

North Dakota Model Law Enforcement Domestic Violence Policy

October 2005

Domestic Violence is a serious crime against the individual and the community. The purpose of this policy is to establish procedures for handling matters of domestic violence and abuse and to implement the most effective strategies for dealing with perpetrators of domestic violence.

Endorsed by the North Dakota Attorney General's Office

Developed in collaboration with the following grant partners:

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Rural Crime & Justice Center – Minot State University
Tribal Judicial Institute – University of North Dakota
North Dakota Council on Abused Women's Services /
Coalition Against Sexual Assault in North Dakota (NDCAWS/CASAND)
Multi-Disciplinary Advisory Committee from across North Dakota**

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This policy is intended to be adapted by individual agencies and contains best practices associated with law enforcement domestic violence policies. Technical assistance is available through the North Dakota Council on Abused Women's Services/Coalition Against Sexual Assault in North Dakota (NDCAWS/CASAND) to assist agencies with the adaptation process.

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DEVELOPMENT OF THE MODEL POLICY

North Dakota Century Code § 14-07.1-14 states “Every law enforcement agency shall develop and implement...specific operational guidelines for arrest policies and procedures in crimes involving domestic violence”. This law was passed in 1989; however, a 2003 analysis conducted by the Rural Crime and Justice Center (RCJC) at Minot State University revealed that over 65% of law enforcement agencies in North Dakota did not have any such policy in place. This fact created an atmosphere of urgency for law enforcement and advocates throughout North Dakota and was the impetus for the North Dakota Department of Health – Injury Prevention and Control Division, in collaboration with the Council on Abused Women’s Services/Coalition Against Sexual in North Dakota (NDCAWS/CASAND), to seek funding through the Department of Justice Grants to Encourage Arrest Policies and Procedures Program (GTEA).

The North Dakota Department of Health – Injury Prevention and Control Division received GTEA funding in September of 2004, and contracted with NDCAWS/CASAND to carry out the goals and objectives of the grant. This funding allowed NDCAWS/CASAND to establish a statewide advisory committee to examine law enforcement domestic violence policies and hire a coordinator to assist the advisory committee with developing a model law enforcement domestic violence policy for North Dakota.

The advisory committee met in December of 2004, and again in June of 2005. During that time period they examined numerous drafts of this model policy and made many collaborative decisions regarding content, length, and overall philosophical ideology of the model policy. The final draft was approved by the committee in August 2005.

PURPOSE

Domestic violence is a serious crime against the individual and the community. The failure of any law enforcement officer to properly respond and handle a domestic call will expose individuals and the community to danger up to and including death. Because domestic violence can and does result in the death of individuals, every response to a domestic call should be treated the same as any other crime against a person.

The purpose of this policy is to establish procedures for handling matters of domestic violence and abuse and to implement the most effective strategies for dealing with perpetrators of domestic violence. Domestic violence is often the result of unique and subtle emotional and social circumstances and, therefore, requires judicious response and rational application of a law enforcement officer's professional judgment and discretion. Law enforcement must exercise leadership in the community in responding to domestic violence cases and should optimize and coordinate all available resources for the handling of domestic violence cases.

POLICY STATEMENT

Victims of domestic violence should be treated with respect and dignity and be given all available assistance by law enforcement personnel responding to an incident of domestic violence. Every step possible should be taken to insure the safety of the victim, including providing a safety plan to the victim and, if necessary, transporting the victim and children to another site for their safety and protection.

The principal purpose of this policy is to establish procedures to be followed by law enforcement officers responding to domestic violence incidents so as to assure a consistent and effective response. Additionally, this policy seeks to:

1. Prevent future incidents of domestic abuse by establishing arrest as the preferred initial law enforcement response.
2. Reaffirm police responsibility and authority to make arrest decisions in accordance with state law and established probable cause standards.
3. Document allegations of domestic violence so there can be meaningful prosecution and delivery of victim services.
4. Assist in making determinations of the most immediately significant aggressor and utilizing investigation techniques to prevent dual arrest.

Appropriate and effective police response to domestic violence calls is the best mechanism for enhancing victim safety. It is also the means by which police departments can minimize departmental liability. It is, therefore, imperative that law enforcement officers receive appropriate initial training in the handling of domestic violence complaints along with training on an annual basis. Additionally, legal updates training should be provided every two years along with training pertaining to polices and procedures outlined here. It is also imperative that departments follow the statutory obligations for action, and implement these guidelines.

DEFINITIONS

- A. **“Bodily Injury”** means **“any impairment of physical condition, including physical pain”**. N.D.C.C. §12.1-01-04(4)
- B. **“Dependent Child”** means **“an individual under the age of eighteen (18) years”**. N.D.C.C. §12.1-35-01(1).
- C. **"Domestic Violence"** includes **“physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household members”**. N.D.C.C. §14-07.1-01(2)
- D. **“Domestic Violence / Sexual Assault Organization”** means **“a private, nonprofit organization whose primary purpose is to provide emergency housing, twenty-four hour crisis lines, advocacy, supportive peer counseling, community education, and referral services for victims of domestic violence and sexual assault”**. N.D.C.C. § 14-07.1-01 (3)
- E. **"Family or household member"** means **“a spouse, family member, former spouse, parent, child, persons related by blood or marriage, persons who are in a dating relationship, 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 are or have been married or have lived together at any time, and, for the purpose of the issuance of a domestic violence protection order, any other person with a sufficient relationship to the abusing person as determined by the court under N.D.C.C. § 14-07.1-02”**. N.D.C.C. § 14-07.1-01 (4)
- F. **“Foreign Protective Order”** means **“a protection order issued by a tribunal of another state”**. N.D.C.C. § 14-07.4-01 (1)
- G. **“Immediately Significant Aggressor”** means **“in the absence of self-defense, the family or household member who has engaged in the most immediately significant aggression by considering certain factors, including the comparative severity of injuries involved and the likelihood of future harm”**. N.D.C.C. §14-07.1-10(2).
- H. **“Intimidation”** means unlawful coercion which is compulsion by physical force or threat of physical force. Coercion is intended to restrict another’s freedom of action by: (1) threatening to commit a criminal act against that person, (2) threatening to accuse that person of having committed a criminal act, (3) threatening to expose a secret that either would subject the victim to hatred, contempt, or ridicule or would impair the victim’s credit or goodwill, or (4) taking or withholding official action or causing an official to take or withhold action. It also includes conduct that constitutes the improper use of economic power to compel another to submit to the wishes of one who wields it. (Black’s Law Dictionary, 2000)

- I. **“Law enforcement officer” means “a public servant authorized by law or by a government agency to enforce the law and to conduct or engage in investigation of violations of law”. N.D.C.C. § 14-07.1-01(6)**
- J. **“Probable Cause” to justify an arrest means facts and circumstances within the officer’s knowledge that are sufficient to warrant a prudent person, or one of reasonable caution, in believing in the circumstances shown, that the suspect has committed, is committing, or is about to commit (in the case of a threat) a crime. Probable cause is frequently referred to in cases and statutes as “reasonable grounds”. (Black’s Law Dictionary, 2000)**
- K. **"Protection order" means “an injunction or other order, issued by a tribunal under the domestic violence or family violence laws of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to another individual”. N.D.C.C. §14-07.4-01(5).**
- L. **“Self-defense” means “a person is justified in using force upon another person to defend himself against danger of imminent unlawful bodily injury, sexual assault, or detention by another person”. N.D.C.C. §12.1-05-03. “A person is justified in using force upon another person in order to defend anyone else if the person defended would be justified in defending himself”. N.D.C.C. §12.1-05-04 and N.D.C.C. §12.1-05-04(1)**
- M. **“State” means “a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band that has jurisdiction to issue protection orders”. N.D.C.C. § 14-07.4-01 (7)**
- N. **“Victim” means “a natural person who has suffered direct or threatened physical or emotional harm where there is probable cause to believe that the harm has been caused by the commission of a criminal act”. N.D.C.C. §12.1-34-01(8).**

911 OPERATOR / DISPATCHER RESPONSE TO DOMESTIC VIOLENCE CALLS

- A. The dispatcher who receives a call reporting threatened, imminent, or ongoing domestic violence, and/or the violation of any protection order, including orders issued pursuant to **N.D.C.C. § 14-07.1-06** and restraining orders, shall rank the call among the highest priority calls. The dispatcher shall dispatch officers to every reported incident. The dispatcher, whenever possible, shall dispatch two officers to the scene.
- B. The dispatcher receiving a call regarding domestic violence should make every effort to keep a victim of domestic violence on the telephone until field units arrive. This provides assistance in monitoring the situation and enables the dispatcher to provide the most recent information to the field officers when they arrive at the scene. The dispatcher will obtain as much information as possible and communicate the information to the field units. The dispatcher shall determine the following, if possible:
- What is the emergency? Address? Apartment number? Call back number? Other phone number where caller might be located?
 - Is anyone injured?
 - If yes, is an ambulance needed?
 - Are weapons involved or available? Has a weapon been used in the past?
 - Who am I speaking to? Are you the victim? If not, are you a witness?
 - Is the domestic verbal or physical?
 - What has happened? What is happening right now?
 - Who is the suspect and is he/she present? If not, has the suspect left the scene (i.e. on foot, in a vehicle, etc., Obtain a description of the suspect, description of vehicle, the direction in which the suspect left, and his/her expected whereabouts).
 - Any alcohol or drugs involved? Any alcohol or drugs at the scene?
 - Are there children present? How many? What is their location at the scene?
 - Are there other individuals present? How many? What is their location at the scene?
 - Is there any type of restraining order in place? Has the suspect been served a copy of the order?
 - Any outstanding warrants?
 - Is there a previous history of domestic violence / assault? Have the police been to this address before?
 - Are there threats of suicide / homicide? Have there been threats in the past?
- C. If the phone call is disconnected, the dispatcher will immediately attempt to re-establish contact with the caller and notify field units. If the assailant is interfering with the phone call, the dispatcher will notify the field units of this information. Field units will still respond if the phone call has been disconnected or if the caller requests cancellation of the call.
- D. If the complainant must leave the telephone to seek safety, advise the complainant to lay the phone down and not disconnect so dispatch or 911 operator can monitor the situation.

- E. The dispatcher or 911 operator, in speaking with a victim of domestic violence, will **not** discuss the victim's desire to "press charges", "drop charges", or "prosecute". It is inappropriate for any dispatcher or 911 operator to make any comment or statement which seeks to place the responsibility for enforcement action with the victim.
- F. Agencies taking domestic violence calls should be aware that the 911 tape frequently becomes a valuable piece of evidence in the prosecution of domestic violence cases, and should, therefore, make every effort to preserve this evidence and not discard / tape over / delete the 911 call. [Please review **N.D.C.C. §12.1-11-05(1) (b)** for further explanation.]
- G. Dispatch centers should have a current list of domestic violence programs, shelters, and victim/witness programs on hand to assist law enforcement in offering services to victims of domestic violence. [See Appendix A, B, and C.]

INITIAL RESPONSE AND INVESTIGATION

A. Officer Safety / Arrival at the Scene – NOTE: Officer safety should guide all responses to domestic violence calls.

1. Obtain all available information from the dispatcher before or upon arrival at scene.
2. Approaching the scene:
 - a. Whenever possible, a minimum of two law enforcement officers should respond to a domestic call.
 - b. Avoid the use of sirens and other such alarms, when allowed by law and policy and when safe arrival is still possible, in the vicinity of the scene. (The assailant may turn a weapon upon law enforcement, or flee the scene, if alerted.)
 - c. Observe the location of the dispute before contacting the complainant. Consider the surroundings. If possible, approach and park in a manner not to be seen.
 - d. Before knocking on the door, listen and look in any nearby window(s) to obtain additional information about the situation (layout of the house, number of people involved, weapons, etc). Law enforcement must be concerned for their own safety. To minimize the possibility of injury, law enforcement should stand to the side of the door when knocking. The unexpected may occur when the door opens.

B. On Scene Response

1. Identify selves as law enforcement, give an explanation of law enforcement presence, and request entry into the home. Ascertain identity of complainant – ask to see complainant.
 - a. If entry is refused, law enforcement must explain that they need to make sure there are no injured persons inside.
 - b. Refusal of entry or no response to a knock at the door may require a forced entrance to check safety of people inside.
 - c. Law enforcement may conduct a search of the premises if consent has been given to do so. Although a consent search eliminates a need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership or possession of a place or thing, either one may give a valid consent.
 - (1) A spouse can consent to the search of premises used jointly by both husband and wife. This is also true if man and woman are only cohabitants. If one of them exercises sole control over part of the premises, the other cannot give valid consent to search that part.

d. Law Enforcement may also make a warrantless entry to conduct a search if emergency /exigent circumstances exist. Law Enforcement must have a reasonable belief that such an emergency does exist (i.e. if law enforcement believes that someone is in distress and in need of assistance). Exigent circumstances are defined as:

- (1) Lives are threatened;
- (2) Property and/or evidence is about to be destroyed; or
- (3) Suspect's escape is imminent.

2. Once entry is secured, law enforcement shall:

- a. Physically separate parties involved in domestic violence to prevent any further immediate contact between the parties. [**Note: This includes removing the victim from the suspect's line of sight. If it is necessary to remove one party from inside the residence to the outside area, and officer safety permits, the suspect should be removed outside and the victim allowed to remain inside in a protected environment.**]
- b. Restore order by gaining control of the situation.
- c. Take control of all weapons used or threatened to be used in the crime. **NOTE: For the safety of both parties, if it is not required in a protection order, an officer still may suggest the respondent surrender weapons to law enforcement for a temporary period of time.**
- d. Assess the need for medical attention and call for medical assistance if indicated.
 - (1) If a party appears minimally injured and yet refuses medical assistance, carefully document any observed injuries as well as the refusal of medical treatment.
 - (2) If a party appears severely injured, medical personnel shall be called with or without the consent of the party.
 - Obtain a medical records release signed by the victim/suspect at the scene.
 - Send waiver signed by victim/suspect to medical facility as soon as possible and obtain copy of records for report including doctor's name and phone number.
- e. Document all parties present at the scene.
- f. Interview all parties i.e. victim, suspect, children, and/or any witnesses separately and away from the line of sight and hearing of the suspect; Use direct quotes of victims and witnesses about their fears and concern
- g. Assess and document the condition of the incident scene. What does it look like? (i.e. holes in wall, broken items, chairs tipped over, etc.) [**Note: Photograph and/or videotape scene and document in report.**]
- h. Record/document any excited utterances
- i. Collect and photograph all relevant evidence required for successful prosecution [**Note: Use Appendix D or E to document any injuries.**]
- j. Determine if a crime has occurred.

C. Preliminary Investigation

1. Interviewing all individuals present at scene

- a. Ensure safety and privacy by interviewing the victim in a place separate from the suspect.
- b. Critical to the success of the interview is the law enforcement officer's demeanor. Officers must listen, show interest in the disputants and their problem, maintain objectivity, and remain aware of nonverbal communications signals. Maintain good eye contact through natural, spontaneous glances. (Fixed gazes or staring increase fear and hostility.). A relaxed stance and appropriate facial and head movements demonstrate interest and encourage the parties to continue speaking.
- c. After the parties have provided their statements, the officers should ask about details for clarification, and summarize the stated account (which allows the parties to point out anything that might be misrepresented).
- d. Determine if there is a need for an interpreter/translator for any of the parties. Be mindful of the implication of using children as translators.
- e. Be aware that parties may make excited utterances which may have evidentiary value. Record these utterances when practical and note them in your report.

3. Interviewing victim

[Note: If possible, officer should tape record the victim's- with the victim's consent – statement for evidentiary purposes]

- a. Determine what happened.
- b. Ascertain if anyone has any injuries, who caused them, and what weapons or objects were used to perpetrate the violence.
- c. Ascertain victim's relationship to the suspect.
- d. Ascertain if any threats were made against the victim or others, particularly children.
- e. Ascertain if any property was damaged or if any pets were hurt.
- f. Ascertain if there was any forced sexual contact against the victim's will.
- g. Determine if there are any court cases pending against the suspect or if there are any protective orders in effect.
- h. Determine if the suspect is on probation or parole.
- i. Document victim's condition and demeanor in report.
- j. Photograph and document in report:
 - Damaged clothing while on the victim
 - Seize torn or damaged clothing
 - Smearred makeup
 - Evidence of injury **[Note: Use Appendix D or E to document any injuries.]**
 - Condition of crime scene **[Note: When documenting the scene photographically, officers are reminded to take both close-up and full scene pictures. If possible, officers should also videotape the scene.]**

- k. Obtain the phone number of the victim's residence and include that number in the incident report so jail/court/victim-witness/advocate personnel may inform the victim of the suspect's release on bail. Obtain alternative contact information, (i.e. additional phone numbers, etc.) where messages can be safely left if the victim decides to leave the residence for safety reasons. Also, if possible, record name, address, and phone number of two close friends or relatives of the victim who will know of her/his whereabouts 6-12 months from the time of the investigation. **[Note: If the victim will be seeking to hide from the abuser, KEEP A SEPARATE RECORD of the address and phone number where the victim will be located.]**
- l. Arrange for follow-up photographs of the victim within one to three days in order to demonstrate the extent of the injuries that may later become more obvious.
- m. The law enforcement officer shall not advise victims of domestic violence that they can "press" charges or "drop" charges. The decision to prosecute is made by the states attorney. The victim and suspect will be advised that once a crime report is taken, he/she has no control over the decision to arrest and/or prosecute.
- n. Document any presence or use of alcohol and/or drugs.

3. Interviewing Suspect

[Note: If possible, officer should tape record the suspect's statement for evidentiary purposes]

- a. Determine what happened.
- b. Any injuries, who caused them, and what weapons or objects were used to perpetrate the violence.
- c. Document suspect's condition and demeanor in report.
- d. Ascertain suspect's domestic violence and criminal history – any previous contact with law enforcement.
- e. Photograph and document in report:
 - Damaged clothing while on the suspect
 - Torn or damaged clothing
 - Smearred makeup
 - Evidence of injury **[Note: Use Appendix D or E to document injuries.]**
- f. Document any presence or use of alcohol and/or drugs.

4. Interviewing Witnesses

- a. Interview any witnesses to the incident – children, other family members, neighbors, etc. – as soon as possible.
- b. Remember: witnesses may be experiencing significant trauma. This trauma may affect their recall abilities and may produce varying versions of events. This does not diminish the credibility of their description of events.
- c. If witnesses provide information about prior assaults, document them to assist in establishing a pattern of abuse.

- d. Interview emergency medical services (EMS) witnesses, emergency room (ER) personnel, and/or dispatch for corroborating evidence.

5. Interviewing Children

- a. Children should be interviewed with care and kindness. Sit, kneel, or otherwise be at their level when speaking to them. Signs of trauma or abuse should be noted in the report. **[Use Appendix D or E to document any injuries.]**
- b. Children should be questioned in an age appropriate manner and interviewed without leading questions. The interview should be done away from the other parties, without parental influence.
- c. Document children's full names, ages, dates of birth, and relationship to the parties.
- d. Document the children's demeanor.
- e. Children should be reassured and praised by the law enforcement officer after the child's statement has been recorded.
- f. If a child is present at the scene of a domestic call or is the victim of domestic abuse, the law enforcement officer should determine whether the child has been subjected to physical abuse, sexual abuse, or neglect, and comply with the requirements of **N.D.C.C. § 50-25.1**. If the child has been physically injured, the law enforcement officer shall ensure the child receives appropriate medical attention (this may require that the officer escort the child to the nearest hospital for treatment, arrange transportation via ambulance or guardian, etc.).
- g. If the legal parent or guardian of a child can no longer provide care (i.e. when the victim is hospitalized), the law enforcement officer should consult with the legal guardian or parent on determining the disposition of the child and should make a good faith attempt to follow the request of the legal guardian or parent.
 - If the law enforcement officer reasonably believes that the child's immediate surrounding or conditions endanger the child's health and welfare, the officer may take the child into immediate custody pursuant to **N.D.C.C. § 50-25.1**.
 - When children are present, law enforcement shall document the basic circumstances surrounding their exposure to the incident in the police report and forward a referral to Child Protective Services as directed by current collaborative agreement.

ARREST DECISIONS

- A. **Arrest:** Officers will make an arrest when probable cause and legal authority exist to make an arrest. Field release and referral to court is not recommended in domestic violence cases when grounds for an arrest are present. **“If the law enforcement officer has probable cause to believe that a person has committed a crime involving domestic violence, whether the offense is a felony or misdemeanor, and whether or not the crime was committed in the presence of the officer, the law enforcement officer shall presume that arresting the person is the appropriate response”.** N.D.C.C. § 14-07.1-10(1).
- B. **Arrest without a Warrant:** **“A law enforcement officer may arrest a person without a warrant if the arrest is made within 12 hours from the time the officer determines there is probable cause to arrest for an assault of a family or household member as defined in N.D.C.C. § 14-07.1-06, whether or not the assault took place in the presence of the officer. After 12 hours have elapsed, the officer must secure an arrest warrant before making an arrest. A law enforcement officer may not arrest a person without first observing that there has been recent physical injury to, or impairment of physical condition of, the victim”.** N.D.C.C. § 14-07.1-11(2).

1. Making the arrest:

- a. Arrest the suspect, if he/she is present, apply handcuffs, inform him/her that the decision to arrest is a law enforcement one, and transport securely to the jail.
- b. If the assailant is absent, and if the victim wishes, transport the victim, and children, (or arrange for transportation to) a safe shelter or other appropriate place. Circulate a “be-on-the-lookout” message describing the assailant and arrange for an arrest warrant.

C. Factors that should not be considered in making the arrest:

- Marital status, sexual orientation, race, or cultural, social, political or professional position.
- Ownership, tenancy rights of either party, or the fact that the incident occurred in a private place.
- Belief that the victims will not cooperate with criminal prosecution or that the arrest may not lead to a conviction.
- Verbal assurances that the abuse will stop.
- Disposition of previous police calls involving the same victim or suspect.
- Past law enforcement calls to assist at residence.
- Denial by either party that the abuse occurred when there is evidence of domestic abuse.
- Lack of a court order restraining or restricting the suspect.
- Concern about reprisals against the victim.
- Adverse financial consequences which might result from the arrest.
- Chemical dependency or intoxication of the parties.
- Who made the call: Whether it’s the neighbor, victim, suspect or child.
- If investigating the violation of an Order for Protection, it does not matter who initiated the contact between the parties.

D. Arrest when two or more complaints are received: “A law enforcement officer investigating a crime involving domestic violence may not threaten, suggest, or otherwise indicate, for the purpose of discouraging requests for law enforcement intervention, that the family or household members will be arrested. When complaints are received from two or more family or household members, the officer shall evaluate each of the complaints separately to determine if either party acted in self-defense as defined in N.D.C.C. § 12.1-05- 03. If self-defense is not a factor, to determine whether to seek an arrest warrant or to pursue further investigation, the officer may determine which party has engaged in the most immediately significant aggression by considering certain factors, including the comparative severity of injuries involved and the likelihood of future harm.” N.D.C.C. § 14-07.1-10(2).

E. Immediately Significant Aggressor: The party that poses the greatest threat. The immediately significant aggressor is the person determined to be the most significant, but not necessarily the first, aggressor. Law enforcement officers shall identify an immediately significant aggressor based on the totality of the circumstances. Some or all of these circumstances may be present:

- Comparative severity of injuries.
- The relative size, bulk, and strength of the parties involved.
- Likelihood of future harm/injury to any party.
- Use of weapons.
- Is one party specially trained in martial arts, boxing, or hand-to-hand combat techniques?
- Who is most afraid?
- Location or nature of injuries [Offensive vs. Defensive injuries].
- Did one party escalate the level of violence [Push followed by serious beating]?
- History of abuse [Is one person usually the predominant aggressor]?
- Existence of court protective orders.
- Demeanor of the parties.
- Use of alcohol and/or other drugs.
- Existence of corroborating evidence or witnesses.
- Criminal history.
- Timing of victimization claim [Person claimed to have been assaulted only after arrested].

[Note: This policy strongly discourages officers from making dual arrests.]

Indicators of Defensive Injuries

- Wounds on victim’s palm(s) or hand(s)
- Wounds on inside and outside of victim’s arms
- Bumps on the victim’s head [especially on the back]
- Bite marks on suspect’s chest, biceps, forearms
- Scratches on suspect’s face, chest, neck [strangulation cases]
- Bruising behind ears of victim [strangulation cases]

[Note: Remember, self-defense does not include acts inflicted to punish or retaliate]

F. Law Enforcement Immunity: “A law enforcement officer may not be held criminally or civilly liable for making an arrest if the officer acts in good faith on probable cause and without malice”. N.D.C.C. § 14-07.1-11(3) and N.D.C.C. § 14-07.1-13(5).

COURT ORDERS

A. **Order for Protection:** “A law enforcement officer shall arrest a person without a warrant if the person has committed the offense of violating a protection order under N.D.C.C. § 14-07.1-06, whether or not the violation was committed in the presence of the officer.” N.D.C.C. § 14-07.1-11(1). **NOTE: The law requires an arrest whether or not the excluded party was invited back to the residence.**

1. If a law enforcement officer determines that an otherwise valid protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order and make a reasonable effort to serve the order upon the respondent. After informing the respondent and serving the order, the officer shall allow the respondent a reasonable opportunity to comply with the order before enforcing the order.
2. Law enforcement should pay special attention to and assess the lethality of each respondent when serving protection orders. **[Note: Officers should utilize Appendix D or F to assist in the determination of lethality.]**

B. **Surrender of Weapons:** A respondent may be required in a protection order to surrender for safekeeping any firearm or other specified dangerous weapon, as defined in N.D.C.C. § 12.1-01-04(6), in the respondent’s immediate possession or control or subject to the respondent’s immediate control, if the court has probable cause to believe that the respondent is likely to use, display, or threaten to use the firearm, or other dangerous weapon in any further act of violence. If so ordered, the respondent shall surrender the firearm to the Sheriff, or the sheriff’s designee, of the county in which the respondent resides, or the chief of police, or the chief’s designee, of the city in which the respondent resides. **NOTE: For the safety of both parties, if it is not required in a protection order, an officer still may suggest the respondent surrender weapons to law enforcement for a temporary period of time.**

1. **Individuals – including law enforcement officers – are prohibited from possessing or transferring (or returning) a firearm while subject to a protection order. 18 U.S.C. § 922 (g) (8) and 18 U.S.C. § 922 (d) (8).** Individuals cannot possess ammunition either. **EXCEPTION: Law Enforcement officers are exempt from these prohibitions for official duty” firearms only. 18 U.S.C. § 925 (a) (1). [Federal Law]**
2. **Individuals – including law enforcement officers – are prohibited from possessing or transferring (or returning) a firearm if that person has been convicted of a misdemeanor crime of domestic violence.** No exception is made for law enforcement officers. **18 U.S.C. § 922 (g) (9) and U.S.C. § 922 (d)(9). [Federal Law]**
3. **Forfeiture of Weapons: “Any firearm or dangerous weapon used or possessed while in the commission of a felony or a misdemeanor involving violence or intimidation must be seized.” N.D.C.C. § 62.1-01-02.**

- C. **Order Prohibiting contact**: “A law enforcement officer **shall** arrest a person without a warrant if the officer determines there is probable cause that the person has committed the offense of violating an order prohibiting contact under this section, whether or not the violation was committed in the presence of the officer.” N.D.C.C. § 14-07.1-13 (5). NOTE: The law requires an arrest whether or not the excluded party was invited back to the residence.
- D. **Disorderly Conduct Restraining Order**: “A law enforcement officer **may** arrest the respondent without a warrant and take the respondent into custody if the law enforcement officer has probable cause to believe the respondent has violated an order issued under N.D.C.C. § 12.1-31.2-01.” N.D.C.C. § 12.1-31.2-01(7) (c) NOTE: The law allows an arrest whether or not the excluded party was invited back to the residence.
1. If a law enforcement officer determines that an otherwise valid disorderly conduct order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order and make a reasonable effort to serve the order upon the respondent. After informing the respondent and serving the order, the officer shall allow the respondent a reasonable opportunity to comply with the order before enforcing the order.
- E. **Foreign Orders (Full Faith and Credit)**:
1. “A law enforcement officer, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. Presentation of the protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. The protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for law enforcement.” N.D.C.C. § 14-07.4-03 (1).
 2. “If the protection order is not presented, the officer may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.” N.D.C.C. § 14-07.4-03 (2).
 3. “If a law enforcement officer determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order and make a reasonable effort to serve the order upon the respondent. After informing the respondent and serving the order, the officer shall allow the respondent a reasonable opportunity to comply with the order before enforcing the order.” N.D.C.C. § 14-07.4-03 (3).
 4. “Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order.” N.D.C.C. § 14-07.4-03 (4).

- F. **Law Enforcement Immunity:** “A law enforcement officer is immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission is done with good faith.” N.D.C.C. §14-07.4-05”.

VICTIM ASSISTANCE

A. If an arrest occurs:

1. Complete an incident report and, if the victim requests, provide a copy or arrange to have a copy provided to the victim – this would be done absent good cause not to do so. Additionally, explain to the victim the procedure (who/where to call) to obtain a copy of the report. The procedure applies to domestic violence incidents, protection order violations, stalking incidents, and any other domestic violence related crime.
2. Advise the victim of the importance of preserving evidence.
3. Explain to the victim about protective orders and how to obtain them.
4. If the victim wants to leave the premises to ensure safety, remain at the scene while the victim packs essentials. Advise the victim to take only personal items plus important papers (i.e. bank account numbers, social security cards, passports, birth certificates, etc.).
5. If the victim needs a ride at the time of the incident, the officer may assist by transporting the victim to the Law Enforcement Center to wait for someone to pick up the victim (Domestic Violence Advocate, family member, friend, etc) or an officer may transport the victim to a safe place within reasonable distance. (A shelter – no matter what distance – shall be deemed “reasonable distance”).
6. Provide the victim with the telephone numbers of the local or nearest domestic violence center and/or shelter.
7. Advise the victim that the case may be prosecuted even if the victim later recants and/or chooses not to cooperate with prosecution.

B. If an arrest does NOT occur:

1. Complete an incident report and, if the victim requests, provide a copy or arrange to have a copy provided to the victim – this would be done absent good cause not to do so. Additionally, explain to the victim the procedure (who/where to call) to obtain a copy of the report. The procedure applies to domestic violence incidents, protection order violations, and stalking calls.
2. Advise the victim of the importance of preserving evidence.
3. Explain to the victim about protective orders and how to obtain them.
4. If the victim wants to leave the premises to ensure safety, remain at the scene while the victim packs essentials. Advise the victim to take only personal items plus important papers (i.e. bank account numbers, social security cards, passports, birth certificates, etc.).
5. If the victim needs a ride at the time of the incidents, the officer may assist by transporting the victim to the Law Enforcement Center to wait for someone to pick up the victim (domestic violence advocate, family member, friend, etc) or an officer may transport the victim to a safe place within reasonable distance (a shelter – no matter what distance – shall be deemed an appropriate transport).
6. Provide the victim with the telephone numbers of the local or nearest domestic violence center and/or shelter.
7. Law enforcement shall assure the victim that they will assist in future emergencies and explain measures for enhancing the victim’s own safety

C. For ALL incidents:

1. Law enforcement shall refer victims of domestic violence to the appropriate community resources, such as:
 - a. Domestic Violence Centers
 - b. Shelters
 - c. Victim/Witness Programs
 - d. Mental Health Agencies
 - e. Medical doctors
 - f. Legal Assistance agencies
 - g. Social Services

2. Law enforcement shall inform victims of the procedure for contacting jail staff in order to determine when the suspect may be released from custody. Additionally, law enforcement shall provide victim contact information to jail staff and request jail staff notify the victim before the suspect's release. **[Note: Law enforcement should utilize Appendix G for assistance in notifying the victim.]**

3. Law enforcement shall contact the local or nearest domestic violence advocacy center in situations involving arrests on domestic-related crimes to enable advocacy centers to make contact with the victim in order to:
 - a. Provide information concerning the court process and available services;
 - b. Elicit victim's input into the court process;
 - c. Ascertain the victim's wishes regarding conditions of release; and
 - d. Offer or facilitate accompaniment throughout the court process.

REPORTS

A. Required Reports: “A law enforcement officer shall make a written report of the investigation of any allegation of domestic violence regardless of whether an arrest was made. If the officer determines through the course of an investigation that one of the individuals has engaged in the most immediately significant aggression, the report must include the name of that individual and a description of the evidence that supports the findings. The officer shall submit the report to the officer’s supervisor or to any other person to whom the officer is required to submit similar reports.” N.D.C.C. § 14-07.1-12

1. The investigating officer shall prepare an investigation report regarding the incident in accordance with existing departmental policy. Any domestic violence call handled by this department shall have the initial report completed before the officer goes off duty. The complete report shall be written and completed within five (5) days from the incident’s occurrence regardless of whether an arrest was made or not. [Note: Officers should utilize Appendix D.]

B. Documentation: The following should be documented within the report [Note: Officer should utilize **Appendix H** for documentation purpose.]:

- The victim’s and suspect’s exact words / excited utterances;
- Elements of all crimes investigated;
- Any visible injuries and/or complaints of pain – documentation should include a description in the police report, as well as photographs and medical reports, if medical treatment was obtained;
- Whether either party was photographed;
- Whether alcohol and/or drugs were present or used in the incident;
- Any past domestic violence (if possible, attach copies of previous reports made if law enforcement responded to other incidents);
- Note if weapons were present and/or are possessed by the suspect;
- Any court orders currently or previously in place (i.e. an Order for Protection, custody order, etc.);
- Any restraining order violations;
- List the phone number of the victim’s residence along with alternative contact information, (i.e. additional phone numbers, etc.) where messages can be safely left if the victim decides to leave the residence for safety reasons. Also, if possible, record name, address, and phone number of two close friends or relatives of the victim who will know of her/his whereabouts 6-12 months from the time of the investigation. [Note: If the victim will be seeking to hide from the suspect, KEEP A SEPARATE RECORD of the address and phone number where the victim will be located.]; and
- If the parties do not speak English, please note what language they do speak for the benefit of other staff attempting to contact them. *Use objective interpreters (someone who is not a family member or a percipient witness) to obtain statements and/or tape-record statements.*

C. Lethality Assessment Provided to Prosecutor's Office: Officers should provide information regarding a suspect's dangerousness / lethality to the prosecutor for use at arraignment. Therefore, officers should gather information regarding the suspect's:

- Criminal history;
- History of abusing the current victim, including expired or dismissed protective orders;
- History of abusing other victims;
- Ownership, presence, or access to firearms, and their location;
- Use of weapons in prior abuse of current or previous victim(s);
- Present or past threats against or abuse of pets;
- Present or past attempts or threats to kill; and
- Present or past attempts or threats to commit suicide

D. Documentation in non-arrest cases: In addition to the above considerations, in cases in which an arrest is not made for domestic violence, stalking, or related crime, the incident still must be documented. In such cases, law enforcement should note in the incident report:

1. What referral information was provided; and
2. Why no arrest was made, nor any warrant sought.

E. Access to Domestic Violence Reports: Law enforcement will provide, at no cost, one copy of all domestic violence face sheets and incident reports to a domestic violence victim upon request. Absent good cause, the face sheet should be made available during business hours, within a reasonable amount of time of the request. Incident reports should be completed in an expeditious manner.

Reports should also be provided, at no cost when requested, to domestic violence advocates, shelters, and/or victim-witness coordinators under the same timelines provided above.

SUPERVISOR RESPONSIBILITIES

A. **Assurances for Practice:** Supervisors will ensure that the provisions of the North Dakota Century Code and these policy guidelines are met by reviewing each domestic violence incident report. Specifically supervisors will assure that:

- Dispatch logs will be reviewed to ensure that an incident report has been filed, even in cases in which no arrest was made. Calls which are received as allegations of domestic violence or a domestic disturbance will not be reclassified because no probable cause to arrest existed. Incident reports will be filed in those cases.
- A supervisor, or his or her designee within the department who is specifically trained to review domestic violence cases, in order to ensure that policy guidelines are met, will carefully review incident and arrest reports. If upon review of an incident report it is believed that probable cause exists, the supervisor will ensure that criminal charges are initiated according to statute and these guidelines.
- Whenever a department identifies a particular case as posing significant danger or risk, that case will be discussed at roll call, or through other channels in order to become aware of the situation.

B. **Referrals:** Supervisors will ascertain that appropriate referrals were provided to the victim and documented in the incident report.

C. **Follow-up Investigation / Reports:**

1. When assigning follow-up investigation or reviewing reports for completeness, supervisors shall, at a minimum, ensure the following is accomplished:
 - a. Verify the inclusion of all investigative steps regarding initial law enforcement response/investigation. **[Note: Supervisors shall ensure victims are re-contacted within 72 hours of the call to ascertain whether further law enforcement assistance is needed.]**
 - b. Obtain medical records when needed, if not already obtained.
 - c. Interview background witnesses who may not have been available to the law enforcement officer at the time of the incident (i.e. neighbors, medical personnel, dispatch, etc.).
 - d. Re-interview witnesses as necessary.
 - e. If possible, contact the victim and witnesses to inform them of the status of the case and/or the intended referral to the states attorney's office.

- f. Obtain subsequent photographs of injuries to the victims within one to three days of the incident (particularly when there were no initial photos taken or the initial photos did not show injuries to the victim).
 - g. Upon review of the follow-up investigation, the supervisor will ensure that additional charges are initiated whenever appropriate. For example, a supervisor should look beyond offenses charged out to ascertain if other charges are present (i.e. in addition to a protection order violation the facts may also support a stalking charge).
2. Follow-up investigation shall not consider the desire of the victim to “drop” charges in assessing whether the case should be submitted to the prosecuting attorney’s office.
 3. Personnel handling domestic violence cases should analyze each domestic violence case by asking the following questions:
 - a. Can the elements of the offense be established without the testimony of the victim? For example:
 - Did the victim make an excited utterance?
 - Are there any eye witnesses to the offense?
 - Did the victim provide a detailed statement of the offense to an officer (preferably tape-recorded) or to another person who can impeach the victim if they appear in court and testify falsely?
 - Is there other corroborating evidence (such as injuries or a 911 tape) that would support the charge?
 - b. The case should be evaluated for referral to the Prosecutor’s’s office for review regardless of the victim’s wishes.
 4. Under no circumstances should a victim be asked if he/she wishes to “press charges” or “drop charges”. Investigative personnel shall not ask a victim if they want to “prosecute” the offender. The victim should be informed that the decision to proceed is out of his/her control.
 5. If the victim presents a different version of the incident, the person/investigator taking the statement should incorporate some of the following questions and note in the follow-up report:
 - a. Financial concerns;
 - b. Contact with the defendant after the incident:
 - Were threats made?
 - Were they overt or subliminal?
 - c. Child custody / visitation issues; and
 - d. Immigration concerns

D. Training: Supervisors will ensure that officers are provided and attend training at least once a year on one or more of the topics listed in the training section of this policy.

TRAINING

This law enforcement agency shall establish a written schedule for annual or semi-annual training for members of this agency on domestic violence. The goals of the training are to keep officers up-to-date on domestic violence laws, the department's domestic violence policy and procedures, and officer safety techniques in addition to providing officers with an in-depth understanding of the intricate issues and dynamics involved in domestic violence cases.

All licensed peace officers within this department, including administration and supervisors, should be trained in accordance with N.D.C.C. § 14-07.1-14 and, at a minimum, receive at least four hours annually or two hours semi-annually on one or more of the following topics:

- Domestic violence dynamics & its impact on society;
- Effects of domestic violence on children;
- Protective order process / service;
- Predominant aggressor;
- Offensive / Defensive injuries;
- Stalking;
- Report writing in domestic violence cases;
- Law changes;
- Policy changes;
- On-Scene investigation;
- Lethality and risk assessment;
- Immigration Issues;
- Model protocols for addressing domestic violence;
- Available community resources;
- Victim Services;
- Reporting requirements.

Additional Administrative/Command/Supervisory training related to domestic violence should address the following:

- Department legal considerations and liability
- Media and public relations
- Criminal versus Administrative investigations
- Conducting lethality / dangerousness assessments

The Chief of Police, Sheriff, or his/her designee, shall ensure the review of the department's training policy annually and make any revisions deemed necessary.

A. Collaboration: Law enforcement should exercise a leadership role within the criminal justice community in the area of domestic violence. Law enforcement should collaborate with and invite other professionals, such as Domestic Violence Advocates, Child Protection Workers, Prosecutors, Probation/Parole, Jail Staff, and Dispatch, to training opportunities.

1. The department should collaborate with local domestic violence victim advocacy organizations, and the state domestic violence coalition in the development of a domestic violence training curriculum, and, whenever possible, shall use local advocates or the state domestic violence coalition in the training of officers. [See **Appendix I** for agreement form.]

2. The department should collaborate with local, state, and national law enforcement agencies that have already implemented domestic violence training. The information gathered can serve as a guideline for the development of domestic violence training curriculum, and experienced officers from these jurisdictions can assist in training within the department.
3. The department should provide, if requested, copies of all departmental policies, procedures, and protocols on domestic violence to local domestic violence victim advocacy organizations.
4. The department should provide training, when requested, to local domestic violence victim advocacy organizations on the department's domestic violence policies, procedures, and protocols.

B. Training: Domestic Violence related training may be conducted at: department meetings, shift briefings, formal training sessions, field training, or any other approved manner. Additionally, trainings should include written bulletins, videotapes, verbal reminders, and presentations provided by the prosecutor's office, domestic violence agency, victim/witness program, the state domestic violence coalition, or officers specializing in domestic violence response.

1. In-service training – the department should select a series of effective and concise materials on domestic violence for routine dissemination to all personnel. Periodic in-service trainings on domestic violence and stalking should be held to review directives and discuss their implementation.
2. Roll-call training – Officers should receive regular instruction about domestic violence and stalking during roll call.

C. Program Evaluation: To enhance the effectiveness of trainings, the department should work with internal or external research resources to evaluate the training being provided. For example, to ascertain if an in-service on the most immediately significant aggressor was effective, the department should determine whether dual arrests declined and if officers investigated and documented how the most immediately significant aggressor was determined.

1. Internal research techniques/resources may include, but are not limited to:
 - a. Surveys
 - b. Pre/Post tests
 - c. Gathering statistical data
2. External resources who may assist and provide research techniques and resources include, but are not limited to:
 - a. North Dakota Council on Abused Women's Services / Coalition Against Sexual Assault in North Dakota
 - b. Rural Crime and Justice Center – Minot State University
 - c. Local universities that can assist with research techniques and applications

INTERAGENCY COLLABORATION / MULTIPLE JURISDICTIONS

Law enforcement must exercise leadership in the community in responding to domestic violence cases. This includes optimizing and coordinating all available resources for assisting victims in addition to collaborating and developing protocols with other agencies (not just law enforcement) to enhance victim safety and ensure accountability for the suspect.

A. The Violence Against Women’s Act: Federal Crimes:

1. **Interstate Domestic Violence:** means “**crossing a state line** in order to commit domestic violence and subsequently committing the act. This crime occurs when:
 - a. A person who travels across a state line or enters or leaves Indian country with the intent to kill, injure, harass, or intimidate that person’s spouse or intimate partner; **and**
 - b. Who, in the course of or as a result of such travel, intentionally commits a crime of violence and thereby causes bodily injury to such spouse or intimate partner.” 18 U.S.C. § 2261 (a) (1).

2. **Interstate Domestic Violence:** means “**causing another to cross a state line** due to domestic violence. This crime occurs when:
 - a. A person who causes a spouse or intimate partner to cross a state line or to enter or leave Indian county by force, coercion, duress, or fraud; **and**
 - b. In the course of or as a result of that conduct, intentionally commits a crime of violence and thereby causes bodily injury to the person’s spouse or intimate partner.” 18 U.S.C. § 2261 (a) (2).

3. **Interstate Violation of a Protection Order:** means “**crossing a state line** in order to commit domestic violence in violation of a protection order and subsequently violating the protection order. This crime occurs when:
 - a. A person who travels across a state line or enters or leaves Indian country with the intent to engage in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment or bodily injury to the person or persons for whom the protection order was issued; **or**
 - b. Would violate the protection order if the conduct occurred in the jurisdiction in which the order was issued; **and**
 - c. Subsequently engages in conduct which violates the protection order.” 18 U.S.C. § 2262 (a) (1).

4. **Interstate Violation of a Protection Order:** means “**causing another to cross state lines fleeing because of domestic violence committed in violation of a protection order.** This crime occurs when:
- a. A person who causes a spouse or intimate partner to cross a state line or to enter or leave Indian country by force, coercion, duress, or fraud; **and**
 - b. In the course or as a result of that conduct, intentionally commits an act that injures the person’s spouse or intimate partner in violation of a valid protection order issued by a state.” 18 U.S.C. § 2262 (a) (2).

B. **Domestic Violence in Indian Country:** Law enforcement in Indian country can be a complicated undertaking. The jurisdictional framework that exists in North Dakota for both tribal and non-tribal lands creates many law enforcement concerns. Like nearly every other state, North Dakota has encountered uncertainties about whether or not a particular law enforcement agency is authorized to act. It is imperative that each individual law enforcement agency work with individual tribal governments to strengthen cooperative relationships in order to provide safety for domestic violence victims and maximize law enforcement resources.

C. **Agreements with Advocacy Programs:** Enhancing victim safety is something law enforcement cannot do alone. In order to increase victim safety and offender accountability, law enforcement agencies should establish collaborative working agreements with advocacy programs. [See Appendix I].

D. **Collaboration with the Military:** All domestic violence incidents involving military suspects shall be handled according to this policy if:

- 1. The incident occurred outside the boundaries of a military facility; and
- 2. Local law enforcement agencies are called to assist in handling such an incident.

The intent of this policy is to eliminate all informal referrals, diversions, or report taking omissions in the handling of domestic violence incidents involving military personnel. No informal agreements with military police or a suspect’s commanding officers shall take precedence over a suspect’s arrest and prosecution by the non-military authorities.

OFFICER PERPETRATED DOMESTIC VIOLENCE

The [insert name of your agency] acknowledges that some police officers commit domestic violence against their intimate partners and some police officers are victims of domestic violence. As such, it is imperative to have a separate policy establishing specific operational guidelines on how to handle domestic violence incidents which involve law enforcement officers.

The development and implementation of a separate policy underscores the [insert name of your agency] commitment to creating and maintaining a work environment that does not tolerate domestic violence. Where incidents of domestic violence are alleged to have occurred, the department will act quickly to protect the victim, arrest the perpetrator, and conduct parallel administrative and criminal investigations.

This policy delineates a position by the department of absolute intolerance of domestic violence. An officer found guilty of domestic violence, either through criminal court or an administrative hearing, shall have his/her police powers revoked. Once implemented, the policy will apply to past convictions, and existing and future police officer domestic violence crime.

[Please review this department's "Officer Involved Domestic Violence Policy" for specific operational guidelines and procedures.]

**North Dakota
Model
Law Enforcement
Domestic Violence
Policy
Appendices**

North Dakota Domestic Violence Programs

Council on Abused Women's Services/Coalition Against Sexual Assault in ND

(NDCAWS/CASAND) Board Members In-state 24 hr. crisis line #1-866-341-7009

Bonnie Palecek, Executive Director ☎ (701) 255-6240 • FAX# 1-701- 255-1904 • E-mail: ndcaws@ndcaws.org
418 East Rosser Ave. #320, Bis., ND 58501-4046 Website: www.ndcaws.org Toll Free: 1-888-255-6240

BISMARCK Crisis Line 1-866-341-7009

Abused Adult Resource Center (AARC)
PO Box 5003, Bis., ND 58502-5003
♦Treas.-Diane Zainhofsky, Dir.,
☎ 222-8370 Fax 1-701-323-9399
E-mail: aarc@btinet.net

BOTTINEAU Crisis Line 1-800-398-1098

Family Crisis Center (FCC)
PO Box 371, Bottineau, ND 58318-0371
Dena Filler, Contract Mgr.
☎ 228-2028 Fax 1-701-228-2472
Toll Free 1-888-755-7595 (Office)
E-mail: famcc@srt.com

DEVILS LAKE Crisis Line 662-7378

SAFE Alternatives for Abused Families (SAAF), PO Box 646
Devils Lake, ND 58301-0646
Janel Taylor Director
☎ 662-7378 Fax 1-701-662-2380
Toll-Free 1-888-662-7378
E-mail: saaf@stellarnet.com

DICKINSON Crisis Line 225-4506

Domestic Violence & Rape Crisis Center (DVRCC), PO Box 1081
Dickinson, ND 58602-1081
**Pres. - Roberta Biel, Director
Toll Free 1-888-225-4506
☎ 225-4506 Fax 225-4506
E-mail: dvrcc@ndsupernet.com

ELLENDALE Crisis Line 349-5118

Kedish House, PO Box 322
Ellendale, ND 58436-0322
Sharron Brady, Director
☎ 349-4729 Fax 1-701-349-3562
Toll Free 1-877-349-4729
E-mail: skbrady@drtel.net

FARGO Crisis Line 293-7273 or 1-800-344-7273

Rape & Abuse Crisis Center (RACC) PO Box 2984
Fargo, ND 58108-2984
Beth Haseltine, Director
☎ 293-7273 Fax 1-701-293-9424
E-mail: beth@raccfn.com

FORT BERTHOLD Crisis Line 627-3617

Coalition Against Domestic Violence (FBCADV) PO Box 935
New Town, 58763-0935
*V.P -Roberta Crows Breast, Dir.,
☎ 627-4171 Fax 1-701-627-4106
E-mail: fbcadv50@hotmail.com

GRAFTON Crisis Line 352-3059

Tri-County Crisis Intervention (TCCI)
PO Box 308, Grafton, ND 58237-0308
Rick Mahar, Director
☎ 352-4242 Fax 1-701-352-4222
E-mail: tcci@qwest.net

GRAND FORKS Crisis Line 746-8900

Community Violence Intervention Ctr. (CVIC) 211 South 4th St. Grand
Forks, ND 58201-4766
Kristi Hall-Jiran, Director
☎ 746-0405 Fax 1-701-746-5918
E-mail: cvic@cviconline.org

JAMESTOWN Crisis Line 251-2300

Safe Shelter PO Box 1934
Jamestown, ND 58402-1934
Lynne Tally, Director
Toll-Free 1-888-353-7233
☎ 251-2300 Fax 1-701-251-9095
E-mail: ltally@daktel.com

MCLEAN CO. Crisis Line 462-8643

McLean Family Resource Center (MFRC) PO Box 506
Washburn, ND 58577-0506
Jenell Olson, Director
☎ 1-800-651-8643 Fax 701-462-8680
E-mail: mfrc@westriv.com

MERCER CO. Crisis Line 873-2274

Women's Action & Resource Center (WARC) Box 940, Beulah, ND 58523
Lisa Weisz, Director
☎ 873-2274 Fax 1-701-873-2436
E-mail: warc@westriv.com

MINOT Crisis Line: 857-2200 & Toll-Free 1-800-398-1098

Domestic Violence Crisis Center (DVCC) PO Box 881
Minot, ND 58702-0881
Dena Filler, Director
☎ 852-2258 Fax 1-701-838-7053
E-mail: dvcc@minot.com

RANSOM CO. Crisis Line 683-5061

Abuse Resource Network (ARN)
PO Box 919, Lisbon, ND 58054-0919
Michelle Schmidt, Director
☎ 683-5061 Fax 1-701-683-0082
Toll-Free 1-877-683-5061
E-mail: ransomarn@state.nd.us

SPIRIT LAKE Crisis Line 766-1816

Spirit Lake Victim Assistance
Box 297, Ft. Totten, ND 58335-0297
Linda Thompson, Director
☎ 766-1816 FAX: 701-766-4550
Toll-Free 1-866-723-3032
E-mail: linda_thompson_98@yahoo.com

STANLEY Crisis Line 628-3233

Domestic Violence Pro., NW ND (DVPNWND)
PO Box 538, Stanley, ND 58784-0538
Colleen Reese, Director
☎ 628-3233 Fax 701-628-3234
Toll free 1-800-273-8232
E-mail: mcvap@ndak.net

TURTLE MOUNTAIN RESERVATION

Hearts of Hope Box 900
Belcourt, ND 58316
Rochanda Gourneau Director
☎ 477-0002 Fax 477-8521
E-mail: gourneau@utma.com

TRENTON Crisis Line 774-8824

Circle of Hope
PO Box 207 Trenton, ND 58853
Leona Waldhausen, Director
☎ 774-8824 Fax 701-774-1009
E-mail: leona@nemontel.net

VALLEY CITY Crisis Line 845-0072

Abused Persons Outreach Ctr (APOC)
PO Box 508, Valley City, ND 58072
Sec. - Virginia Svenningsen, Director
☎ 845-0078 Fax 1-701-845-1897
Toll-Free 1-866-845-0072
e-mail: apoc1@valleycity.net

WAHPETON Crisis Line 642-2115

Three Rivers Crisis Center (TRCC)
315 11th St. N. Wahpeton, ND 58075
Susan Rittenour, Director
☎ 642-2115 Fax 1-701-642-3253
Toll-Free 1-800-627-3659
E-mail: trcc@702com.net

WILLISTON Crisis Line 572-9111

Family Crisis Shelter (FCS)
Box 1893, Williston, ND 58802-1893
♦V.P. Cheryl Robinson Director
☎ 572-0757 Fax 1-701-572-7239
E-mail: famshelt@nemontel.net

North Dakota Domestic Violence Shelters

Bottineau Family Crisis Center 888-755-7595.

Devils Lake Safe Alternatives for Abused Families 888-662-7378.

Dickinson Domestic Violence & Rape Crisis Center 888-225-4506.

Ellendale Kedish House 887-349-4729.

Fargo Rape & Abuse Crisis Center 800-344-7273.

Fort Berthold Coalition Against Domestic Violence 800-484-5888.

Grafton Tri-County Crisis Intervention 701-352-3059.

Grand Forks Community Violence Intervention Center 701-746-8900.

Jamestown SAFE Shelter 888-353-7233.

McLean County Family Resource Center 800-651-8643.

Mercer County Women's Action & Resource Center 701-748-2274.

Minot Domestic Violence Crisis Center 800-247-1316.

Ransom County Abuse Resource Network 877-683-5061.

Spirit Lake Tribal Court 701-766-4231.

Stanley Domestic Violence Program in NW ND 800-273-8232.

Valley City Abused Persons Outreach Center 701-854-0072.

Wahpeton Three Rivers Crisis Center 800-627-3659.

Williston Family Crisis Center 800-231-7724.

YWCA of Fargo and Moorhead Shelter Program 701-232-3449.

North Dakota Victim/Witness Programs

Adams Co.

Domestic Violence & Rape Crisis Center
Victim/Witness Program
Dickinson, ND
225-4506

Barnes Co.

Abused Persons Outreach Center
Victim/Witness Program
Valley City, ND
845-0078

Bottineau Co.

Family Crisis Center
Victim/Witness Program
Bottineau, ND
228-2028

Bowman Co.

Domestic Violence & Rape Crisis Center
Victim/Witness Program
Dickinson, ND
225-4506

Burleigh Co. States Attorney's Office

Victim/Witness Program
Bismarck, ND
250-7783

Cass Co. States Attorney's Office

Victim/Witness Program
Fargo, ND
241-5869

Cavalier Co. States Attorney's Office

Victim/Witness Program
Cavalier, ND
265-8070

Dept of Juvenile Services

Victim/Witness Program
Fargo, ND
239-7269

FBI Victim Specialist

Bismarck, ND
223-4875

FBI Victim Specialist

Minot, ND
852-5071

FBI Victim Specialist

Grand Forks, ND
772-0812

Grand Forks Co.

Community Violence Intervention Center
Victim/Witness Program
Grand Forks, ND
746-0405

Griggs Co. States Attorney's Office

Victim/Witness Program
Hillsboro, ND
636-2432

Hettinger Co.

Domestic Violence & Rape Crisis Center
Victim/Witness Program
Dickinson, ND
225-4506

McHenry Co.

Family Crisis Center
Victim/Witness Program
Bottineau, ND
228-2028

McLean Co.

McLean Family Resource Center
Victim/Witness Services
Washburn, ND
462-8643

Mercer Co States Attorney's Office

Victim/Witness Program
Stanton, ND
745-3518

Minot Air Force Base

Victim/Witness Services
Minot, ND
723-4158

Morton Co.

Abused Adults Resource Center
Victim/Witness Program
Bismarck, ND
222-8370

Mountrail Co.

Domestic Violence Program
Victim/Witness Services
Stanley, ND
628-3233

ND State Penitentiary

Dept. of Corrections
Victim Services
Bismarck, ND
328-6183

Pembina Co. States Attorney's Office

Victim/Witness Program
Cavalier, ND
265-8070

Pierce Co.

Family Crisis Center Victim/Witness Program
Bottineau, ND
228-2028

Ramsey Co.

SAFE Alternatives for Abused Families
Victim/Witness Services
Devils Lake, ND
662-7378

Slope Co.

Domestic Violence & Rape Crisis Center
Victim/Witness Program
Dickinson, ND
225-4506

Stark Co. States Attorney's Office

Victim/Witness Program
Dickinson, ND
456-7875

Steele Co. States Attorney's Office

Victim/Witness Program
Hillsboro, ND 636-2432

Stutsman Co. States Attorney's Office

Victim/Witness Program
Jamestown, ND
251-6367

Trail Co. States Attorney's Office

Victim/Witness Program
Hillsboro, ND
636-2432

Turtle Mt. Reservation

Hearts of Hope
Victim/Witness Program
Belcourt, ND
477-000

Walsh Co. States Attorney's Office

Victim/Witness Program
Grafton, ND
352-2391

Ward Co. States Attorney's Office

Victim/Witness Program
Minot, ND
857-6480

Williams Co. States Attorney's Office

Victim/Witness Program
Williston, ND
577-4574

US Attorney's Office

Victim/Witness Coordinator
Bismarck, ND
530-2420

US Attorney's Office

Victim/Witness Coordinator
Fargo, ND
297-7430

Military:	960 Required:
<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> No	<input type="checkbox"/> No

Domestic Violence Worksheet

CFS #: _____ Time: _____ Date: _____ Officers: _____

Location of incident: _____

Victim's name: _____ DOB: _____ Sex: _____ Phone # H: _____
M__ F__ W:

Address of victim: _____ Alternate contact (Name, Address, Phone): _____

Suspect's name: _____ DOB: _____ Sex: _____ Phone # H: _____
Suspect's address: _____ M__ F__ W:

The Victim/Suspect displayed the following emotional and physical conditions:

Victim:	Suspect:
<input type="checkbox"/> angry	<input type="checkbox"/> angry
<input type="checkbox"/> crying	<input type="checkbox"/> crying
<input type="checkbox"/> fearful	<input type="checkbox"/> fearful
<input type="checkbox"/> hysterical	<input type="checkbox"/> hysterical
<input type="checkbox"/> calm	<input type="checkbox"/> calm
<input type="checkbox"/> afraid	<input type="checkbox"/> afraid
<input type="checkbox"/> irrational	<input type="checkbox"/> irrational
<input type="checkbox"/> threatening	<input type="checkbox"/> threatening
<input type="checkbox"/> nervous	<input type="checkbox"/> nervous
<input type="checkbox"/> other, explain _____	<input type="checkbox"/> other, explain _____
<input type="checkbox"/> complained of pain	<input type="checkbox"/> complained of pain
<input type="checkbox"/> abrasion(s)	<input type="checkbox"/> abrasion(s)
<input type="checkbox"/> minor cut(s)	<input type="checkbox"/> minor cut(s)
<input type="checkbox"/> laceration(s)	<input type="checkbox"/> laceration(s)
<input type="checkbox"/> fracture	<input type="checkbox"/> fracture
<input type="checkbox"/> concussion(s)	<input type="checkbox"/> concussion(s)
<input type="checkbox"/> Under the influence of drugs	<input type="checkbox"/> Under the influence of drugs
<input type="checkbox"/> Under the influence of alcohol	<input type="checkbox"/> Under the influence of alcohol

Relationship between Victim and Suspect: _____ Length of relationship: _____
(Mark all that apply) _____ Years _____ Months

spouse former spouse
 dating relationship child in common
 parent and child emancipated minor
 family member other _____
 residing together present _____ past

If applicable, date relationship ended: _____

Medical treatment: _____ Paramedics at scene: _____ Yes _____ No
 none self-administered
 paramedics will seek own doctor
 hospital refused medical aid

Name(s): _____
Hospital where treated: _____
Attending Physicians: _____

Domestic violence arrest made: Yes _____ No
Domestic violence charges pending: Yes _____ No
Investigative report filed: Yes _____ No
Protection/Restraining order: Yes _____ No _____ Current _____ Expired
Other charges: Suspect: Yes _____ No
Victim: Yes _____ No

Follow-up photo(s) _____ or statement(s) _____ required? (explain)

Copy of 9-1-1 call needed: Yes No

Weapons: Suspect: Yes _____ No _____ Type of weapon Used: _____
Victim: Yes _____ No _____ Type of weapon Used: _____
Weapons confiscated: Yes _____ No _____ Firearms confiscated: Yes _____ No

Evidence collected from: _____ Crime Scene _____ Hospital _____ Property Inventory # _____

Children present during domestic violence incident: ___ Yes ___ No

Statement(s) taken from children: ___ Yes ___ No

Information on children forwarded to school: ___ Yes ___ No

School Names: _____

Children's Names and Ages: _____

Witness(s): _____

Photos: ___ Yes ___ No

Number: ___

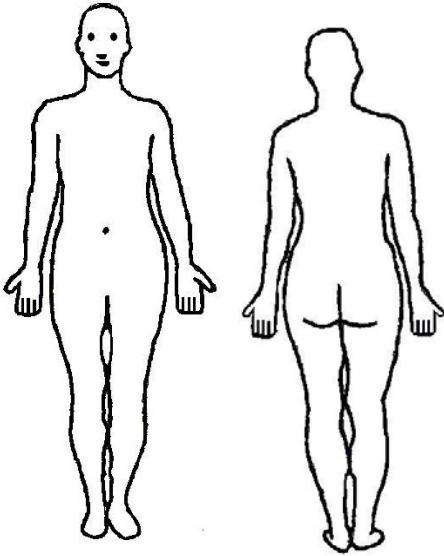
Taken by: _____

Photos of victim's injuries: ___ Yes ___ No

Photos of suspect's injuries: ___ Yes ___ No

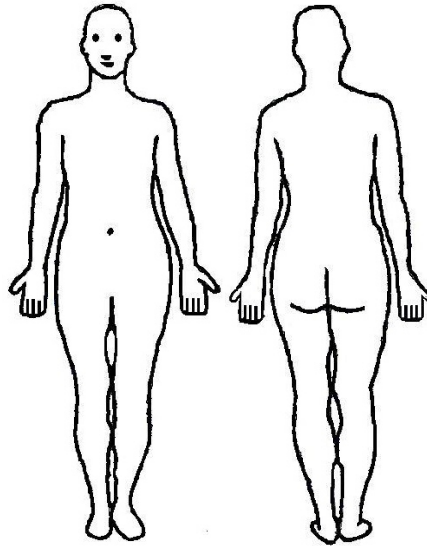
Mark the location(s) of any injuries on the diagram(s).
(Describe visible injuries, i.e., cut, bruise.)

___ Suspect ___ Victim



Height ___ Weight ___

___ Suspect ___ Victim



Height ___ Weight ___

Lethality Assessment

Identify Any Risk Factors

- ___ Threats of HOMICIDE or SUICIDE by the suspect
- ___ Fantasies of HOMICIDE or SUICIDE by the suspect
- ___ Depression of the suspect
- ___ WEAPONS
- ___ Obsessiveness/possessive beliefs about the victim
- ___ Job threatening circumstances
- ___ Pet abuse
- ___ Perpetrator's "perception of betrayal" by victim
- ___ Prior police calls to home
- ___ Rage towards police/others
- ___ Prior/additional criminal activity
- ___ Increase in frequency/severity of DV
- ___ Violent towards children
- ___ Increasing drug/alcohol use
- ___ Any hostage taking
- ___ Any strangulation cases
- ___ Beating victim while pregnant
- ___ Separation/threatened separation

To assist law enforcement, I, _____, hereby authorize the release to the _____ Police Department or _____ County Sheriff's Department all of my medical records related to any physical harm or trauma that I have had in the last two years. I also authorize the medical providers' employees to discuss the medical records or treatment with law enforcement personnel until such time as this release has been terminated in writing.

Date: _____

Signature: _____

Witness: _____

Print Name: _____

Narrative:

For Records Use Only

Current Charge: ___ Simple Assault (1531D) ___ Aggravated Assault (2011)

Prior history of domestic violence (Suspect) ___ Yes ___ No If Yes, # of prior incidents _____

Of the Suspect prior incidents, how many resulted in Suspect arrest? (give number) _____

Prior history of domestic violence (Victim) ___ Yes ___ No If Yes, # of prior incidents _____

Of the Victim prior incidents, how many resulted in Victim arrest? (give number) _____

Lethality Assessment Sheet

All battering is dangerous: one push or shove could result in death. Battering typically increases in frequency and severity over time. Certain behaviors, actions and words by a batterer, however, can indicate an increase in lethality for a victim. Law enforcement should be able to recognize these signs – and question victims, batterers, witnesses, and/or children – about them to better understand, and possibly predict, the lethality of a domestic violence situation.

The following indicators may show signs of increased lethality risk to the victim:

- Degree of ownership the batterer expresses regarding the victim;
- Threats of homicide;
- Threats of suicide;
- Possession of or access to weapons;
- Rage;
- History of past abuse;
- Fantasy of homicide or suicide;
- Obsessiveness about victim (or the victim's family/friends);
- Centrality of victim to batterer;
- History of stalking;
- History of holding victim captive;
- History of pet abuse;
- Victim making plans to leave or has already left;
- Drug and/or alcohol usage;
- Access to the victim and her family;
- Number of times police have been called to the house;
- Level of risk-taking by the batterer;
- Acute mental health problems;
- History of depression;
- History of anti-social behavior; and
- Violence in the family of origin.

Access to the Victim:

Simply put, batterer's can not kill their victim's if they do not have a way to gain access to them. Unless the batterer is incarcerated there is always the chance that the batterer will find and kill the victim—no protective order can prevent that. However, the likelihood that a homicide will occur decreases as the ability to gain access to the victim decreases.

Frequency and Severity of Abuse:

Incidences of violence in intimate partner relationships increase in frequency and severity over time. When assessing lethality, this progression should be examined very carefully. A batterer who is showing clear signs of assaulting a victim on a regular (daily or weekly) basis, causing significant physical injuries, has held the victim partner captive, or is using weapons or objects to assault the victim is demonstrating an increased risk of lethality.

History of Stalking Behaviors by the Batterer:

A batterer demonstrates stalking behaviors by: following the victim, calling repeatedly at work, waiting outside of work or the place the victim is living, calling, writing the victim letters, and sending the victim "presents" repeatedly after the victim has left or attempted to leave. This kind of behavior demonstrates the batterer's refusal to recognize or accept the victim's separation from them. A batterer who engages in such stalking behaviors is at increased risk of homicide because they believe that the victim has no right to have a life of their own, free from the batterer's control. The batterer will demonstrate this belief, and sometimes expressly states it, that "If I can't be with him/her, if I can't have him/her, then no one will."

Rage:

A batterer who exhibits rage—not simply anger and disapproval—surrounding the victim's behavior (i.e. that the victim dared to leave or behave in a way inconsistent with the batterer's wishes) has an increased chance of being lethally violent toward the victim.

"Ownership" of the battered partner:

The batterer who says "Death before divorce!" or "You belong to me and will never belong to another!" or "If I can't have you nobody will!" may be stating a fundamental belief that the victim has no right to life separate from them. A batterer who believes he/she is absolutely entitled to the victim's services, obedience and loyalty, no matter what, may be life-endangering.

Centrality of the partner:

A batterer who idolizes the victim, or who depends heavily on the victim to organize and sustain his/her life, or who isolates him/herself from all other community, may retaliate against a partner who decides to end the relationship. The batterer rationalizes that the victim's "betrayal" justifies a lethal "retaliation".

Repeated intervention by law enforcement:

Partner or spousal homicide almost always occurs in a context of historical violence. Prior intervention by the police indicates an elevated risk of life-threatening conduct.

Escalation of risk taking:

A less obvious indicator of increasing danger may be the sharp escalation of personal risk undertaken by a batterer. The chances of a lethal assault increases significantly when a batterer begins to act without regard to the legal or social consequences that previously constrained his/her violence.

Threats of homicide or suicide:

The batterer who has threatened to kill his/her victim, himself/herself, the children or relatives must be considered extremely dangerous.

Fantasies of homicide or suicide:

The more the batterer has developed a fantasy about who, how, when and/or where to kill, the more dangerous he/she may be. The batterer who has previously acted out part of a homicide or suicide fantasy may be invested in killing as a "solution to his/her problems".

Weapons:

When a batterer possesses, collects, or is obsessed with weapons and/or has used them or has threatened to use them in past assaults – either on the victim, the children or himself/herself - there is an increased potential for lethal assault. If a batterer has a history of arson or the threat of arson, fire should be considered a weapon.

Timing:

A batterer may choose to kill when he/she believes that he/she is about to lose his/her victim, when the batterer concludes that the victim is permanently leaving, or if the batterer cannot envision life without the victim. Victims are most likely to be murdered when attempting to report abuse or to leave an abusive relationship. That is not to say that all batterers kill when they conclude that the victim is separating from them. Some kill long before they have any idea that the victim may be thinking about leaving. Therefore, it is not safe to assume that because the victim hasn't made plans to leave, that the batterer will not be dangerous.

History of antisocial behavior:

A batterer who has demonstrated aggressive behavior to the general public such as bar fights, gang related violence, job related violence, vandalism, repeated unlawful behavior is likely to be more dangerous.

Holding victim captive:

A batterer who holds the victim captive is at high risk of inflicting homicide. Between 75% and 90% of all incidences where the victim is held captive in the United States are related to domestic violence situations.

Drugs and Alcohol:

Batterers with a history of problems with drugs and/or alcohol show a higher risk. In addition, regardless of their drug and/or alcohol history, intoxication at the time of assault shows significant risk to partners.

Violence in his family of origin:

The more severe the violence either experienced personally, or observed, in the family of origin, the greater the risk.

Cruelty to animals:

Many victims have testified about their experience with batterers who neglect or abuse pets, farm animals or wild animals, or force them or their children to do so. Consider this a risk factor.

Adapted from the Batterer Intervention Standards for the State of Michigan

Victim Notification Information

Name of Inmate: _____

Pending Charge(s): _____

Names of parties that should be notified of inmate's release:

Victim(s) name/phone number:

If unable to contact / reach the victim please notify:

Victim/Witness Coordinator _____ at _____ or
Victim Advocate _____ at _____.

THANK YOU!

Comments: _____

This form was adapted from a template provided by the Burleigh County Victim/Witness Program

Evidence Collection Form

Agency _____ Case Number: _____

Evidence:e:

- Photographed the crime scene
- Took “full body” photograph of suspect
- Photographed the victim’s injuries
- Photographed the suspect’s injuries
- Impounded and took into evidence all weapons used (i.e. knives, guns, phones, electrical cords, etc.)
- Impounded weapons for safekeeping
- Took into evidence any objects thrown or used in the incident
- Attached related reports, photos, and evidence tags

Victim Investigative Checklist:e:

- Described the victim’s location upon arrival
- Administered first aid to the victim
- Noted time dispatched, arrived and when victim spoke
- Recorded any spontaneous statements made by the victim
- Described the victim’s emotional condition
- Described the victim's physical condition, including height and weight
- Documented the victim's injuries in detail (size, location, and coloration) and if medical treatment was sought
- Documented evidence of substance/chemical abuse by victim
- Noted victim's relationship to suspect
- Recorded history of abuse
- Noted any restraining/court orders
- Gave victim notice of rights and services information card
- Recorded any temporary address/phone of victim

Suspect Investigative Checklist:e:

- Described the suspect’s location upon arrival
- Administered first aid to the suspect
- Recorded any spontaneous statements made by the suspect
- Described the suspect’s emotional condition
- Described the victim's physical condition, including height and weight
- Documented evidence of substance/chemical abuse by suspect
- Following Miranda, asked suspect if he/she wanted to make a statement, knew of the restraining order (if applicable) and/or understood the order

Witness Investigative Checklist:e:

- Interviewed the reporting party
- Identified all witnesses and interviewed them separately
- Recorded all witness addresses and phone numbers
- Recorded names and addresses of emergency personnel who assisted at the scene
- Identified treating physician and hospital
- Recorded the “911” number and incident number

Children Investigative Checklist:e:

- Interviewed each child alone
- Listed names, ages, school and teacher for each child present
- Note if children live in the home, whether or not they were present
- Recorded any spontaneous statements made by the children
- Described each child’s emotional state
- Described child’s injuries, if any.
- Photographed the children

Report Officer: _____ Date: _____

Approved by: _____ Date: _____

Working Agreement with Advocacy Program

The following agencies wish to assist one another in their individual efforts to break the continuing cycle of domestic violence on their community. Liaison appointments, collaborative courses of action, and approved methods of information gathering and distribution are important routes to utilize in the ongoing effort to combat this crime. This agreement strives to meet the following objectives:

- Ensure victim safety and make sure any intervention occurs in a way that retains the dignity of the victim
- Focus efforts on stopping the batterer's use of violence – not striving to fix or end the relationship.
- Develop and implement policies, procedures, and protocols that act as a general deterrent to battering in the community.
- Establish cooperative relationships between agencies that jointly seek to end domestic violence in the community.

I. The Law Enforcement Agency Agrees to:

- A. Contact the advocacy program for all arrests related to domestic violence crimes, including incidents where officers determine there is probably cause to arrest but the alleged perpetrator cannot be immediately located. Law enforcement shall specify and communicate to the advocacy program who the responsible party is to make transfer this information i.e. dispatch, arresting officer, jailer, etc.)
- B. Share arrest and non-arrest report on all domestic violence related incidents. Domestic violence incidents would be those wherein the parties involved have a relationship as defined in N.D.C.C. § 14-07.1-01 (4). These calls include, but are not limited to, assault, disorderly conduct, and civil protection order violations. Law enforcement shall specify and communicate to the advocacy program the specific procedure that will be utilized to transfer this information i.e. reports e-mailed / faxed by shift supervisor, etc.)
- C. Keep statistics on all domestic violence related incidents, both arrests and non-arrests. Law enforcement is encouraged to maintain computerized data when possible.
- D. Review, revise, and update law enforcement policy on domestic violence annually with the assistance and input from the advocacy program.
- E. Provide and/or participate in annual training on domestic violence, as needed.
- F. Identify a liaison from the law enforcement department to work with the advocacy program for purposes of implementing this working agreement and to discuss any deviations from policy and changes in protocol.
- G. Participate in meetings with the advocacy program and other criminal justice agency representatives as part of a coordinated community response team.

II. The Advocacy Program agrees to:

- A. Maintain a 24 hour telephone service that will provide information to callers regarding services and options available to victims of domestic assault.
- B. Make contact with the victim in order to:
 1. Provide information concerning the court process and available services;
 2. Elicit the victim's input into the court process;
 3. Ascertain the victim's wishes regarding conditions of release; and
 4. Offer accompaniment throughout the court process.
- C. Provide support and assistance for victims throughout the civil and/or criminal court process by accompanying them to court, advocating on their behalf when appropriate, and assisting with transportation and child care when possible.

- D. Facilitate any exchange of information relevant to the case as desired and requested by the victim.
- E. Provide training to local law enforcement and other criminal justice agencies on the issue of domestic violence.
- F. Meet with individual agency liaisons to discuss deviations from policy or changes in protocol.
- G. Meet with representatives of all involved agencies to discuss the effectiveness of the police and practices of the coordinated community response.
- H. Securely maintain all law enforcement reports to insure confidentiality of involved parties. Advocacy program staff will access law enforcement reports for review purposes and to potentially assist a victim with the criminal and/or civil court process. Only clients of the advocacy program may receive copies of the reports. Any other party will be directed to request a copy from the law enforcement agency.
- I. Provide quarterly statistical reports to intervention agencies regarding the cases in which they are involved.
- J. Identify a liaison from the advocacy program to work with law enforcement for purposes of implementing this working agreement.

This agreement is entered into for the purpose of standardizing the collaborative domestic violence incident response between law enforcement and the advocacy program. It will be reviewed annually to assess its effectiveness and to make revisions where needed.

This agreement is entered into on _____ and expires a year from the date listed above.

Law Enforcement

Date

Advocacy Program

Date

This form was adapted from a template provided by the Moorhead Police Department, Moorhead, Minnesota.

AUTHORIZATION FOR RELEASE OF MEDICAL RECORDS AND INFORMATION

I hereby authorize and request the release of any and all medical information and copies of any and all medical records to the _____ Police Department or the _____ Sheriff's Department related to any physical harm or trauma I have had over the last two years. I also authorize the medical provider's employees to discuss the medical records or treatment with law enforcement until such time as this release has been terminated in writing.

Patient Name: _____

Date of Birth: _____

Said records and information may be released to any representative of the **[Insert your agency's name]** Department.

--	--

Signature of Patient or Legal Guardian

Date

Witness

Date

(A copy of this release is the same as the original)

This form was adapted with permission from the Minot Police Department, Minot, North Dakota.

COMMON CHARGES RELATED TO DOMESTIC VIOLENCE

Use this summary as a quick reference for crimes of violence or threatened violence in which families may be involved. Refer to the North Dakota Century Code (<http://www.state.nd.us/lr/>) for complete descriptions for detail relevant to arrest and legal proceedings.

DOMESTIC ASSAULT:

1. ASSAULT 12.1-17-01.1

A mis.: Substantial bodily injury; negligent substantial bodily injury with a dangerous weapon, the use of which is likely to inflict death or serious bodily injury.

2. AGGRAVATED ASSAULT 12.1-17-.02

C. fel.: Bodily injury or substantial bodily injury while attempting to inflict serious bodily injury on anyone.

C. fel.: Firing a firearm/hurling a destructive device at another.

3. ASSAULT OF AN UNBORN CHILD 12.1-17.1-06

A mis.: Willful assault of a pregnant woman that inflicts bodily injury upon the unborn child.

4. AGGRAVATED ASSAULT OF AN UNBORN CHILD 12.1-17.1-05

C fel.: Willful assault of a pregnant woman resulting in serious bodily injury to the unborn child.

5. DOMESTIC VIOLENCE ASSAULT 12.1-17-01

The first offence of simple assault against a family or household member is a class B misdemeanor. Subsequent offenses when the offender has a prior conviction of simple assault are a class A misdemeanor.

6. FELONIOUS RESTRAINT 12.1-18-02

C fel.: Abduction of another under terrorizing circumstances, exposure to risk for serious bodily injury, or intention to hold victim in involuntary servitude.

7. INTERFERENCE WITH AN EMERGENCY TELEPHONE CALL 12.1-21

A mis.: If an individual “removes, damages, or obstructs any telephone or telephone line or apparatus to interfere with an emergency telephone call”, the offense is class A misdemeanor if done knowing and recklessly.

C fel.: If the offense is a class C felony if done intentionally.

8. KIDNAPPING 12.1-18-01

A fel.: Abduction of another, with intent to hold for ransom, terrorize, use in servitude, use as a shield or hostage, commit a felony, or interfere with government function.

B fel.: Abduction as above but is a B felony if suspect voluntarily releases victim alive and in safety before trial.

9. MENACING 12.1-17-05

A mis.: Knowingly placing another in fear by menacing him/her with imminent serious bodily injury.

10. MURDER 12.1-16.01

AA fel.: Intentionally or knowingly causing the death of another.

A fel.: Intentionally or knowingly causing the death of another while under the influence of extreme emotional disturbance for which there is a reasonable excuse.

11. SIMPLE ASSAULT 12.1-17-01

B mis.: Negligently causing bodily injury; injury to another by means of a firearm, destructive device, or other weapon.

C fel.: Simple assault when victim is a peace officer or correctional institution employee acting in an official capacity, or any person engaged in a judicial proceeding.

12. RECKLESS ENDANGERMENT 12.1-17-03

A mis.: Creating a substantial risk of serious bodily injury.

C fel.: Creating a substantial risk of serious bodily injury or death to another with extreme indifference to the value of life.

13. TERRORIZING 12.1-17-04

C fel.: Threatening to commit any violent crime or act to endanger human life.

Falsely informing another that a dangerous situation or crime is imminent, knowing that the information is false.

14. UNLAWFUL IMPRISONMENT 12.1-18-03

A mis.: Unlawful restraint of another.

PROTECTION ORDERS:

1. PENALTY FOR VIOLATION OF A PROTECTION ORDER 14-07.1-06

A mis.: First violation of the protection order. Also constitutes contempt of court.

C fel.: Second or subsequent violation of the protection order.

HARASSMENT / STALKING:

1. CRIMINAL COERCION 12.1-17-06

A mis.: Intent to compel another to engage in or refrain from conduct by threatening to commit a crime, accuse of the commission of a crime, or expose secrets ridiculing or discrediting another.

2. HARASSMENT 12.1-17-07

A mis.: With intent to frighten or harass: Written or phoned threats to inflict injury to person, reputation, or property.

Calling 911 with intent to annoy or harass another person with no legitimate use of 911.

B mis.: Making a phone call anonymously using offensive language.

Repeated phone calls, whether or not conversation ensues, with no purpose of legitimate communication.

Causing mental anguish by communicating falsehood in writing or by phone.

3. STALKING 12.1-17-07.1

A mis.: Two or more acts of conduct that frighten, intimidate, or harass, and that serve no legitimate purpose, causing fear, intimidation, or harassment.

C fel.: Stalking, if previously convicted of violating sections 12.1-17-01, -01.1, -02, -04, -05, or -07, or similar offense in another state involving the victim of stalking.

Stalking if in violation of a court order issued under chapter 14-07.1.

SEXUAL ASSAULT: Note: “When criminality depends on the victim being a minor, the actor is guilty of an offense only if the actor is at least four years older than the minor” N.D.C.C. § 12.1-20-01

1. CONTINUAL SEXUAL ABUSE OF A CHILD 12.1-20-03.1

A fel.: A combination of three or more sexual acts or contacts with a minor under the age of 15 years during a period of three or more months.

2. GROSS SEXUAL IMPOSITION (SEXUAL ACT) 12.1-20-03

A fel.: A sexual act by force, threat of imminent death, serious bodily injury, or kidnapping. Infliction of serious bodily injury upon the victim in the course of the offense. (Applies to all subsections.)

The victim is under 15 years old.

B fel.: Commission of a sexual act with a victim whom the offender has substantially impaired with alcohol or other drugs without the victim’s knowledge.
Commission of a sexual act when the offender knows the victim is unaware that a sexual act is being committed upon him/her.

B fel.: Commission of a sexual act when the offender knows or has reason to believe that the victim suffers from a “mental disease or defect” that renders him/her incapable of understanding the nature of his/her conduct.

3. GROSS SEXUAL IMPOSITION (SEXUAL CONTACT) 12.1-20-03

B fel.: Sexual contact with victim under age 15. Class A felony if victim sustains bodily injury.

B fel.: Forced sexual contact with victim. Class A felony if victim sustains serious bodily injury.

4. INCEST 12.1-20-11

C fel.: Intermarriage, cohabitation, or engagement in sexual acts with another person related to offender

5. LURING OF MINORS BY COMPUTER 12.1-20-05.1

It is a crime for an adult to use a computer to “discuss or depict” sexual acts with minors. It is also a crime to “induce or invite” minors to commit certain sexual acts. The crime is a misdemeanor unless the adult is 22 or older and the minor under 15. Then the act is a class C felony.

6. SEXUAL ASSAULT 12.1-20-07

A mis.: Sexual contact with victim 15, 16, 17 years of age and offender is 18, 19, 20, or 21 years of age.

B mis.: Sexual contact offensive to victim.

C fel.: Sexual contact with victim who has a “mental defect” or disease; who is unknowingly intoxicated or drugged; who is 15, 16, or 17 years of age and the offender is a parent, guardian, or 22 years of age or older.

7. SEXUAL IMPOSITION 12.1-20.04

B fel.: Sexual act or contact as a result of a threat to a victim 15, 16, or 17 years of age, which would render her/him incapable of resisting.

C fel.: Sexual act or contact as a result of a threat to victim which would render her/him incapable of resisting.

VULNERABLE ADULTS:

1. ENDANGERING A VULNERABLE ADULT 12.1-31.07.1

B fel.: Occurs when a caregiver “knowingly performs an act that causes a disabled adult’s or vulnerable elderly adult’s life to be endangered, health to be injured, or a preexisting physical or mental condition to deteriorate.”

2. FINANCIAL EXPLOITATION OF A VULNERABLE ADULT 12.1.31.07.1

A/B/C fel.: Depending on the amount of exploited funds, assets, or property, the charge may be class A, B, or C felony.

DUTY TO REPORT:

1. DUTY TO REPORT INJURIES 43-17-41

Physicians or other medical professionals who provide diagnosis or treatment for someone who is the victim of a crime of violence must report the crime to law enforcement.

Collaborative Agreement with Child Protection Services

The following agencies wish to assist one another in their individual efforts to break the continuing cycle of domestic violence in their community. Liaison appointments, collaborative courses of action, and approved methods of information gathering and distribution are important routes to utilize in the ongoing effort to combat this crime. This agreement strives to meet the following objectives:

- Ensure victim safety
- Ensure intervention occurs in a way that retains the dignity of the victim
- Ensure law enforcement and child protection work cooperatively with one another

I. The Law Enforcement Agency agrees to:

- A. Submit copies of all arrest and non-arrest domestic violence police reports involving children who are:
 1. Present – this includes incidents in which the child may have overheard the incident and not actually witnessed it
 2. Witnesses – this includes incidents in which the children may only have observed a portion of the incident
- B. Reports shall be submitted to child protection in a timely fashion agreed upon by both agencies. This may include one or more of the following:
 1. Hand delivering copies
 2. Faxing copies
 3. E-mailing copies
- C. Identify a liaison from the law enforcement department to work with child protection for the purpose of implementing this working agreement and to discuss any deviations and/or changes in this agreed upon procedure.
- D. Participate in meetings with child protection pertaining to issues of domestic violence and children.

II. Child Protection agrees to:

- A. Accept copies of all arrest and non-arrest domestic violence police reports **in lieu of a 960 form or attached to a partially completed 960 form** involving children who are:
 1. Present – this includes incidents in which the child may have overheard the incident and not actually witnessed it
 2. Witnesses – this includes incidents in which the children may only have observed a portion of the incident

- B. Accept reports from law enforcement in a fashion agreed upon by both agencies. This may include one or more of the following:
 - 1. Hand delivering copies
 - 2. Faxing copies
 - 3. E-mailing copies
- C. Identify a liaison from the child protection agency to work with law enforcement for purposes in implementing this working agreement and to discuss any deviations and/or changes to these agreed upon procedures.
- D. Participate in meetings with law enforcement pertaining to issues of domestic violence and children.

This agreement is entered into for the purpose of standardizing the collaborative domestic violence incident response between law enforcement and child protection. It will be reviewed annually to assess its effectiveness and to make revisions where needed.

This agreement is entered into on _____ and expires a year from the date listed above.

Law Enforcement Date

Advocacy Program Date

This form was adapted from a template provided by the Moorhead Police Department, Moorhead, Minnesota.

Summary of Federal, State, and Tribal Jurisdictions

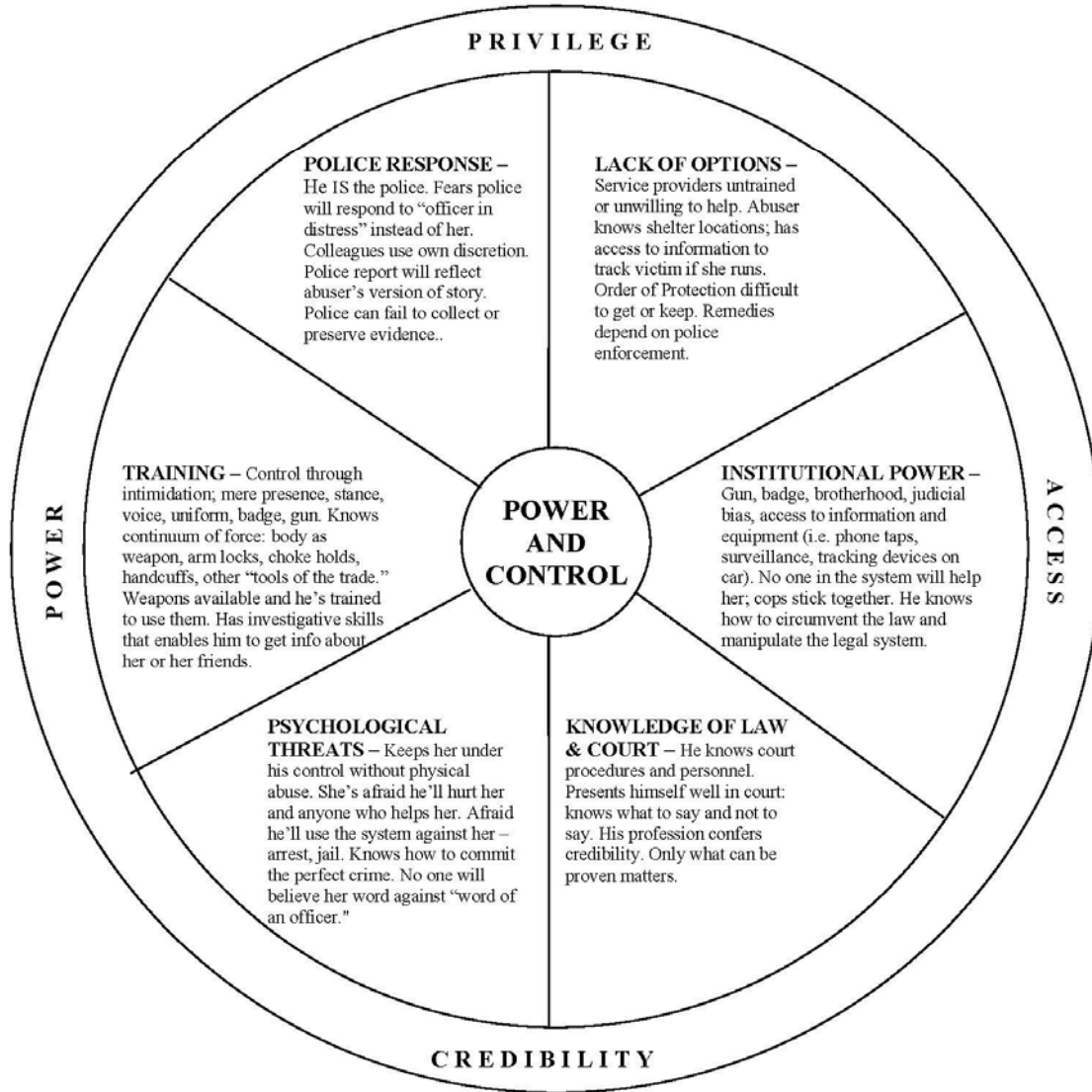
The following chart sets forth a summary of the relevant jurisdictional parameters for most crimes occurring in Indian Country when the jurisdictional basis is simply that the crime occurred in Indian Country. It is apparent from the jurisdictional maze that, for these types of crimes, it will not always be clear at the outset of an investigation where jurisdiction ultimately lies for prosecution. Until the status of the defendant, victim, and land is definite, it cannot be determined whether the offense will be prosecuted in tribal, state, or federal court.

This summary was developed by Christopher B. Chaney, AUSA from the District of Utah, and provided by Rick Volk, AUSA from the District of North Dakota.

Offender	Victim	Jurisdiction
Indian	Indian	Federal Jurisdiction for felonies listed in Major Crimes Act (18 U.S.C. § 1153) Tribal Jurisdiction for misdemeanors No jurisdiction for felonies not listed in 18 U.S.C. § 1153
Indian	Non-Indian	Federal Jurisdiction for felonies listed in Major Crimes Act (18 U.S.C. § 1153) Federal Jurisdiction for other felonies and misdemeanors not listed in § 1153 (including assimilative crimes) unless tribe has already punished defendant. Tribal Jurisdiction for misdemeanors
Non-Indian	Indian	Federal Jurisdiction for both felonies and misdemeanors, including assimilative crimes.
Non-Indian	Non-Indian	State Jurisdiction for both felonies and misdemeanors.
Indian	Victimless Crime	Primarily Tribal Jurisdiction. Federal Jurisdiction in some cases.
Non-Indian	Victimless Crime	Primarily State Jurisdiction Federal Jurisdiction in some cases.

Power & Control Wheel

Police Officer BATTERERS - Tactics of Power and Control

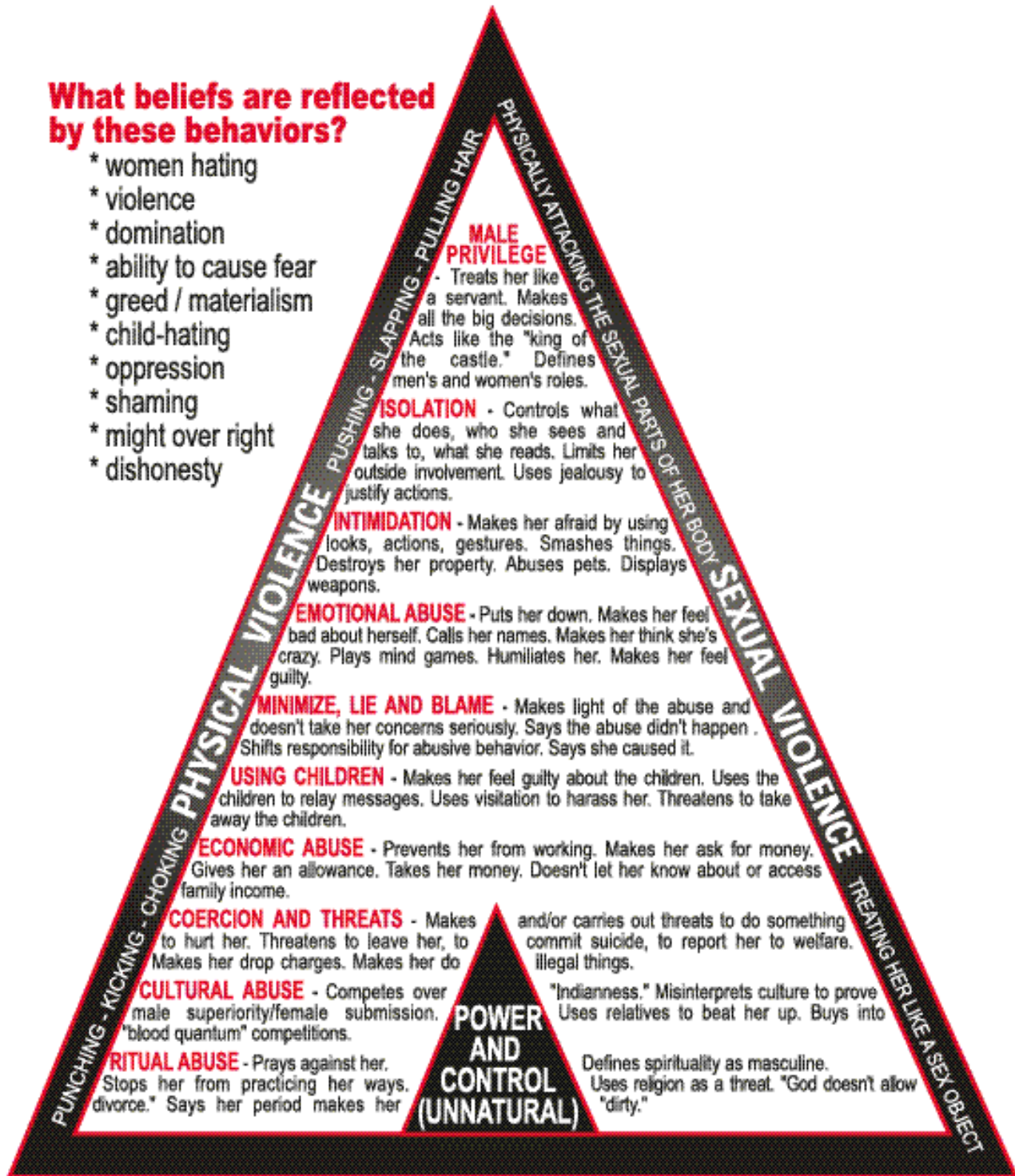


Copyright 1998 (revised 2004), Diane Wetendorf
 Adapted from Domestic Abuse Intervention Project, Duluth MN

UNNATURAL POWER & CONTROL

What beliefs are reflected by these behaviors?

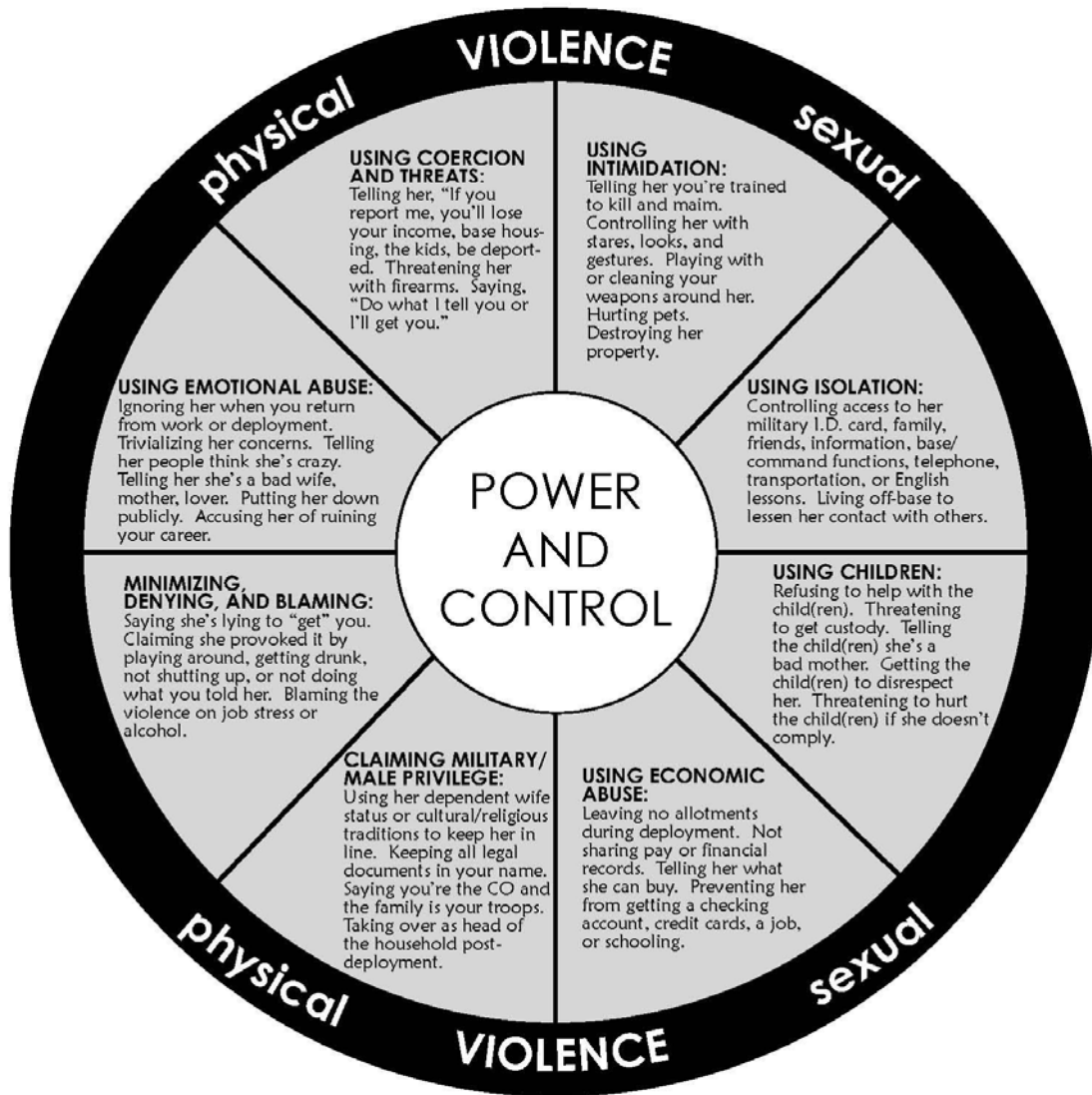
- * women hating
- * violence
- * domination
- * ability to cause fear
- * greed / materialism
- * child-hating
- * oppression
- * shaming
- * might over right
- * dishonesty



VIOLENCE = Having societal and individual power that gives privilege to certain groups over others. This leads to many forms of oppression that destroy, kill, and creates an unsafe, fearful and unnatural environment for everyone.

Produced by Sacred Circle - National Resource Center to End Violence Against Native Women

MILITARY POWER AND CONTROL WHEEL



Developed from:
Domestic Abuse Intervention Project
202 East Superior Street
Duluth, MN 55802
218.722.4134

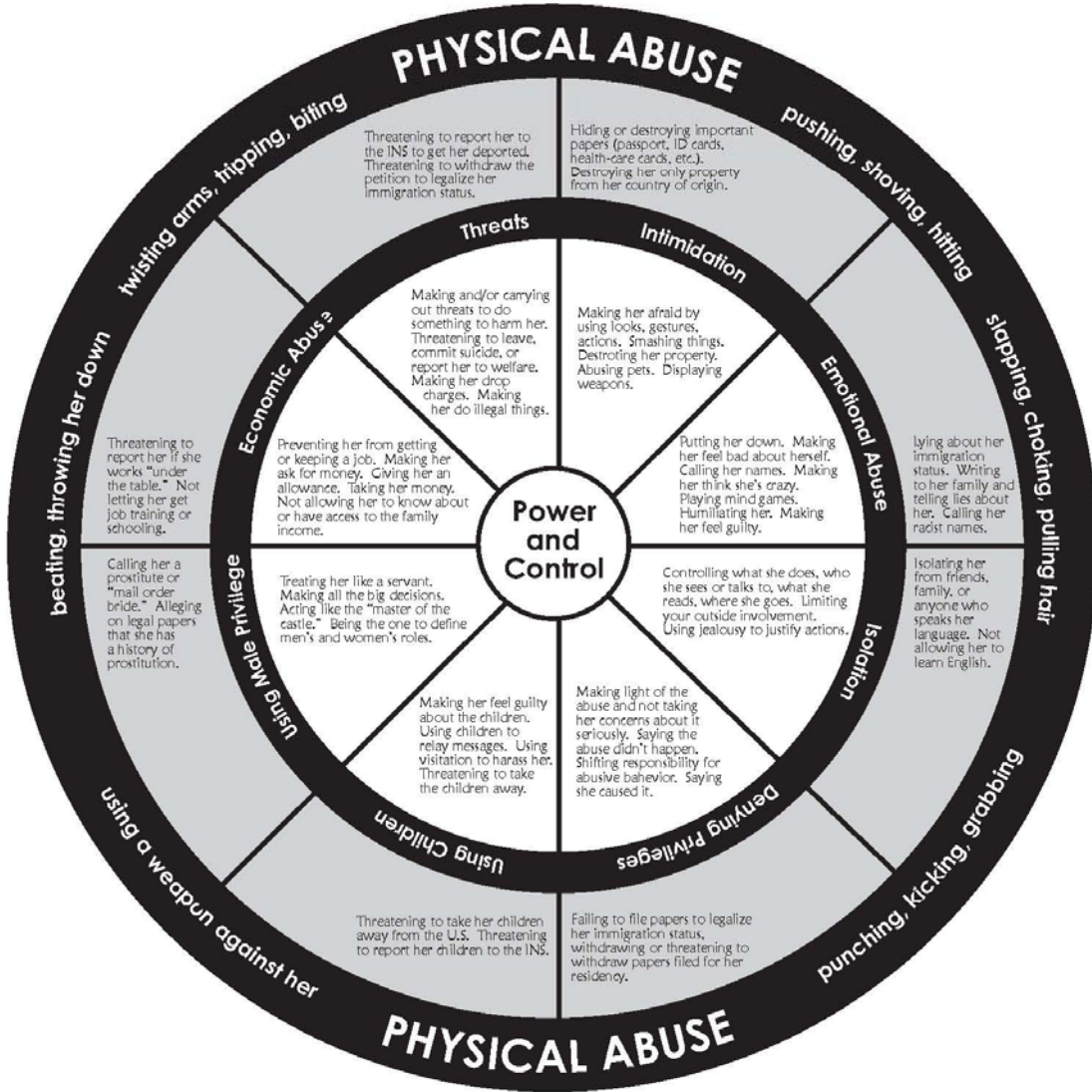
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IMMIGRANT POWER AND CONTROL WHEEL



Adapted from original wheel by:
 Domestic Abuse Intervention Project
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Brief Overview of Domestic Violence

Domestic or family violence has received widespread public attention as a serious social problem affecting people in all economic, social, and ethnic groups. Many law enforcement agencies consider violence within the family to be the most frequent and under-reported crime in the United States. Further, law enforcement officers have found spousal abuse to be a difficult problem for the criminal justice system to handle effectively. Some have become frustrated, indifferent or even hostile after encountering victims who are repeatedly abused, do not cooperate with prosecution, or return to the battering relationship. Still others hold onto the faulty belief that victims provoke the attack or masochistically enjoy beatings.

Persons who resort to violence do not lack self-control and are not “out of control” as the result of poor anger management, stress, or substance abuse. Batterers have learned to use abuse to get what they want. They choose violence as a means to maintain power and control over their partner. The patrol officer who responds to a domestic violence incident must be aware of this imbalance of power and control within the relationship and learn to respond appropriately and effectively to assist the victim, hold the offender accountable, and ensure the criminal system properly responds to these criminal acts.

Domestic violence is a pattern of behavior where one person tries to control the thoughts, beliefs or actions of a partner, friend or any other person close to them. While the violence may cause injury, it does not have to be physical. Domestic violence also takes the form of emotional, verbal, mental, sexual and economic abuse.

The Bureau of Justice Statistics Crime Data Brief, February 2003, estimates that approximately 85% of all domestic violence victims are female and a report of the 1995 Violence Against Women Research Strategic Planning Workshop found that as many as 95% of domestic violence perpetrators are male. Whether the victim is male or female, violence of any kind in a relationship is unacceptable. Domestic violence affects people from every age, racial or ethnic background, religious group, neighborhood, and income level. Domestic violence also occurs in lesbian, gay, bisexual, and transgender relationships. The Power and Control Wheel [please see Appendix N] shows many of the behaviors used by batterers to control their victims. Power and Control are at the center of domestic violence. Each “spoke” of the Wheel is used by batterers to gain control and power.

The questions below address many of the myths associated with domestic violence and describe the dynamics of abusive behavior.

Myth: When a couple is having a domestic violence problem, it is just that they have a bad relationship. Often, it's poor communication that is the problem.

Fact: Bad relationships do not result in or cause domestic violence. The idea that bad relationships cause violence in the home is one of the most common - and dangerous - misconceptions about domestic violence. First, it encourages all parties involved - including and especially the victim- to minimize the seriousness of the problem and focus their energies on "improving the relationship" in the false hope that this will stop the violence. It also allows the abuser to blame the bad relationship and the violence itself on the victim, rather than acknowledging his/her own responsibility.

More importantly, improving the relationship is not likely by itself to end the violence. Violence is learned behavior. Many couples have had bad relationships yet never become physically violent. Many batterers are violent in every one of their relationships, whether they consider them bad or good. The violent individual is the sole source and cause of the violence, and neither his/her partner nor their relationship should be held responsible.

Myth: Most domestic violence incidents are caused by alcohol or drug abuse.

Fact: Many people have alcohol and/or drug problems but are not violent, similarly, many batterers are not substance abusers. How people behave when they are "under the influence" of alcohol and/or drugs depends on a complex combination of personal, social, physical and emotional factors. And like many other types of behavior, alcohol or drug-affected behavior patterns are culturally learned.

It is often easier to blame an alcohol or drug abuse problem than to admit that you or your partner is violent even when sober. Episodes of problem drinking and incidents of domestic violence often occur separately and must be treated as two distinct issues. Neither alcoholism nor drugs can explain or excuse domestic violence.

Myth: Domestic violence is often triggered by stress, for example, the loss of a job or some financial or marital problem.

Fact: Daily life is full of frustration associated with money and work, our families and other personal relationships. Everyone experiences stress, and everyone responds to it differently. Violence is a specific learned and chosen response to stress, whether real or imagined. Certainly, high general levels of domestic violence can be related to social problems such as unemployment; however, other reactions to such situations are equally possible. Some people take out their frustrations on themselves with drugs or alcohol; some take it out on others with verbal or physical abuse.

Myth: The victim did something to provoke the violence.

Fact: No one deserves to be beaten, battered, threatened or in any way victimized by violence. Batterers will rarely admit that they are the cause of the problem. In fact, putting the blame for the violence on the victim is a way to manipulate the victim and other people. Batterers will tell the victim, "You made me mad" or "You made me jealous" or will try to shift the burden by saying "Everyone acts like that." Most victims try to placate and please their abusive partners in order to deescalate the violence. The batterer chooses to abuse, and bears full responsibility for the violence.

Myth: Most batterers simply lose control during violent incidents and do not know what they're doing.

Fact: If batterers were truly out of control, as many claim to be during violent incidents, there would be many more domestic violence homicides. In fact, many batterers do "control" their violence, abusing their victims in less visible places on their bodies, such as under the hairline or on the torso. Furthermore, researchers have found that domestic violence often occurs in cycles, and every episode is preceded by a predictable, repeated pattern of behavior and decisions made by the batterer.

Myth: Men are victims of domestic violence as often as women, even if they aren't reported.

Fact: The bottom line is that domestic violence is a crime -- regardless of the gender of the abuser or the victim and regardless of whether it is a heterosexual or same-sex relationship. Data from the Bureau of Justice Statistics, February 2003, show that 85% of victims of intimate partner violence (IPV) are women. Acknowledging this indisputable fact does not negate our concern for the men who comprise the remaining 15% of IPV victims.

Myth: Domestic violence is a less serious problem - less lethal - than "real" violence, like street crimes.

Fact: It is a terrible and unrecognized fact that for many people, home is the least safe place. Domestic violence accounts for a significant proportion of all serious crimes - aggravated assault, rape and homicide. Furthermore, when compared with stranger-to-stranger crime, rate of occurrence and levels of severity are still under reported for domestic violence.

Adapted from the Virginia Department of Criminal Justice Services – Law Enforcement Services Sample Directive for Virginia Law Enforcement Agencies and from the Abuse, Rape and Domestic Violence Aid and Resource Collection. Statistics from: Bureau of Justice Statistics. 2003. Intimate Partner Violence, 1993-2001. Washington, D.C.: U.S. Department of Justice and from a Report of the Violence against Women Research Strategic Planning Workshop sponsored by the National Institute of Justice in cooperation with the U.S. Department of Health and Human Services, 1995.