
 <b>Cambridge Police Department</b>	<b>POLICY &amp; PROCEDURES</b>		<b>No. 504</b>
	Subject/Title: <b>High Risk Domestic Violence Cases</b>		
	Issuing Authority: 	Review Date: <b>March 30, 2010</b>	Issue Date: <b>April 30, 2010</b>
	Robert C. Haas Police Commissioner	Effective Date: <b>May 4, 2010</b>	Rescinds:
References/ Attachments:	Accreditation Standards: <b>42.2.3</b>		

## I. PURPOSE:

Although in recent years the criminal justice system, and more specifically the police, has become more proactive in its response to domestic violence cases, the number of domestic violence homicide continues to climb. Restraining orders and preferred arrest policies have not dissuaded attackers from escalating the violence. Often, the victim's choice to seek help from criminal justice system, it causes the offender to significantly step up the degree of desperation and violence. The purpose of this guideline is to serve as a companion policy and set of procedures to the department's policy, ***Policy #500 – Response to Domestic Violence***. It is designed to identify those domestic violence cases that present a particularly high risk of lethality. Further, this guideline will describe the preferred multi-disciplinary approach in addressing high risk domestic violence cases.

## II. POLICY:

In responding to domestic violence cases, the Cambridge Police Department will:

- Investigate all reports of domestic abuse thoroughly and in a professional manner, so as to identify those situations where victims of domestic violence are at a heightened risk of serious injury or death.
- Work closely with other partners within the criminal justice system and domestic violence and social service providers to develop comprehensive strategies to assist domestic violence victims who present a high risk of lethality.
- Take appropriate action against offenders to minimize the risk of future violence.
- Adopt a multi-agency approach in preventing and reducing all forms of domestic abuse and violence.

### III. GENERAL CONSIDERATIONS & GUIDELINES:

Law enforcement plays a critical role in protecting domestic violence victims and improving their safety. Local police officers are often the first to respond to a domestic dispute. When a police officer intervenes in such a dispute, his/her judgment is critical in determining the dangerousness of the situation, as well as the potential for future violence. Moreover, the information cited on the police officer's report is vital to assist prosecuting attorneys and judges in the criminal proceedings against the abuser.<sup>1</sup>

Domestic violence is complex and often poses significant and complex challenges to those who are called upon to respond to such incidents. Even more vexing is the question of how to predict whether a victim is at risk for future violence. Likewise, determining what additional protective measures are appropriate can also be a challenge.

Domestic violence risk assessment is complex. There is no perfect tool, and risk assessments are never fool-proof. No single risk assessment instrument should be used; the most effective risk assessments utilize several measures, and include, when possible, extensive information from perpetrators, victims/survivors, advocates, and any documentation or records available. It is important to recognize that the repeat violence is very common in domestic violence and there is no such thing as a "low risk" case.

The Cambridge Police Department has joined forces with the Arlington Police Department, the Belmont Police Department, the Middlesex County District Attorney's Office, the Cambridge District Court, the Probation Department, the Middlesex County Sheriff's Department, the Guidance Center, and other domestic violence service providers, to identify and intervene in those cases of domestic violence that present a high risk of lethality or life-threatening violence. Police officers responding to the scene of a domestic disturbance play a vital role in identifying cases that require additional intervention to prevent future violence.

High risk assessment attempts to identify the most dangerous batterers by evaluating his or her patterns of violence, coercion, and control. The assessment looks at a number of predictors. The underlying assumption is that the presence of a high number of predictors demonstrates a greater potential for the batterer to ultimately murder the victim.

Some of the predictors of lethality include but are not limited to:

- Suicidal threats or homicidal threats against the victim, the victim's children, or family members.

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<sup>1</sup> *Domestic Violence in Massachusetts: Providing Tools to Protect Victims*, Report of the Joint Committee on Public Safety and Homeland Security, May 2006.

- Fantasies of homicide or suicide in the guise of fantasizing “who, how, when, and/or where to kill.”
- Weapons owned by the perpetrator who has threatened to use them or has used them in the past (use of guns is a strong predictor of homicide).
- Feelings of “ownership” of the victim.
- “Centrality” to the victim (idolizing and extreme dependence).
- Separation from the batterer by the victim (this is an extremely dangerous time when perpetrators often make the decision to kill).
- Dangerous behavior increases in degree with little regard for legal or social consequences.
- Hostage-taking
- Depression
- Repeated calls to the police for domestic disturbances.

Lethality assessments are more of an art than a science and cannot be considered precise indicators of future behavior by any means. They are not a tool for making certain predictions, but rather one for risk assessment and safety planning or intervention.

#### **IV. CAMBRIDGE/ARLINGTON/BELMONT HIGH RISK DOMESTIC VIOLENCE ASSESSMENT TEAM (CAB HART):**

- A. General Overview:** The City of Cambridge and the Towns of Arlington and Belmont have entered into a collaborative arrangement whereby the police departments from these three communities, along with the Board of Health Departments, the Cambridge District Court, the Middlesex County District Attorney’s Office, the Middlesex County Sheriff’s Department, the Probation Department, the Guidance Center, and other service providers have established the Cambridge/Arlington/Belmont High Risk Domestic Violence Assessment Team.<sup>2</sup>
- B. CAB HART Advisory Board:** The chief executive officers of each agency, or their respective designees, will serve as an advisory board to accomplish the following objectives:<sup>3</sup>

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<sup>2</sup> Refer to the Grant Proposal.

<sup>3</sup> Refer to Appendix for Listing of Participating Members.

1. Serve as the governance body for the Cambridge/Arlington/Belmont High Risk Domestic Violence Assessment Team.
2. Develop the policies, procedures, and other guidelines that will serve as the basis of administration of the CAB HART Assessment Team, the Project Coordinator, and the Assessment Team.
3. Serve in a fiduciary advisory role in the administration of any grants or joint funds that have been set aside for the CAB HART Project.

**C. CAB HART Assessment Team:** The Project Coordinator, members of the participating police departments, a designee from the Middlesex District Attorney's Office, and other designated service providers shall serve as participating members of the CAB HART Assessment Team:

1. The CAB HART Assessment Team will meet at least once a month, or as frequently as the need arises.
2. Members of the CAB HART Assessment Team will review and evaluate any domestic violence case that meets the minimum thresholds of a potential high risk domestic situation. The review and evaluation will include the following considerations:
  - a. Assess whether the circumstances of the case, including consideration of prior history and other information that might be developed, meets the criteria to screen a domestic violence case as a high risk domestic violence case.
  - b. Strategize as to what type of precautionary measures should be taken to protect the victim and victim's family from the threat of further harm or injury.
  - c. Identify the types of services and/or other support networks that might be beneficial to the victim and the victim's family.
  - d. Identify possible mechanisms to monitor and/or contain the offender.
  - e. Reassess and continue to monitor those cases that have previously been screened in as a high risk domestic violence case.
  - f. Ensure that protective strategies developed by the CAB HART Assessment Team are communicated to the appropriate authorities.

- g. Through the Project Coordinator, provide regular briefings, updates, and recommendations to the CAB HART Advisory Board.

## V. OPERATIONAL PROCEDURES:

**A. Domestic Violence Investigation Kits:** A Domestic Violence Investigation Kit will be maintained in each of the marked police cruisers. This investigation kit will contain certain forms that are to be used by officers when they are dispatched to domestic incidents. It will be responsibility of the department's Domestic Violence Investigation Unit to see that these investigation kits are adequately supplied with the forms. The Domestic Violence Investigation Kit will contain a supply of the following forms:

1. Domestic Violence Rights form;
2. Domestic Violence Informational form;
3. Domestic Violence Incident Worksheet;
4. Strangulation Worksheet;
5. Consent to Release Medical Records; and
6. Application for Abuse Prevention Order Package.

**B. Use of the Domestic Violence Investigation Kit:**<sup>4</sup> As part of the investigative process, whenever an officer responds to a domestic dispute or a domestic abuse/violence incident, the investigating officer is expected to use the Domestic Violence Investigation Kit in the following manner:

1. *Domestic Violence Incident Worksheet:* Whenever an officer responds to a report of a domestic disturbance or domestic abuse incident, the investigating officer will ask the victim of the incident the questions contained within Section 1 of the Domestic Violence Incident Worksheet. If the victim answers "yes" to any of the questions contained within Section 1, the officer will then proceed to ask the questions contained within Section 2 of the form.
  - a. If the victim refuses to answer any of the questions, the investigating officer will document that the victim refused to answer the questions.
  - b. If the officer is unable to ask any of the questions (because the victim is receiving medical treatment, for example), the investigating officer will check off the corresponding box (es) on the form and explain why he/she was unable to do so on the worksheet and/or the incident report

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<sup>4</sup> CALEA Std. 42.2.3 – *The agency provides checklists to aid in criminal investigations.*

- c. Preparation of this worksheet will not be required, if the dispute is between a minor child and a parent/guardian.
  - d. The officer should always reflect in the narrative of the police report that the Domestic Violence Incident Worksheet was completed, in the event that the worksheet becomes separated from the report.
2. *Domestic Violence Rights Form:* Whenever an officer responds to a domestic abuse or domestic violence report, the officer will provide the victim with a copy of the Domestic Violence Rights form, explain the rights contained within the form to the victim, and answer any questions that the victim may have. The officer should reflect in his/her incident report that the Domestic Violence Rights form was given to the victim.
  3. *Domestic Violence Informational Form:* Whenever an officer responds to a domestic dispute or domestic violence incident, the officer should provide the victim with the Domestic Violence Informational form.
  4. *Strangulation Worksheet:* If during the course of an investigation, an officer learns or observes that the victim may have been recently strangled, the officer will complete the Strangulation Worksheet.
  5. *Consent to Release Medical Records:* If the victim is injured as a result of a domestic violence incident and seeks medical attention for his or her injuries, the officer should attempt to get the victim to sign the Consent to Release Medical Records form. This form is particularly important to assist in the prompt recovery of documentary evidence needed for future court proceedings.
  6. *Application for Abuse Order Package:* If the victim elects to pursue an emergency restraining order, the investigating officer will use the Application for Abuse Order Package.
  7. *Submission of Report Forms:* All of the completed report forms and/or worksheets are submitted in the report tray that has been provided.
    - a. In cases where an arrest has been made, copies of the report forms should also be submitted with the arrest packet for use by the bail commissioner and at arraignment.
- B. Responsibilities of Investigating Officers:** Whenever an officer responds to a report of a domestic dispute or domestic violence incident, the investigating officer will fully investigate such reports and attempt to ascertain whether the victim and the victim's family is in any danger of further abuse or violence. In

addition to these investigative efforts, officers will ensure that the victim receives appropriate medical attention if necessary; advise the victim of his/her legal rights as a victim of domestic abuse; and provide safety planning if the officer concludes that the victim is at risk of further harm or danger (also refer to department *Policy #500 – Police Response to Domestic Violence*). If an officer forms the opinion that the victim might be at risk of further harm or danger, the officer should take the following steps:

1. If the sector sergeant is not already on the scene, the officer should make the sector sergeant aware of his/her concerns for the safety of the victim.
2. The officer should remain with the victim until properly relieved or directed by the sector sergeant to take some other action.
3. The officer should be sure to incorporate into the Incident Report the basis for concerns over the victim's safety and wellbeing.

**C. Responsibilities of the Sector Sergeant:** The sector sergeant should take the following steps whenever an officer under his or her supervision responds a domestic dispute or domestic abuse/violence incident:

1. The sector sergeant will respond to all reports involving a domestic violence or a domestic abuse situation. At the very least, the sector sergeant should be fully briefed on the officer's investigative findings.
2. The sector sergeant will take appropriate precautionary measures whenever there is a concern for the victim's safety due to the risk of further danger or violence.
3. The sector sergeant will ensure that the investigating officer has completed the appropriate forms and/or worksheets, and have been identified within the officer's Incident Report.

**D. Responsibilities of the Domestic Violence Unit:** Upon receipt of all domestic violence reports and associated forms, the Domestic Violence Unit will fully assess each case to determine whether there exists a potential risk of lethal violence against the victim. Cases that have been deemed to represent a high risk of lethality will be flagged for referral to the CAB HART Assessment Team. The supervisor of the unit will determine the urgency for such referrals and direct an investigator to take any other follow up action that is deemed to be appropriate, including referrals to domestic violence service agencies, shelters, and medical and/or mental health assistance.