

PROCEDURE MANUAL

07-06



MICHIGAN STATE POLICE

Investigating Domestic Violence

Purpose: This manual provides procedures for responding to and investigating domestic violence incidents.

Effective Date: April 19, 2022

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Definitions:

None:

Section 1: Domestic Violence Policy

1.1 Investigation Procedure and Arrest Policy for Domestic Violence

- a. Domestic violence is criminal conduct. The crime of domestic violence may occur between spouses or former spouses; individuals who have had a child in common; individuals who reside together or formerly resided together; or individuals who have had a “dating relationship” as defined in [MCL 750.81](#). Intervening into this type of criminal behavior requires certain tactical responses and prescribed services to its victims. Intervening can be potentially dangerous to responding enforcement members. The intent of this section is to reduce the risk to enforcement members and ensure compliance with statutory requirements related to domestic violence situations.
 - i. Domestic abuse perpetrated by a juvenile shall be investigated and handled in the same manner as any other domestic violence complaint. If a juvenile is taken into custody, enforcement members shall follow local procedures as authorized by law. See Official Order 07-21 for additional procedures regarding juvenile offenders.
- b. Enforcement Authority
 - i. Enlisted Members – [MCL 764.15](#) grants an enlisted member the authority to make an arrest without a warrant when they have reasonable cause to believe a misdemeanor punishable by imprisonment for more than 92 days or a felony has been committed, and reasonable cause to believe the person committed it.
 - ii. [MCL 764.15a](#) grants an enlisted member the authority to arrest an individual for violating [MCL 750.81](#) (domestic violence) or [MCL 750.81a](#) (aggravated domestic violence) if the enlisted member has or receives positive information that another peace officer has reasonable cause to believe that a crime of domestic violence occurred or is occurring. This arrest authority exists regardless of whether the enlisted member has a warrant and regardless of whether the violation was committed in their presence.
 1. An enlisted member must comply with the requirements of [MCL 764.15c](#) and this domestic violence policy when they are acting within the scope of their authority in a domestic violence matter.
 - iii. Motor Carrier Officers – As described in Official Order 02-43, [MCL 28.6d](#) grants a motor carrier officer the authority to make an arrest without a warrant when they have a

reasonable cause to believe a felony has been committed, and reasonable cause to believe the person committed it.

- iv. [MCL 28.6d](#) further grants a motor carrier officer the authority to arrest an individual without a warrant for a violation of [MCL 750.81](#) (domestic violence) or [MCL 750.81a](#) (aggravated domestic violence) that is committed against another person in the presence of the motor carrier officer.
 - 1. A motor carrier officer must comply with the requirements of [MCL 764.15c](#) and this domestic violence policy when they are acting within the scope of their authority in a domestic violence matter.
- v. Security Officers – [MCL 28.6c](#) grants the Director the authority to prescribe limited arrest powers for security officers on state owned or leased property. As described in Official Order 02-44, a security officer has the authority to make an arrest without a warrant when they have reasonable cause to believe a felony has been committed and reasonable cause to believe the person committed it.
 - 1. Official Order 02-44 further grants a security officer the authority to arrest an individual for a violation of [MCL 750.81](#) (domestic violence) or [MCL 750.81a](#) (aggravated domestic violence) that is committed against another person in the presence of the security officer.
 - a) A security officer must comply with the requirements of [MCL 764.15c](#) and this domestic violence policy when they are acting within the scope of their authority in a domestic violence matter.
- c. Intervention by enforcement members in domestic violence incidents shall be done to protect victims, arrest suspects, and to preserve the peace. Because an arrest provides immediate safety to the victim and takes control away from the suspect, the department maintains a policy of preferred arrest whenever the enforcement member has reasonable cause to believe that the crime of domestic violence has occurred or is occurring.
- d. In many domestic violence incidents, a crime may have occurred prior to the arrival of the responding enforcement members. Responding enforcement members shall determine what crimes they have reasonable cause to believe were committed and who committed them.
- e. When an enforcement member has reasonable cause to believe spouses, former spouses, individuals who have had a child in common, individuals who have or have had a dating relationship, or other individuals who reside together or formerly resided together are committing or have committed crimes against each other, the enforcement member should consider the following when determining whether to make an arrest of one or both individuals pursuant to [MCL 776.22](#).
 - 1. The intent of the law to protect victims of domestic violence.
 - 2. The degree of injury inflicted on the individuals involved.
 - 3. The extent to which the individuals have been put in fear of physical injury to themselves or other members of the household.

4. Any history of domestic violence between the individuals, it that history can be reasonably ascertained by the enforcement member; and
 5. Dual arrests should be avoided. Where mutual allegations of battering exist, a thorough investigation should assist enforcement members in determining who the dominant aggressor is. Since the intent of the law is to protect victims of domestic violence, every attempt should be made to identify the victim.
- f. A decision to arrest an individual should not be based solely upon the consent of the victim to any subsequent prosecution or on the relationship of the individuals involved in the incident.
 - g. An enforcement member shall not arrest an individual if they have reasonable cause to believe that the individual was acting in lawful self-defense, or in lawful defense of another individual.
 - h. A decision not to arrest an individual should not be based solely upon the absence of visible injuries or impairment.
 - i. If there is no reasonable cause for an arrest, enforcement members shall make every attempt to stabilize the situation, suggest a temporary separation of parties, and aid with transportation when appropriate. See Official Order 10-01 for additional information on transporting non-department persons.
 - j. Regardless of whether an arrest is made, enforcement members shall complete the Rights and Resources For Victims of Crimes Form (UD-030), and give it to the victim.
 - k. If the suspect has left the scene prior to the enforcement member's arrival, the enforcement member shall make reasonable attempts to locate and make a warrantless arrest of the suspect if authorized as outlined pursuant to [MCL 764.15](#), provided such arrest is within the enforcement member's authority as described in Section 1.1.b. In addition, the enforcement member shall comply with the reporting requirements of Section 1.1.p, pursuant to [MCL 764.15c](#).
 - i. Enforcement members are reminded that under the Fourth Amendment, they do not have the authority to enter a residence or other constitutionally protected area to make a warrantless arrest unless they have a valid search warrant or a judicially recognized exception to the general search warrant requirement exists (e.g., lawful consent).
 - l. If the suspect has left the scene prior to the enforcement member's arrival, and the enforcement member is unable to locate and make a warrantless arrest of the suspect after reasonable attempts, the enforcement member shall comply with the reporting requirements of [MCL 764.15c](#), and seek a warrant for the suspect's arrest.
 - m. If the suspect has left the scene prior to the enforcement member's arrival, and a warrantless arrest is not authorized pursuant to [MCL 764.15a](#), then the enforcement member shall comply with the requirements of [MCL 764.15c](#), and seek a warrant for the suspect's arrest.
 - n. Domestic Violence Reports
 - i. If a "domestic violence incident" is reported, enforcement members shall complete an electronic incident report, as well as the Standard Domestic Relationship Incident Report (DV-001), meeting the requirements of [MCL 764.15c](#).

- ii. [MCL 764.15c](#) defines a “domestic violence incident” as an incident reported to a law enforcement agency involving allegations of one or both of the following:
 - 1. A violation of a personal protection order (PPO) issued under [MCL 600.2950](#), or a violation of a valid foreign protection order as defined in [MCL 600.2950h and 600.2950i](#).
 - 2. A crime committed by an individual against their spouse or former spouse, an individual with whom they have a child in common, an individual with whom they have had a dating relationship, or an individual who resides or has resided in the same household.
- iii. A copy of the electronic incident report and Standard Domestic Relationship Incident Report (DV-001) shall be filed with the prosecuting attorney within 48 hours after the domestic violence incident is reported, which shall include at least the following information:
 - 1. The address, date, and time of the domestic violence incident being investigated.
 - 2. The victim’s name, address, home and work telephone numbers, race, sex, and date of birth.
 - 3. The suspect’s name, address, home, and work telephone numbers, race, sex, date of birth, and information describing the suspect and whether an injunction or restraining order covering the suspect exists.
 - 4. The name, address, home, and work telephone numbers, race, sex, and date of birth of any witnesses, including a child of the victim or suspect, and the relationship of the witness to the suspect or victim.
 - 5. The following information about domestic violence incident being investigated:
 - a) The name of the person that called the law enforcement agency.
 - b) The relationship of the victim and the suspect.
 - c) Whether alcohol or controlled substance use was involved in the incident, and by whom it was used.
 - d) A narrative describing the incident and the circumstances that led to it.
 - e) Whether and how many time the suspect physically assaulted the victim, and a description of any weapon or object used.
 - f) A description of all injuries sustained by the victim and an explanation of how the injuries were sustained.
 - g) If the victim sought medical attention, information concerning where and how the victim was transported, whether the victim was admitted to a hospital or clinic for treatment, and the name and telephone number of the attending physician.

- h) A description of any property damage reported by the victim or evident at the scene.
 - i) A description of any previous domestic violence incidents between the victim and the suspect.
 - j) The date and time of the report and the name, badge number, and signature of the enforcement member completing the report.
 - 6. In addition to the above information, the enforcement member shall document the reasonable cause for an arrest and the current disposition of the suspect in the incident report. If no arrest was made, the enforcement member shall document the reasons for not making an arrest in the incident report (e.g., suspect had left the scene).
 - 7. If a dual arrest is made, the body of the report shall contain the reasonable cause for each arrest.
- iv. When an arrest is made for domestic violence, the arresting enforcement member shall act as the complainant and shall swear to the complaint and warrant as necessary since the presence of the suspect may intimidate the victim, children, and any other witness who may be present.
- v. If a dual arrest is made, the incident shall be reviewed by the shift supervisor to ensure the intent of the law is followed.
- o. Release of Domestic Violence Incident Report
 - i. Victims of domestic violence may obtain a copy of the electronic incident report and Standard Domestic Relationship Incident Report (DV-001), for his or her case by contacting the law enforcement agency that took the original report.
 - ii. Release of the electronic incident report and Standard Domestic Relationship Incident Report (DV-001), at the local work unit is prohibited.
 - iii. The victim's request shall be forwarded by the post to the Records Resource Section (RRS) for processing according to Official Order 14-02.
- p. Other Related Issues and Mandatory Reporting Requirements
 - i. If an enforcement member has reasonable cause to suspect "child abuse" or "child neglect" as those terms are defined in [MCL 722.622](#), the enforcement member shall immediately make an oral report of the incident, or cause an oral report of the incident to be made to the Department of Health and Human Services (DHHS) as required by [MCL 722.623](#). Within 72 hours after making the oral report, the enforcement member shall file a written report with DHHS. See procedure manual Investigating Child Abuse and Missing Juveniles for additional information on procedures regarding abuse or neglected children.
 - ii. If an enforcement member suspects or has reasonable cause to believe that an adult has been subjected to "abuse," "neglect," or "exploitation" as those terms are defined in [MCL 400.11](#), the enforcement member shall immediately make an oral report of the

incident to the DHHS as required by [MCL 400.11a](#). After making the oral report, the enforcement member may file a written report with the DHHS.

q. Personal Protection Orders

- i. The procedures for verifying a PPO, making an arrest for a violation of a PPO and for enforcing a valid Foreign PPO are set forth in Official Order 16-03.

r. Interim Bond

- i. Pursuant to [MCL 780.582a](#), the person arrested shall be denied release on interim bond and shall be held until brought before a judge or district court magistrate for arraignment.

s. Victim Assistance

- i. Enforcement members shall provide or make arrangements for emergency assistance for victims of domestic violence including, but not limited to:
 - 1. Medical care
 - 2. Transportation to a shelter
 - 3. Remaining at the scene of an alleged incident of domestic violence for a reasonable time until, in the reasonable judgment of the enforcement member, the likelihood of further imminent violence has been eliminated.
 - 4. Reasonable transportation of the victim and children who indicate a desire to leave the scene. Reasonable arrangements for transportation may include:
 - a) Contacting other family or friends to pick up the individuals requiring transportation.
 - b) Contacting a taxicab service.
 - c) As a last resort, enforcement members shall provide transportation to assist individuals in leaving the scene when appropriate. Refer to Official Order 10-01 for policy regarding transporting non-department persons.
- ii. In all cases, the enforcement member shall advise the victim of the availability of local domestic violence shelter programs or other resources in the community as described in [MCL 764.15c](#). The Rights and Resources for Victims of Crimes Form (UD-030) shall be given to the victim in accordance with Official Order 16-01.
- iii. Enforcement members shall fully provide the victim with an explanation of the legal procedures required for criminal prosecution.

t. Training

- i. The Training Division shall provide job-related training to members, coordinate training programs, and assist in maintaining records of job-related training pursuant to Official Order 15-01.

u. Discipline for Non-Compliance with the Policy

- i. The disciplinary procedures for non-compliance with this policy may be found in the disciplinary procedures set forth in Official Order 02-01.
- v. Annual Evaluation of the Policy
 - i. This policy shall be subject to an annual review.
- w. Post Commander Responsibilities
 - i. Where department personnel are dispatched through a centralized dispatch operation, the post commander, or their designee, shall make every effort to incorporate the provisions of this policy into the operating procedures of the dispatching entity.

Review Responsibility: Field Operations Bureau and Executive Operations

Accreditation Standards: N/A