



Edina Police Operations Manual

Policy Number
610.00

Subject:

DOMESTIC/ DOMESTIC ABUSE

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06/01/1993

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04/15/2020

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PURPOSE:

To establish procedures for documentation, referral, and enforcement in reported domestic abuse situations and to provide for the ongoing needs and protection of the victim(s).

610.01 **POLICY STATEMENT**

- Subd. 1** A report shall be written on all domestic abuse situations. These reports will contain, at a minimum, all areas covered in the Domestic Abuse checklist (See pages 6-7).
- Subd. 2** Notwithstanding section [629.34](#) or any other law or rule, a peace officer may arrest a person anywhere without a warrant, including at the person's residence, if the peace officer has probable cause to believe that within the preceding 72 hours, exclusive of the day probable cause was established, the person has committed non-felony domestic abuse, as in section [518B.01 subdivision 2](#). The arrest may be made even though the assault did not take place in the presence of the peace officer. In the event that an arrest is not made under these circumstances, the reason for not taking enforcement action should be documented in the body of the report.
- Subd. 3** A peace officer shall arrest without a warrant and take into custody a person whom the officer has probable cause to believe has violated a domestic abuse no contact order and/or an order for protection, even if the violation of the order did not take place in the presence of the peace officer, as long as the existence of the order can be verified. The person shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless a judge releases the person earlier.
- Subd. 4** Federal law requires that all valid orders of protection granted by a court of any jurisdiction be recognized and enforced as if they were issued by a court where the violation occurred.

A responding officer must enforce the terms and conditions of the order as written by the issuing jurisdiction.

The order of protection is presumed valid if it has the correct names of the parties, has not expired, and is signed by an issuing authority. It should be enforced pursuant to departmental policy and the laws of the enforcing agency.

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Any of the following, if committed against a family or household member by a family or household member:

- a) Physical harm, bodily injury, or assault.
- b) The infliction of fear of imminent physical harm, bodily injury, or assault.
- c) Terroristic threats, within the meaning of section [609.713](#), subdivision 1
- d) Criminal Sexual Conduct, within the meaning of section [609.342](#), [609.343](#), [609.344](#), [609.345](#), or [609.3451](#).

Subd. 2 Family or Household Member

- a) Spouses, former spouses, parents and children, persons related by blood.
- b) Persons who are presently residing together or who have resided together in the past.
- c) Persons who have a child in common regardless of whether they have been married or have lived together at any time.
- d) A man and a woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time.
- e) Persons involved in a significant romantic or sexual relationship.

Subd. 3 Qualified Domestic Violence – Related Offense (QDVRO)

Has the meaning given it in Minn. Stat. [609.02, subd. 16](#) and includes a violation of or an attempt to violate a domestic abuse order for protection; first or second degree murder; first through fifth degree assault; domestic assault; female genital mutilation; domestic assault by strangulation; first through fourth degree criminal sexual conduct; malicious punishment of a child; terroristic threats; violation of harassment restraining order; stalking; interference with an emergency call; nonconsensual dissemination of private sexual images; and violation of domestic abuse no contact order; and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories.

If a person arrested for a domestic crime has a prior QDVRO, the new offense may be chargeable as a higher-level crime.

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- Subd. 1** Information collection and timely dispatching are critical elements of domestic response. 911 Police/Fire dispatcher procedures are as follows:
- a) Upon receiving a domestic call, the 911 Police/Fire dispatcher will assign the call a high priority.
 - b) The 911 Police/Fire dispatcher should assign at least two officers to a domestic call.
 - c) The 911 Police/Fire dispatcher receiving a domestic call should obtain as much of the pertinent information as possible.
 - The nature of the incident.
 - The address of the incident, including apartment number, etc.
 - The telephone numbers where the caller can be reached and an alternative telephone number.
 - Whether weapons are involved or present in the dwelling.
 - Whether someone is injured and the nature of the injury.
 - Information about the suspect including whether the suspect is present, description, direction of flight, mode of travel, etc.
 - Relationship between the caller and the suspect.
 - Whether there has been prior abuse or prior calls involving these individuals.
 - Whether there is an order for protection and/or a no contact order.
 - Whether children are present at the scene.
 - Whether there are non-English or limited English speaking people.
 - People with mobility impairments or hearing impairments.
 - d) If the caller is the victim, the 911 Police/Fire dispatcher should attempt to keep the caller on the telephone as long as possible.

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- e) If the caller is a witness to an incident in progress, the 911 Police/Fire dispatcher should attempt to keep the caller on the phone and should relay ongoing information.
- f) If the 911 Police/Fire dispatcher cannot remain on the telephone with the caller/victim, the 911 Police/Fire dispatcher should attempt to call back periodically to check on the progress of events, and call again when the officers arrive at the scene.

Subd. 2 When officers are refused entry in a domestic situation there are three options available to them.

- a) **Refused entry** – If refused entry, the officers should be persistent about seeing and speaking alone with the subject of the call. If access to the subject is refused, the officers should request the 911 Police/Fire dispatcher to contact the caller.
- b) **Forced entry** – If access is still refused and the officers have reason to believe that someone is in imminent danger, the officers are permitted to force entry.
- c) **Search warrant entry** – If the officers are refused entry and have no legal grounds for forced entry and they have reasonable grounds to believe a crime has been committed, they should contact the appropriate authority in attempt to obtain a search warrant.

Subd. 3 Officers should remain at the scene until the likelihood of further imminent violence has been eliminated.

Subd. 4 In all cases where a probable cause arrest is made for domestic assault, the defendant should be first booked into the Edina Police Department. All arrested for domestic assault must be transported to the correct Hennepin County Detention Center. (Adult or Juvenile)

a) **Misdemeanor/Gross Misdemeanor/Felony Domestic Assault Arrest**

All defendants will be transferred to Hennepin County Detention Center after being booked at the Edina Police Department.

- c) The practice of dual arrests is discouraged. In any incident where dual arrests are made the arresting officer will establish and document the probable cause for the arrest of each person. The officer should evaluate and consider whether either of the parties acted in self-defense.

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Subd. 5 Officers should contact the department's current victims' advocacy group from the scene of all domestic assaults, if practical to do so. The officer will document in the report that victims' advocacy group was contacted or attempted to be contacted. Officers will provide the victim with the Victim's Rights card.

Subd. 6 In domestic cases where probable cause cannot be established for an arrest, officers are encouraged to ask the victim for permission to contact the victims' advocacy group on their behalf and have an advocate contact the victim.

Subd. 7 Investigative Division Responsibilities

- Complete the Domestic Abuse Investigative checklist and conduct any additional necessary follow up on all domestic assault cases.
- Send copies of all domestic reports to the victims' advocacy group and Bloomington Public Health.
- Appoint a representative to attend meetings with the victims' advocacy group and the Edina City Prosecutor.

610.04 STATUTORY REFERENCES

Subd. 1 [518B.01](#) Domestic Abuse Act.

a) Order for Protection (Subd. 14)

b) No Contact Order (Subd. 22)

Subd. 2 [609.2242](#) Domestic Assault.

Subd. 3 [629.341](#) Probable Cause Arrest for Domestic Violence.

Subd. 4 [629.342](#) Law Enforcement Policies for Domestic Abuse.

Subd. 5 [609.498](#) Witness Tampering.

Subd. 6 [609.713](#) Terroristic Threats.

Subd. 7 [609.78](#) Interference with 911 call.

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**EDINA POLICE DEPARTMENT
DOMESTIC ABUSE
INITIAL REPORT CHECKLIST**

The following information should be documented for all victims, suspects, defendants, witnesses, residents, and reporting parties:

1. Full names and dates of birth.
2. Complete addresses: Home and business.
3. Phone numbers: Home, business, and cellular.

All Domestic/Domestic Abuse reports should contain the following information:

1. Reporting person and reason for the call.
2. First officer arriving on the scene.
3. First person met by officers.
4. Domestic relationship.
5. Injuries observed by officers.
6. Damage to property or indication of an altercation observed by officers.
7. Medical assistance offered and given.
8. Medical release form signed (if medical assistance was given).
9. Previous calls to this location.
10. History of assaultive behavior between these parties (possible enhancement).
11. History of assaultive behavior this suspect and other victims.
12. Court action or Order for Protection currently.
13. Date and time contact with victims' advocacy group and any assistance given.

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**EDINA POLICE DEPARTMENT
DOMESTIC ABUSE
INVESTIGATIVE CHECKLIST**

1. Medical evidence/documents.
2. Crime scene photograph/evidence seizure.
3. Witness list and interviews.
4. Follow up photographs.
5. Physical description and relative condition of parties.
6. History of assaultive behavior between these parties.
7. History of assaultive behavior this suspect other victims.
8. Victim's level of cooperation and counseling resource.
9. Order for Protection issued.
10. Crime victim's reparations board referral.
11. Ensure Lethality Screen form has been completed.