

5th Precinct Misdemeanor Domestic Assault Investigation Pilot Project

1st Half Summary - Data Analyzed from February 1, 2008 – August 1, 2008

Project Summary

The Minneapolis Police Department (MPD) and Minneapolis City Attorney's Office (MCAO) are collaborating on a Pilot Project in the 5th Police Precinct to enhance evidence collection on misdemeanor domestic abuse related cases. All 5th Precinct Officers received training on the dynamics of domestic abuse and on specific domestic abuse related case investigation. As part of the new protocol, officers are being asked to take statements from defendants, assist victims to complete a victim supplement, and complete other preliminary investigative tasks. A summary of the protocol, a copy of the protocol pocket card and a copy of the victim supplement developed for this project is included as Appendix C.

The pilot began on February 1, 2008 and will continue through January 31, 2009. Data is being collected to determine how the new domestic abuse evidence collection protocol is impacting case resolution. A comparison of the case resolution data for the comparison year and data obtained through the end of the 2nd Quarter of the Pilot is included in the tables below and show a 25% increase in the overall conviction rate for the 5th Precinct.

2007 Conviction & Dismissal Rates

Resolution Type	Domestic Team	Percent of Total
CWOP	4	2.7%
Dismiss	62	42.2%
Dismiss Other	1	0.7%
PG Total	80	54.4%
PG Charge	35	23.8%
PG Other	45	30.6%
Grand Total	147	100.0%

2008 Conviction & Dismissal Rates

Resolution Type	Domestic Team	Percent of Total
CWOP	0	0.0%
Dismiss	16	20.5%
Dismiss Other	0	0.0%
PG Total	62	79.5%
PG Charge	29	37.2%
PG Other	33	42.3%
Grand Total	78	100.0%

Compliance with & Evidence Obtained in the Domestic Abuse Incident Response Protocol

During the Pilot Project, the MCAO will collect data on Officer's compliance rates with each part of the protocol. The MCAO will also be collecting data on the evidence obtained in these cases and on victim contact with the MCAO following the initial police report. This data will then be analyzed against case resolution data to determine the impact on case resolution.

Initial analysis of the data collected to date, shows that compliance with the procedures in the Domestic Abuse Incident Response Protocol have been mixed. Of particular note, compliance with the protocol was particularly high in these areas:

- Mirandized interviews were requested in 78% of cases where defendants were arrested
- Officers interviewed witnesses in 86% of the cases where officers had asked and a victim had indicated that witnesses were present during the incident
- Officers noted asking if a victim had injuries in 95% of cases where a physical assault was alleged
- Officers took photographs of injuries in 91% of cases where there were visible injuries

Areas of the protocol where compliance with the protocol were particularly low include:

- Officers asked if firearms were present in the home in only 21% of case
- Officers noted asking victim risk assessment questions in only 6% of cases

The chart in Appendix B shows the percentage of cases in which each part of the protocol was complied with (or not complied with) or in which evidence was available to be collected or documented. The percentages in

the chart in Appendix A, where noted, are calculated only based on cases where specific types of evidence were available to be collected or documented or where parts of the protocol were applicable.

Impact on Case Resolution of Compliance with the Domestic Abuse Incident Response Protocol

As noted above, as part of the evaluation of the impact of the procedures described in the Domestic Abuse Incident Response Protocol and on the impact of the collection of certain types of evidence, data collected will be analyzed against case resolution data to determine the potential impact of the protocol on case resolution. To date, only 78 cases have been resolved, so the impact of any data obtained is preliminary at best. However, a review of the initial data indicates that the conviction rate is generally higher as analyzed against the compliance or non-compliance with the protocol, when the protocol was followed by officers. The initial data also suggests that the conviction rate is higher when evidence was available to be documented or collected as opposed to when that same evidence was not available.

The Chart in Appendix B shows the conviction rate as analyzed for each part of the protocol or each type of evidence able to be collected or documented when the protocol was followed or not followed or the evidence was available to be collected.

Next Steps

Throughout the pilot project, the MCAO is sharing case outcome information with officers and their supervisors regarding specific cases, and in that communication, feedback will be given regarding the impact of the domestic abuse incident protocol on case resolution. Staff from MPD and the MCAO are also meeting quarterly to discuss how the pilot project is impacting the work of both offices and to discuss issues and problems that have arisen. As the end of the pilot project nears, discussion will shift as to which parts of the pilot should be implemented citywide.

APPENDIX A

Compliance with & Evidence Obtained in the Domestic Abuse Incident Protocol (as % of Cases)

	Yes	No	Not Asked	N/A
Officers Indicated Checking for Presence of OFF/NCO	44%	56%	-	-
Presence of OFF/NCO when Officers indicated checking for it ¹	49%	51%	-	-
Officers asked if Firearms are Present in the Home	21%	79%	-	-
Results of Officers asking if Firearms are Present in the home ²	13%	87%	-	-
Firearms Seized after Officers Asked if Firearms were present ³	29%	71%	-	-
Officers requested Scales Statements from Defendant ⁴	78%	23%	-	-
Results of Officer's Request for a Scales Statement ⁵	60%	40%	-	-
	Obtained	Refused		
Officers asked if Victim needed Medical Treatment ⁶	93%	7%	-	-
Victim indicated that he/she would seek Medical Attention ⁶	13%	81%	7%	-
Officers obtained a signed Medical Release from Victim ⁷	63%	37%	-	-
Officers property inventoried a completed Victim Supplement	53%	47%	-	-
Officers noted asking/checking to see if victim had injuries ⁸	95%	5%	-	-
Officers noted in their report that Visible Injuries were present ⁹	57%	43%	-	-
Officers took Photographs of Victim's Injuries ¹⁰	91%	9%	-	-
Report alleges Damage to Property	89%	11%	-	-
Officer took Photographs of Damage to Property ¹¹	71%	29%	-	-
Officers took Photographs of Defendant ¹²	16%	84%	-	-
Officers noted asking Victim Risk Assessment Questions	6%	94%	-	-
Victim Reported Abuse of Animal in Response to Risk Assessment ¹³	14%	86%	-	-
Officers included Dispatch Information in Report	58%	42%	-	-
Officers described Victim's Demeanor in Report	72%	28%	-	-
Officers used Quotation Marks in Report to denote exact quotes	55%	45%	-	-
Officers included Alternate Contact Information for Victim	29%	71%	-	-
Officers property inventoried Relevant Evidence ¹⁴	69%	31%	-	-
Officers noted asking if there were Witnesses to Incident	44%	56%	-	-
Officers noted Witness Name & Contact Information in Report ¹⁵	94%	6%	-	-
Officers interviewed listed Witnesses regarding Incident ¹⁶	86%	14%	-	-
Any Victim Contact with MCAO after initial report ¹⁷	85%	15%	-	-
MCAO had Victim Input at Arraignment ¹⁷	51%	49%	-	-
MCAO had Victim Input at Pretrial ¹⁷	67%	33%	-	-
Victim indicated in Pretrial Input that Police Report was Accurate ¹⁷	46%	18%	-	36%
Victim's wishes for case resolution reported in MCAO input ¹⁷	19%	51%	3%	27%
	Plea	Dismiss	Leave to CA	Unknown
Victim Appeared on Trial Date ¹⁸	77%	23%	-	-
Victim Appeared on Trial date, but changed the version of events ¹⁹	31%	69%	-	-
Victim Appeared in Court on Trial date, but denies a crime occurs ¹⁹	69%	31%	-	-

- ¹ Does not include 119 cases where officers did not indicate checking for presence of an OFP initially
- ² Does not include 162 cases where officers did not initially ask if firearms were present in the home
- ³ Does not include 162 cases where officers did not initially ask if firearms were present in the home or 38 cases where officers asked, but where there were no firearms in the home
- ⁴ Does not include 110 cases where the defendant was gone on arrival and thus not able to be interviewed
- ⁵ Does not include 23 cases where officers did not ask for defendant to submit to a statement or 110 cases where the defendant was gone on arrival
- ⁶ Does not include 41 cases where no physical assault was alleged as part of the police report
- ⁶ Does not include 41 cases where no physical assault was alleged as part of the police report or 8 cases where officers did not ask if victim would seek medical attention
- ⁷ Does not include 113 cases where victim indicated no injuries or that he or she would not seek medical attention at any time
- ⁸ Does not include 39 cases where no physical assault was alleged
- ⁹ Does not include 43 cases where no physical assault was alleged or 7 cases where officers did not ask if victim had visible injuries
- ¹⁰ Does not include 111 cases where there were no physical injuries to be photographed
- ¹¹ Does not include 166 cases where no damage to property was alleged
- ¹² Does not include 115 cases where defendant was gone on arrival and thus not able to be photographed
- ¹³ Does not include 197 cases where risk assessment questions were not asked
- ¹⁴ Does not include 175 cases where there was no relevant property to be property inventoried
- ¹⁵ Does not include 129 cases where officers did not ask if there were any witnesses or after asking, parties indicated that there were not any witnesses
- ¹⁶ Does not include 134 cases where there were no witnesses to be interviewed or officers did not indicate asking if there were witnesses
- ¹⁷ % only includes 68 cases that have reached a final resolution in court and whose files have been reviewed
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- ¹⁷ % only includes 68 cases that have reached a final resolution in court and whose files have been reviewed
- ¹⁸ % only includes 13 cases which were resolved at the trial stage and whose files have been reviewed
- ¹⁹ % only includes 13 cases which were resolved at the trial stage and whose files have been reviewed
- ¹⁹ % only includes 13 cases which were resolved at the trial stage and whose files have been reviewed

APPENDIX B

Conviction Rate based on Evidence Collected & Compliance with Domestic Abuse Incident Protocol

	Conviction Rate when Officers followed DA Protocol or Evidence Available	Conviction Rate when Officers did not follow DA Protocol or no Evidence Available
Officers Indicated Checking for Presence of OFF/NCO	87%	73%
Presence of OFF/NCO when Officers indicated checking for it	100%	80%
Officers asked if Firearms are Present in the Home	83%	78%
Results of Officers asking if Firearms are Present in the home	75%	84%
Firearms Seized after Officers Asked if Firearms were present	0%	67%
Officers requested Scales Statements from Defendant	75%	87%
Result of Officers Request for a Scales Statement	Obtained 45% Refused 31% Not Requested 24%	Obtained 62% Refused 25% Not Requested 13%
Officers asked if Victim needed Medical Treatment	79%	50%
Victim indicated that he/she would seek Medical Attention	100%	76%
Officers obtained a signed Medical Release from Victim	79%	71%
Officers property inventoried a completed Victim Supplement	79%	80%
Officers noted asking/checking to see if victim had injuries	77%	50%
Officers noted in their report that Visible Injuries were present	83%	65%
Officers took Photographs of Victim's Injuries	80%	50%
Report alleges Damage to Property	80%	0%
Officer took Photographs of Damage to Property	76%	100%
Officers took Photographs of Defendant	77%	78%
Officers noted asking Victim Risk Assessment Questions	100%	77%
Victim Reported Abuse of Animal in Response to Risk Assessment	100%	100%
Officers included Dispatch Information in Report	79%	82%
Officers described Victim's Demeanor in Report	80%	77%
Officers used Quotation Marks in Report to denote exact quotes	80%	77%
Officers included Alternate Contact Information for Victim	68%	85%
Officers property inventoried Relevant Evidence	64%	100%
Officers noted asking if there were Witnesses to Incident	85%	73%
Officers noted Witness Name & Contact Information in Report	85%	100%
Officers interviewed listed Witnesses regarding Incident	84%	100%
Any Victim Contact with MCAO after initial report	81%	60%
MCAO had Victim Input at Arraignment	74%	82%
MCAO had Victim Input at Pretrial	84%	64%
Victim indicated in Pretrial Input that Police Report was Accurate	90%	83%
Victim's Wishes for Case Resolution reported in MCAO input	Plea 21% Dismiss 54% Up to MCAO 2% Unknown 23%	Plea 13% Dismiss 40% Up to MCAO 7% Unknown 40%
Victim Appeared on Trial Date	100%	67%
Victim Appeared on Trial date, but changed the version of events	75%	100%
Victim Appeared in Court on Trial date, but denies a crime occurs	67%	100%

5th Precinct Misdemeanor Domestic Assault Investigation Pilot Project

Domestic Abuse Incident Response Protocol

1. Check for existence of Order for Protection or Domestic Abuse No Contact Order on every call
2. Ask victim if Defendant has access to any firearms or ammunition or if there are any in the home; Seize if victim has a safety concern
3. Obtain Scales Statement from Defendant
4. Obtain signed Medical Release from Victim if Victim is being treated at the scene or if Victim indicates he or she will seek medical treatment
5. Ask Victim Risk Assessment Questions & Document Victim's Answers
6. Ask Victim to Complete Victim's Supplement
7. Take Photographs of Scene, Defendant, Victim, Damaged Property, Injuries
8. Collect any Physical Evidence
9. Obtain Contact Information from Witnesses including name, address, and phone number
10. Question Witnesses regarding the incident

Additional Keys to a Good Report

Describe information you had on responding to call – copy & paste in 911/MECC remarks

Describe what you saw & heard as you arrived

Describe Emotional State of everyone at the scene (victim, suspect, children, witnesses)

Use quotation marks to document exact quotes

Get specific details about manner of assault & any threats

Get alternate contact numbers & address for victims & witnesses

Domestic Abuse Incident Response Protocol Pocket Card (exterior of bi-fold card)

Domestic Abuse Incident Response Protocol

1. Check for existence of OFP or No Contact Order (NCO)
Verify OFP by checking NCIC or by calling the front desk at the Precinct
Verify NCO by calling Probation Pretrial at 348-7444.
2. Ask victim & document in report whether there are any guns or firearms present in the household or if Defendant has access to guns or firearms. If victim has any safety concern, document in report and seize firearms for safekeeping.
3. Scales Statement obtained from each Defendant
4. Medical Release Obtained from victim if transported to hospital or victim says will obtain medical treatment
5. Photographs taken of:
Any injuries to victim
Defendant
Scene, including any damaged property
6. Victim Risk Assessment Questions asked & answers documented
7. Physical Evidence Collected
8. Contact information obtained from all witnesses (name, address, phone number, alternate contact information)
9. Witness questioned regarding assault

Additional Keys to a Good Report

Describe information you had on responding to call

Describe what you saw & heard as you arrived

Describe Emotional State of everyone at the scene (victim, suspect, children, and witnesses)

Use quotation marks to document exact quotes

Get specific details about manner of assault & any threats

Get alternate contact numbers & address for victims & witnesses

Sample Questions for Victims

- Who assaulted you? What is your relationship to that person?
- What led up to the assault?
- Describe assault. (Ask for specific details.)
- What did the suspect say during the assault?
- Were any threats made?
- Describe any property that was damaged.
- Were you afraid during the assault?
- Did you defend yourself? If so, how?
- Do you plan on going to the doctor? If so, where?
- Have you used any drugs or alcohol tonight?
- Has the Suspect used any drugs or alcohol tonight?

Risk Assessment Questions to ask Victim

- Do you think the defendant will seriously injure or kill you or your children? Why do you think so? What makes you think he/she won't?
- How often does this person intimidate or threaten to assault you?
- Has the defendant ever harmed or threatened to harm any pets?
- Does this person own or have access to any weapons?
- Do you have an Order for Protection or a No Contact Order with or against this person?

Domestic Abuse Incident Response Protocol Pocket Card (interior of bi-fold card)

Miranda Warning

The Constitution requires I inform you that:

- (1) You have the right to remain silent.
- (2) Anything you say can and will be used against you in court.
- (3) You have the right to talk to a lawyer now and have the lawyer present now or at any time during questioning.
- (4) If you cannot afford a lawyer, one will be appointed for you without cost.

Waiver of Rights

1. To prove a waiver is voluntary, ask the suspect:
 - a. Do you understand each of these rights?
 - b. Do you wish to talk to us?
2. Exercising the Right to a Lawyer - If the suspect asks for a lawyer, questioning must cease and cannot start again without a lawyer present unless the suspect initiates further conversation.
3. Tape recording – All custodial questioning, including Miranda and waiver, must be tape recorded, unless the questioning is not at the station or jail and recording is not feasible.

Sample Defendant Questions

- What is your name, address, phone number?
- Have you taken any drugs or had anything to drink tonight? If yes, what kind and how much?
- What is your relationship with the victim?
- We are here because a call was made to 911 alleging a domestic assault. Can you tell me what led up to the incident?
- Was any type of violence used? Tell me what happened?
- Describe any injuries.

For OFP or No Contact Order Violations

- Did you know that there was an Order for Protection against you? How did you know?
- Why did you violate it?

MINNEAPOLIS POLICE DEPARTMENT VICTIM'S DOMESTIC VIOLENCE SUPPLEMENT

1) Name: _____ Date: _____ CCN# _____
Home phone: _____ Mobile: _____ Work: _____
Is there another way to contact you? Yes / No List how we can reach you: _____

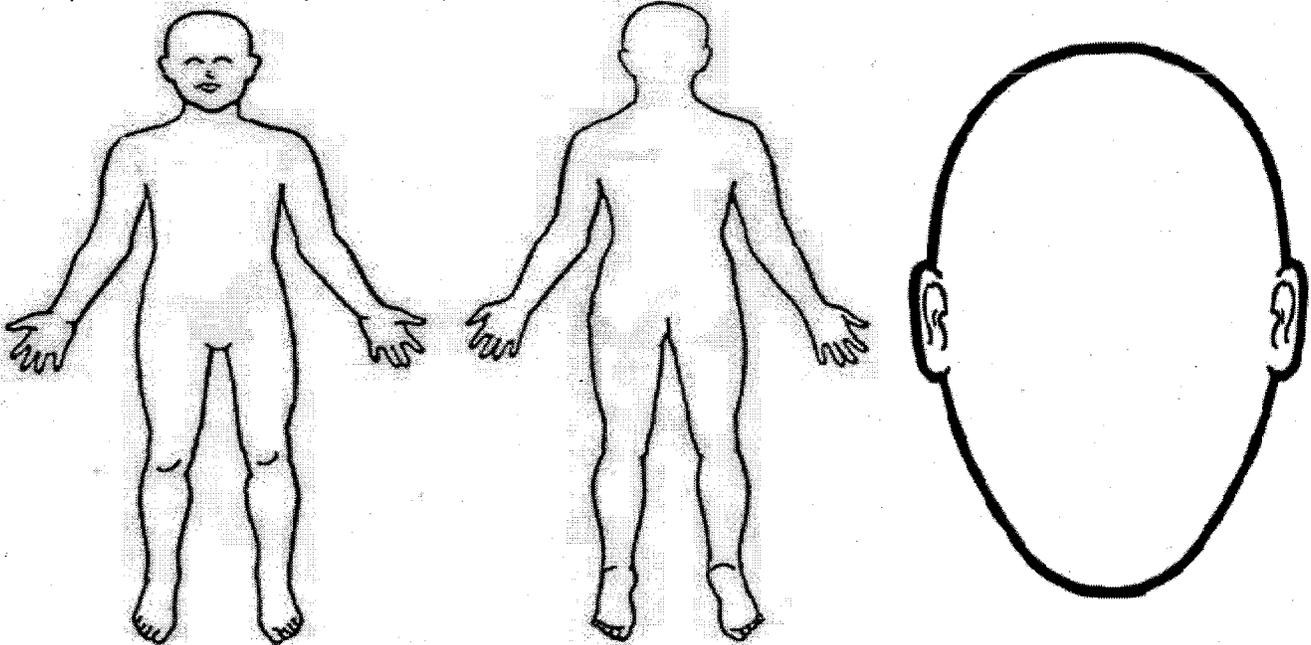
2) Name of the person who assaulted you: _____
Your relationship to this person? (Circle all that apply): Former / Current: Boyfriend Girlfriend Husband Wife
Length of Relationship: _____ Live Together: How Long? _____ Children Together: How Many? _____

3) Anyone else present during or immediately after the assault? Yes / No If yes, please list them and how to reach them:
Name _____ Age _____ Address _____ Phone (Home, Mobile, Work) _____

4) What led up to the assault?

5) How were you assaulted? (Check all that apply)
 Struck Pushed Head Butted Slapped Strangled ("Choked")
 Punched Pinched Bitten Kicked Scratched
 Hair Pulled Grabbed Struck by Object (describe): _____ Other _____

6) Please place an "X" on all spots where you were assaulted in this incident:



7) Were you threatened during the assault? Yes / No? If yes, please describe:

8) Were you afraid during the assault? Yes / No? If yes, please explain:

9) Did you defend yourself in any way? Yes / No? If yes, how?

The above is true to the best of my knowledge. _____
Signature of Victim _____ Date _____

Name/s of Officer/s witnessing above: _____ Badge #: _____