

MINNEAPOLIS PARK POLICE
DEPARTMENT



BY ORDER OF THE CHIEF OF POLICE **SPECIAL ORDER 2015-14**

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TO: All Park Police Staff			RETENTION DATE: Until Rescinded
SUBJECT: Update - Domestic Abuse			APPROVED BY: Chief J.R. Ohotto

MP-8806

7-314 DOMESTIC ABUSE

I. PURPOSE

The purpose of this policy is to establish departmental protocol and procedures for responding to and processing information regarding domestic violence in accordance with Minnesota State Statutes.

II. POLICY

It is the policy of the Minneapolis Park Police Department to:

- A. Thoroughly investigate all allegations of domestic violence, make appropriate referrals, and take action according to the totality of the information known.
- B. Aggressively utilize the arrest powers granted by the State Legislature. Criminal laws will be enforced without regard to the relationship of the parties involved.
- C. Discourage dual arrests in Domestic Abuse situations, in accordance with Minnesota Statute 629.342.

III. DEFINITIONS

Bodily Harm: Physical pain or injury, illness, or any impairment of physical condition.

Dangerous Weapon: Any gun, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm.

Domestic Abuse: Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, terroristic threats, criminal sexual conduct, or interference with an emergency call, when committed between family or household members.

Domestic Abuse No Contact Order: An order issued by a judge in a pending criminal case or during the probationary period following a conviction, prohibiting a defendant from having contact with a victim or his/her address. The CAPRS code to use for a violation of a Domestic Abuse No Contact Order is VDNCO.

Domestic Assault in the 1st Degree: Assaulting another and inflicting great bodily harm. The CAPRS code to use is DASLT1.

Domestic Assault in the 2nd Degree: Assaulting another with a dangerous weapon. The CAPRS code to use is DASLT2.

Domestic Assault in the 3rd Degree: Assaulting another and inflicting substantial bodily harm. The CAPRS code to use is DASLT3.

Domestic Assault in the 5th Degree: Assaulting a family or household member by (1) committing an act with intent to cause fear in another of immediate bodily harm or death; or (2) intentionally inflicts or attempts to inflict bodily harm upon another. The CAPRS code to use is DASLT5.

Domestic Assault by Strangulation: Intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of a family or household member. The CAPRS code to use is DASTR.

Family and Household Members: Spouses, former spouses, parents and children, persons related by blood (1st cousins or closer), and persons who are presently residing together or who have resided together in the past, and persons who have a child or are currently expecting a child in common regardless of whether they have been married or have lived together at any time, 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, and a person involved in a significant romantic or sexual relationship (10/21/93) (07/01/95) (03/14/12)

Great Bodily Harm: Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of function of any bodily member or organ or other serious bodily harm.

Harassment/Restraining Order: Violating any term of a Harassment/Restraining Order issued by a judge or referee. The CAPRS code to use for a violation of a Restraining Order is RORDER.

Interference with Emergency Call: Intentionally interrupts, disrupts, impedes, or interferes with an emergency call or who intentionally prevents or hinders another from placing an emergency call. The CAPRS code to use for Interference with Emergency Call is 911INT.

PC Felony Enhanced List: The Minneapolis City Attorney's Office maintains a list of all defendants whom they know to be chargeable with a felony for assault, domestic assault or violation of an Order for Protection, violation of a Harassment/Restraining Order or violation of a Domestic Abuse No Contact Order. The list is on MPDnet and in a physical book at the jail. The CAPRS code to use for an enhanced domestic assault is DOMEN, for an enhanced 5th Degree assault is ASLTEN, and for an enhanced violation of an Order for Protection, Restraining Order or Domestic Abuse No Contact Order is OFPEN.

Primary Aggressor: The following criteria shall be considered as a guideline when attempting to determine the primary aggressor: (10/21/93) (03/14/12)

- Whether one person in the dispute was acting in self-defense;
- Whether a violation of an Order for Protection or a Violation of a Domestic Abuse No Contact Order has occurred;
- The extent of injuries, if any, to any person involved;
- Who initiated the first act of physical violence;
- The existence of a fear of physical injury, because threats were made;
- The history of physical violence perpetuated by one party against the other; and
- The physical stature or physical ability of the persons involved.

Risk Assessment: A series of questions officers ask a victim, pertaining to domestic violence history and the potential threat of future violence.

Significant Relationship: Minnesota State Statute 518B.01 subd. 2 states the following when deciding if a "significant" relationship exists, "In determining whether persons are or have been involved in a significant romantic or sexual relationship the court shall consider the length of time of the relationship; type of relationship; frequency of interaction between the parties; and, if the relationship has terminated, length of time since the termination. (07/01/95) (03/14/12)

Substantial Bodily Harm: Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

Violation of an Order for Protection: Violating any term of an Order for Protection issued by a judge or referee. The CAPRS code for violation of an Order for Protection is POVIOL.

IV. PROCEDURES / RULES / REGULATIONS

A. Domestic Abuse – Preliminary Investigation (03/14/12)

1. In the event a domestic 911 call is cancelled officers shall respond to the location and check welfare. (03/14/12)
2. Officers shall attempt to determine the Primary Aggressor in a domestic assault.
3. Arrests for domestic abuse, based on probable cause, are expected if any of the following circumstances exist:
 - Signs of injury or impairment;
 - Dangerous weapon involved;
 - Alleged assault - no signs of injury;
 - Victim alleges to be in fear of immediate bodily harm;
 - Terroristic threats (refer to Minn. Stat. §609.713 sub.1) (07/01/95) (03/14/12);
 - Criminal sexual conduct (refer to Minn. Stat. §609.342, 609.343, 609.344, 609.345) (07/01/95) (03/14/12)
4. Pursuant to Minnesota State Statute 629.341, a police officer may arrest a person without a warrant, even in the person's own residence, if the officer has probable cause to believe that in the preceding 72 hours a domestic assault occurred. An officer may make an arrest for a misdemeanor domestic assault even if the assault did not occur in their presence. (11/03/14)
5. An officer may not issue a citation in lieu of arrest and detention for a defendant charged with harassment, domestic abuse, violation of an Order for Protection, or violation of a Domestic Abuse No Contact Order. See Minnesota State Statute 629.72, subd. 1(a).
6. Officers shall follow the MPD's Domestic Abuse Incident Response Protocol when responding to all domestic abuse related calls. (01/12/15)
7. Officers shall check the PC Felony Enhanced List on all domestic calls including cases where the suspect is gone on arrival (GOA). Failure to do so will result in a notification to the officer's commander.

B. Domestic Abuse –MPD's Domestic Abuse Incident Response Protocol (03/14/12) (01/12/15)

1. The Minneapolis Park Police Department (following MPD policy) has adopted the following protocol for patrol officers responding to adult arrest and suspect cases for the following offenses: (01/12/15)
 - Felony 1st degree assault, if the parties are family or household members;
 - Felony 2nd degree assault, if the parties are family or household members;
 - Felony 3rd degree assault, if the parties are family or household members;
 - Felony domestic assault by strangulation;
 - Felony terroristic threats, if the parties are family or household members;
 - Misdemeanor, gross misdemeanor or felony domestic assault;
 - Misdemeanor, gross misdemeanor or felony violation of an Order for Protection;
 - Misdemeanor, gross misdemeanor or felony violation of a Domestic Abuse No Contact Order;
 - Misdemeanor, gross misdemeanor or felony violation of a Harassment/Restraining Order, if the parties listed in the order are family or household members;
 - Gross misdemeanor or felony stalking, if the parties are family or household members; and
 - Gross misdemeanor interference with an emergency call.

2. As part of this protocol, officers shall complete the following preliminary investigative tasks when responding to any calls as described above:
 - a. Check for existence of Order for Protection or Domestic Abuse No Contact Order on every domestic related 911 call.

 - b. Ask victim if suspect or arrestee has access to any guns or ammunition or if there are any in the home. (01/12/15)
 - i. If victim indicates yes, ask if victim has any safety concerns. Document responses in the report. (11/03/14)

 - ii. If the victim has safety concerns, officers may property inventory the guns and ammunition for safe keeping. (01/12/15)

 - c. Obtain a signed medical release with shaded areas completed from victim if victim is seeking medical treatment.

 - d. Ask victim to complete domestic violence victim's supplement. Property inventory supplement on completion.

- e. Document in CAPRS report the victim's answers to risk assessment questions listed on domestic violence victim's supplement and ask any follow-up questions.
- f. Take photographs. Examples of things to photograph include, but are not limited to: the arrestee; victim; injuries; scene, including any damaged property; and the arrestee in an Order for Protection or Domestic Abuse No Contact Order case at a prohibited address.
- g. Collect any physical evidence and property inventory it.
- h. Obtain contact information from witnesses to the incident including name, address, and phone number.
- i. Question witnesses regarding the incident.
- j. If suspect is gone on arrival, remind victim to call police if suspect returns within 72 hours of the incident. (11/03/14)
- k. Inform victim of domestic violence resources on blue card and call the 24-Hour Domestic Violence Hotline at 612-874-7100 to inform them of incident. (01/12/15)
- l. If the case is misdemeanor or gross misdemeanor level, check the PC Enhanced Felony. Follow the instructions pertaining to the arrested party or suspect if they are on the list and add the additional charge listed. (01/12/15)
- m. If the case is misdemeanor or gross misdemeanor level, obtain a squad video Mirandized Scales statement from suspect or arrestee. Document results of the interview in the CAPRS report. (Miranda statements DO NOT need to be taken on felony level cases). (01/12/15)

C. Arrests for Violation of Domestic Abuse No Contact Order (12/19/91) (03/14/12)

- 1. Officers shall verify the existence of the Domestic Abuse No Contact Order. (03/14/12)
 - a. If the suspect or the victim does not have a valid copy of the Domestic Abuse No Contact Order, the existence of the court order may be verified by contacting the Hennepin County Jail Records Unit 612-596-8080. (03/14/12)
 - b. If no telephone is available to the officer, the officer may ask the MECC (Channel 7) for assistance.

- c. Domestic Abuse No Contact Orders are stored in the same database as Orders for Protection, and can be verified by following the procedures described in 7.314.01 Order for Protection – Short Form Notification. (03/14/12)
 2. If an officer determines an individual is in violation of a Domestic Abuse No Contact Order, an arrest shall be made. (03/14/12)
 3. Officers shall complete a CAPRS report and supplement entitled “Violation of a Domestic Abuse No Contact Order” (VDNCO). Include the Hennepin County Jail SILs number (HCJ's computer ID# of the arrestee) and the original charge which the arrestee had been previously booked on and released. (03/14/12)
- D. Domestic Abuse and Domestic Violence – Reporting Requirements (03/14/12) (01/12/15)**
1. In all cases of domestic violence or alleged acts of domestic abuse, a CAPRS report and supplement shall be completed immediately. (03/14/12)
 2. If no arrest is made, the supplement shall clearly show sufficient reasons for not making the arrest. (12/10/2004) (03/14/12)
 3. Officers shall notify the 24-Hour-Domestic Violence Hotline at 612-874-7100 whenever completing a CAPRS report (in both arrest and suspect cases) for: (04/17/91) (10/21/93) (05/18/99) (03/14/12) (01/12/15)
 - 1st degree domestic assault;
 - 2nd degree domestic assault;
 - 3rd degree domestic assault;
 - Domestic assault by strangulation;
 - Domestic threats;
 - Domestic stalking;
 - Domestic assault enhanced;
 - Interference with an emergency call;
 - Violation of an Order of Protection;
 - Violation of a Domestic Abuse No Contact Order;
 - Violation of a Restraining Order (if domestic related); or
 - Violation of an Order for Protection Enhanced

Department policy approved by:



Jayne Miller, Superintendent

11/5/2015

Date