

Supplemental Law Enforcement Protocol Guides (domestic violence)

The following templates cover initiating arrest for PFA violations and evidence-based investigation. While you do need to adopt these templates verbatim, your finished protocol must identify considerations for initiating arrest for PFA violations and evidence-based investigations in domestic violence cases that comport with the aims of the STOP.

B4. Initiating Arrest for PFA Violation (indirect criminal contempt)

1. **Overall authorization:** [Please refer to 23 Pa.C.S. § 6114 (see appendix 1) to help shape your Team's overall protocol response and follow-up.]
2. **When arrest is warranted:**
 - a. Probable Cause for arrest: [Briefly explain.]
 - b. Arrest procedures (state- and county-level generalizations): [Briefly explain.]
 - c. Protocol when arrest is warranted and the accused fled the scene: [Briefly explain.]
 - d. Required written and verbal information for the victim: [Briefly explain.]
3. **Conditions not appropriate when determining if arrest is warranted:**
 - a. Requiring victim's consent to arrest the accused.
 - b. Perception the victim will not follow through with prosecution.
 - c. Marital status, property rights, and verbal assurances (by both parties) the violence will stop.
 - d. Claim that the victim provoked the violence.
 - e. Denial of abuse despite clear evidence to the contrary.
 - f. Dispositions of previous arrests with the same victim or accused offender.
 - g. Concerns of reprisals against the victim.
 - h. Adverse financial issues if accused is arrested.
 - i. Conditions when the accused is a police officer or an elected representative.
 - j. Racial, social, political, cultural, sexual orientation, or professional position of either the victim or accused.
4. **When arrest is not warranted:** [Delineate circumstances when custodial detention would not be warranted. Include the importance of the victim's explanation as to why arrest is not warranted, offering information for available community resources, and report-writing requirements detailing the circumstances.]
5. **[Additional considerations:** Optional - Add points as appropriate.]

B5. Trauma-Informed Evidence-Based Investigation

1. **Officer Mindset During Investigation:** [Your protocol should address opportunities for evidence-based prosecutions, regardless of victim cooperation. Explain the necessity of law enforcement partners undertaking evidence-based

prosecution and why this an example of taking a trauma-informed approach to addressing domestic violence.]

2. **Response Priority:** [Explain the standards in place in terms of ensuring officers respond appropriately to domestic violence calls for service? Standards need to follow your respective departmental policies, or current case law.]
3. **Officer Safety:** [Explain the considerations in place for officers responding to the scene? For example, the minimal areas to address are:
 - a. Conditions to consider prior to arrival.
 - b. Safety contingencies prior to approaching and making contact.
 - c. Additional considerations.]

4. **Preliminary Victim Interview Checklist:**

- a. *The importance of connecting victims with appropriate healthcare professionals to provide examinations and help document injuries.*
 - i. Sexual assault forensic nurses ("SANE") or other healthcare professionals should examine survivors for injuries.
 1. *Due to the high risk of strangulation in domestic violence incidents, it is important the airway be assessed, even in those who do not report airway issues following abuse.*
 2. *Survivors should be assessed for traumatic brain injury ("TBI"), including concussions. It is important to note that survivors may have experienced injuries on prior occasions that could cause a TBI. Domestic violence advocates receive training on the unique intersection of TBI and DV. Trainings can help providers develop screening tools for use with all survivors to identify possible head injuries.*
 3. *Law enforcement partners should know whether there are SANE nurses in their communities, as SANEs are best suited to evaluate these patients.*
- b. *Document all details of the domestic violence incident. Sufficient documentation is vital. Anything less will hinder the prosecution's case.*
- c. *Recording/noting excited utterances.*
- d. *Photographs of all injuries (victim and abuser)*
 - i. *Include a follow-up interview 48 hours later to photograph bruising not visible at the time of the assault.*
 - ii. *Photograph the defendant, even if uninjured.*
- e. *Scene photography and diagrams.*
- f. *Collection and evidence storage, crime lab follow-up requirements.*
- g. *Obtaining county 9-1-1 recording(s).*
- h. *Address note-taking requirements for verbal statements.*
- i. *Signed statements*
 - i. *Victim.*
 - ii. *Witness(es).*
 - iii. *Defendant.*

- j. Obtaining consent (or securing search warrant) for medical records.*
- k. Securing body-worn and dash video footage.*

5. Interviewing Witnesses:

- a. Timing and Location.*
- b. Historical considerations (known patterns of abuse, etc.).*
- c. Required on-scene information.*

6. Interviewing the Suspect:

- a. Preparation for interview (background check, establishing timeline, interview strategy)*
- b. Noting excited utterances made by the suspect.*
- c. Considerations when Miranda is warranted.*
- d. Tactics for establishing rapport.*
- e. Obtaining statements.*
- f. Following appropriate laws and departmental policies for custodial arrests.*

7. Procedure for law enforcement or elected officials as suspects:

- a. Take whatever action is necessary to ensure the safety of the victim, the public, and the crime scene.*
- b. Where appropriate, secure the crime scene and/or any evidence of the crime pending further investigation.*
- c. Request that a supervisor or senior officer respond to the scene when possible. If you are the highest in the chain of command or if you are unable to reach the senior officer, contact the District Attorney's Office through the on-call service (non-emergency number) or contact the District Attorney directly for appropriate direction.*

8. Next Steps:

- a. Offender is present:** [Address options and next-steps for responding officer(s) when the offender is present.]
- b. There are immediate medical needs:** [Address options and next-steps for responding officer(s) when there are immediate medical needs. This should include connecting victims with a SANE or other appropriate healthcare professional.]
- c. Children are present:** [Address options and next-steps for responding officer(s) when...]
- d. Call Advocate/Medical Staff:** [Address options and next-steps for responding officer(s) when...]
- e. Abuse is in the past:** [Address options and next-steps for responding officer(s) when...]

9. Additional considerations: [Optional - Add points as appropriate.]