, the officer should call for medical assistance or transport the child to Children's Hospital for treatment.

XI. Written Report Required

Per Minnesota statute whenever a police officer investigates a domestic abuse allegation, the officer **shall** make a written report whether there is an arrest or not. The report must contain the following: the name, address and phone number of the victim (unless refused by the victim), a statement of whether an arrest occurred, the name of the arrested person and a summary of the incident pursuant to [Minnesota Statute 629.341 subd. 4](#). The summary should include statements from the victim, suspect and witnesses; description of injuries; information about any past abuse (history, Lethality Questions, threats made against victim for seeking help); description of the scene; primary aggressor; existence of language barriers; presence of elderly victims, children or those with disabilities; and documentation of evidence. When no arrest is made, an explanation of the reasons for the officer's decision not to arrest must be documented.

While not mandated by statute, officers of the St. Paul Police Department **shall** document all calls in which a complaint of a court order violation is made. This includes violations of Ex Parte Orders for Protection, permanent Orders for Protection, Domestic Abuse No Contact Orders, and Harassment Restraining Orders.

The reasons to do so are because:

- The reports will indicate an immediate problem to the unit assigned to do follow up.
- Although some cases may lack evidence to be charged, they may be admitted into evidence in other cases.
- Evidence of prior domestic violence-related conduct may not be chargeable as a single incident but might be included in a stalking charge to demonstrate a pattern of conduct.
- All reports that help to document the history of both the victim and the suspect are useful in the prevention of domestic abuse.

If an officer determines an order has not been served on the respondent, this information must be included in the report. In this circumstance the report should be entitled "Information to F.V.U." A disposition of GOA or Advised is not acceptable. A report detailing the circumstances of the call must be written.

For additional and more detailed information refer to:
[Protocol 1: Patrol Response to Violence Related Calls](#)
[Protocol 2: Victim Engagement Guidelines](#)

XII. Investigator Follow-Up

- Review available reports and contact responding officers if questions arise.

- Determine whether a search warrant will be needed.
- Arrange for a follow up interview with the victim to verify information in the original report and to obtain additional information if needed. It is a good idea to record this interview in case the victim decides to recant later.
- If additional photographs are needed, arrange with F.V.U. officers to take the photographs.
- Identify and obtain statements from witnesses not interviewed at the scene.
- If the offense report of a case in which the suspect was not arrested contains a complete narrative that stands on its own, it is not necessary to require the victim to complete a written statement.
- Run a criminal history check on the suspect. This step is crucial to properly determine the offense level to be charged.
- If the victim has ongoing safety concerns, request the F.V.U. officers go over a safety plan with him/her and/or conduct a threat level assessment. Be sure the victim has the phone number to the [Saint Paul and Ramsey County Domestic Abuse Intervention Project](#) who can also assist him/her.
- Encourage the victim to report further violations by the suspect. Discuss how to obtain evidence of violations such as recording telephone conversations, noting witnesses, etc.
- In those cases in which the suspect was not arrested on scene, prosecutors find it helpful to the case for the investigator to attempt to interview the suspect to commit the suspect to a story or a defense. However, primary consideration for the victim's safety needs to be taken into account prior to doing so. Potential danger factors to consider are if the suspect did not know the police were called, if the suspect is gang-affiliated, if the victim was unaware of the possibility the suspect could be interviewed several days or weeks after the crime and if there have been prior threats or acts of suicide, homicide or taking the children by the suspect.
- In those cases in which a decision is made to interview the suspect, the victim should be informed the suspect may be interviewed within the next two weeks or so. If the suspect has a violent history, the interview should be conducted as soon as possible. The interview should be done in person, for the safety of the victim as well as so the investigator can assess the reactions and truthfulness of the suspect.
- Once the case has been submitted for prosecution consideration and if the case has been declined, notify the victim of the prosecutor's decision.

XIII. When Police Employees are Involved

1. Sworn and non-sworn personnel, in-city

If the Ramsey County Emergency Communication Center receives a domestic call involving Saint Paul police personnel, sworn or non-sworn, in this jurisdiction, a supervisor, at least one rank above the involved employee, will respond to the scene in addition to a district officer. If the suspect is the chief of police, the senior assistant chief shall be called to the scene. If the employee is on scene and the supervisor determines there is probable cause to believe the employee committed an offense considered to be domestic abuse under the definition of this protocol, the employee will be placed under arrest and processed for the offense. If the employee is a police officer, the on-scene supervisor shall relieve the accused officer of their service weapon. The supervisor will immediately notify the watch commander so the watch commander may make the necessary notifications. The duty weapon shall be turned in to the watch commander until the weapon can be secured by the training unit.

When responding to a domestic call involving a public figure, request that the patrol supervisor or station commander be dispatched to the scene, conduct a criminal investigation, and make an arrest decision in accordance with this policy.

The on-scene supervisor will also ensure the victim in the above case is given the required information about the victim's rights described in Section IX, Paragraph 3.

The facts of the call will be thoroughly documented, and all available evidence processed or recovered. An allegation that a sworn officer of the Saint Paul Police Department committed an act of domestic abuse is very serious. [Title 18 of the U.S. Code Statute 922](#) stipulates a conviction for a misdemeanor crime of domestic violence means the convicted person may not carry a firearm, even if that person is a police officer. A conviction could mean the potential loss of a Minnesota Peace Officers license, and subsequently the officer's job. Therefore, it is exceedingly important that the initial and follow up investigation of the incident be thorough and timely.

Upon completion of the investigation, all cases of this nature will be presented to the appropriate prosecuting authority within Ramsey County for review. It will be the prosecutor's decision whether or not to refer the matter to a prosecuting authority in a different jurisdiction. If a decision not to prosecute the matter criminally is determined, the incident will be referred to Internal Affairs to determine whether or not any administrative rules were violated.

2. Sworn and non-sworn, out of city

All personnel of this department, sworn and non-sworn, are required to notify their supervisors immediately in writing if they are being investigated for criminal activity by another law enforcement agency. (See [General Order 230.20: Department Rules of Conduct](#)) Depending on the circumstances, an officer who has been arrested or has charges pending for a domestic abuse offense may be assigned to desk duty and their firearm may be ordered held by the chief of police until such time that they are cleared to return to police officer duties.

3. Protective orders filed against officers

Per General Orders [454.01: Restraining Orders Filed Against Officers](#), [230.20: Department Rules of Conduct](#) and the Violent Crime Control and Law Enforcement Act of 1994, [18 U.S.Code Statute 922 \(g\) \(8\)](#), officers with restraining orders filed against them must notify their supervisor immediately after receiving notice. The employee's supervisor will forward notice to the chief.

XIV. Domestic Violence Investigation

Personnel assigned to the Family Violence Unit will conduct investigations in accordance with:

- [Protocol 3: Domestic Violence Investigation](#)
- [Protocol 4: Supervising Investigations in Domestic Violence-Related Cases.](#)
- [Protocol 5: Supervising the Patrol Response to Domestic Violence.](#)

Revised December 21, 2018