

DOMESTIC VIOLENCE PROTOCOL

Pima County Domestic Violence Task Force



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Table of Contents

Table of Contents	1
POLICY STATEMENT	3
INTRODUCTION	5
LAW ENFORCEMENT PROTOCOL.....	7
Dispatcher / 911 Operator Response.....	7
Assigning Priority	7
Reassuring the Victim.....	7
Necessary Information from Caller	7
Recordings of 911 Calls.....	8
Safety of Domestic Violence Victims.....	8
PATROL OFFICER RESPONSE AND INVESTIGATION	9
Approach Domestic Violence Scenes with Caution	9
Pro-Arrest Policy	9
Dual Arrest Policy.....	9
Primary/Predominant Aggressor Rule	9
Thorough Investigation.....	10
Upon Arrival at the Scene.....	11
Investigation at the Scene	11
Evidence Based Investigation.....	11
Document and Collect All Evidence.....	11
Interviews and Statements	12
Evidence.....	13
Objectivity in Reporting	13
Victim Considerations	13
Witness Considerations in Investigations	14
Suspect Considerations in Investigation	15
Medical Considerations in Investigation	15
Final Considerations	16
Contact Victim Services Division.....	16
Victim's Safety	16
Domestic Violence Firearm Seizures.....	17
Follow-Up Investigation	18
Department Of Public Safety	19
Response To Out Of Jurisdiction Crimes	19
Courtesy Reports.....	20
Officer Involved In Domestic Violence.....	20
Investigations Involving Officers From Other Agencies.....	21
Investigations Involving Officers Within An Agency	21
Same Sex Relationships	22
Child Witnesses	22
Stalking	24
AGGRAVATED DOMESTIC VIOLENCE	27
AGGRAVATED HARASSMENT.....	27
Teen Relationship Violence.....	28
MEDICAL RESPONSE PROTOCOL	29

Health Worker Legal Obligations.....	29
Medical Records	30
Signs and Symptoms of Domestic Violence.....	30
Elements of Documentation.....	30
Health Care Issues For Domestic Violence Victims.....	32
VICTIM SERVICES DIVISION PROTOCOL.....	34
Victim Services On-Scene Responders	34
Prosecution-Based Victim Services Advocates	35
Community-Based Organizations.....	36
Safety Planning.....	36
PROSECUTION PROTOCOL.....	39
Qualifying Offense.....	39
Qualifying Relationship.....	39
Domestic Violence Prosecution Goals:	39
Submittal.....	39
Charging Domestic Violence.....	40
Dismissal for Furthers and No Files	40
Plea Negotiations	40
Trial Preparation	41
Trial Issues.....	42
Sentencing.....	43
Victims' Rights in Prosecution.....	44
Weapon Seizures in Prosecution.....	45
PROBATION PROTOCOL.....	46
Presentence Report.....	46
Presentence Interviewing.....	46
Preparing a Report	46
Recommendations.....	47
Post-Conviction Supervision	47
New Probationers.....	47
Treatment Referrals	48
Probation Violations	48
Violation Guidelines	49
Victim Issues.....	49
Victim Guidelines	49
Appendix A: Domestic Violence Investigation Checklist.....	51
Appendix B: Definitions.....	53
Appendix C: Orders Of Protection	55
Appendix D: Resources	57
Appendix E: Juvenile Physical Referral Process.....	58
Appendix F: Domestic Violence Alternative Center.....	61
Appendix G: Victims of Stalking Safety Issues	65
Appendix H: Lethality Assessment	68
REFERENCES:	69

POLICY STATEMENT

Domestic violence has a severe impact on this community. Everyone in the community has a role in the prevention and prosecution of domestic violence. The two primary considerations in the community's response to domestic violence should be offender accountability and victim safety. The Pima County Attorney's Office is committed to working to end domestic violence and in 2007 organized a task force to address this critical social issue.

The Pima County Task Force on Domestic Violence is comprised of agencies representing law enforcement, prosecution, probation, social and medical services and community advocacy organizations. The Task Force recognizes that domestic violence can be prevented and that the pattern of violence can be broken. Educating community members, applying prevention strategies, providing services to families, thoroughly and effectively investigating incidents, holding offenders accountable through prosecution, and providing treatment for offenders and victims all work to strengthen affected individuals and breaking the pattern.

The community, through the coordination and support of the Pima County Task Force on Domestic Violence, plays a significant role in ending domestic violence by working together to:

- Prevent domestic violence in our community
- Educate the community about domestic violence
- Hold domestic violence offenders accountable for their actions and send an important message that there are consequences for committing acts of domestic violence;
- Enhance and ensure victim safety by providing support services;
- Disrupt the pattern of violence and offer opportunities to victims and offenders for treatment and services;
- Break the generational cycle of domestic violence on children; and
- Evaluate how we are doing in our efforts to stop domestic violence

The Pima County Domestic Violence Protocol is a guide for law enforcement, prosecutors, victim advocates, intervention programs, social services, and the judicial system to help ensure that justice is served and the families in our community are kept safe. Our efforts must include:

- Expert investigation and preservation of evidence
- Effective prosecution strategies that accept the unique challenges of domestic violence
- Accountability for the offender, and
- Victim services that enhance their safety and their ability to safely participate in the criminal justice process.

With proper collection and documentation of physical and testimonial evidence by law enforcement, prosecution can often offer the victim the choice of proceeding with or without their participation in the court process. Appropriately enforcing applicable laws and utilizing "zero tolerance" policies will lead to a safer and healthier

community where families do not suffer from the impact of domestic violence offenses.

This document is intended to assist law enforcement, prosecutors and community agencies in their handling of domestic violence incidents from the initial call through investigation and prosecution, probation and treatment. It embodies the standards which all agencies should meet when responding to domestic violence. This protocol is a work in progress and is not to be construed as a completed task but viewed as a step toward eliminating the violence perpetuated in homes and the workplace. The protocol itself draws from the collaborative efforts of those agencies that have paved the way in making sure that violence in the home will not be tolerated.

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INTRODUCTION

Domestic violence is generally a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner or family member. Tactics used by abusers often include: isolation, physical abuse, sexual abuse, emotional abuse, economic abuse, and psychological abuse. The abuse includes conduct that manipulates, humiliates, blames, intimidates, frightens, injures or wounds the victim. Due to the intimate relationship that exists between the victim and the accused, domestic violence is a crime that differs from all others. It is a crime that affects millions of homes every year, and as a result, it is a problem that requires strict and specialized attention.

Domestic violence produces numerous indirect social, medical, and psychological costs to victims, children, and communities. Victims of domestic violence often suffer from isolation caused by: the abuser requiring the victim to stay home and becoming economically dependent; being forced to sever social relations with neighbors, friends, and family; becoming embarrassed about visible injuries in public situations; being constantly on the move to avoid their batterers when they decide to leave; being unable to protect their children; the feeling that they are an unacceptable burden on family and friends; being forced to stay in shelters or remote locations making it difficult to offer and provide services; and the fear that they may lose control of joint resources or custody of their children.¹ Children exposed to domestic violence endure depression, developmental problems, acute and chronic physical and mental health problems, and aggressive or delinquent behavior.² Communities are forced to deal not only with the acts of violence but also its aftermath which drains resources from the entire social structure including education, medical, law enforcement and service agencies.

National studies have shown that domestic violence is a learned and culturally reinforced pattern of behavior that, without intervention, often becomes more destructive over time. Perpetrators of domestic violence use a variety of tactics to and maintain power and control over their victim. Physical and sexual assaults are just one tactic used by abusers to maintain power and control. The assaults are often used in conjunction with emotional, psychological, and/or economic abuse that continues to escalate over a period of time.

While Law Enforcement is usually notified of the abuse following a physical or battering event, victims are often asked to assist with prosecution while at the same time various pressures are encouraging the victim to stay in the relationship. This dichotomy presents several unique challenges to law enforcement, prosecution, probation, social and community services, and victim advocates.

¹ Louise Laurence and Roberta Spatler-Roth, "Measuring the Cost of Domestic Violence Against Women and the Cost-Effectiveness of Interventions: An Initial Assessment and Proposals for Future Research," Victims Services and the Institute for Women's Policy Research (May 1996).

² National Research Council, Understanding Violence Against Women, eds. Nancy A. Crowell and Ann W. Burgess (1996).

The organization of this document attempts, when possible, to follow the usual pattern of a domestic violence offense as it enters and progresses through the criminal justice system. This document also takes into consideration the unique challenges in domestic violence cases and how best to meet these challenges by holding the offender accountable while keeping the victim safe from further abuse.

The following agencies participated in the protocol development:

Administration of Resources and Choices
Arizona Department of Economic Security
Blake Foundation, New Vision for Families
Casa De Los Ninos
Catholic Social Services - Asylum Program
City of Tucson Prosecutor's Office
Child Protective Services
Division of Children, Youth & Families
Emerge Center Against Domestic Abuse
Institute for Social Justice
Jewish Child and Family Services
Las Familias
Marana Police Department
Northwest Medical Center
Oro Valley Police Department
Pima County Adult Probation
Pima County Attorney's Office (PCAO)
Pima County Juvenile Court
PCAO - Victim Services
Pima County Sheriff's Department
Pima County Superior Court Pre-Trial Services
Sahuarita Police Department
South Tucson Police Department
Southern Arizona Center Against Sexual Assault
Southern Arizona Children's Advocacy Center
Southern Arizona Legal Aid
TMM Family Services
Trafficking Victims' Freedom Program
Tucson Police Department
United Way
University of Arizona Police Department
University Physicians - Kino
Wingspan Anti-Violence Project

LAW ENFORCEMENT PROTOCOL

Dispatcher / 911 Operator Response

A dispatcher who receives a domestic violence incident call will dispatch officers or deputies to every reported incident. The dispatcher will, when warranted, give a domestic violence incident call the same priority as any other life threatening call and will, whenever possible, dispatch two officers to the scene.

Assigning Priority

All calls involving a domestic violence incident “in progress” shall be given the same priority as any other 911 emergency call. If not “in progress” the following factors may be considered in assigning priority to the case:

1. whether the parties are separated
2. whereabouts of the suspect
3. the use weapons
4. whether there are injuries and the nature of any injuries
5. threats of future harm
6. whether the incident was physical, verbal, or other type of abuse
7. whether there is a history of domestic violence
8. the presence and/or involvement of children or other surrogate victims (elderly, pets, ...)

Reassuring the Victim

The Operator/Dispatcher must express concern for the victim, when appropriate, and offer reassurance that help is on the way.

1. The caller’s immediate concerns are for intervention or assistance. The 911 operator CANNOT discuss legal issues or procedures. The on-scene responding officer is the person to determine if a crime has been committed.
2. When speaking to a victim of domestic violence, no dispatcher or 911 operator will discuss the victim's desire to "press charges", "drop charges", or "prosecute."
3. Any comment or statement which seeks to place the responsibility for enforcement actions with the victim is inappropriate.

If officers have been dispatched, the operator/dispatcher must tell the caller that someone is on the way.

Necessary Information from Caller

The 911 operators will work with the caller to obtain all necessary information while providing reassurance. They shall attempt to determine the following information:

1. What is the emergency?
2. With whom am I speaking?
 - a. Is the caller the victim?
 - b. If not, did the caller observe the incident?
3. If the incident it is not currently in progress when did the incident occur?
 - a. What is happening now?
 - b. What was happening before the 911 call?
4. Where is the emergency? Address, including apartment number if applicable.

5. Are there any injuries?
 - a. What kind of injuries?
 - b. Is an ambulance needed?
6. Was there a weapon involved?
 - a. If “yes,” what kind? Where is the weapon now?
 - b. If “no,” are there weapons on the premises?
7. Who is the suspect?
 - a. What is the caller’s relationship to the assailant?
 - b. Is the suspect present? (If yes, safety plan for situations in progress)
 - c. If the suspect is not present, do you know where he/she may be?
 - d. What is the physical description of the suspect?
8. Has anyone involved been drinking alcohol or using drugs? If so, what substance(s)?
9. Is there an order of protection against the suspect?
10. Have the police been there before?
 - a. Do you know of prior acts of Domestic Violence by the suspect?
 - b. Have there been calls to the police in other cities or states?
 - c. Have you called anyone else about this incident?
11. Who else is present?
 - a. Are there any other witnesses?
 - b. Are any of the witnesses children?
 - c. Were there any children present in the home?
 - d. What are the names ages of all children present?

Once the basic information is obtained, additional questions may be appropriate. Not every question is appropriate in every situation. The circumstances of the emergency may limit the inquiry.

Recordings of 911 Calls

Rules of evidence often allow the introduction of 911 recordings at trial. Depending upon who the caller is and other circumstances, excited utterances or a description of the event as it is occurring are almost always admissible in court. The law often allows the introduction of this evidence without calling the operator or custodian of records as a witness especially if the recording is accompanied by a signed form outlined by statute.

The detective or case officer in every felony case shall contact the 911 operator to obtain or preserve the emergency 911 call. The 911 call in misdemeanor cases should be preserved so that the call may later be requested by the case officer or prosecutor.

Safety of Domestic Violence Victims

The safety of domestic violence victims, whether the threat of violence is immediate or remote, should be the primary concern of 911-operators. If appropriate, the 911-operator shall advise the victim of options that may enhance his/her safety including, but not limited to waiting for officers at a friend's home or simply leaving the residence if the batterer returns.

PATROL OFFICER RESPONSE AND INVESTIGATION

Approach Domestic Violence Scenes with Caution

If practical, officers should look and listen to what is occurring at the scene prior to announcing their presence. This may help officers determine which individual is the primary aggressor. Listening to what is occurring will provide the officer with valuable information for the investigation. This information shall be documented in the report.

Pro-Arrest Policy

A pro-arrest policy will be implemented by all departments if there is probable cause that an offense has been committed (A.R.S. §13-3601(B)).

1. An arrest should be made in the event that there is probable cause to believe that an offense has occurred regardless of whether the offense was committed in the presence of the officer/deputy.
2. The arrest may be for a felony or misdemeanor offense.
3. All suspects arrested will be booked into the county jail. Suspects arrested “on-scene” cannot be cited and released per A.R.S. §13-3601(B) if there is a physical injury or a weapon was used. The offender must be held until seen by a judge at an initial appearance.
4. If the suspect has left the scene prior to the officer's arrival, all reasonable efforts should be made to locate the suspect.

Dual Arrest Policy

Dual Arrests shall be discouraged. It is the duty of law enforcement personnel to identify and arrest only the primary or predominant aggressor. It is the purpose of this county-wide protocol to encourage all agencies to adhere to the intent of this mandate and refrain from making dual/mutual arrests. Dual arrests should be the extreme exception and should only be utilized as a last resort when all other investigative efforts fail.

Primary/Predominant Aggressor Rule

The officer shall make a reasonable effort to identify the primary or predominant aggressor in any incident. The primary aggressor is the person determined to be the most significant, rather than the first aggressor. A substantial percentage of DV victims hit their perpetrators back. Additionally, many victims will not self disclose their victimization. Consequently, determination of the primary or predominant aggressor may not be self evident.³ If the officer determines that one person was the primary physical aggressor, the officer need not arrest both parties. In determining whether a person is the primary aggressor, the officer shall consider the following:

1. If an officer receives complaints of domestic violence from one or more parties (a mutual combat situation), each complaint shall be evaluated separately to determine who was the primary aggressor.

³ Practical Implication of Current Domestic Violence Research for Law Enforcement, Prosecutors and Judges, Chapter 2. Reporting and Arrests, D.O.J., National Institute of Justice, June 2009.

2. The following questions will help determine the primary aggressor:
 - a. Was one party in actual fear of the other? (using Appendix A, DV Report Checklist)
 - b. Did one party escalate the level of violence? For example, did one party react to a slap by beating the other party up or displaying a weapon?
 - c. Was one party physically larger and stronger than the other?
 - d. Was there a history of violence by one of the parties against the other or against other persons?
 - e. Does one party have a history of being the aggressor?
 - f. Does one party have more serious injuries than the other party?
 - g. Do any injuries appear to be defense wounds, i.e., wounds inflicted by a person as a last means of escape (bite marks, scratching)?

When considering who the primary aggressor is in “mutual combat” incidents, officers should consider A.R.S. §13-411 (Justification of Force) and A.R.S. §13-415 (Justification; domestic violence). If the officer determines that one person was the primary physical aggressor, the officer shall not arrest the other person in the incident.

Mutual combat situations may result in the arrests of both parties for disorderly conduct. This typically occurs when there is an independent third party whose peace was disturbed. Mutual combat participants cannot disturb each other’s peace. An officer shall not threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage requests for intervention. Other factors law enforcement personnel should consider:

1. Height/weight of the parties.
2. Criminal history.
3. Level of violence.
4. Corroborating witnesses.
5. Demeanor.
6. Use of alcohol/drugs.
7. Offensive/defensive injuries (injuries consistent with explanation).
8. Seriousness of injuries.
9. Timing of second arrest.
10. Corroborating evidence.
11. Presence of Fear.
12. Existing court orders.
13. 911 reporting party.
14. Injuries consistent with explanation.

Thorough Investigation

An officer responding to an incident of domestic violence shall conduct a thorough investigation and, when the elements of a crime are present, prepare a domestic violence report, irrespective of the wishes of the victim or the presence or absence of the suspect.

Upon Arrival at the Scene

1. Determine location and condition of victim(s)
2. Determine if suspect is still at scene
3. Determine whether children were present and whether they witnessed the event
4. Determine if any weapon is involved.
5. Determine what, if any, crime has occurred. If a sexual assault is reported, follow the procedures.
6. Summon an ambulance if injuries require, or requested by victim.
7. Separate the victim, suspect and witnesses.
8. Prevent communication between all parties. This includes removing victim and witnesses from suspect's line of sight and range of hearing.

Investigation at the Scene

When dispatched, the officer should confirm the identity and location of the reporting party, the content of the call and the type of crime being reported. The officer should also determine whether the suspect has prior domestic violence arrests or whether officers have previously responded to the same household regarding reports of domestic violence. This information should be documented in the report.

1. Interview victim and witnesses separately, including any children who may have witnessed the incident or any prior incidents.
2. If there were children present, forensic interviews are recommended at the Southern Arizona Children's Advocacy Center (520-243-6420).
3. Do not ask the victim whether he/she wishes to press charges. Place statements by victims/witnesses that are made in an excited or stressed state in quotation marks and describe that person's demeanor. Do the same with any statements expressing emotions or physical sensations like fear or pain.

Evidence Based Investigation

Often, due to the dynamics of domestic violence, the victim will be reluctant to participate in any prosecution effort. It shall be the goal of all law enforcement agencies to conduct domestic violence investigations in order to proceed with prosecution even if the victim does not participate or recants. In some jurisdictions this is referred to as "evidence-based" investigation and prosecution. Documentation of the scene, injuries and admissible hearsay statements are crucial to the success of "evidence based" prosecution.

Document and Collect All Evidence

1. Describe crime scene. Note signs indicating struggle such as overturned furniture, hair that has been pulled out, blood, broken fingernails, holes in walls, damaged telephones, etc.
2. Photograph crime scene if applicable.
3. Determine if firearms or other deadly weapons are present and seize pursuant to A.R.S. §13-3601.
4. Ensure that victim's and suspect's injuries are photographed clearly.

5. Impound and photograph all weapons - including all instrumentalities of the crime (i.e. belts, phone cords, hangers, gas cans, lighters, broken lamps, etc.).
6. In cases involving sexual assault, seize and appropriately impound clothing, bedding or any material upon which the assault took place.
7. Check welfare of and photograph any children or pets present.
8. Record and document all “excited utterances.”
 - a. Emotionally charged, spontaneous statements are exceptions to the hearsay rule. It may be possible for prosecutor to introduce these statements at trial irrespective of the victim’s or witness’ presence.
 - b. When documenting these statements, it is essential that the victim’s and witness’ emotional and physical state be recorded in the report.
 - c. Written and/or audio recordings of spontaneous statements are important to a successful prosecution.

Interviews and Statements

All parties will be interviewed separately, including children, regarding their involvement in the case. A forensic interview of the children should be done at the Southern Arizona Children’s Advocacy Center (520-243-6420) if appropriate.

Indicate in the departmental report:

1. If children were present during the incident or reside in the home. Document names and ages of the children.
2. If alcohol or drug use has been indicated.
3. If the victim is pregnant at the time of the incident.
4. Whether officers have been to the location before and whether they know the suspect or the victim. Officers should do what they can to research prior police responses to the address, prior reports by victim, prior arrests or convictions of suspect.
5. Relationships of victim and suspect to establish domestic violence.
6. Document whether the victim received notification of victims’ rights and if he/she invoked those rights at the scene.

Miranda warnings are not required if the suspect is out of custody at the scene. Once an officer decides to make an arrest, the officer must read the suspect Miranda warnings if the suspect is to be questioned regarding the incident.

A notation of the fact that a party or witness does not speak English should be included in the witness/victim/suspect information section of the report. Indicate what language was spoken, the name(s) of interpreters, and all vital information about the interpreters, such as social security number, addresses, etc.

Officers should not advise victims of domestic violence that they can either press or drop charges. If the victim states that prosecution is not desired, the officer should state that the decision to prosecute is made by the appropriate prosecutorial agency. If made in front of the suspect, this statement can be very effective in alleviating further harassment by the suspect, or others operating on the suspect’s behalf, to have the victim drop the charges.

Evidence

The existence of the elements of the crime shall be the sole factor that determines the proper method of handling the incident. The following factors, for example, shall not dissuade the officer's course of action in domestic violence incidents, except as they relate to the elements of the crime:

1. The relationship or marital status of the suspect and the victim;
2. Whether or not the suspect lives on the premises with the complainant;
3. The complainant's emotional state;
4. The existence or lack of a temporary restraining order; or the dismissal of a previous restraining order; or whether the victim acquiesces on the suspect's violation of the order;
5. The potential financial consequence of arrest;
6. The complainant's history or prior complaints;
7. Verbal assurances that violence will cease;
8. Lack of visible injuries;
9. The location of the incident (public or private place);
10. Speculation that the complainant may not follow through with the criminal justice process;
11. Victim and suspect are of the same gender;
12. Immigration status;
13. The victim's reluctance regarding an officer's initiated arrest; or
14. Assumptions that violence is more accepted in certain cultures.

Objectivity in Reporting

Officers shall maintain objectivity in reporting. Avoid personal opinions regarding comments from victim/suspect. An officer shall make no statements which would tend to discourage a victim from reporting an act of domestic violence.

Victim Considerations

Officers and detectives should discuss with the victim how to preserve information related to the case. The following should be noted and documented in the report:

1. A victim should be encouraged to keep a detailed log of any contacts with the perpetrator, even if it is through a third party. At a minimum, the log will include the date, time, place, and a description of the occurrence.
2. Preserved information includes:
 - a. Documentation of all telephone calls;
 - b. Recorded telephone conversations;
 - c. Obtained witness information for in-person contacts;
 - d. Retention of any mailed communications (including the envelope);
 - e. Preserved electronic communication (e-mail);
 - f. Photographs of caller ID screens or cellular phone text messages.
3. Victims should be advised to contact the police department and request a report whenever there is contact.
4. Note the victim's physical condition, including any injuries--describe in detail. In strangling cases note change in voice.

5. Determine if medical treatment is necessary and seek appropriate care.
6. Make sure the victim was photographed. Make sure the photographs clearly depict the injury or any object photographed.
 - a. Note torn clothing.
 - b. Note smeared makeup.
7. Note the victim's emotional condition.
8. Determine victim's relationship to suspect.
9. Document any evidence of substance/chemical abuse by victim.
10. Conduct a lethality assessment by considering the following factors and document them in the report:
 - a. Is there a history of abuse?
 - b. Document, in detail, any past history of physical violence.
 - c. Describe the nature of the violence and whether it was reported or unreported.
 - d. Does the suspect have obsessive or possessive thoughts?
 - e. Has the suspect threatened to kill the victim?
 - f. Does the suspect feel he/she has been betrayed by the victim?
 - g. Is the victim attempting to separate from the suspect?
 - h. Have there been prior calls to the police?
 - i. What is the prior criminal history of the suspect?
 - j. Is the suspect depressed?
 - k. Does the suspect have specific "fantasies" of homicide or suicide?
 - l. Does the suspect have access to weapons?
 - m. Has the suspect abused animals/pets?
 - n. Has the suspect demonstrated rage or hostile behavior toward police or others?
 - o. Has there been an increase in the frequency or severity of the abuse? (documented or not)
 - p. Has the suspect been violent toward children?
 - q. Is there increasing drug or alcohol use by the suspect?
 - r. Has the suspect violated court orders?
 - s. Have there been occasions where suspect strangled victim?
11. Record any spontaneous statements made by the victim
12. Obtain emergency contact information and telephone numbers for the victim.
13. If there was strangulation involved ask the checklist questions contained in Appendix A. Strangulation cases should be investigated as felony offenses.
14. Note any statements made by suspect to victim during incident.

Witness Considerations in Investigations

Interview all witnesses separately and record names, addresses, phone numbers and emergency contacts. Witnesses include people that the victim or suspect spoke to about the incident.

1. List the names and ages of children present. In cases where children were present, whether as a witness or a victim, officers should determine whether they should be transported to the Southern Arizona Children's Advocacy Center for interview and advocacy support services. Officers should take into

consideration the severity of the offense and whether the children were injured in making that determination.

2. Record names and addresses of emergency personnel in attendance.
3. Interview neighbors (eye and ear-witnesses). Determine from witnesses if they are aware of a history of abuse, including child or animal abuse.
4. Determine if the victim called anyone else and described the incident and document the name and address of that person.

Suspect Considerations in Investigation

1. Describe suspect's location on arrival.
2. Describe suspect's physical condition.
3. Describe suspect's emotional condition.
4. Document evidence of substance/chemical abuse by suspect, conduct examination and add charge if appropriate.
5. Record spontaneous statements.
6. Document any attempts by suspect to take control of scene/investigation
7. Document, describe and photograph any injuries.
8. Mirandize suspect if in custody and obtain waiver prior to questioning
9. Interview suspect.
10. Determine if the suspect is currently on probation. If so, notify the adult probation officer of record.
11. Ask suspect about prior domestic violence arrests/convictions
12. Document confiscated weapons. Follow departmental policy and procedures regarding weapon impoundment or forfeiture. See A.R.S. §13-3601 for weapon seizure in a domestic violence case.
13. Call the DV Sergeant for detective response in all felony cases.
14. If a suspect is taken into custody:
 - a. Advise the suspect of his/her rights. If the suspect does not invoke the right to remain silent or to an attorney, the officer may conduct an interview.
 - b. Prevent communication between suspect and victim or witnesses.
 - c. Document or make recording of all statements made by the suspect.
 - d. Include information the judge should have when determining release conditions and availability of bond.

Medical Considerations in Investigation

Officers should document any medical attention that is provided at the scene and whether or not hospitalization was required. (See the Medical Response section of the Protocol for additional information). Unless a detective assumes the investigation, the officer should:

1. Transport or have victim transported to hospital if appropriate.
2. Obtain names, addresses and telephone numbers of ambulance or paramedic personnel treating the victim.
3. Document extent of injury and treatment, if known and document complaints of pain and injuries.
4. Obtain authorization for release of medical records from the victim.

5. Obtain copy of medical treatment form including doctor's name, address and telephone number.
6. Interview paramedics and treating physician to confirm nature and severity of injuries.
7. Determine if victim made statements to treating personnel regarding injury, incident or prior abuse.

Final Considerations

Contact Victim Services Division

Contact Victim Services Division as early in the process as possible (520-740-5525). The Pima County Attorney's Office Victim Services Division may be called to the scene of any Domestic Violence incident whether or not an arrest is made. Victim Services Division shall assist officers. (See the Victim-Services section of this protocol). Assistance may include, but is not limited to:

1. Assisting with the development of a safety plan for the victims.
2. Providing referrals to community resources and relevant phone numbers.
3. Providing transportation to the Southern Arizona Children's Advocacy Center, medical facility or shelter.
4. Advising the victim about Emergency Orders of Protection.
5. Contacting the Humane Society to arrange emergency shelter for household pets when necessary.

It is important to document the presence of a Victim Services Advocate, with their complete name and telephone number in the report.

Victim's Safety

Advise the victim of available shelter options. Assist in making arrangements to transport the victim to an alternate shelter if the victim expresses a concern for safety, a desire to relocate to a shelter, or the officer determines a need exists. Explain the options available to the victim:

1. Temporary restraining or protective orders.
2. In cases of arrest:
 - a. Explain the follow-up procedures.
 - b. Explain the possible ensuing criminal proceedings: Do not ask the victim if he or she wishes to press charges. The decision to prosecute is made by the County Attorney or the City Attorney. The victim and suspect should be advised that they have no control over the decision to prosecute.
 - c. Encourage participation in follow-up and criminal procedures.
 - d. Verify and enforce court issued protective orders.
 - e. Exercise reasonable care for the safety of the officers and parties involved. No provision of this protocol shall supersede that responsibility.
 - f. Bail Issues: Consider requesting a bail enhancement in situations where the amount listed in the bail schedule is insufficient to ensure the victim's safety. Inform the County Attorney covering initial appearances.

If an officer is unable to establish that a crime was committed, the victim should be encouraged to seek help again, if necessary. It should be made clear to all parties that although a crime was not committed, abusive behavior is not acceptable. Officers should provide information regarding social service resources (See Appendix D: Resources). The following information may be provided to the victim, out of sight and hearing distance of the suspect:

1. Distribute an information card that includes telephone numbers and the general geographic area of all domestic violence shelters.
2. Call Victim Services Division for an Advocate (520-740-5525).
3. Caution the victim to keep safety plans in a place where the batterer cannot find them.
4. Discuss and emphasize Orders of Protection.
5. Supply contact information for the following services: Homeless Shelters, Domestic Violence Shelters, Shelters for Children, Community Agencies (See Appendix D: Resources).

Domestic Violence Firearm Seizures

If a weapon was used during the offense, the deadly weapon or dangerous instrument should be seized as evidence. Officers should obtain a search warrant if the item is not in plain view or if another exception to the warrant requirement does not apply.

A.R.S. §13-3601(C, D) allows police officers to:

1. Question persons present at domestic violence incidents to determine if a firearm is present on the premises.
2. Temporarily seize the firearm, upon learning or observing that one is present, if it is in plain view, or if it was found pursuant to a consent search.
3. The officer must reasonably believe that the firearm would expose the victim or another person in the household to a risk of serious bodily injury or death.
4. The officer must document the reasons for seizing the firearm in the report.
5. Seize firearms owned or possessed by the victim only if there is probable cause to believe that both parties independently have committed an act of domestic violence. ***Do not take the gun belonging to the Victim (see §13-3601)***
6. Impound a seized weapon.
7. Impounded weapons must be held for a minimum of 72 hours.
8. Weapons seized per A.R.S. §13-3601(E), require the victim is to be notified by law enforcement before the firearm is released from temporary custody.

If spouses are residing together, either may give consent to search the residence for a weapon. There may be exceptions to this rule regarding admissibility of evidence in court so if the item is evidence refer to subsection 1. In situations involving non-spouses residing together, or other family members over the age of 18, permission may be given to search any common areas to which that person has access, even if the other party objects to the search.

If the officer concludes that no domestic violence crime was committed, consideration should be given to having the parties consent to having any firearms impounded for safekeeping.

Follow-Up Investigation

All domestic violence reports prepared by officers shall be referred to investigative personnel for review and follow-up investigation as needed. The investigator should take into consideration the severity of the offense in determining what follow-up investigation should occur.

1. "Investigative personnel" refers to a detective, investigative specialist, or other designated personnel.
2. Investigative personnel receiving domestic violence related crime and arrest reports shall process them in the same manner as all other criminal violations.
3. Whenever possible, investigative personnel will be specifically designated to handle domestic violence cases based on an investigator's desire to handle such cases.

Follow-up investigations should consist of the following steps:

1. Review patrol reports and determine whether all steps outlined above were completed. If patrol officer failed to complete any step, make sure the work is completed.
2. Run suspect priors to determine if suspect is eligible for aggravated domestic violence prosecution.
3. Re-interview the victim and any children present in all felony investigations and misdemeanor investigations as necessary:
 - a. Do not simply "confirm" what is in the patrol officer's report.
 - b. Audio record all interviews
4. Interview the victim and children, in detail, and document the information received in your follow-up report.
5. Obtain subsequent photographs of the victim even if the patrol officer took photographs.
6. Obtain copies of medical reports if applicable.
7. Obtain a copy of the 911 recording and the printout involving the original call for assistance.
8. Locate and interview other corroborating witnesses (neighbors, bystanders, etc.) who may have heard the incident, yet had not become involved. These "ear-witnesses" can be invaluable during prosecution.
9. Inform the victim and witnesses of the status of the case and the intended referral to the appropriate prosecution agency.
10. Record the names, addresses and telephone numbers of two close friends or relatives of the victim who will know of her/his whereabouts at all times during and after the investigation.
11. Conduct a complete ACIC/NCIC history of the suspect and the victim.
12. Obtain copies of prior police reports (citations, etc) and certified copies of court orders and prior misdemeanor convictions (plea, sentence, revocation of parole) in aggravated DV cases.

13. Interview the suspect unless he/she has invoked or has had counsel appointed

Investigative personnel handling domestic violence cases should analyze each domestic violence case by considering the following questions:

1. Can the elements of the offense be established without the testimony of the victim?
 - a. If yes, the case should be submitted to the appropriate prosecutorial agency for review, irrespective of the wishes of the victim.
 - b. If the answer is no, the investigator must determine if the victim will come to court and tell the truth if subpoenaed to do so.
 - i. If the victim will, the case should be submitted to a prosecutor for review.
 - ii. If the victim will not, determine whether further corroboration can be obtained to allow the prosecution to proceed without a cooperative victim.
 - iii. If the answer is no, and there is no independent corroboration to establish the offense, the case need not be submitted for review but should be filed with records.
 - iv. If the investigator determines there is a high risk of lethality based upon patrol reports and follow-up investigation, discuss the case with a prosecutor.
 - v. Even if the case is not submitted, enlist the assistance of Victim Services Division to make sure the victim receives the proper referrals for victim services if not already accomplished by the officers who responded.

Department Of Public Safety

If a sworn member of the Department of Public Safety (DPS) determines that a domestic violence incident has occurred, the law enforcement agency with investigative jurisdiction will be notified and requested to respond to conduct the investigation. DPS officers will assist the responding officer upon arrival, if needed or requested. This includes not only officer safety requests but for assistance in follow-up investigation if necessary. If the law enforcement agency is unable to respond, DPS officers will:

1. Initiate investigation
2. Complete all follow-up that requires immediate action
3. Forward all corresponding documentation from the investigation to the law enforcement agency of jurisdiction pursuant to the guidelines established in this protocol under **courtesy reports** (p. 20).

Response To Out Of Jurisdiction Crimes

Occasionally a victim is unable to make a crime report in the jurisdiction where the crime occurred. Under such circumstances, an officer from the jurisdiction where the crime occurred should respond to where the victim is and conduct the investigation. If the responding agency determines that the abuse took place in another jurisdiction, the following procedures are encouraged:

1. Attempt to contact the agency where the crime occurred.

2. Ascertain if the agency will send officers to conduct an investigation in a timely manner.
3. While waiting for the responding officers from the jurisdiction where the crime occurred, the officer/deputy should prepare a report to document anything the officer witnessed firsthand.
 - a. Actions of the victim or suspect in the officer's presence.
 - b. Statements made by the victim or suspect in the officer's presence.
 - c. Demeanor of the victim or suspect.

Courtesy Reports

If an officer from the jurisdiction where the crime occurred is unavailable, prepare a **courtesy report**. The **courtesy report** should meet the same standards as any crime report investigated by that jurisdiction.

1. Please use the DV Supplemental report form, as well.
2. An effort should be made to recover any relevant evidence including photographs of the injuries.

Upon completion of the investigation, a case number should be assigned to the case. The case number can be either permanent or temporary based upon the policies and procedures of that specific agency.

When the **courtesy report** is completed, the responding agency should make arrangements with an officer from the jurisdiction where the crime occurred to complete the investigation. Arrangements can be made to meet at a halfway location between the two agencies, or even to have an agency between the two agencies assist in relaying the completed investigation to its destination. When this is not possible, the following steps should be taken:

1. Notify the agency where the crime occurred that the report has been made. This can be done via telephone or through the communications section.
2. Fax a complete copy of the investigation to that agency's record section and/or to the investigative unit responsible to investigate the crime.
3. Confirm with that agency that the fax was received, is complete, and is legible.
4. Mail the original report, property tags, and photographs to that agency's records section.

The sooner the Investigator contacts the victim increases the chance of the victim cooperating in the follow-up investigation. To facilitate this, it is important that the completed report reach the Investigative Unit responsible to investigate this incident as quickly as possible.

Officer Involved In Domestic Violence

Each department should adopt policies regarding departmental personnel who are parties in a domestic violence case. These are suggested guidelines to consider when developing these policies:

1. The Human Resources Department of each law enforcement agency should be included in the development of these policies to determine what resources, such as counseling, are available.
2. Involve the Pima County Attorney or the City Prosecutor's Office early in the process.
3. Make a reciprocal agreement with another agency to complete any investigation if necessary.

When sworn personnel are dispatched to a domestic violence scene where employees of the department are involved, the following procedures will be applied:

1. The first responding officer will notify his/her duty supervisor.
2. After obtaining the facts, the duty supervisor will contact the department's specialty unit/detectives to investigate.
3. The assigned detectives will call their supervisor to the scene.
4. The specialty/unit supervisor will notify his/her commander and provide updates on the progress of the situation.
5. The specialty commander will make periodic reports to the bureau commander of the involved personnel and the final disposition of the investigation.
6. Detectives will submit the case for review to the Pima County Attorney or the City Prosecutor's Office.

All officers should be familiar with their department's policies and procedures regarding personnel who experience domestic violence situations in their relationships or families.

Investigations Involving Officers From Other Agencies

Criminal investigations of domestic violence involving peace officers from any agency, should require review at one level above the suspect. For the purpose of this investigative policy, peace officers include those described in A.R.S. §1-215 or §13-105 and their equivalent from federal or out-of-state employers.

1. These cases will be handled according to domestic violence laws, departmental policies, and this protocol.
2. The supervisor of the investigative unit will notify the agency that employs the officer as soon as possible.
3. A copy of the completed investigation will be provided to the supervisor of the investigative unit completing the investigation.

Investigations Involving Officers Within An Agency

These investigations will be handled according to domestic violence laws, departmental policies, and this protocol. Each agency should develop and follow specific department policies and procedures regarding officer involved domestic violence consistent with the Peace Officer's Bill of Rights.

Same Sex Relationships

All domestic violence incidents involving same sex relationships shall be handled according to this law enforcement protocol. The procedure for handling same sex relationships is outlined in the "Patrol Officer Response and Investigation" and "Follow-up Investigation" sections of this document. However, in determining the relationship, if the participants are not cooperative, officers should follow the following procedures:

1. Articulate what they see at the scene that would lead them to believe it is a same sex relationship; i.e., one bedroom, one bed, photographs, etc.
2. Be sensitive that they may not be open about their relationship and reluctant to disclose the nature of their relationship due to job, neighbors, or family concerns.
3. Advise the victim of Wingspan, Tucson's Gay, Lesbian, Bisexual and Transgendered Community Center, 430 East Seventh Street, Tucson, AZ 85705, Tel: 520-624-1779, Hours of Operation: Monday - Friday 11:00 am - 2:00 p.m. - (520) 624-1779 - <http://www.wingspan.org/>; 24 Hour Crisis Line - 520-624-0348 or 800-553-9387.

Be cautious that you do not use derogatory or offensive terms, even if the victim or defendant are using them. The intent of this policy is to ensure that officers treat same-sex relationships with the same dignity and respect heterosexual relationships receive. Training is available to enhance officers' responses to these domestic violence incidents.

Child Witnesses

Often there are children in the homes where domestic violence occurs. It is the responsibility of the responding officer to see that all witnesses, including the children present in the home, are interviewed. Sometimes the children may not be physically present in the room where the domestic violence takes place; however, they should still be interviewed to determine if they heard or had knowledge of the current incident, as well as of any prior incidents.

The Southern Arizona Children's Advocacy Center (520-243-6420) works cooperatively with law enforcement and Child Protective Services to provide a one-stop, child-friendly environment for the collection of forensic evidence in suspected child maltreatment cases, including recorded audio and video interviews and medical examinations. The Center provides the coordination of multidisciplinary investigations, crisis intervention and advocacy services; referrals to victim assistance and support services, on-call triage of urgent pediatric injury/abuse cases, and after-hours advocacy (upon law enforcement request). Professionals on staff are trained in child development, forensic interviewing and victim advocacy.

Specialized Units: Investigations involving crimes against children are most effective when law enforcement agencies establish specialized units to conduct those investigations. Smaller agencies are encouraged to designate a specialist if the

number of investigations does not warrant a unit. Members of these specialized units or designees will:

1. Receive intensive training in the investigation of child neglect, physical and sexual abuse
2. Complete the 8-hour Basic Forensic Interviewing course (or comparable training) before conducting interviews with children
3. Complete the 40-hour Advanced Forensic Interviewing course (or comparable) as soon as possible after observing a variety of child interviews
4. Establish and maintain a working relationship with CPS, the Southern Arizona Children's Advocacy Center and members of the prosecuting agencies involved in prosecuting child abuse cases

Basic guidelines for the child-witness interview (information beyond these basic details should be collected only by the Southern Arizona Children's Advocacy Center)

1. Separate the children from the suspect and victim.
2. Record the child's age and parent or guardian's name and address so that the child may be subpoenaed to court if necessary.
3. Interview each child individually.
4. Ask simple, open-ended questions:
 - a. What happened? (hitting yelling, etc.)
 - b. Who was there? (mommy, daddy, etc.)
 - c. Did anyone get hurt? (get description of injury "owie")
 - d. Who did the hurting? (mommy, daddy, both, etc.)
 - e. What was mommy-daddy hurt with? (description of mechanism, fist, belt, etc.)
 - f. When did it happen? (day, night, etc.)
 - g. Where did it happen? (location in the house)
 - h. Has it happened before? (if yes, document frequency)
 - i. Are you hurt? (If yes, refer to child victim/witness protocol)
5. When interviewing children, these basic techniques should be applied:
 - a. Try to establish a rapport with the child. Let the child know they are not at fault.
 - b. Use single sentences (compound questions will confuse young children).
 - c. Use simple words.
 - d. Keep your voice inflection non-judgmental.
 - e. Try to lower your profile (do not "tower" over the child; try to sit level with the child).
 - f. For more details refer to the Southern Arizona Children's Advocacy Center (520-243-6420).
 - g. When an arrest is made, explain to the child that they are not responsible, at fault or to blame.

In a case where domestic violence results in a homicide, attempted homicide, or aggravated assault with serious physical injury, all children living in the home

should be interviewed as soon as possible at the Southern Arizona Children's Advocacy Center (520-243-6420).

Cross-report incident to Child Protective Services. Research shows that children are developmentally affected by domestic violence. This risk should be taken into consideration when interviewing the domestic violence child/witness. In a case where the child/witness discloses abuse or molest, the case should be handled according to the Pima County Protocols for the Multidisciplinary Investigation of Child Abuse.

Stalking

Stalking requires a course of conduct with intent to harass and places the victim in fear of harm or death. It may prove difficult, at times, to differentiate from Aggravated Harassment. Logs of contacts with the suspect will be vital in both scenarios.

Stalking should be considered when an officer responds to the following calls:

1. Interference With Judicial Proceedings;
2. Burglaries;
3. Assaults;
4. Criminal Damage;
5. Trespassing;
6. Kidnapping;
7. Harassment.

Stalking is defined by A.R.S. §13-2923 as "intentionally or knowingly engaging in a course of conduct that is directed toward another person and that conduct either:

1. Would cause a reasonable person to fear for their own safety or the safety of their immediate family member(s) and, in fact that fear exists.
2. Definitions:
 - a. **"Course of Conduct"** means maintaining visual or physical proximity to a specific person or directing verbal, written or other threats, whether express or implied, to a specific person on two or more occasions over a period of time, however short, but does not include constitutionally protected activity.
 - b. **"Immediate Family"** means a spouse, parent, child or sibling or any other person who regularly resides in a person's household or resided in a person's household within the past six months.

RECOGNIZING A STALKING CASE

Anytime a victim reports any type of "harassing" behavior, the responding officer should be thinking about the possibility of stalking. Additional inquiry must be made to determine whether this is an isolated incident or repeated conduct.

ASSESSING THE STALKER:

It is vital that the investigator learn as much as possible about the stalker and his/her method of operation. The investigator must assess the potential threat posed by a suspect. Information that should be documented includes:

1. Any prior threats made.
2. Any actual pursuit or following of the victim.
3. Any history of violence against the victim or others.
4. Any information regarding the suspect's tendency towards emotional outburst or rage.
5. Prior history of mental illness.
6. Substance abuse problems.
7. Possession or knowledge of or fascination with weapons.
8. Any history of protective order violations, stalking, or harassment against this victim or any others.
9. Suspect's prior criminal history and/or prior contacts with law enforcement.

GATHERING EVIDENCE (PROOF) OF STALKING CONDUCT:

1. Search Warrants: Items to look for when serving warrants include:
 - a. Photographs of the victim.
 - b. Photos, diagrams, or drawings of the victim's home or workplace.
 - c. Writings, logs or diaries kept by the suspect that describe his or her stalking activities or thoughts/fantasies about the victim or other victims.
 - d. Personal items belonging to the victim.
 - e. Video or audio recordings that might have information concerning the stalking, such as surveillance footage.
 - f. Books describing stalking techniques or having subject matter dealing with stalking, harassment or violence.
 - g. Equipment that appears to have been used to "stalk" the victim, such as cameras, cell phones, binoculars, video recorders, etc.
2. Seize any tangible items of evidence from the victim that substantiate the stalking behavior such as:
 - a. Recorded phone messages.
 - b. Text messages
 - c. Letters or notes written by the suspect to the victim, including e-mail.
 - d. Objects sent to or left for the victim.
 - e. "Caller ID" telephone records.
3. Corroborative evidence is crucial for a successful prosecution for stalking. Investigators should:
 - a. Photograph any items vandalized, damaged, written on, etc.
 - b. Check for fingerprints on vandalized items or other objects sent to or left for the victim.
 - c. Advise the victim to put a tap on his/her phone.
 - d. Obtain phone records from the victim and suspect's residence.
 - e. Have the victim obtain a telephone answering machine.

- f. For any incident of harassment, determine if there are witnesses and interview them.
- g. Research suspect's whereabouts during times of alleged acts to deter "alibi" defenses.
- h. Consider surveillance in serious cases.

PROOF OF VICTIM'S STATE OF MIND:

The crime of stalking requires that the victim actually fear for the safety of themselves or immediate family member because of the stalker's conduct.

Investigators must document any evidence of the victim's response to the harassment.

For example, has the victim:

- 1. Moved to a new location or obtained a new phone number?
- 2. Put a tape recorder on the phone?
- 3. Told friends, family, co-workers or building security?
- 4. Given photos of suspect to security?
- 5. Asked to be escorted to the parking lot and work site?
- 6. Changed work schedule or route to work?
- 7. Stopped visiting place previously frequented?
- 8. Taken a self -defense course?
- 9. Purchased pepper spray or a gun?
- 10. Installed an alarm system?
- 11. Seen a counselor or therapist?
- 12. Has the victim obtained protective or restraining orders?
- 13. Has the victim moved to a shelter?
- 14. Is the victim staying with a friend?
- 15. Has the victim changed her behavior?

SUSPECT'S BACKGROUND:

Suspect interviews can be extremely important in assessing the dangerousness of the suspect and in obtaining information that will ultimately help prove a stalking case.

- 1. Make a video recording of the interview whenever possible. Body language, gestures, voice tone, eye contact, etc. are important aspects in evaluating the stalker.
- 2. Research the suspect's background before the interview.
- 3. Gather as much information as possible about the suspect's thinking, behavior patterns, and activities regarding the victim.
- 4. **CAVEAT:** In some cases, interviewing the suspect may serve to intensify his or her interest in the victim. Precautions must be taken whenever a suspect interview takes place.

Investigators assigned a stalking case should contact the Deputy County Attorney assigned to the Domestic Violence Unit at the earliest practical opportunity. Time is of the essence in evaluating a stalking case. Because of the particular dynamics of stalkers, it is always advisable not to arrest until it is clear the evidence is sufficient for prosecution. A stalker who is arrested but quickly released for lack of evidence may be "empowered" and thus increase the risk to the victim.

AGGRAVATED DOMESTIC VIOLENCE

A person is guilty of aggravated domestic violence if the person within a period of seventy-four months (seven years) is convicted of a third or subsequent domestic violence offense (§13-3601(A)) or is convicted of a violation of a domestic violence offense and has previously been convicted of any combination of convictions of a domestic violence offense or acts in another state, a court of the United States or a tribal court that if committed in this state would be a violation of a domestic violence offense.

AGGRAVATED HARASSMENT

Aggravated Harassment is committed when there is a charge of harassment under A.R.S. §13-2921 and one of the following applies:

1. There is a valid Order of Protection or Injunction Against Harassment against the defendant and in favor of the victim of the harassment.
2. The defendant has been previously convicted of an offense included in A.R.S. §13-3601, and the victim of any previous offense is the same victim in the current offense.

PATROL RESPONSE AND INVESTIGATION:

When an officer responds to a call and determines that the incident qualifies as aggravated harassment, a thorough case history must be developed. During the course of taking the history, the following issues, as well as any others that may require additional investigation, shall be addressed with the victim:

1. Inquire about cases or reports in other jurisdictions. What is their current status? Inquire about any use of *57 (call tracing) or *69 (last call return) following phone calls.
2. Inquire about the effect of the suspect's behavior upon the victim. Include any excited utterances and spontaneous statements made. Use direct quotes in the departmental report.

Police officers will encourage the victim to keep a log of all phone calls and other contacts made by the suspect and to retain any items that may be used to link the suspect to the incidents.

1. The victim may choose to make a recording of phone calls or voice mails from the suspect and turn the recordings over to an officer.
2. If caller ID is present or the use of cellular phone text messaging the officer shall photograph and document the evidence.

The Pima County Attorney's Victim Services Division shall work with the victim to develop a safety plan and to be more cognizant of his or her surroundings. Prior to submitting the departmental report to the Pima County Attorney's Domestic Violence Unit for review, the police officer must confirm the victim is the same as the listed victim from the prior offenses. A certified copy of the order or protection, proof of

service, and verification of validity of the order should be included with the submitted report.

Teen Relationship Violence

JURISDICTION: Domestic violence offenses apply equally to juvenile offenders.

POLICE RESPONSE:

1. Investigation. To ensure proper handling by Juvenile Court professionals, it is important for law enforcement officers to determine and document the relationship between the parties in their report.
2. Arrest. Pro-arrest policies equally apply to "teen relationship violence" cases.
3. Juvenile Contact Report. Regardless of whether a juvenile offender is detained and the victim is a minor, officers are encouraged to provide "victim assistance" (as described in this protocol) to the minor victim including an emergency protective order and referral information.

PROSECUTION: All cases identified as "teen relationship violence" case should be submitted to the County Attorney's Office for screening.

DIVERSION: When diverting or sentencing a juvenile offender in Juvenile Court, in a teen relationship violence case, the following conditions are encouraged: batterer's counseling, protective orders, weapon restrictions, drug and/or alcohol treatment, drug testing, and frequent review hearings. In "teen relationship violence" cases in Superior Court, diversion programs are not available. Case dispositions are made in accordance with felony prosecution guidelines.

MEDICAL RESPONSE PROTOCOL

Health care providers perform a vital role in identifying, assessing, and intervening with victims of domestic violence, yet many health care providers fail to properly recognize the signs and symptoms of domestic violence. It is recommended all health care providers ask screening questions as part of every health history.

In domestic violence cases involving sexual assault, a detective may contact the Southern Arizona Center Against Sexual Assault to request a medical-forensic exam performed by a Forensic Nurse. Forensic Nurses are specially trained to provide a thorough assessment of the patient, identify and document injury and report their findings. To dispatch a Forensic Nurse (520) 349-8221 (this number is for law enforcement and hospital personnel only).

Health Worker Legal Obligations

Duty to Warn:⁴ If a health care provider is aware of a patient's intent to injure a third party, the provider has a legal duty to breach patient confidentiality and warn the third party of impending danger. In cases of domestic violence, the provider must intervene in a way that protects the victim and the batterer. The victim must be told of the provider's intent and offered protective services. If the patient has been committed to a psychiatric facility, the third party is protected and does not have to be warned.

Duty to Report:⁵

1. A.R.S. §13-3620 requires health care providers to report non-accidental injuries of minors. For minors, refer to the Pima County Multidisciplinary Protocol for the Investigation of Child Abuse.
2. A.R.S. §13-3806 requires health care providers to report gunshot wounds, stab wounds, and material injury that may have resulted from a fight or brawl.
3. A.R.S. §46-454 Health care providers responsible for the care of an incapacitated or vulnerable adult and who has a reasonable basis to believe that abuse or neglect of the adult has occurred or that exploitation of the adult's property has occurred shall immediately report. For elders and vulnerable adults, contact Adult Protective Services (1-877-767-2385)
4. Although the provider is required to make a report in certain circumstances, it is up to the victim to determine if she or he would like to speak to the responding officer. In cases where mandatory reporting does not apply, patient permission or patient request must be obtained to notify law enforcement or other outside agencies to avoid a HIPAA violation.
5. Providers should document the officer responding to the call, the badge number, and the report number in the case notes.

⁴ Revised from the Standards of Intimate Partner Violence published by the International Association of Forensic Nurses (See Appendix D Resources)

⁵ Ibid.

Medical Records

Health care providers treating victims of domestic violence should bear in mind the importance of fact-based documentation in the medical chart. Victim information can be vital in prosecution and the prevention of further abuse. Health care providers should make HIPAA-compliant release forms available for patients. These forms should authorize the immediate release of information to the proper law enforcement agency to better facilitate a prompt response and more thorough investigation.

Signs and Symptoms of Domestic Violence

History:

1. Traumatic injury or sexual assault. Forensic Nurses are available to provide specialized medical care. To dispatch a Forensic Nurse (520) 349-8221 (this number is for law enforcement and hospital personnel only).
2. www.sacasa.org
3. Was this a suicide attempt, overdose, or does the victim have suicidal ideation
4. Vague or non-specific complaints
5. Injuries inconsistent with patient history.
6. Delay in seeking needed care
7. Repeated visits
8. Physical symptoms related to stress

Physical Clues:

1. Patient is reluctant to speak in front of partner
2. Patient may be evasive in responses
3. Partner is over-protective or controlling (partner will try and answer questions for the patient)

Verbal Clues: Directly or indirectly brings up the subject of abuse. Include specific quotes used by the patient.

Elements of Documentation

Documentation is critical even in cases where the victim is unable to cooperate in the prosecution process. Health care providers should utilize a domestic violence screening documentation form to record the following essential elements.⁶

History: A patient's history should be broadly developed to better assist in evaluating the patient's situation. Histories should include:

1. A specific chronological sequence of events, transport history, identification of family members present at the health care facility, and the patient's demeanor.
2. Chief complaint/history of present illness for purposes of diagnosis and treatment. Record verbatim, use quotation marks, clarify ambiguous statements, and do not use the term "alleged" in the history or final diagnosis.
3. Past medical history/review of systems
4. Sexual history

⁶ Revised from: Identification, Assessment, and Intervention with Victims of Domestic Violence by Dr. Carol Warsaw, 1995).

5. Medication history
6. Relevant social history
7. Safety assessment

Physical Exam:

1. Most common areas for injury include the head, face, chest, breast and abdomen.
2. Most common injuries seen are contusions, sprains, minor lacerations, fractures, abdominal injuries, gunshot or knife wounds and strangulation.
3. Record precise details of findings related to the abuse, including a neurological and mental status exam:
 - a. **Describe Injuries:** All injuries, including tenderness, should be described in narrative that includes location, measurement in centimeters, description, and mechanism or cause if known.
 - b. **Use a body map:** Body maps are extremely useful when documenting sites of injury and assist the health care provider in recalling the physical condition of the patient.
 - c. **Photographs:** Whenever possible, photographs of injuries are instrumental in assisting in the prosecution. Photographs should be of the actual injuries, with a color spectrum bar to better assist in the evaluation of the type and nature of injuries. Law enforcement may assist with this process.
 - d. **Laboratory and Other Diagnostic Procedures:** Record the results of any lab test, x-rays, or diagnostic procedures.

Safety Assessment

1. Is the abuser present at the location of the exam?
2. Assess and record information pertaining to the patient's risk for suicide or homicide and potential for serious harm or injury.
3. Determine if it is physically/psychologically safe for the victim to go home. Are the children or other dependents safe?
4. Assess the victim's degree of entrapment and level of fear.
5. It is critical to obtain the history from the patient alone and in a confidential setting regarding the current injuries and events.
6. Do not use a family member as a translator for this process.

Police Report

1. Hospital staff should be aware of Arizona's mandatory reporting requirements A.R.S. §13-3620, §13-3806, and §46-454.
2. Note whether one was filed and record the name of investigating officers' actions taken.

Options Discussed and Referrals Offered:

1. Health care providers should request a consult by social workers, case managers or other specialized resource (i.e. crisis intervention specialist or

police department victim services) if possible to review options and local referrals.

2. Arrangements for Follow-Up/Discharge Information and Safety Plans.

Health Care Issues For Domestic Violence Victims

Health Impact⁷

1. Sleep Disturbances
2. Drug abuse
3. Chronic pain/somatization
4. Disorders
5. Anxiety, panic attacks
6. Depression
7. Post-traumatic stress disorder
8. Hyper vigilance
9. Dissociation during medical procedures
10. Suicidal ideation or attempts
11. Unwanted pregnancies
12. Miscarriages
13. Sexually transmitted infections

Barriers to Care⁸

1. System issues
 - a. Time demands
 - b. Confidentiality issues
 - c. Role definition for health plans
 - d. Hospital infrastructure
 - e. Community infrastructure
 - f. Money
 - g. Society and culture
2. Provider issues
 - a. Provider/patient relationship
 - b. May be the health plan for the abuser
 - c. May know the family socially
 - d. Time restraints for screening and responding, especially in ensuring follow-up

Screening – How to Ask...⁹

1. Direct Questions:
 - a. At any time has a partner hit, kicked, or otherwise hurt or frightened you?
 - b. Has your partner or ex-partner ever hit you or hurt you?
 - c. Has he/she threatened to hurt you or someone close you?

⁷ Revised from Partner Violence: How to Recognize and Treat Victims of Abuse by Dr. Elaine Albert, 1996.

⁸ Ibid.

⁹ Ibid.

- d. Has your partner ever tried to restrict your freedom or keep you from doing things that were important to you?
2. Indirect Questions:
 - a. When I see a woman with an injury like yours, it is sometimes because someone hurt her. Has someone been hurting you?
 - b. How has the abuse affected the patient's health?
3. Current Episode Questions:
 - a. What happened?
 - b. How were you hurt?
 - c. Was alcohol or drugs involved?
 - d. Was a weapon involved?
4. Follow-Up Questions:
 - a. Have your children ever seen or heard the abuse?
 - b. Have your children ever been threatened or hurt?
 - c. Have you sought help in the past?
 - d. Have you ever tried to leave? What happened?
 - i) Do you know what resources are available in the community?

Lethality Assessment – Homicide Risk¹⁰

Appendix H of this document contains a Lethality Assessment form that can be used to assess a victim's risk for danger, including the potential for homicide.. In addition, the following questions may be asked:

1. How has the control or violence changed in frequency/severity?
2. Does the abuser use drugs and/or alcohol?
3. Has he/she ever threatened or tried to kill you or others close to you?
4. Do you believe he/she is capable of killing you?
5. Is there a firearm in the home?
6. Have you ever been threatened with a weapon or has a weapon been used on you?
7. Are you planning to leave/divorce him/her? Is he/she aware of your plans?
8. Is it safe for the victim to go home? How much danger is the victim in if she/he stays/leaves?
9. Are there warning signs that allow her/him to anticipate impending danger? Does the victim have a safety plan?
10. What kind of access does the perpetrator have to the victim?

¹⁰ Revised from Partner Violence: How to Recognize and Treat Victims of Abuse by Dr. Elaine Albert, 1996.

VICTIM SERVICES DIVISION PROTOCOL

The Pima County Attorney's Office Victim's Services Division offers assistance to victims of domestic violence and provides information on resources. There are two types of Victim Services Advocates provided by the office:

1. On-Scene Responders, and
2. Prosecution-Based Advocates.

The purpose of Victim Services Advocates is to keep victims informed and prepared. The Victim Services Advocate in a domestic violence case can assist the victim in understanding the criminal justice process, in assessing their needs, and in determining how to meet those needs.

Each type of Advocate has specific parameters regarding what assistance can be offered. The Arizona Coalition for Victim Services has developed standards that can be obtained by calling the Arizona Attorney General's Office at (602) 542-8409. In addition to the information provided below, Appendix D contains resource information that can be utilized by victims.

Victim Services On-Scene Responders

After assessing a domestic violence scene for the level of danger, the patrol officer should consider whether or not to call out an on-scene Victim Services Advocate (520-740-5525). Officers should consider calling a specialist when any of the following situations arise:

1. There is serious physical injury to the victim.
2. There are children at the scene that have witnessed the events and may be traumatized.
3. Shelter is needed for the victim and/or the children and/or pets.
4. The suspect has made threats or used weapons.
5. The suspect has not been taken into custody.
6. There are basic unmet needs.
7. The victim is emotionally distraught and/or needs a support person.
8. When it is in accordance with departmental policy.

The on-scene Victim Services Advocate will assess the needs of the victim and may:

1. Calm the victim and de-escalate the situation as much as possible.
2. Assess immediate needs of both the victim and family members.
3. Locate any on-scene children and assess immediate needs including additional personnel to assist with childcare.
4. Provide an emotional support person for the victim.
5. Facilitate transportation to a shelter or other destination.
6. Obtain minimal emergency supplies.
7. Coordinate, with the officer, a brief history of the occurrence and the background of the couple.

8. Develop a plan of action with the victim, including immediate and short-term goals entailing safety planning, emergency orders of protection, shelter information and other referrals as necessary.
9. Explain victims' rights and how to activate those rights.
10. Provide referrals to agencies that can provide long-term assistance.

If the scene is not safe or if the suspect is not arrested, the Victim Services Advocate should meet the victim at a neutral location.

If there is not an arrest made the Victim Services advocate may only deal with the victim when Law Enforcement is present.

Prosecution-Based Victim Services Advocates

The advocates that work within the prosecutors' offices have more structured duties than the on-scene responders. A Victim Services Advocate will offer assistance and information throughout the prosecution of a case and information on the next step in the criminal justice process if the defendant is convicted. Advocates may provide the following:

1. An initial contact either by telephone or letter asking the victim to contact the office. The purpose of this contact is to acquaint the victim with the services available from the prosecutors' office and provide an overview of the criminal justice system. The advocate will work to establish a rapport with the victim.
2. An assessment of victim needs and referrals to resources in the community.
3. Assistance in securing direct services such as temporary shelter, childcare, parking, and transportation.

The Victim Services Advocate will work to assist the victim in meeting needs and providing resources. The Advocate will also work to educate the victim on the criminal justice system, victim rights, and what to expect from the process. The services offered through the Victim Services Advocates may include:

1. An explanation of the criminal justice system as it pertains to the case.
2. Written information regarding domestic violence and/or the criminal justice system.
3. An explanation of victims' rights and the notification process.
4. A review of safety issues and concerns with the victim.
5. Information regarding the Pima County Attorney's Office "zero tolerance" policy in domestic violence cases, including that cases are not dismissed merely because the victim does not wish to prosecute.
6. If applicable, the prosecutor's name and telephone number.
7. Referrals to victim compensation and community resources as needed.
8. An inquiry of what the victim would like to see occur in the case and a transmission of that information to the prosecutor.
9. Provide Court accompaniment and personal meetings if desired.
10. Arrangements for follow-up contact.

Community-Based Organizations

Organizations not affiliated with the criminal justice system can often assist in meeting the needs of a victim that the criminal justice system cannot. Some of the assistance offered by the community-based organizations includes 24-hour crisis hotline, emergency shelter, transitional housing, individual and group support, counseling, advocacy, and other supportive services, community education, and professional training (See Appendix D, Resources).

Many of the community victim services agencies have advocates who can offer assistance when a victim applies for an Order of Protection through the municipal or superior courts. This affords an opportunity to intervene prior to an actual criminal case being filed and to disseminate information to the victim, thereby possibly interrupting the cycle of violence. Most offices have advocates available to accompany a victim to various hearings to offer support and information about the process. Some offices have advocates available to accompany a victim to various hearings to offer support and a measure of reassurance.

1. When the victim requests a court escort, the following will be provided:
2. Arrangements for a safe environment for the victim to wait.
3. Education about the upcoming proceeding.
4. A familiarization with the physical layout of the courtroom.
5. Introduction to the prosecutor or court coverage attorney.
6. Assistance with the victim's trial preparation as appropriate.

Safety Planning

The Victim Services Advocates should work with victims in developing a safety plan. The following information should be discussed with and disseminated to the victim in an effort to educate them on ways to ensure their safety before, during and after an incident, and to maintain their emotional well being.

Suggestions for victims regarding their emotional health:

1. Plan to attend a support group for at least two weeks to gain support from others and learn more about yourself and the relationship.
2. Read books and articles to help you feel stronger.
3. Decide whom to call to talk freely and openly and to give you the support you need.
4. Think positively about yourself.
5. Be assertive with others about your needs.
6. If you have to communicate with the abuser, determine the safest way to do so.
7. If you are thinking of returning to a potentially abusive situation, discuss an alternative plan with someone you trust.

WAYS VICTIMS CAN KEEP SAFE

With an Order of Protection:

1. Keep order with them at ALL times, and give copies to family, friends, school personnel, employers and babysitters.
2. Call the police if partner violates the Order of Protection.

3. Think of alternative ways to keep safe if the police do not respond right away.

At Home:

1. Change door locks.
2. Buy additional locks and safety devices to secure windows.
3. Identify a neighbor who can be told about the violence and asked to call the police if they hear a disturbance coming from the home.

With Children:

1. Plan and rehearse an escape route out of the home.
2. Teach children a code word that tells them to call 911 and instruct them on how to use a public telephone.
3. Inform children's school, day care, etc. about who has permission to pick up children.
4. Give school personnel a photo of the abuser.
5. Tell school personnel not to divulge victim address and phone number.

During an Incident:

1. Stay out of rooms with no exit.
2. Avoid rooms that may have weapons such as the kitchen.
3. Select and use a code word or signal that alerts friends, family, neighbors and children to call the police.
4. Practice how to get out of the home safely. Identify which doors, windows, stairwells, etc., could be best.
5. Decide and plan where to go to if it is necessary to leave home quickly.
6. Leave, with a friend, a suitcase and items on the checklist of things needed when leaving.
7. Use instincts and good judgment. If the situation is very dangerous, have the victim consider giving the abuser what he/she wants to calm him/her down. Victims have a right to protect themselves until they are out of danger.

When the victim is preparing to leave:

1. Remember that leaving the abuser is the most dangerous time for the victim.
2. Open a savings account in their own name and a post office box so they can receive mail and checks
3. Leave money, an extra set of keys, copies of important documents and a change of clothes, with someone they trust, so they can leave quickly
4. Keep shelter phone numbers nearby and keep some change or a calling card on them at all times
5. Review their safety plan as often as possible
6. Go over "Checklist of things needed when leaving."

At Work and In Public:

1. Employers should provide all employees easy access to domestic violence information and resources while keeping the matter somewhat confidential.
2. Tell a trusted co-worker, supervisor, or manager, and ask for help.

3. Give security a photo of the abuser and a copy of the Order of Protection.
4. Arrange to have someone screen their calls.
5. Contact Human Resource Department and/or Employee Assistance Program (EAP) personnel for assistance as soon as possible.
6. Notify their supervisor of the possible need to be absent and find out the leave options (sick, annual, shared leave, compensatory time, or leave without pay). Have them be clear about the plan to return to work and maintain communications with their supervisor during their absence. If necessary, have them make alternative arrangements for receiving their paycheck.
7. Take advantage of flextime if possible, to take care of court appearances, shelter and child care issues.
8. Always carry a copy of the Order of Protection and Affidavit of Service.
9. Devise a safety plan for leaving work – have an escort to their car or bus, vary route home, think about what to do if something happens on the way home.
10. Consider getting a cell phone.
11. Carry a noisemaker or personal alarm.
12. Report all incidences of abuse, harassment and violations of the Order of Protection to the police. Always request a report be made by law enforcement when a violation occurs.

Remember that leaving the abuser is the most dangerous time for the victim. Checklist of things needed when leaving (Explain to the victim that many of these items can be replaced at a later date if they are unable to obtain them prior to leaving).

1. Personal identification;
2. Divorce, paternity, custody papers;
3. Birth certificates for victim and their children;
4. Lease/rental agreements/house deed;
5. Social Security cards for victim and their children;
6. Mortgage payment book, current unpaid bills;
7. School and medical records;
8. Insurance papers and cards;
9. Money, bankbooks, credit cards;
10. Address book;
11. Keys to the house, car and/or office;
12. Pictures, jewelry, items of sentimental value;
13. Driver's license and registration and insurance papers for car;
14. Children's favorite toys, blankets, etc.;
15. Medications;
16. Personal protection order;
17. Change of clothes;
18. Small objects that can be sold;
19. Welfare identification;
20. Toiletries/diapers;
21. Passport(s), green card(s), work permit.

PROSECUTION PROTOCOL

Qualifying Offense

Domestic violence occurs when an offense listed in A.R.S. §13-3601(A) is committed, and:

Qualifying Relationship

A qualifying relationship occurs if one of the following applies:

1. The victim is the spouse or former spouse of the defendant.
2. The victim currently or formerly resided with the defendant
3. The victim and defendant have a child in common
4. The victim is currently pregnant with defendant's child
5. The relationship between victim and defendant is currently or was previously romantic or sexual
6. The victim is related to the defendant or the defendant's spouse by blood, or court order as a parent, grandparent, child, grandchild, brother or sister.
7. The victim is related to the defendant by marriage as parent-in-law, grandparent-in-law, stepparent, step-grandparent, step-child, step-grandchild, brother-in-law or sister-in-law
8. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.

Domestic Violence Prosecution Goals:

1. Provide safety for the victim;
2. Hold the offender accountable
3. Uphold the law;
4. Provide an opportunity for offender rehabilitation (if appropriate);
5. Prevent future acts of domestic violence;
6. Provide domestic violence training for all attorneys working in the Domestic Violence Unit

Submittal

When an officer believes that a suspect has been identified and that sufficient evidence exists, a case will be submitted to a prosecutor for review. A Deputy County Attorney will review the case if:

1. The offense is a felony that was committed within Pima County; or
2. The offense is a misdemeanor that was:
 - a. Committed within the county but outside of any city limit
 - b. A violation of an order of protection or
 - c. If suspect was gone on arrival and has not been apprehended
3. If it is determined that the crime presented is not a felony, it may still be charged as a misdemeanor by the Pima County Attorney's Office or it may be submitted to a municipal prosecuting agency.

Charging Domestic Violence

Considerations: The prosecuting attorney must determine, from the available evidence, whether a substantial likelihood of conviction exists. The following are general considerations established to assure that cases filed have a substantial likelihood of conviction.

1. Does the police report contain sufficient evidence (including foundation, recorded statements/911-calls and photos, if applicable) to support all elements of the crime?
2. Are the witnesses credible, available, and competent to testify?
3. Does the investigation as submitted provide all the documentation, scientific evidence, and witnesses or does it need to be “dismissed for further (i.e., referred back to police for additional information)?
4. Are there any obvious defenses to the crime? If there are, does the available evidence overcome those defenses?

Based on the nature of domestic violence cases, the likelihood of recidivism, and the ongoing danger to the victim and others, a domestic violence case will be charged (if it meets the criteria) even if the victim does not wish to proceed with prosecution.

If an offense is charged as a felony, the charging prosecutor should elect to have a preliminary hearing rather than grand jury unless there are factors that make grand jury determination of probable cause more appropriate.

Dismissal for Further and No Files

All domestic violence submittals are reviewed for determination of filing charges. If additional information is required, the prosecutor will generate a request for further information from the submitting police department stating the reasons for denial of prosecution at that time. The prosecutor will request the information required to proceed with a final decision on prosecution.

If the prosecuting attorney determines charges cannot be filed, a no file decision is also sent to the submitting department with reasons for denial of charging the case. The victim should be notified of the decision not to file charges.

If an officer/detective has questions as to why a case was not filed or further information requested, then the officer/detective should contact the charging prosecutor directly.

If, after speaking with the prosecutor, the officer/detective still has sufficient reasons for disagreeing with the decision, the officer/detective and/or the officer/detective’s supervisor may contact the prosecutor’s supervisor to review the matter.

Plea Negotiations

The Pima County Attorney’s Office policies and procedures should be followed when negotiating plea agreements. The following elements should be considered:

1. Victim’s input.

2. Defendant's criminal history.
3. Past arrests.
4. Nature and circumstances of the offense(s).
5. Level of violence.
6. Whether children were present.
7. Whether or not the victim was pregnant at the time of the incident and the defendant had reason to know of the pregnancy.
8. Whether a domestic relationship as defined by statute exists. (The nature of the domestic violence relationship should be stated in all plea agreements.)

Trial Preparation

The prosecutor should take the following steps when assigned a case for trial.

1. Obtain and disclose all relevant evidence. This would include but is not limited to:
 - a. Police Departmental Reports of current and all past reported domestic violence reports
 - b. Photographs,
 - c. 911 recordings,
 - d. Medical Reports,
 - i. Doctors Notes,
 - ii. Nurses' Notes,
 - iii. Hospital Records,
 - iv. Paramedic reports.
 - e. Documentation of any Weapons.
 - f. Documentation of any Damaged Property.
 - g. Audio or video recorded Interviews.
 - h. Certified Copies of Orders of Protection.
 - i. Certified Copies of Prior Convictions.
2. Speak to the victim as soon as possible after the case is assigned, even if the victim has already spoken to an advocate. It is important to speak with the victim to explain trial expectations and make the victim more comfortable with the judicial process. It is also important to speak with the victim at an early stage in the proceedings to determine if he/she is a reluctant or recanting witness, which will materially affect how the case is prepared for trial.
3. All witnesses should be interviewed when appropriate.
4. All applicable sentencing enhancements, including
 - a. Notice of all aggravating factors/
 - b. Notice of all allegeable prior felony and misdemeanor convictions
 - c. Notice of dangerous nature of offense(s) if not included in charging document
 - d. Notice if the victim was known by the Defendant to be pregnant at the time of the offense(s) – A.R.S. §13-711, §13-3601(L).

Rule 404 (b) motions: Although evidence of a defendant's crimes and other bad acts is not admissible to prove that he/she has a bad character and that he/she has acted in

conformity with this character, such evidence is admissible for other purposes, such as proof of motive, opportunity, knowledge, identity, or lack of mistake.

Rule 609 motions: Evidence of a witness's (including the defendant) prior convictions can be used to impeach his/her credibility at trial.

Motions in Limine: In domestic violence cases, an appropriate motion in limine would include a motion to prohibit defense counsel from offering evidence of an unduly prejudicial nature, or irrelevant evidence, such as evidence of the victim's infidelity during her marriage to the defendant. Also consider filing notice of intent to use preliminary hearing testimony, notice of intent to use hearsay/forfeiture by wrongdoing.

Weapons Forfeiture: Under A.R.S. §13-3105(A), upon the conviction of any person for the violation of any felony in this state in which a deadly weapon, dangerous instrument or explosive was used, displayed or unlawfully possessed by such person, the court shall order the article forfeited and sold, destroyed, or otherwise properly disposed.

1. Subpoena Witnesses.
2. Consider use of a domestic violence expert.

Trial Issues

Testimony of Victim

1. If the victim recants on the stand, his/her testimony can be impeached with evidence of his/her prior statements to the police and other available evidence. It is therefore necessary that the victim's statements to police personnel be recorded and any injuries be photographed. Those audio recordings and photographs must be provided for disclosure to defense counsel as soon as practical. The audio recordings of the victim's police interviews and photographs of any injuries should be available at trial.
2. If the victim is uncooperative, the court may allow the prosecutor to ask leading questions of the witness under Rules of Evidence 611(c).
3. In exceptional cases, expert witnesses may be used to explain the victim's recantation or lack of cooperation.
4. Establish that a domestic relationship did exist between the victim and the defendant.

Witnesses: Question witnesses regarding observations of both victim and defendant including physical and emotional state, statements made by either party, and conduct observed.

Evidence

1. Photographs
2. Physical Evidence
3. Play 911 recording

4. Use hearsay exceptions to present evidence if allowed by law. Non-testimonial statements made to 911, medical personnel, family, friends may be admissible at trial.
5. Jail phone calls may be used to show consciousness of guilt as well as efforts by the defendant to influence victim's testimony.

Sentencing

Sentencing Memorandum: In appropriate cases the prosecutor shall develop a sentencing memorandum for the court, identifying all aggravating circumstances, including information that may not have been admissible at trial, as well as victim and State sentencing recommendations.

Victims' Rights: Either through the State's Sentencing Memorandum or during the actual courtroom sentencing proceedings, the prosecutor should convey the sentiments of the victims. If the victim chooses, the victim may personally address the court. If the victim prefers, the prosecutor can inform the court of the victim's position regarding sentencing. Under the Victims' Bill of Rights, the state must convey the victim's position even if that position differs from the sentencing requests of the state.

Supervised Probation:

1. The prosecutor should have the court consider whether a "no contact" order should be a provision of the defendant's terms of probation.
2. Domestic Violence Treatment is mandatory and the court should order it regardless of the defendant's desires, interest, or acknowledgment of responsibility.
3. Deferred jail time is often an incentive for the defendant to successfully comply with the terms of probation. It can and should be imposed if the defendant is found in violation of probation for any reason.
4. Felony cases and repeat offenders in Justice Court should include a request for supervised domestic violence terms and conditions.
5. If the defendant is incarcerated as a condition of probation the defendant may be permitted to continue to work during the day while remaining incarcerated at night through Work Release or Work Furlough. If the court permits work furlough or work release, request a no contact order for that period since the defendant may not be monitored by probation during that time period.

Supervised Probation for Misdemeanor Domestic Violence: A person who commits a second misdemeanor domestic violence offense within sixty months may be placed on supervised probation by a limited jurisdiction court for up to 36 months and may be incarcerated as a condition of probation. In order to ensure that the defendant receives proper supervision, it is essential that the following steps be taken for placement on a domestic violence caseload: the defendant must sign a copy of the domestic violence probation terms and include his/her address and phone number; the Court sentencing forms along with a signed copy of the probation terms, police departmental reports, and terms of confinement (if applicable), should be faxed to the

Pima County Adult Probation Department at (520) 740-4900 by the court. These documents serve as a notice of placement on probation and it is imperative that they be sent as quickly as possible. It is equally imperative that the originals be sent as quickly as possible to the Pima County Adult Probation Department

Imprisonment/Incarceration: A prison disposition or a term of incarceration as an initial condition of probation should be requested in all appropriate cases.

Fines: Fines may be requested as a punitive sanction.

Offender Treatment: per A.R.S. §13-3601.01 treatment in an offender treatment program that is approved by the department of health services or adult probation department is mandatory.

Restitution: If the victim has incurred economic loss as a result of the acts of the defendant, restitution must be requested by the state and may be ordered by the court as a term of the defendant's sentence.

Victims' Rights in Prosecution

1. Victims in Arizona have the right to confer with the prosecutor prior to release hearings, trial, any plea agreement, and have the right to refuse a defense interview. At sentencing, the victim has the right to make a statement to the court regarding the impact that the crime has had on the victim's life.
2. Prosecutors' offices may require a victim to request notification in order to exercise victims' rights.
 - a. In domestic violence cases, it is recommended that every effort be made to contact the victim(s) soon after charges have been filed to ascertain the safety of the victim(s) and to ensure that the victims' opinions are taken into consideration throughout the prosecution of the case.
 - b. Files should be kept so that the prosecutor knows when notices have been mailed and whether those mailings have been returned for whatever reason.
 - c. If the notification has been returned, a reasonable attempt (including telephonic) should be made to contact the victim. In felony cases and appropriate misdemeanor cases, an investigator request to locate Victim should be completed.
 - d. If the prosecutor's office has been unsuccessful in making contact with the victim prior to significant hearings (for instance, change of plea or sentencing hearings), a motion to continue should be made so that all reasonable efforts to locate and confer with the victim can be made.
 - e. The prosecutor is responsible for assuring that every effort was made to contact the victim before disposing of the case.
3. If a victim has asserted his or her victims' rights, the prosecutor or Victim Services Advocate must make all reasonable efforts to speak with the victim about the disposition of the case before conveying a plea offer to the defendant.
4. The prosecutor shall consider the views of the victim when deciding how to proceed with the case and whether to dispose of it by plea agreement or diversion.

5. According to A.R.S. §13-4419, the prosecutor alone decides how to proceed after conferring with the victim.
6. It is the policy of the Pima County Attorney's Office to make a reasonable effort to consult with the victim regarding plea agreements, even if the victim has not chosen to exercise his or her victims' rights.

Weapon Seizures in Prosecution

The police may be authorized to seize a firearm while at the scene of a domestic violence call. After this seizure occurs, the prosecutor is required to make a determination of the necessity of retaining the firearm. See A.R.S. §13-3601(C)(D)(E).

The officer should document any firearms seized at the scene pursuant to A.R.S. §13-3601(D) in addition to notifying the prosecutor's office pursuant to A.R.S. §13-3601(F). A required form outlines the following details:

1. The owner's and/or possessor's name, date of birth, and address;
2. A description of the firearm; and
3. A written incident narrative.

Upon notice, the prosecutor will decide whether to retain the firearm. If the decision is made to retain the firearm, notification is sent to the police agency, the court is notified, and a certified letter is sent to the owner or possessor. A.R.S. §13-3601(F).

If the owner of the firearm requests a hearing, the court immediately notifies the prosecutor of the request. The prosecutor provides notices to substantiate the grounds for retention of the firearm.

Note: Federal law (18 U.S.C. §922) prohibits the release of firearms to persons under an Order of Protection or convicted of a domestic violence crime.

PROBATION PROTOCOL

Presentence Report

1. Domestic violence cases present an immediate threat to the physical safety of the community and to the victim. Therefore, sentencing reports in these cases are should be prepared by presentence investigators, probation officers trained in the particulars of domestic abuse.
2. Reports consist of criminal history of defendant, synopsis of the violation, statement from the victim or other interested parties, defendant's social history, sentencing recommendations, and reasoning for recommendation.
3. If resources are available, domestic violence cases warrant a full investigation and a complete presentence report. Full reports shall be done in all felony cases and appropriate misdemeanor cases.
4. Whenever possible, domestic violence reports should be prepared by presentence investigators trained in the particulars of domestic abuse.

Presentence Interviewing

1. The Presentence Interview must require that the defendant to be specific about instances of physical violence.
2. All behaviors involved must be enumerated (e.g., slapping, hitting, choking, restraining, vandalism, threatening, use of weapons, etc.)
3. All behaviors involved must be specified (e.g., Hand open or closed? Struck how many times? Which cheek? For how long? What was destroyed? What specific words were used? What kind of knife? etc.).
4. Inform the defendant that the victim will be contacted.
5. Make every effort to contact the victim.
6. It is impossible to adequately assess the risk or danger posed by a batterer without information from the victim. Frequently, this will require more than one contact. In many cases, victims will recant or offer a different version of events than was previously related. Officers should understand this to be a result of systematic abuse and not allow it to alter their recommendations for a violent individual.
7. If the defendant was not charged with a domestic violence offense, the victim should still be sent the domestic violence form letter.
8. In cases where attempts to reach the victim are unsuccessful, the assigned Victim Services Advocate should be consulted for further assistance.

Preparing a Report

Obtain a complete criminal history: Ninety percent of domestic violence charges are misdemeanors; therefore, previous offenses will often have no disposition noted. It is necessary to contact the agency indicated to obtain all available information on the defendant. Because issues of community safety may be involved, the court must be able to make a fully informed decision regarding the risk posed to the victim and community by a violent offender.

1. The report should describe patterns of abusive behavior.

- a. Illuminate the extent of an individual's behavior as well as any apparent trends. These patterns may have been exhibited in this relationship or with multiple partners in past relationships.
 - b. Identifying patterns and trends will allow the court to see the defendant in the most accurate light. It will also enable the probation officer who ultimately supervises the case to implement an appropriate supervision plan.
3. The report should contain the victim's statement, if possible. It is highly recommended that a victim's safety be considered and advise the victim that a pre sentence or combo report will be made available to defense. Prior to using any information a victim provides in a court proceeding, the officer should obtain permission from the victim. In addition, it needs to be noted the victim is not required to make a statement; it is only a victims' right.

Recommendations

1. Always recommend specialized domestic violence terms when the offender and victim meet the relationship test.
2. Recommend domestic violence treatment. **DO NOT** recommend anger management, couples counseling or marriage/family therapy. The courts do not have jurisdiction over victims. Thus, victims are not subject to court orders or orders from probation officers.
3. In cases where victim contact is permitted, recommend contact only when authorized by the supervising probation officer.
4. On most domestic violence cases, officers should not recommend domestic violence offenders be considered for early termination. Supervision and monitoring are the most effective tools to reduce violence. If early termination is being considered, the officer should screen the case with a domestic violence probation officer supervisor, check local police jurisdiction to insure there have been no police call outs to the residence, and discuss early termination with the victim (regardless if victim is opted in or not) prior to making the recommendation.

Post-Conviction Supervision

Domestic violence offenders are the most lethal population on probation. They often have easy access to the person to whom they are the greatest threat. Because domestic violence homicides are so common, these offenders require consistent, vigilant supervision.

New Probationers

1. Officers need to thoroughly familiarize themselves with the case file
2. If the defendant was recently in custody, check criminal justice system records for a record of who visited the defendant while in jail.
3. Check with police records bureaus to determine if the victim's or defendant's residence has had recent police visits.

4. At the first meeting, advise the defendant that they will be supervised actively and to expect frequent contacts. Emphasize the Probation Department's zero-tolerance for violence; the defendant will be held accountable for any violent behavior.
5. Establish communication with the victim (refer to the Victim Services section of the Protocol).
6. When supervising cases, the following standards should be met:
 - i. Frequent field and office visits; frequent, irregular night visits.
 - ii. Frequent, unannounced urine and breath analysis in field and office if substance abuse issues are apparent.
 - iii. Pay particular attention to defendants' access to weapons and to those who have weapons.
 - iv. Use collateral contacts: victims, children, neighbors, co-workers, etc.
 - v. Document specifically after every contact.

Treatment Referrals

Always treat violence and substance abuse separately unless it is clear from evaluation that the offender is able to prevent relapse through an integrated program and informal supports alone.

If significant substance abuse issues are present, they should be addressed prior to the probationer participating in a domestic violence treatment program.

Never direct an offender to anger classes, couples or marriage counseling, support groups, or individual psychotherapy for mental illness, in lieu of domestic violence treatment that meets the Arizona Department of Behavioral Health, Office of Behavioral Health Licensure standards.

Probation Violations

Neither the victims of violence, the community, or the defendant are well-served by a tolerant approach to violent crime. In order to successfully reduce aggressive behavior, the targeted individual must perceive the consequences of violence to be swift, severe, and certain. Probation officers supervising these cases must not be reluctant to use the power of arrest to protect public safety.

In particular, new incidents of physical violence or violations of Orders of Protection should result in the defendant's arrest. In those rare cases where an arrest has not been made, then the court should be notified by memorandum.

For cases being supervised in the domestic violence unit, technical violations may be addressed through increased sanctions and the probationer will be required to participate in review hearings in Domestic Violence Court.

Violation Guidelines

The following violation guidelines have been set by the Pima County Adult Probation Department.

1. All allegations of violence should be investigated immediately and documented in the case file. In cases where independent verification is available (i.e., a departmental report, recordings of phone calls, etc.), an arrest or memorandum to the court should follow.
2. New incidents of physical violence or violations of Orders of Protection should result in the defendant's arrest or at the very minimum, the filing of a memorandum with the court.
3. Technical violations involving behaviors that are typically precursors to violence should be promptly addressed. These behaviors include substance abuse, possession of weapons, and unauthorized victim contact. In these types of technical violations, arrest or increased sanctions should be seen as a means to prevent new violence.
4. Warrants for violent offenders are to be given priority. This requires immediate delivery to the court and the warrants unit, contact with a warrant's office to expedite apprehension and contact with the Pima County Attorney's Office.

If a victim has opted in for post conviction Victims' Rights, they should always be notified of the violation, arrest, termination, revocation, modification, and any court hearings if they have requested their victim's rights if restitution has been ordered and is delinquent by 60 days or more, a copy of the memorandum sent to the court concerning restitution delinquency.

Victim Issues

Victims of domestic violence often have had negative experiences with the criminal justice system. Probation officers must be cognizant of this and devote the time necessary to attempt to establish rapport and open dialogue with a victim.

If a victim's whereabouts are known, the supervising probation officer must contact the victim within thirty days of receiving the defendant's case. If the whereabouts remain known and they want to be contacted by the officer, follow-up contact should take place at least every six months or upon filing petition to revoke probation. If the officer is unable to contact the victim, the attempts should be noted.

Victim Guidelines

The following guidelines are to be used when dealing with victims of partner abuse:

1. Never talk with the victim in the presence of the defendant. When calling by phone, always ask if it is a good time to talk.
2. Emphasize that the defendant is responsible for his/her own behavior. Stress to the victim that there is no justification for violence and that the victim's safety, and that of any children, are the officer's top priorities.
3. Assure the victim that the officer is always accessible and available.

4. Fully explain the role and limitations of the probation officer. While supervised probation may provide options and responses that might reduce danger to a victim, it does not guarantee safety.
5. Alert victims to available community resources. Local battered women's shelters offer expert safety planning, emergency shelter, legal advocacy, counseling, and support groups.
6. Avoid victim-blaming. Never ask a victim why she or he remains in a relationship. An officer should always convey understanding, support, and belief. Avoid trying to "rescue" a victim because the victim is the only person who may decide when to change the status of the relationship.
7. Obtain a history of violence in the relationship.
8. Be extremely cautious in handling information from a victim. Never disclose something stated by a victim without first considering what effect such disclosure might have. Never reveal to a defendant what a victim has said, even with permission, unless there is a compelling reason to do so.
9. Information from victims must be treated with strict confidentiality. Probation officers must understand that inappropriate disclosure of information may result in injury or death to a victim.

Appendix A: Domestic Violence Investigation Checklist

Agency/Department: _____ Report Number: _____

1. Victim

- _____ Described the victim's location upon arrival
- _____ Described first aid administered to the victim and by whom
- _____ Recorded spontaneous statements by the victim
- _____ Described the victim's emotional condition
- _____ Described the victim's physical condition (make specific note of any changes in victim's demeanor)
- _____ Documented the victim's injuries in detail
- _____ Made note of the victim's relationship to the suspect
- _____ Recorded any history of abuse
- _____ Provided the victim with written information about available resources
- _____ Documented a temporary address and telephone numbers of family and friends that can be used to leave a message for the victim
- _____ Explained victims' rights and how to request those rights
- _____ Documented addresses and telephone numbers of friends and relatives who will always be able to contact the victim in the future

2. Suspect

- _____ Described the suspect's location upon arrival
- _____ Described first aid administered to the suspect and by whom
- _____ Recorded any spontaneous statements made by the suspect
- _____ Described the suspect's emotional condition
- _____ Described the suspect's physical condition
- _____ Documented the suspect's injuries in detail
- _____ Documented evidence of substance abuse and/or chemical abuse by the suspect
- _____ Interviewed the suspect
- _____ Documented suspect's statements about his/her relationship with the victim

3. Witness(es)

- Interviewed the reporting party
- Identified all witnesses and interviewed separately
- Listed names, ages, and schools of all the children present whether they were a witness or not
- Interviewed the children
- Recorded names, addresses and phone numbers of emergency personnel
- Identified treating physician
- Recorded any statements made by victims/witnesses to emergency personnel and noted the demeanor of the person making the statements
- Recorded the 911 number _____ and the incident number _____

4. NOTES:

A POLICE DOMESTIC VIOLENCE DOCUMENTATION REPORT CAN BE ATTACHED TO THIS.

Note: Victims receiving harassing phone calls should be asked about any use of either *57 or *69 following phone calls. *57 is known as the “call tracing system”. If the client performs the function, they will be connected with a pre-recorded message system to log the call. After the third call has been activated in the message system, the US West or Cox Security Department will be notified. They will contact the client to verify the three pre-recorded messages and keep a record of all traced calls for future reference. They will contact the caller by phone or by letter to cease calling the client or legal action will be initiated. There is a cost attached to the use of this service. *69 is known as the “last call return.” If a client performs the function, the phone system will automatically redial the last number a call came from. Victims should be made aware that there is a cost attached to the use of this service.

Appendix B: Definitions

DOMESTIC VIOLENCE shall generally be considered to be criminal acts committed against persons who share the following relationships:

1. marriage, former marriage.
2. persons who reside or have resided together.
3. a person with whom the suspect has a child in common or the victim or defendant is pregnant by another party.
4. the victim is related to the defendant or defendant's spouse by blood or court order, as parent, grandparent, child, grandchild, brother or sister.
5. the victim is related to the defendant by marriage such as parent-in-law, step parent, grandparent-in-law, step grandparent, step child, step grandchild, brother-in-law or sister-in-law.
6. the victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or has resided in the same household as the defendant.

CRIMINAL ACTS include the following:

1. assault and aggravated assault,
2. kidnapping, unlawful imprisonment and custodial interference,
3. theft and robbery offenses,
4. interference with judicial proceedings disorderly conduct and criminal damage offenses,
5. harassment and stalking offenses,
6. child abuse.

SELF-DEFENSE, as defined in A.R.S. 13-401 et. seq., should not be considered an act of domestic violence.

DUAL ARREST, the arresting of both parties during a domestic violence incident, shall be discouraged. It shall be the responsibility of the responding officers/deputies to investigate the incident to identify the primary aggressor who is the most significant aggressor, not necessarily the first aggressor. Officers/deputies should take into consideration factors such a relative height and weight of the parties; the presence and location of injuries and past history of the parties.

FIREARMS should be seized if it is in plain view or was found pursuant to a consent to search if the officer/deputy reasonably believes that the firearm would expose the victim or another person in the household to a risk of serious bodily injury or death. The officer/deputy must take into consideration the possible release of the defendant. Accordingly, responding officers/deputies should question the persons at the scene of a domestic violence call if to determine if firearms are present on the premises.

1. A firearm belonging to the victim shall not be seized unless there is probable cause to believe that both parties independently have committed an act of domestic violence.

2. When a firearm is seized, the owner/possessor shall be provided a receipt for each weapon that is seized which reflects the serial number, or other identifying characteristic, of each and that the weapon may be held for at least 72 hours.
3. If there is reasonable cause to believe that returning a firearm to the owner or possessor may endanger the victim, the person who reported the crime, or another person in the household, the law enforcement agency who seized the weapon shall notify the appropriate prosecutorial agency (County or City) to request the filing of a "Notice of Intent to Retain Firearm". In the request, the law enforcement agency shall set forth all facts/information known to support such request. The prosecutor may (or must) then file the Notice with the appropriate court prior to the expiration of the 72 hours pursuant to A.R.S. 13-3601(F).

PROTECTIVE ORDERS fall into the following categories:

1. Orders of Protection pursuant to A.R.S. 13-3602
2. Injunctions against harassment pursuant to A.R.S. 12-1 809
3. Domestic relations orders pursuant to A.R.S. 25-3 15
4. Orders of Protection from other jurisdictions that are afforded full faith and credit.
5. The terms and conditions of the foregoing orders remain enforceable for their duration regardless of the acts of the parties and may not be modified except by order of a court.

"Course of Conduct" means: maintaining visual or physical proximity to a specific person or directing verbal, written or other threats, whether express or implied, to a specific person on two or more occasions over a period of time, however short, but does not include constitutionally protected activity.

"Immediate Family" means a spouse, parent, child or sibling or any other person who regularly resides in a person's household or resided in a person's household within the past six months.

Appendix C: Orders Of Protection

An Order of Protection may be applied for in any court unless there is an action for annulment, dissolution of marriage, maternity or paternity action, or legal separation action pending. In those situations, the order must be applied for in the Superior Court. If an order is applied for in a lower court and written notification of a pending Superior Court action is received by the lower court, the case must be immediately transferred to the Superior Court, except as explained below. Emerge! Center Against Abuse provides assistance in applying for Orders of Protection in the lower court through video-conferencing equipment in two outreach office locations (Emerge! Center: (520) 795-8001 or info@emergecenter.org).

A scheduled lower court hearing may be held if the hearing was requested prior to the receipt of notice from the Superior Court action. If transferred prior to a hearing, the Superior Court hearing should be scheduled close to the original lower court hearing date.

An Order of Protection is valid for 12 months from the date of service.

Note: The Order of Protection should be enforced whether the plaintiff initiated contact or not. The plaintiff should not be charged with violating the Order of Protection

It is important to recognize that although the defendant is invited by the plaintiff to enter the residence or the plaintiff initiated the contact, the defendant has violated the order. The order is not quashed by the plaintiff allowing contact. The order can only be quashed by a judicial officer. It is still a violation of the order, even if the plaintiff has initiated contact. The officer should follow through and treat this as an Order of Protection violation.

However, it is possible that if the plaintiff/victim initiates contact and NO injury/violence occurs during the contact, the Pima County Attorney's Office may not file charges.

When requesting an Order of Protection, the plaintiff has the option of requesting the defendant's guns be seized when the order is served.

Emergency Orders of Protection: Emergency Orders of Protection are available to victims through law enforcement. It is imperative the victim be reminded that the emergency order is only valid until the close of the next business day.

Terminating an Order of Protection: When a request to terminate an order of protection is received a judicial officer must require identification from the person requesting the termination in order to positively identify that the person requesting the termination is indeed the plaintiff. When a plaintiff and defendant appear together to request that an Order or Protection be quashed, the judicial officer should separate the parties to determine whether the plaintiff is appearing under duress or coercion.

Additional information on Orders of Protection can be found in the “Bench Book for Orders of Protection and Injunctions Against Harassment in Domestic Violence Cases,” which was prepared by the Committee on the Impact of Domestic Violence in the Courts and its advisory committee.

When Children Are Involved: The Order of Protection may not address the issue of the children. The best alternative for the parties is to request a custody hearing through the Superior Court. If the children are listed on the order as protected parties, the defendant should not be at the residence for any reason. If there is a visitation schedule, the transfer of the children should be in a neutral location with a third party present.

These issues should be addressed at the time the plaintiff applies for the Order of Protection. A statement could be added to the Order that any exchange of the children be handled in an expedient manner and no interaction except on issues related to the children should take place.

Appendix D: Resources

Homeless Shelters

Bethany House (Women and Children)	520-690-1295
Elder Shelter (Elderly)	520-566-1919
Gospel Rescue Mission (Men Only)	520-740-1501
New Beginnings (Family)	520-292-0698
Primavera Shelter (Men Only)	520-623-4300
Salvation Army (Men & Women)	520-622-5411

Domestic Violence Shelters (24 hrs)

Emerge! Center Against Domestic Abuse	1-888-428-0101 or 520-795-4266 (DV Shelter and Crisis Services; merger of Brewster Center & TCWC)
Genesis House (Green Valley)	520-648-3589
Wingspan (Lesbian, Gay, Bi, Trans)	520-624-0348

Shelters for Children

Casa de los Ninos (0-9 yrs.)	520-624-5600
Our Family (12-17 yrs.)	520-327-4583

Agencies

Adult Protective Services	1-877-767-2385
Child Protective Services	1-888-767-2445
D.M. Command (after hrs)	520-228-7400
D.M. Family Services	520-228-5690
Forensic Nurse (to dispatch a Forensic Nurse)	520-349-8221*
*(Forensic Nurse call number is for police and hospital personnel only)	
Help On-Call	520-323-9373
M.A.C. Team (Mobile Acute Crisis mental health services 24 hr.)	520-622-6000
Medical Examiner Office (O.M.E.)	520-243-8600
Our Family Crisis Line (24 hr.)	520-327-4583
Red Cross	520-623-0541
Southern Arizona Center Against Sexual Assault (SACASA)	520-327-7273
SACASA provides 24 hr. Rape Crisis services.	
Southern Arizona Children's Advocacy Center Services	520-243-6420

Additional Resources

Arizona Coalition Against Domestic Violence	(602) 279-2900
100 W. Camelback Rd. Ste 109, Phoenix, AZ 85013 www.azcadv.org	
<u>Intimate Partner Violence Standards of Practice</u> - publication available from	
International Association of Forensic Nurses, 1517 Ritchie Hwy, Ste 208,	
Arnold, MD 21012-2323 - Phone: 410-626-7805, Fax: 410-626-7804	
Order Online http://www.forensicnurse.org/storeindex.cfm	
Shoe Cards - Small cards listing important local resources. Provided by PCAO	
Victim Services (520-740-5525) and available from most local agencies.	

Appendix E: Juvenile Physical Referral Process

The initial process begins once the Arresting Agency arrives at the Police Sally Port Entrance. The Arresting Agency informs Detention Master Control of the charges for which the juvenile is being referred. Once it has been established that the Charges can be received by PCJCC (note: Status Offenses and Chapter 5, §13-501 cases should be sent to an alternative community agency i.e. Center for Juvenile Alternatives (CJA) and or Pima County Adult Detention Center (PCADC)), the minor enters the Interior Sally Port where they are received by Juvenile Detention Staff. The process for Probation Officers referring minors for Violations of Probation is identical.

Juvenile Detention Staff will have the juvenile remove all property from their person including shoes, wallets, and all jewelry, including all body piercings. The property will be inventoried and bagged. A physical pat down is conducted in the sally port area before the juvenile is taken behind closed doors. Minors can be strip-searched for contraband but only for specific offenses (drugs, violent offenses, violent offenses). The youth will also be photographed by a Probation Officer. The juvenile will then be medically and mentally screened by a Registered Nurse to determine if there are any outstanding medical or mental issues that would require hospital or psychiatric clearance (note: the arresting agency cannot leave the area until the juvenile has been medically cleared). The nurse may ask someone from the Mental Health Office to assist with any potential mental health issues.

Once the juvenile has been cleared medically, the arresting agency can process their charges. This involves the Probation Officer reviewing the referring officer's paperwork to check for accuracy. The juvenile will be escorted into the Intake Receiving area where the youth will be further assessed and processed by Juvenile Detention Staff and the Intake Receiving Probation Officers. The juvenile will undergo additional screening including a mental health assessment (MAYSI-2) to identify signs of mental/emotional disturbances. The MAYSI scores several categories but the most significant is the scale that measures suicidal ideation. If a minor scores a warning category in suicidal ideation, the minor is placed on MAYSI watch (watched by detention staff) and a Mental Health professional will interview the minor to determine if the minor needs to be placed on a Suicide Watch.

Following all medical and mental assessments, the Intake Probation Officer will conduct an interview with the juvenile using a designated format and screening instrument (RISK ASSESSMENT INSTRUMENT– RAI) to determine community safety, jurisdictional and/or custodial protection issues. The RAI works on a point system is used to help determine which youths can be safely released back into the community and which should remain detained. However, Intake/Receiving can override the RAI when appropriate. All over-rides must be approved by the Unit Supervisor or Lead Probation Officer.

When a physical referral is necessary Law enforcement has the option of referring the youth to the Pima County Juvenile Court (PCJCC) Intake/Receiving unit located at 2225 E Ajo Way or, if the offense is a misdemeanor to the Pima County Juvenile Court Domestic Violence Alternative Center (DVAC) located at 630 E 9th St. (adjacent to the Center of Juvenile Alternatives).

Offenses Approved for DVAC

1. (1) A.R.S. §13-1202 Threats and Intimidation
2. (2) A.R.S. §13-1203 Assault (minor injury)
3. (3) A.R.S. §13-1502 Criminal Trespassing (3rd degree)
4. (4) A.R.S. §13-1503 Criminal Trespassing (2nd degree)
5. (5) A.R.S. §13-1602 Criminal Damage (Misdemeanors only)
6. (6) A.R.S. §13-2904A1 Disorderly Conduct/Fighting (minor injury)
7. (7) A.R.S. §13-2904A2 Disorderly Conduct/Unreasonable Noise
8. (8) A.R.S. §13-2904A3 Disorderly Conduct/Abusive Language
9. (9) A.R.S. §13-2921 Harassment

Youth charged with criminal offenses, in addition to the domestic violence charge, are not eligible to be taken to the DVAC. The benefit to law enforcement in referring a juvenile to DVAC versus PCJCC is the officer can complete the process at DVAC within 10 to 15 minutes versus the 45 minutes the medical clearance process takes at PCJCC. Crisis intervention and immediate services to include 23 hour respite and shelter placement are available at DVAC.

Youth with medical or mental health issues, injuries or under the influence of alcohol or drugs should be medically cleared prior to a referral to the DVAC or PCJCC.

Law Enforcement Officers are encouraged to call the DVAC 670-9040, ext 2117 or the PCJCC 740-2003 to expedite the referral process.

Victim Rights: Victims will receive information about resources addressing medical, substance abuse, and counseling. Victims are given information to contact PCJCC with their input and concerns regarding the arrested minor. Victims will receive information about their rights as per A.R.S. §8-381. Officers will fill out a VICTIM REQUEST FOR/WAIVER OF PRE-ADJUDICATION RIGHTS form if the complaint/charge is Victims Rights applicable. Victims may OPT/IN for their rights; WAIVE/DECLINE their rights; or the officer may REQUEST WAIVER, if the victim is incapacitated as per A.R.S. §3-386.

Prosecution: Certain domestic violence cases that fit the Juvenile Court's criteria should be submitted to the County Attorney's Office for screening.

Diversion: When diverting or sentencing a domestic violence juvenile offender in Juvenile Court, the following conditions are encouraged: Counseling to address

domestic violence issues, domestic violence education classes, accountability conferences, weapon restrictions, drug and/or alcohol treatment, drug testing, and frequent review hearings. In "teen relationship violence" cases in Superior Court, diversion programs are not available. Case dispositions are made in accordance with felony prosecution guidelines.

Appendix F: Domestic Violence Alternative Center

**Domestic Violence Alternative Center, 630 E Ninth St, Tucson, AZ
520-670-9040 (prompt 1 for English) ext 2117
FAX 520-547-3509**

The Domestic Violence Alternative Center (DVAC) was developed to provide immediate assessment and stabilization services to domestic violence offenders and their families. It will assist the Court and community in providing a viable alternative to the Juvenile Detention Center. Additional goals include assisting the families in resolving conflicts and initiating referrals to community resources to address long term needs. Domestic Violence cases referred to DVAC are jointly screened by DVAC Probation Officers and the Center for Juveniles Alternatives (CJA) Advocates to ensure the appropriateness of the referral and services including assessment, crisis intervention, resource information and a timely referral to an appropriate community service.

PROCESS AND PROCEDURE

Receiving Process:

- Law enforcement officers are encouraged to call from the arrest site and provide the following information:
 1. Name
 2. DOB
 3. Description of the incident and charges
 4. Prior arrest information (if known)
 5. If AHCCCS eligible, name of the Mental Health provider (if known)
- Law enforcement officers referring a minor directly to the DVAC will enter at the DVAC Intake entrance (through the CJA parking lot to the south/east corner of building) and provide the Probation Officer (PO) with the following information:
 1. Name
 2. DOB
 3. Charges on presenting referral
 4. If AHCCCS eligible, name of the Mental Health provider (if known)

***** General Acceptance Criteria: Divertible Offenses**

Charges eligible to be received by the DVAC include:

- §13-3601 Domestic Violence-misdemeanor classification accompanied by any of the following charges:
 - §13-1202 Threats & Intimidation
 - §13-1203 Assault (minor injury)
 - §13-1502 Criminal Trespassing (3rd Deg)
 - §13-1503 Criminal Trespassing (2nd Deg)
 - §13-1602 Criminal Damage (under \$250)
 - §13-2904A1 DOC/Fighting (minor injury)
 - §13-2904A2 DOC/Unreasonable Noise
 - 13-2904A3 DOC/Abusive Language

- 13-2921 Harassment

If a status offense accompanies any of the above charges, the minor will be accepted into DVAC.

****** Delinquent Charges other than the aforementioned list of divertible offenses must be transported to PCJCC for processing ******

Juveniles charged with criminal offenses, in addition to the domestic violence charge, are not eligible to be diverted to the Domestic Violence Alternative Center. Juveniles with medical/mental health issues, injuries, suicidal or under the influence of alcohol or drugs should be medically cleared prior to being referred to the Domestic Violence Alternative Center. **Once cleared, the minor could be accepted at DVAC for processing.**

The Law Enforcement Agency (LEA) will be asked to conduct a courtesy “Pat-Down” to search for any paraphernalia (weapons, drug and or drug paraphernalia).

The AHCCCS Network providers are available for assessment. If a minor is not enrolled in AHCCCS but requires assessment, SAMHC should be contacted. If it is prior to 1700 the network liaisons at PCJCC can assist. After 1700, the crisis lines can be reached. Once a call has been placed to the network a telephonic response should be received within 30 minutes. If no response is received, a second call should be placed and a request should be made to speak with the Administrator on call. Try to determine what the ETA is. Once telephonic contact has been made, a physical response should be within 90 minutes but may vary depending on the networks demand for services.

Pantano Crisis Line	791-3403	Stephanie Feigh	243-2226
Providence Crisis Line	1-800-489-0064	Malcolm Bean	243-2225
La Frontera Crisis Line	1-800-763-5893	Ryan Olsen	730-8324
Southern Arizona Mental Health Center (SAMHC)			622-6000

CPS POLICY:

If the abuse or neglect is allegedly perpetrated by a person who has care, custody or control of the child (e.g., parent, guardian, foster parent), then the Probation Officer will report the information to both CPS and law enforcement. If the alleged perpetrator does not have care, custody or control of the child, the report shall be made to law enforcement only.

The Probation Officer can take pictures of the alleged abuse for documentation purposes.

CPS PHONE: 1 (888) 767-2445 CPS FAX: 1 602-530-1832(1833)

INTAKE PROCEDURES:

Upon entry into the DVAC, the Police Officer will be greeted by a DVAC Probation Officer. The minor is likely to be in handcuffs at the time of entrance into the

building. The PO will request that the minor be patted down in the PO's presence for safety purposes.

Based on the information received, a 100/150 search will be conducted to verify an existing JC# or to create a new # for a first time offender. The LEA will be required to provide the DVAC Probation Officer with a completed Juvenile Referral Form. Once the minor has been screened, the Juvenile Referral Form completed, QC'ed (Quality Controlled), accepted and time stamped, the arresting officer will receive the bottom copy (blue) of the Juvenile Referral Form and is free to leave. A request will be put forth to have the arresting officer fax (520-547-3509) the Police Report directly to the DVAC Site if one was not completed prior to the officer leaving.

In the event the minor does not meet the requirements, the LEA will be asked to transport the minor to PCJCC for processing.

An inventory of the minor's property will be taken and entered on a property sheet. A determination will be made by DVAC Staff on what can remain on the juvenile's person while being processed at DVAC. Property that is collected will be placed in a clear zip lock property bag, labeled and placed in a locked file cabinet until such a time that the minor leaves the DVAC. The minor will sign a property sheet when items are collected and returned.

OFFENSE INPUT INTO THE JOLTS SYSTEM:

1. The PO will complete the process
2. 150 screen (if it is a new case- to obtain a JC#-input DOB, gender, name)
3. FLO-F20 if no family members are already entered this will route you to 305 (fill in personal/family info)
4. F3 to take you to the WW screen
5. Upon exit, this will route you to the 345 Referral Entry Screen
6. Cross reference the 430 screen to check if the offense is entered correctly

INTERVIEW PROCESS:

The DVAC Probation Officer will coordinate with the CJA Advocate and conduct an initial interview with the minor, updating the 960 information, collecting pertinent family biographic and situational information. Through a collaborative effort, a joint determination will be made as to viable services, approaches and out-come recommendations.

1. PO updates 960
2. PO does the initial interview using the current Intake Interview Format
3. When possible, complete an Accountability Conference with the family
4. PO and CJA Advocate will coordinate their efforts to develop a viable plan reference the presenting situation
5. PO and CJA Advocate will monitor the minor and respond to phone calls during the course of the process.

GENERAL DVAC DATA ENTRY REQUIREMENTS:

- Paper Log of all Site Referrals (JC#, Name, Time In-Time Out, Charges, Referral Agency)
- Jolts Entry (960-Juvenile Profile, 520- Contact screen (victim contacts)/ Chrono, 345-enter criminal charges screen, 336-Risk Assessment/Needs screen)
- PO and youth to fill out Data collection packet (Youth survey, Participant form)
- The Probation Officer will immediately submit via email the youth's information (name, DOB) to the Mental Health Network Court Liaisons. The liaison investigates the youth's eligibility, possible diagnosis, prescribed medication and current services, allowing for a more streamlined and expedited process of service and communication between the DVAC or on-going Probation Officer and the mental health case manager.
- The Probation Officer will directly refer families for assistance by submitting the youth's information (name, parent/guardian's name, phone number) to the PCAP Eligibility Worker housed at the Court Center. The liaison helps all Court involved families streamline the process in applying for, or re-enrolling, in AHCCCS and other appropriate health care services.

After completing the interview of the juvenile and all associated paperwork (960, police report, interim, copy of log sheet, Youth Survey and Participant form) staple together and place originals in basket for transport to PCJCC to the Program's Support staff for processing, QC and/or distribution. The Transportation unit picks up and delivers to and from PCJCC on a daily basis.

All files will remain in a "Travel Packet" format unless subsequent referrals necessitate the creation of a Social File.

Once a case is assigned to the DVAC PO, the normal procedures in handling Evaluation Cases applies. DV Cases should be treated as you would any other evaluation case (utilizing the Pre-Adolescent Program, Teen Court, restitution, CRW...). Consequences/services that are specific to DV situations are as follows: Accountability Conferences, DV Ed Class, Our Family Services, Counseling through the Network providers, Counseling through the Family Counseling Bill.

Domestic Violence Evaluation and Diversion Contracts should be used for these cases. These contracts can be located in the 1300 screen.

Appendix G: Victims of Stalking Safety Issues

The detective, victim advocate, or prosecutor from the Pima County Attorney's Office should remind the victim to be extra cautious regarding their personal safety. Time should be spent reviewing the following guidelines with the victim. These are only suggestions.

Residential safety suggestions:

1. Be alert for suspicious persons. Positively identify anyone at the door prior to opening, and request identification of all repairmen prior to admission to the residence.
2. Install security lighting, dead bolt locks on all outside doors, and locks on all fence gates.
3. Account for all keys or change locks. Keep all doors locked when gone and at home. Keep garage doors closed and locked at all times.
4. Trim all shrubbery so windows and doors can be seen from the street.
5. Keep the fuse box locked and backup flashlights in the residence.
6. Obtain an unlisted telephone number. If unusual calls are received, notify law enforcement. Record any such phone calls if possible and save any answering machine or voice mail messages. List emergency numbers on all phones.
7. Be alert for unusual packages or boxes found. Notify law enforcement prior to touching such packages if the source cannot be accounted for. Install smoke detectors and keep fire extinguishers in more than one location in the residence and in the garage.
8. When away from the home, leave lights, a radio, or television on.
9. Prepare an evacuation plan for the household and teach children what to do in an emergency.
10. Consider purchasing a dog.
11. Know the whereabouts of family members at all times. Children should always be accompanied.
12. Routines should be varied. Do not consistently use the same routes or times.
13. Provide trusted neighbors with information regarding the situation and request that law enforcement be alerted if suspicious activity is noted.
14. Save any correspondence from the suspect, including envelopes and enclosures whether received at home, work, or at a separate location.
15. Do not contact the suspect under any circumstances.

Workplace safety suggestions:

1. If possible, a receptionist should handle packages and visitors. Do not accept or open packages unless you have ordered them.
2. Co-workers should be advised, if possible, of the situation.
3. Park in a secured area if at all possible. Have your name removed from any parking spot or other areas that are accessible.
4. Consult with security if available.
5. Have calls screened by someone else if possible.
6. Be vigilant about anyone following you to or from work.

Vehicle safety suggestions:

1. Park vehicles in a well-lit and secure area. When parked in a garage at home, lock both the vehicle and the garage.
2. Equip the vehicle with a locking gas cap, ideally controlled from the interior of the vehicle.
3. Visually check the vehicle before entering.
4. Keep vehicle doors locked at all times, whether in or out of the vehicle.
5. Be alert to vehicles that appear to be following you. Make contingency plans and know where assistance is available.
6. Do not stop to assist a stranded motorist, call for help instead.

Personal security suggestions:

1. Remove home address from personal checks and business cards.
2. Utilize a private mailbox service (mail drop, not a U.S. Post Office Box) to receive all incoming mail. File a change of address with the U.S. Postal Service, Motor Vehicle Division, and all current creditors listing the mail drop address as your new address.
3. Contact credit reporting agencies and request all past addresses be removed and that the new mail drop address be used.
4. Place real property in a trust and list all contracts, titles, and utilities in the name of the trust.
5. Register to vote using the mail drop address and file for confidential status.
6. Destroy all discarded mail.

Stalker Profiles

There are four main categories of stalkers:

1. **Simple Obsessional:** This is the most common type of stalker. It is usually a male who knows the victim as an ex-spouse, ex-lover, or former boss and begins a campaign of harassment against them. Distinctions of this pattern of behavior are:
 - a. A prior relationship exists.
 - b. It can be a love relationship gone sour or a perception of mistreatment.
 - c. Stalking begins after a schism in the relationship.
 - d. It is shorter in duration.
2. **Erotomania:** This is when the suspect falsely believes that it is the victim who really loves the suspect. In this typology the stalker:
 - a. is usually female and falsely believes that the victim is in love with her.
 - b. believes that, if not for some external influence, they would be together.
 - c. usually knows the victim through the media only (TV anchor, actor or actress, political figure).
 - d. In rare cases the suspect may have delusional disorders.

3. **Love Obsessional:** This is when the stalker is a stranger to the victim but is obsessed and thus mounts a campaign of harassment to make the victim aware of the stalker's existence.
 - a. Usually, no prior relationship exists.
 - b. The suspect may be fanatic in the extreme and usually has schizophrenia or bi-polar mania.
 - c. The suspect begins a campaign of stalking and other contact behavior.

4. **False Victimization Syndrome:** This is not a true stalking. False victimization syndrome occurs when the victim creates the scenario of being stalked by an alleged stalker to receive attention.
 - a. A fictitious campaign of stalking or harassment developed by the victim.
 - b. Motivation can be either conscious or unconscious.

From: Zona, Michael, M.D., "Psychiatric Factors Involved in Stalking Cases," (Threat Management Conference, 1994).

Appendix H: Lethality Assessment
DOMESTIC VIOLENCE LETHALITY
SCREEN FOR FIRST RESPONDERS

Officer:	Date:	Case #:
Victim:	Offender:	
<input type="checkbox"/> <i>Check here if victim did not answer any of the questions.</i>		
▶ A "Yes" response to any of Questions #1-3 automatically triggers the protocol referral.		
1. Has he/she ever used a weapon against you or threatened you with a weapon?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
2. Has he/she threatened to kill you or your children?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
3. Do you think he/she might try to kill you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
▶ Negative responses to Questions #1-3, but positive responses to at least four of Questions #4-11, trigger the protocol referral.		
4. Does he/she have a gun or can he/she get one easily?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
5. Has he/she ever tried to choke you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
6. Is he/she violently or constantly jealous or does he/she control most of your daily activities?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
7. Have you left him/her or separated after living together or being married?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
8. Is he/she unemployed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
9. Has he/she ever tried to kill himself/herself?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
10. Do you have a child that he/she knows is not his/hers?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
11. Does he/she follow or spy on you or leave threatening messages?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
▶ An officer may trigger the protocol referral, if not already triggered above, as a result of the victim's response to the below question, or whenever the officer believes the victim is in a potentially lethal situation.		
Is there anything else that worries you about your safety? (If "yes") What worries you?		
Check one: <input type="checkbox"/> Victim screened in according to the protocol <input type="checkbox"/> Victim screened in based on the belief of office <input type="checkbox"/> Victim did not screen in		
If victim screened in: After advising her/him of a high danger assessment, <input type="checkbox"/> Yes <input type="checkbox"/> No did the victim speak with the hotline counselor?		

Note: The questions above and the criteria for determining the level of risk a person faces is based on the best available research on factors associated with lethal violence by a current or former intimate partner. However, each situation may present unique factors that influence risk for lethal violence that are not captured by this screen. Although most victims who screen "positive" or "high danger" would not be expected to be killed, these victims face much higher risk than that of other victims of intimate partner violence.

REFERENCES:

1. Arizona Peace Officers Standards Training Board
2. Domestic Violence Protocol, Maricopa County, AZ
3. Arizona State Revised Statutes on line at:
<http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp>
4. Albert, Elaine, MD. *Partner Violence: How to Recognize and Treat Victims of Abuse – A Guide for Physicians and Other Health Care Professionals*. (Massachusetts Medical Society Committee on Violence, 1996.)
5. Intimate Partner Violence Standards of Practice, International Association of Forensic Nurses, Arnold, MD
6. Louise Laurence and Roberta Spatler-Roth, “Measuring the Cost of Domestic Violence Against Women and the Cost-Effectiveness of Interventions: An Initial Assessment and Proposals for Future Research,” Victims Services and the Institute for Women’s Policy Research (May 1996).
7. McNair, Diane, Detective, “Victim’s Handbook,” (Los Angeles Police Department).
8. National Research Council, Understanding Violence Against Women, eds. Nancy A. Crowell and Ann W. Burgess (1996).
9. Practical Implication of Current Domestic Violence Research for Law Enforcement, Prosecutors and Judges, Chapter 2. Reporting and Arrests, D.O.J., National Institute of Justice, June 2009.
10. Warsaw, Carol, MD. “Identification, Assessment, and Intervention with Victims of Domestic Violence.” *Improving the Health Care Response to Domestic Violence – A Resource for Health Care Providers*. June 1995.
11. Zona, Michael, M.D., “Psychiatric Factors Involved in Stalking Cases,” (Threat Management Conference, 1994). Dr. Zona is a consultant for the Los Angeles Police Department Threat Management Unit.
12. “Bench Book for Orders of Protection and Injunctions Against Harassment in Domestic Violence Cases,” which was prepared by the Committee on the Impact of Domestic Violence in the Courts and its Advisory Committee.
13. Lethality Assessment form from Shelter and Assistance for Family Emergencies, Tueplo, MS, (2010). <http://safeshelter.net/>

**Pima County
Domestic Violence Protocol**

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