

MAINE CHIEFS OF POLICE ASSOCIATION

MODEL POLICY

Subject Domestic Violence	Effective Date 02-01-2017	Number 1-3
Distribution All Personnel	Amends/Supersedes 1-3 dated 10/10/12	

I. Purpose

The purpose of this policy is to provide a consistent process for dealing with domestic abuse and to prescribe a preliminary course of action that officers should take in response to domestic abuse incidents.

II. Policy

This agency maintains that the nature and seriousness of crimes committed between family or household members are not mitigated solely because of the relationships or living arrangements of those involved. It is the policy of this agency that domestic abuse be treated with the same consideration as violence in any other enforcement context.

It is also the policy of this agency that officers take steps to properly investigate, identify predominant aggressors, and combine the use of appropriate community services with enforcement of the law in an effort to: (1) break the cycle of domestic violence by preventing future incidents or reducing the frequency and/or seriousness of such incidents, (2) protect victims of domestic violence and provide them with support, and (3) promote officer safety when dealing with domestic violence situations.

This agency also recognizes that no one is immune from incidents of domestic violence, including law enforcement. As part of this policy, this agency will take a proactive approach when dealing with any domestic abuse committed by agency employees.

Given this is a statutorily mandated policy; officers must abide by this agency's policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.

Comment [JDM1]: Standard 1

Comment [JDM2]: Standard 26

Comment [JDM3]: Standard 3

III. Definitions

Adult: Means any person 18 years of age or older or a person under 18 years of age who is emancipated pursuant to Title 15, section 3506-A.

Abuse: Means the occurrence of the following acts between family or household members or dating partners or by a family or household member or dating partner upon a minor child of a family or household member:

1. Attempting to cause or causing bodily injury or offensive physical contact, including sexual assaults under Title 17-A, chapter 11, except that contact as described in Title 17-A, section 106, subsection 1, (physical force by persons with special responsibilities) is excluded from this definition.
2. Attempting to place or placing another in fear of bodily injury through any course of conduct including, but not limited to, threatening, harassing or tormenting behavior.
3. Compelling a person by force, threat of force or intimidation to engage in conduct from which the person has a right or privilege to abstain or to abstain from conduct in which the person has a right to engage.
4. Knowingly restricting substantially the movements of another person without that person's consent or other lawful authority by:
 - a. Removing that person from that person's residence, place of business or school;
 - b. Moving that person a substantial distance from the vicinity where that person was found; or
 - c. Confining that person for a substantial period either in the place where the restriction commences or in a place to which that person has been moved.

5. Communicating to a person a threat to commit, or to cause to be committed, a crime of violence dangerous to human life against the person to whom the communication is made or another, and the natural and probable consequence of the threat, whether or not that consequence in fact occurs, is to place the person to whom the threat is communicated, or the person against whom the threat is made, in reasonable fear that the crime will be committed; or
6. Repeatedly and without reasonable cause:
 - a. Following the plaintiff; or
 - b. Being at or in the vicinity of the plaintiff's home, school, business or place of employment.

Confidential Communications: Means all information, whether written or oral, transmitted between a victim and a domestic violence advocate in the course of the working relationship. Confidential communications includes, but is not limited to, information received or given by the advocate in the course of the working relationship, advice, records, reports, notes, memoranda, working papers, electronic communications, case files, history and statistical data, including name, date of birth and social security number, that personally identify the victim.

Dating Partners: Means individuals currently or formerly involved in dating each other, whether or not the individuals are or were sexual partners.

Domestic Partners: Means two unmarried adults who are domiciled together under long term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.

Domestic Violence Crimes: Means crimes that include domestic violence assault; domestic violence criminal threatening; domestic violence terrorizing; domestic violence stalking and; domestic violence reckless conduct.

Domestic Abuse Advocate: Means an employee of or volunteer for a nongovernmental program for victims of domestic or family violence who:

1. Has undergone at least 30 hours of training; and
2. As a primary function with the program gives advice to, counsels or assists victims, supervises employees or volunteers who perform that function or administers the program.
3. Domestic Abuse Advocates also includes Tribal Domestic Abuse Advocates.

Family or Household Members: Means spouses or domestic partners or former spouses or former domestic partners, individuals presently or formerly living together as spouses, natural parents of the same child, adult household members related by consanguinity or affinity (blood or marriage) or minor children of a household member when the offender is an adult household member. Holding oneself out to be a spouse shall not be necessary to constitute "living as spouses." For purposes of this subsection, "domestic partners" has the same meaning as in Title 18_A, § 1-201, subsection (10-A).

Law Enforcement Agency Employee: Means all sworn and non-sworn members of this agency.

Predominant Aggressor: Means the person most responsible for the abuse, uses the higher level of abuse, has an established history of abuse in the relationship, and who represents the more serious present threat of abuse, when both parties have committed some sort of abuse towards each other.

Risk Assessment: Means a procedure whereby we measure some characteristics of a person or situation and then use that information to predict the likelihood of some negative event, i.e. re-abuse for example, as measured by re-arrest.

Self-defense: Means a person is justified in using a reasonable degree of physical force upon another person in order to defend himself or a third party from what he reasonably believes to be the imminent use of unlawful force.

Strangulation: Means the intentional impeding of the breathing or circulation of the blood of another person by applying pressure on a person's throat or neck.

IV. Procedures

A. General

Comment [JDM4]: Standard 2

Law enforcement officers are responsible for being familiar with the applicable statutes of Chapter 12-A of Title 15 M.R.S., Chapter 101 of Title 19-A M.R.S., and § 15 of M.R.S 17-A and the applicable chapters of the Maine Law Enforcement Officer's Manual (L.E.O.M.).

B. Emergency Communication Specialist (ECS) Responsibilities

Comment [JDM5]: Standard 4

The ECS who receives a domestic violence call can provide the responding officers with vital information that could save the victim's and/or officer's life. The ECS shall give a domestic violence call the same priority as any other life threatening call and shall, whenever possible, dispatch at least two officers to every incident.

1. In addition to information normally gathered, an effort should be made to determine and relay the following information to responding officers, but not limited to:
 - a. Whether the suspect is present and, if not, the suspect's description and possible whereabouts.
 - b. Whether weapons are involved.
 - c. Whether the offender is under the influence of drugs or alcohol.
 - d. Whether there are children present.
 - e. Whether a current protective, restraining order or bail conditions are in effect.
 - f. Complaint history at that location.
 - g. Whether medical attention is needed.
 - h. Any "excited utterances" made by the caller.
 - i. Any agency or court record or risk assessment pertinent to either party.
2. The ECS should attempt to keep the caller on the telephone as long as possible and should tell the caller that help is on the way and when the caller can expect officers to arrive, and should relay ongoing information provided by the caller to the responding officers.
3. The ECS shall NOT cancel the law enforcement response to a domestic abuse complaint based solely on a follow-up call from the residence requesting such cancellation. However, the ECS shall advise the responding officers of the request.
4. If the caller is a witness to a domestic incident in progress, the ECS should keep the caller on the telephone and should relay ongoing information provided by the caller to the responding officers.
5. The ECS shall ensure that officers at the scene of an alleged incident of violence or violation of an order of protection are informed of a recorded prior incident of abuse involving the abused party and can verify the effective dates and terms of a recorded order of protection.

C. Initial Officer Response

Comment [JDM6]: Standard 5

1. The officer should avoid the use of sirens and emergency lights in the vicinity of the scene of the incident. Sirens and lights should be employed only when speed is essential. Officers should be alert to and note persons encountered while approaching the scene. If possible, an officer should question any potential witnesses to the incident.
2. The officer should not park the police vehicle directly in front of the residence of the disturbance. The officer should be alert for assailants leaving the scene and for the employment of weapons from doors, windows, or nearby vehicles.
3. Consider the surroundings before knocking on the door; listen and look in any nearby window to obtain additional information about the situation (layout of house, number of people involved, weapons).
4. Officers must be concerned for their own safety as well as the victim's. Minimize the possibility of injury, stand on the side of the door when knocking. The unexpected may occur when the door opens.

5. Incidents involving a law enforcement officer as the suspect:

Comment [JDM7]: Standard 6

- a. Upon arrival on the scene of a domestic violence call or an incident involving a law enforcement officer, the primary officer shall immediately notify dispatch and request a supervisor of higher rank than the involved officer report to the scene, regardless of the involved officer's jurisdiction.
- b. Responding officers shall be aware of the heightened risk that a suspect who is a police officer will likely possess firearms, other weapons, physical combat training, or all three.
- c. Officers should be aware that the suspect might attempt to make emotional appeals to fellow officers.

D. Complaint Response/Investigation

Comment [JDM8]: Standard 5, 8, 9, 10, 23 & 24

When responding to a domestic violence call, officers shall:

1. Identify oneself as an officer by name, give an explanation of the law enforcement presence, and request entry into the home. If the complainant is in the home, ask to see the complainant. If the person who called the police is someone other than the subject of the call, the officer should not reveal the caller's name.
2. Restore order by gaining control of the situation.
3. Take control of all weapons used or threatened to be used in the crime.
4. Assess the need for medical attention and call for medical assistance, if needed.
5. Interview all parties, to include children, neighbors, and others witnesses, separately.
6. Process the crime scene.
7. Arrest the predominant aggressor if probable cause exists for domestic violence crime and in cases where both parties have committed some kind of violence.
8. Officers shall determine if self-defense was used by one of the parties involved to help the officer make a decision as to the predominant aggressor. Officers should consult the Predominant Aggressor Decision Tree (Appendix 3) in making this determination.
9. Collect and record evidence and, where appropriate, take color photos of injuries and property damage.
10. Complete appropriate offense or incident reports and when necessary include ATN and CTN numbers.
11. If the offender has left the scene and a crime has been committed, officers will:
 - a. Conduct a search of the immediate area.
 - b. Obtain information from victims and witnesses as to where the offender might be.
 - c. Officers are encouraged to make a warrantless arrest when the offender is found or write an affidavit for an arrest warrant and arrest the offender.
12. If probable cause does not exist to make an arrest for violation of any domestic violence crime, officers must indicate in the agency incident report the reason for such.
13. A warrantless arrest is authorized if the officer has probable cause to believe that a person violated an order issued pursuant to 15 M.R.S. § 321(2), "a condition of release" whether or not a crime was committed in the officer's presence.
14. A warrantless arrest is also authorized if a officer has probable cause to believe a person has committed or is committing any crime listed in 17-A M.R.S. § 15.
15. The agency may provide a copy of the incident report or information to a domestic violence advocate or a sexual assault counselor. The advocate or counselor:
 - a. may use the information only for planning for the safety of the victim of a sexual assault or domestic or family violence incident to which the information relates;
 - b. may not further disseminate the information;

- c. shall ensure that physical copies of the information are securely stored and remain confidential;
- d. shall destroy all physical copies of the information within 30 days after their receipt;
- e. shall permit criminal justice agencies providing such information to perform reasonable and appropriate audits to ensure that all physical copies of information obtained pursuant to this subsection are maintained in accordance with this subsection; and
- f. shall indemnify and hold harmless criminal justice agencies providing information pursuant to this subsection with respect to any litigation that may result from the provision of the information to the person.

E. Bail Commissioner Risk Assessment Information Form

Comment [JDM9]: Standard 19, 25

1. Officers shall fully complete with a best faith effort the validated, evidence-based domestic violence risk assessment form. The risk assessment shall include, but is not limited to:
 - a. The officer's name, agency, incident number, ATN and CTN numbers.
 - b. The pending charges with statutory cites and class of the pending crimes charged.
 - c. The defendant's name, DOB, address(es), phone numbers, place of employment, physical description and location of arrest.
 - d. The victim's name, DOB, relationship to the defendant, phone numbers and the victim's address only if it is clear the defendant already knows where the victim lives.
 - e. Maine SBI, NCIC Triple III (if appropriate), MV history information and any other history.
 - f. Failing to Appear, Protection for Abuse/Harassment Orders or Other Bail Conditions information.
 - g. When appropriate, the ODARA Risk Assessment Score.
 - h. Whether the commission of the alleged crime included the use of strangulation.
 - i. Other information to include, but not limited to the presence/use/threat of weapons, threats to kill self/others/pets, alcohol or drug use, if the victim is pregnant, or if there was a recent separation.
2. The information on the risk assessment form:
 - a. Shall be provided to the bail commissioner prior to the bail commissioner setting bail.
 - b. The officer shall also provide a copy of the risk assessment to the Office of the District Attorney. (See Appendix 2)

F. On Scene Assistance to Victims and Dependents

Comment [JDM10]: Standard 11, 12, 13

Maine law provides that whenever an officer has reason to believe that a family or household member has been abused, the officer shall immediately use all reasonable means to prevent further abuse. The LEO shall assist the victims of domestic abuse in the following manner:

1. Advise all parties about the criminal nature of family violence, its potential for escalation, and that help is available.
2. Remain on the scene as long as there is a reasonable belief that there is a danger to the physical safety of that person without the presence of an officer, including, but not limited to, staying in the dwelling unit.
3. Assist that person in obtaining medical treatment necessitated by an assault, including driving the victim to the emergency room of the nearest hospital.
4. Give that person immediate and adequate written notice of rights, which shall include information summarizing the procedures and relief available to victims of abuse.
5. If the victim does not speak English, officers should arrange for translation of the foregoing notices and advice.
6. In circumstances in which it is necessary for the victim to temporarily leave the residence, officers should offer the victim assistance in locating lodging with family, friends, public accommodations, or a domestic abuse shelter/safe home.

G. Victim Notification

Comment [JDM11]: Standard 18

1. In a case of an alleged crime involving domestic violence, a jail shall notify a victim of a defendant's release on pre-conviction bail as soon as possible but no later than one hour after the defendant's release. If the defendant is released on bail before being delivered to a jail, the arresting officer shall notify the victim as provided in this section.
2. Victim notification must be made by a telephone call directly to the victim. In the event that the jail has not succeeded in contacting the victim after the jail has exercised due diligence in attempting to contact the victim, notification of the defendant's release must be made to this agency.
3. This agency shall make a reasonable attempt to notify the victim of the defendant's release. All notification attempts will be logged.
4. Notification to a minor victim must be made to an adult who is the victim's parent or legal guardian.

H. Law Enforcement Officer Follow-up

Officers assigned to domestic violence follow-up, accompanied by a back-up officer if reasonably available, shall make contact with the victim within 48 hours of all domestic abuse incidents whether an arrest was made or not. In doing so, the officer can:

1. Check on the safety and well being of the victim.
2. Ensure adherence with bail conditions, protection orders, and any other court orders. If violations are found, the officer should determine the nature of bail and court orders in that they are subject to change and, if there is a violation, arrest the offender.
3. Further advise the victim of the court process and advocacy programs.
4. Offer assistance with obtaining protective orders.
5. Encourage the use of local family crisis or other services.
6. Collect statements or other evidence.
7. Take follow-up photographs of any injuries from the original incident, if warranted.
8. Check social media outlets or other forms of digital technology in order to determine if any cyber stalking is occurring.
9. The officer shall complete a supplemental report regarding each follow-up visit and will ensure that it is attached to the original paperwork for the Office of the District Attorney. The officer will also ensure that the Office of the District Attorney receives any additional photographs or other evidence obtained as a result of the follow-up visit.
10. If the officer is unable to make contact with the victim within 48 hours, the officer will contact their supervisor who will make alternative arrangements to ensure that contact is made.

I. Property Retrieval

Comment [JDM12]: Standard 20

Officers shall assist the victim/defendant in obtaining the safe retrieval of the personal property belonging to the victim/defendant by using the following procedures:

1. Officers shall make reasonable efforts to ensure a property retrieval has not already occurred. The officer shall then contact each party to determine a convenient time for the victim/defendant to obtain personal belongings, if possible giving the victim the option of at least 24 hours notice.
2. When possible, meet the victim/defendant at a pre-determined neutral location, with at least one officer.
3. Identify any language, cultural, or other barriers to assistance and safety and provide referrals to the local domestic violence resource center, sexual violence service provider, and/or culturally-specific domestic violence organization.
4. Determine what personal belongings are to be obtained. These should be limited to clothing, children's clothing, toiletry items, and other reasonable personal belongings.

5. In a "keep the peace" retrieval for additional property, the officer shall review any court order provided detailing the property to be retrieved. The retrieving individual may not remove property unless specifically designated in the order unless both parties confirm the agreement. If any property is in dispute and possession is not designated in the order, the officer may not allow the retrieving individual to remove the property. The officer may refer the parties to the court for resolution of the matter.
6. The officer should keep the victim/defendant at a safe distance until it can be determined that the victim/defendant is not present.
7. Once the officer determines the victim/defendant is not present, then the victim/defendant can be accompanied into the location in order to obtain personal belongings.
8. The officer shall accompany the retrieving individual throughout the entire retrieval.
9. If it determined the defendant is at the location and violating any bail conditions or protective order stipulations, the officer shall arrest the defendant for the violation.
10. If it is determined the victim/defendant is at the location and there is a "no contact" provisions in place, the officer shall attempt to have the victim/defendant leave prior to the victim/defendant retrieving personal items.
11. The officer shall check the existence of any order or conviction that prohibits possession of firearms from the retrieving individual. The officer shall not allow firearms or ammunition retrieval by any prohibited person.
12. Advise the victim(s) in writing of the availability of Temporary Protection from Abuse Orders and where they can be obtained. This information can be obtained from the local domestic abuse resource center. The officer shall also advise the victim(s) that transportation is available to a court or person authorized to issue such Protection from Abuse Orders.

J. Procedures Involving a Law Enforcement Agency Employee

Comment [JDM13]: Standard 6 & 7

This agency also recognizes that no one is immune from incidents of domestic abuse, including law enforcement. As part of this policy, this agency will take a proactive approach when dealing with any domestic abuse committed by agency employees. Incidents of domestic violence involving agency employees shall be investigated utilizing the procedures outlined above in this policy.

1. Agency Responsibilities

- a. This agency shall, either in response to observed warning signs or at the request of an officer or a member of an agency employee's family, provide non-punitive avenues of assistance to employees, their partners, and other family members to mitigate potential acts of domestic abuse.
- b. This agency shall identify a procedure for making confidential referrals to counseling services, either internally or in collaboration with existing community services that have specific expertise in domestic abuse.
- c. Employees who disclose to any other member of this agency that they have personally engaged in domestic abuse are not entitled to confidentiality. The report of such conduct must be treated as an admission of a crime and shall be investigated both criminally and administratively as outlined in Model Policy 1-10 Complaint against Employees and Model Policy 1-11 Criminal Conduct by Law Enforcement Officers.
- d. Following a domestic violence incident, the agency shall designate a member of the command staff to act as a principal contact for the victim. The assigned contact officer will keep the victim apprised of the case throughout the adjudication process.

2. Supervisor Responsibilities

- a. Supervisors shall be cognizant of and document all behavior, on-duty or off-duty, where employees may be exhibiting signs of possible domestic abuse related problems, including increased use of force during arrests, alcohol and/or drug abuse, increase in "controlling" behaviors, stalking activity, citizen and fellow officer complaints of unwarranted aggression and verbal abuse, and inappropriate aggression towards animals. Off-duty related problems would include problems as a victim or a suspect.

- b. Supervisors shall immediately make their ranking supervisor aware of any and all such behavior.
 - c. The CLEO shall be informed of such circumstances or concerns in a timely manner through the chain of command.
3. Law Enforcement Employees Responsibilities
- a. Agency employees are encouraged and entitled to seek confidential assistance from the agency to prevent a problem from escalating to the level of criminal conduct against a family or household member.
 - b. Agency employees with definite knowledge of abuse and/or abuse involving fellow employees must report such information in a timely manner to their supervisor. Failure to do so will subject the employee to disciplinary action.
 - c. All employees shall be aware of possible witness or victim intimidation, coercion or tampering. Whenever an employee suspects this is occurring, the employee shall prepare a written report and immediately deliver it to the investigator in charge of the case.
 - d. Employees who are the subject of a criminal investigation, protective or restraining order related to domestic abuse, regardless of jurisdiction, are required to report themselves to the CLEO and provide notice of the court dates, times, appearances, and proceedings in a timely manner.

K. Protection Orders

Comment [JDM14]: Standard 16, 17 and 21

1. General

- a. Under current Maine law, arrest is mandatory if there is probable cause to believe that there is a violation of a court-approved Protection Order or a consent decree.
- b. Once a Protection from Abuse Order has been issued, whether temporary or permanent, officers shall place a high priority on service of the Protection Order, or any modification of such order. The order must be served on the individual, by delivering a copy to the individual personally.
- c. If the individual refuses to receive any Protection Order, the officer shall leave the Protection Order in the immediate presence of the individual and advise the individual of the content of the Protection Order, the fact that the individual has been officially served, and the consequences of a violation of the Protection Order.
- d. Officers will document all Protection Order services and/or attempts, articulating the circumstances surrounding the service/attempt of the Protection Order. Once service has been made, the serving shall ensure the service information is entered into the METRO System without delay.
- e. Uniform Full Faith and Credit Clause: Officers shall expeditiously enforce valid Protection Orders from other States and Tribal Courts. Officers shall verify the validity of the protection orders prior to enforcing them.

2. Violation of a Protection Order

A person commits the offense of "Violation of a Protection Order" if:

- a. A District Court has issued a Protection Order, Temporary Protection Order, or any modification of such an order against a person, and that person violates that order.
- b. That person received actual notice pursuant to Maine Rules of Civil Procedure of a Protection Order, Temporary Protection Order, or any modification thereof against another person, and that person against whom the order was issued violates that order.
- c. That person knowingly violates a condition of any Protection Order.
- d. Officers must recognize that a person who obtains a Protection from Abuse Order cannot violate the order regardless of any action taken by the person to whom the order was served, including encouraging the person to whom the order was issued to violate it.

3. Enforcement of a Violation of a Protection Order

The recommended course of action for an officer of this agency is to expeditiously arrest and take into custody without a warrant to the extent permitted by law any person for whom the officer has probable cause to believe has violated the terms of the order.

L. Agency Follow Up if Victim is Seriously Injured or Killed

Comment [JDM15]: Standard 22

The Chief Law Enforcement Officer (CLEO) of this agency shall cause to have this policy reviewed, and document the agency's compliance with policy, in the event that a victim of domestic violence who resided in this agency's jurisdiction is killed or seriously injured during the time that any temporary or permanent Protection from Abuse order (PFA) was in effect or there had been past agency involvement related to interactions between the alleged perpetrator and the victim. The review shall be conducted in consultation with a domestic violence advocate as defined in 16 M.R.S. §53-B (1) (A) and/or a sworn law enforcement officer designated or trained as a domestic violence investigator. A report shall be prepared and a copy of the report made available for public inspection or copying pursuant to the Freedom of Access Act.

PER ORDER OF: _____

Chief Executive Officer

*****ADVISORY*****

This Maine Chiefs of Police Association model policy is provided to assist your agency in the development of your own policies. All policies mandated by statute contained herein meet the standards as prescribed by the Board of Trustees of the Maine Criminal Justice Academy. Prior to implementation, it is recommended to review this model policy and incorporate any changes that will make it unique to your agency. The watermark may be removed by going to page layout, click on watermark, and click on remove watermark.

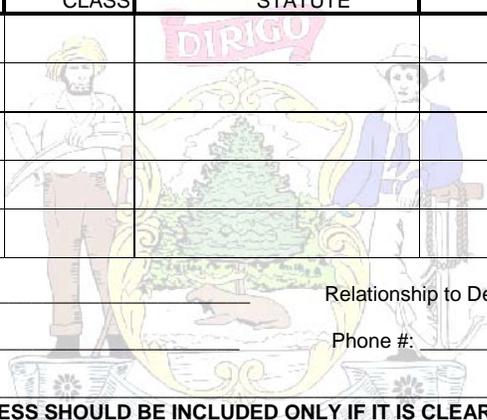
***** DISCLAIMER *****

This model policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for administrative sanctions by the individual law enforcement agency and/or the Board of Trustees of the Maine Criminal Justice Academy. This policy does not hold the Maine Chiefs of Police Association, its employees or its members liable for any third party claims and is not intended for use in any civil actions. Any questions regarding the policy can be directed to the MCOPA Policy Committee.

Deputy Chief Jason Moen, jmoen@auburnmaine.gov Chairperson
Chief Doug Bracy dbracy@yorkpolice.org
Chief Jack Peck jpeck@FarmingtonPD.org
Chief Mark Leonard vzchief800@yahoo.com
Chief Brian MacMaster brian.macmaster@maine.gov
Major Chris Cloutier chris.cloutier@maine.gov
Chief Deputy Tim Carroll tcarroll@knoxcountymaine.gov
Detective Peter Lizanecz peter.lizanecz@maine.gov

Appendix 1
BAIL COMMISSIONER INFORMATION FORM: DOMESTIC VIOLENCE

Law Enforcement Agency: _____ Arresting Officer: _____
 Incident #: _____ Arrest Tracking #: _____ Control Tracking #: _____
 Defendant: _____ Date of Birth: _____
 Address & Phone: _____
 Place of Employment: _____ How Long: _____
 Height: _____ Weight: _____ Hair: _____ Eyes: _____
 Location of Arrest: _____

OFFENSE	CLASS	STATUTE	BAIL
			

Victim's Name/s: _____ Relationship to Defendant: _____
 Date of Birth: _____ Phone #: _____

Victim's Address: *:
***BY STATUTE, VICTIM'S ADDRESS SHOULD BE INCLUDED ONLY IF IT IS CLEAR DEFENDANT ALREADY KNOWS WHERE VICTIM LIVES.**

Maine Criminal History Record information (SBI); III (if appropriate); MV history; CCJ records- FTA, recent offences; PFA/PFH or Bail Conditions in effect:

ODARA Score: _____ (see attached Item Summary). **Information About Severity of Offense in Domestic Violence Cases** (see attached probable cause affidavit for narrative of incident): Use of Strangulation during the incident: _____; Presence/Use/Threat to use Weapon (type): _____; threats to kill self/others/pets: _____; alcohol/drug use (type): _____; victim pregnant: _____; recent separation: _____; other: _____

Appendix 2
ODARA Item Summary¹

Don not use without full scoring instructions as published by the
 MHCP Research Department, Penetanguishene, ON Canada
 In collaboration with the Ontario Provincial Police

Score each item 1 or 0

? if missing (available documentation indicates that an item might be present but the information is unclear or incomplete)

1. _____ Prior domestic assault (against a partner or the children) in police records
2. _____ Prior non-domestic assault (against any person other than a partner or the children) in police records.
3. _____ Prior sentence for a term of 30 days or more
4. _____ Failure on prior conditional release; bail, parole, probation, no-contact order
5. _____ Threat to harm or kill during the index incident.
6. _____ Confinement of victim during the index incident
7. _____ Victim Fears (is concerned about) future assaults
8. _____ More than one child together
9. _____ Victim has a biological child from a previous partner
10. _____ Violence against others (to any person other than partner or the children)
11. _____ More than one indicator of substance abuse problem, i.e.: alcohol at index, drugs at index, prior drugs or alcohol, increased drugs or alcohol, more angry or violent, prior offense, alcohol problem, drug problem
12. _____ Assault on victim when she was pregnant
13. _____ Victim faces at least one barrier to support, i.e.: children, no phone, no access to transportation, geographical isolation, alcohol/drug consumption or problem

_____ Raw total (sum of items scored 1)

_____ Adjusted Score (see table Adjusted scores for assessment with missing information)

¹ ODARA General Scoring Criteria (2005 Rev.) © 2005 Mental Health Center Penetanguishene, Research Department

APPENDIX 3
 PREDOMINANT AGGRESSOR ANALYSIS DECISION TREE

