

Domestic Violence Checklist
(Primary Investigation Guidelines)

1. Upon Arrival at scene

- Determine location and condition of victim
- Determine if suspect is still at scene
- Check well being, physical condition of all parties
- Determine what, if any, criminal offense has occurred
- Determine if any weapon was involved
- Summon First Aid if injuries require

2. Preliminary Investigation

- Interview victim & suspect separately
- Ask victim if there is history of abuse
- If children at scene, interview them separately
- Distinguish primary aggressor from victim, if both injured
- Note & document emotional & physical condition of parties involved
- Note demeanor of suspect
- Note torn clothing by both parties
- If victim is a woman, note smeared makeup
- Note signs of injury on victim
- Note any excited utterances by any parties present
- Note any evidence of substance/chemical abuse
- Advise victim of domestic violence rights
- Assist victim in completing victim notification form
- Advise victim of available resources
- Assist victim in obtaining temporary domestic violence restraining order

3. Court Orders

- Determine if victim has restraining order
- Was restraining order served on suspect
- Determine if suspect in violation of court order

4. Arrest

- If criteria for mandatory arrest present, arrest suspect
- If probable cause not present for arrest by

officer, advise victim of right to sign criminal complaint

- Record spontaneous statement of suspect
- Prevent communication between suspect & victim/witness
- Record alibi statement of suspect
- Advise suspect of rights
- Record all statement

5. Evidence

- Record condition of crime scene
- Photograph damaged property
- Photograph crime scene
- Identify weapons//firearms
- Photograph and diagram injuries of
 - victim
 - suspect
- Obtain statements of
 - victim
 - children
 - witnesses

6. Medical Treatment

- Transport victim to hospital, if necessary
- Obtain copy of EMT report
- Obtain medical release from victim, if appropriate

7. Completing Incident Report

- 3 Maintain objectivity in reporting
- 3 Avoid personal opinions
- 3 Report details, not conclusions
 - Ensure that elements of all involved criminal offenses are included in report
 - Describe in detail nature of criminal offense involved
 - Document any injuries that victim suffered
 - Document any injuries that suspect suffered
 - Document past history of violence
 - Record spontaneous statements as stated by parties - do not paraphrase
 - Record reasons why weapons were seized for safekeeping

This card, prepared by the Division of Criminal Justice, provides guidelines for officers responding to domestic violence incidents. This DV checklist is intended to assist officers by highlighting common investigative procedures.

Statutory Definitions

Victim of Domestic Violence - *N.J.S.A. 2C:25-19*

- 3 Any person who is
 - 18 years of age or older, or
 - emancipated minor, andwho has been subjected to domestic violence by
 - spouse
 - former spouse
 - any other person who is a present or former household member, or
- 3 any one who, regardless of age, has been subjected to domestic violence by
 - a person with whom the victim has a child in common, or
 - a person with whom the victim anticipates having a child in common, because the victim or abuser is pregnant, or
- 3 any one who, regardless of age, has been subjected to domestic violence by a person with whom the victim has had a dating relationship.

Mandatory Arrests - *N.J.S.A. 2C:25-21a*

- Victim shows signs of injury caused by an act of domestic violence
- A warrant is in effect
- Defendant has violated no contact order
- Defendant used or threatened to use a weapon

Determining Primary Aggressor

When both parties are injured, officer should determine which party was the domestic violence assailant. Officer should consider

- Comparative extent of injuries suffered
- History of domestic violence between parties
- The nature or type of wounds sustained
- Other relevant factors

- 3 Officer must keep in mind that a person has a right to defend self if attacked by another person

Enforcing Out-of-State Restraining Orders

Federal law requires out-of-state restraining orders be recognized and enforced as if they were issued by a court where the violation occurred.

Responding Officer's Procedures

1. Emergency Situations

- a. If named defendant committed a criminal offense under New Jersey law against victim and violated the court order, officer should
 - Arrest defendant and
 - Sign criminal complaint against defendant for criminal offense committed and for contempt of court order, *N.J.S.A. 2C:29-9a*
- b. If named defendant committed no criminal offense but violated out-of-state order, officer should
 - determine if court order is facially valid. Order considered facially valid if
 - order contains names of correct parties, and
 - order has not expired
 - victim stated that named defendant appeared in court or had notice to appear in court when order issued
 - arrest defendant for violation of court order, *N.J.S.A. 2C:29-9a*
- c. If victim does not have copy of out-of-state court order and officer cannot determine existence of order or if court order contains apparent defect which would cause reasonable officer to question its authenticity, officer should
 - arrest actor if criteria of New Jersey Domestic Violence Act had been met and if a criminal offense had been committed, and/or
 - explain to victim procedure to obtain domestic violence restraining order in New Jersey.

2. Non-Emergency Situations

Where no immediate need for police action, officer should refer victim to appropriate court so victim may seek relief in accordance with out-of-state court order.

3. Violations of Federal Law

Officer should determine if defendant violated federal law in committing act of domestic violence.

Interstate Domestic Violence

- Did defendant cross state line or enter or leave Indian country to commit domestic violence with intent to injure, harass, or intimidate that person's spouse or intimate partner, and who, in course of or as a result of such travel, intentionally committed a crime of violence and caused bodily injury to such spouse or intimate partner
- Did defendant cause spouse or intimate partner to cross state lines or enter or leave Indian country to commit any of above offenses?

Interstate Violation of Court Order

- Did defendant cross state line or enter or leave Indian country with intent to violate domestic violence restraining order
- Did defendant cause another to cross state line or to enter or leave Indian country by force, coercion, duress or fraud and in course or as result of such conduct, intentionally commit act that injures person's spouse or intimate partner in violation of court order

Note: If officer concludes that federal law was violated, officer must contact designated assistant county prosecutor in accordance with departmental procedure

[Revised 5/03]

Domestic Violence

Check List for Law Enforcement Officers

Prepared by the New Jersey
Division of Criminal Justice

