

FRIDLEY POLICE

GENERAL ORDER

SUBJECT: Domestic Assault	DATE OF ISSUE	NUMBER:
	May 15, 2008	309
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I. PURPOSE

To specify the procedures for handling domestic assault calls for service and to promote the continued relationship with professional advocacy groups such as the Alexandra House to ensure an effective and coordinated response to domestic assault in the City of Fridley

II. POLICY

The Fridley Police Department believes domestic assault is a serious community crime that requires a proactive, multidisciplinary response. As such, the Department supports the concept of mandatory arrest and vigorous prosecution of offenders and immediate intervention with, and continued support of, the victims of domestic abuse by professional advocates.

III. REFERENCES

Minnesota Statutes § 518B.01	Domestic Abuse Act
Minnesota Statutes § 629.341	P.C. Arrests for Domestic Violence
Minnesota Statutes § 609.221	Assault, 1 st Degree
Minnesota Statutes § 609.222	Assault, 2 nd Degree
Minnesota Statutes § 609.223	Assault, 3 rd Degree
Minnesota Statutes § 609.2231	Assault, 4 th Degree, Motivated by Bias
Minnesota Statutes § 609.224	Assault, 5 th Degree
Minnesota Statutes § 609.2242	Domestic Assault
Minnesota Statutes § 609.748	Harassment; Restraining Order
Minnesota Statutes § 609.749	Harassment; Stalking
Minnesota Statutes § 629.34 Subd.1 (6)	Arrest without a warrant
Rules of Criminal Procedure 6.03, subd.2.	Violation of conditions of release;
General Order 324	Limited English Proficiency

IV. PROCEDURES

A. Domestic Assault Arrest

1. A Fridley Police Officer shall arrest any person anywhere without a warrant, including the person's place of residence, if the police officer has probable cause to believe that the person within the preceding seventy-two (72) hours has committed a domestic

assault against a family or household member as defined by Minnesota Statutes § 518B.01

- a. The presence of visible injuries **is not** required for a determination of probable cause, although greater scrutiny may be needed in the determination of probable cause where no visible injuries are present.
- b. The test of **probable cause to arrest** is whether the objective facts are such that under the circumstances, a person of ordinary care and prudence would entertain an honest and strong suspicion that a crime has been committed. This is the common standard used by Minnesota courts. There must be particular and articulable facts that lead an officer to believe that a crime was committed and the person to be arrested did it.

2. Multiple Arrests and Self-Defense

An officer shall not make a multiple arrest unless the officer has probable cause to believe that neither person to be arrested acted in self-defense. While a person may use reasonable force to defend against imminent injury to him/her self, or to another or to prevent the commission of a crime, self-defense does not include seeking revenge or punishing an offender.

B. Charging Decision

1. Whenever there is an arrest made in a domestic assault, the arresting officer or an assisting officer shall attempt to speak with the victim as soon as possible. The victim shall be questioned regarding any known qualified domestic violence related offense convictions of the defendant and where (County/State) those arrests occurred. Every effort shall be made to take a recorded statement from the victim and any witnesses at the scene.
2. The officer shall not issue a misdemeanor citation until the status of the prior arrest or charge is determined. The Information Services Unit (ISU) or Anoka County Central Communications shall be requested to do a criminal history record check on the defendant.
3. If it determined that the assault is a gross misdemeanor or felony, the report should be forwarded to the Detective Unit for follow-up.

4. All officers are expected to conform to Minnesota Statutes when charging suspects for domestic related incidents.

C. Investigation and Report Writing

Whenever an officer investigates an allegation that a domestic assault or order for protection violation has occurred, the officer shall make a written report.

1. The report shall document any crimes which may have been committed, such as criminal damage to property, terroristic threats, assault, or violation of a protection order.
2. The officer shall indicate in the report any statements made by the victim or alleged assailant. A recorded statement from the victim should be taken as soon as practical.
3. If an officer makes multiple arrests, the officer shall document how probable cause was established for each individual arrested.

D. Assistance to Victims

1. In all cases, officers shall assist the victim in obtaining necessary medical attention.
2. Officers shall take reasonable steps to provide meaningful attention to persons with limited English proficiency (LEP) in accordance with General Order 324.
3. If an officer is not able to make an arrest when probable cause exists to believe that a suspect has committed domestic assault or violated an Order for Protection, the officer shall provide information regarding domestic abuse emergency shelter services to the victim.
4. In all cases of domestic violence, whether an arrest is made or not, an officer shall provide the victim with the Department prepared card outlining legal rights and services that are available to victims, as required by Minnesota Statutes § 629.341 subd.3., and shall advise the victim of the availability of Alexandra House services and the Alexandra House advocate.
5. An officer shall contact the Alexandra House by phone as soon as possible on all domestic violence incidents or violations of Orders for Protection where an arrest has been made or charges are to be filed. The officer will provide the names of adult victims and assailants, the telephone number of the victim, and a brief description of the incident to the Alexandra House.

6. An officer shall conduct a Domestic Violence Lethality Screen Assessment when appropriate.
7. Child Present and Care
 - a. If the parent or legal guardian of a child can no longer provide care (for example, when the parent or legal guardian is hospitalized), an officer should consult with the parent or legal guardian to determine placement of the child and may follow the request of the parent or legal guardian provided the officer believes that it is in the best interests of the child to do so.
 - b. If the officer reasonably believes that the immediate surroundings or conditions endanger the child's health and welfare, the officer shall take the child into custody pursuant to Minnesota Statutes § 260.165, subd.1 (c),(2) and shall arrange placement through Anoka County Social Services.