

IDAHO STATE POLICE PROCEDURE

07.04 LAW ENFORCEMENT RESPONSE TO DOMESTIC VIOLENCE

I. DEFINITIONS

- A. "Domestic violence" as defined in [Idaho Code § 39-6303](#) means the physical injury, sexual abuse or forced imprisonment or threat thereof of a family or household member, or of a minor child by a person with whom the minor child has had or is having a dating relationship, or of an adult by a person with whom the adult has had or is having a dating relationship.
- B. "Dating relationship," as defined in [Idaho Code § 39-6303](#), is defined as a social relationship of a romantic nature.
- C. "Household member" as defined in Idaho Code 18-918(a) is defined as a person who is a spouse, former spouse, or a person who has a child in common, regardless of whether they have been married, or a person with whom a person is cohabitating, whether or not they have married or have held themselves out to be husband or wife.
- D. "Strangulation," as defined in [Idaho Code § 18-923](#), means willfully and unlawfully choking or attempting to strangle a household member, or a person with whom he or she has or had a dating relationship.

II. GENERAL

- A. Idaho State Police (ISP) Troopers must wait for backup during a response to domestic violence incidents unless a person's safety or a felony in progress requires immediate intervention.

III. RESPONSE TO AN INCIDENT

- A. ISP Troopers must respond to investigate possible domestic violence incidents regardless of subsequent calls canceling a request for response.
- B. If the suspect is no longer present when the Trooper arrives, the Trooper must secure the scene, ensure the victim's safety, wait for backup, and make every reasonable effort to search the surrounding area and locate the suspect.

IV. PRIMARY INVESTIGATION

- A. Troopers' approach in handling domestic violence incidents must reflect the seriousness of the offense and its consequences for both the suspect and the victim. Victim and Trooper safety must be considered at all times. Troopers must investigate thoroughly, which includes but is not limited to the following:
 - 1. identify all persons involved in the incident;
 - 2. locate and secure any weapons in the vicinity;
 - 3. administer first aid and/or notify emergency medical services, if needed;

IDAHO STATE POLICE PROCEDURE

4. inquire about the nature of the incident;
5. assess and document offensive and defensive wounds on all people involved, including possible internal injuries, and/or unobservable injuries, such as sore throat from strangulation, or bumps on the head;
6. interview witness(es), victim(s), and suspect(s) separately, ensuring that any children present do not see or hear the interview;
7. photograph or video record the incident scene and the victim's injuries;
8. note a description of physical surroundings and damaged property associated with the crime for later inclusion in applicable reports;
9. assess and document whether drugs and/or alcohol are factors in the incident;
10. obtain full written and recorded statements from all parties and witnesses, documenting all statements, including spontaneous statements; and
11. complete a detailed report of the incident.

V. SECONDARY INVESTIGATION

- A. In most cases, ISP Troopers respond as backup or as secondary to local law enforcement officers. The Trooper acts as the secondary officer and:
1. must assure that officer safety is observed during the call; and
 2. must assist the primary officer in all aspects of the investigation.

VI. ARREST OF DOMESTIC VIOLENCE SUSPECTS

- A. ISP maintains a pro-arrest posture.

1. Probable cause must be established for a charge of:
 - a. Domestic Assault or Battery;
 - b. Assault or Battery;
 - c. Stalking;
 - d. Violation of a No-Contact order, Protection order, or Foreign Protection order;or
e. Any other applicable crime.
2. If probable cause exists to believe a suspect has committed a crime, and there is evidence to support this belief, the suspect is arrested. Pursuant to State v. Clarke, misdemeanor domestic-related crimes that occur outside the presence of the Trooper require the issuance of an arrest warrant, upon completion of a probable cause affidavit, in coordination with the appropriate prosecuting attorney's office and magistrate judge.
3. Troopers must not base a decision to arrest or issue a summons on the victim's desire or reluctance to "prosecute" or "press charges" against the suspect.
4. When an arrest occurs, the suspect is advised that the Trooper is making the arrest decision, not the victim.
5. When both parties have been violent toward one another, it must be the last resort to arrest both parties. The Trooper must determine who is the predominant aggressor, considering:
 - a. the intent of the law to protect victims of domestic violence;

IDAHO STATE POLICE PROCEDURE

- b. the relative degree of injury or fear inflicted on each individual; and
 - c. any other reasonable facts.
6. If the primary responding officer does not make an arrest when probable cause exists, the ISP Trooper must:
- a. explain to the primary officer that ISP Troopers are required to make an arrest.
 - b. explain to the primary officer that the ISP Trooper is assuming the primary officer's role and responsibilities.
 - c. make the arrest, and
 - d. as soon as practical, notify the appropriate supervisor, who then must inform the chain of command.

VII. ASSISTANCE SERVICES

- A. Troopers must advise the victim of the assistance services available and provide the victim with the "[Domestic Violence is a Crime](#)" pamphlet in accordance with [I.C. § 39-6316](#).