



DEPARTMENT OF PUBLIC SAFETY OPERATING PROCEDURES MANUAL		
CHAPTER 212	DOMESTIC VIOLENCE	
	Effective: 3/16/2022	Commissioner Approval: 
	Authorities: AS 11.56.750-755; AS 11.56.745; AS 11.56.810; AS 11.56.740; AS 11.61.120; AS 61.200; AS 11.46.480-486; AS 11.46.400-430; AS 11.41.260-270; AS 11.41.100-300; AS 11.46.300-310; AS 11.46.320-330; AS 12.30.027; AS 12.25.030; AS 12.30.025; AS 18.66.100-180; AS 18.65.515; AS 18.65.520; AS 18.65.530; AS 18.65.540; AS 18.66.990; AS 25.35.010; AS 25.35.020; AS 47.17.020; AS 47.10.011; AS 47.24.01	
	Applicability: ALL DEPARTMENTAL EMPLOYEES	
	Special Instructions: DV Checklist – Initial Interview , DV Checklist – Follow-up , DV Checklist – Non-criminal , Lethality Questions	

212.100 INTRODUCTION

Crimes involving domestic violence and their investigations will be given high priority.

The Department of Public Safety has an important role in preventing, deterring, and reducing domestic violence. Domestic violence cuts across all racial, cultural, and economic lines and results in the destruction of families, damage to communities, and physical and emotional trauma for victims. The Department recognizes that intentional, purposeful acts of domestic violence by one household member against another are serious criminal offenses that cannot be condoned or tolerated.

Alaska Statute 18.65.530 requires a peace officer to make an arrest for crimes involving domestic violence upon probable cause. It is the policy of the Department of Public Safety to follow this provision and to make arrests whenever warranted. Furthermore, recognizing the complex nature of domestic violence investigations, the responding officers will utilize the principal physical aggressor evaluation provided for in AS 18.65.530 (b) (1-4).

This chapter establishes guidelines and direction to be followed in responding to incidents of domestic violence with the goals of reducing the incidence and severity of domestic violence by establishing arrest policies conforming to law; affording maximum protection and support to victims of domestic violence through a coordinated program of law enforcement and victim assistance; ensuring that law enforcement services are as available in domestic violence cases as they are in other criminal cases; and promoting officer safety by ensuring that officers are as fully prepared as possible to respond to domestic calls.

The Department of Public Safety will ensure all statutory training requirements set forth in AS 18.65.510 and 18.66.310 are met within the timelines provided by the statute.

212.300 DOMESTIC VIOLENCE OFFENSES DESCRIBED

Domestic violence offenses. AS 18.66.990 defines a domestic violence offense as a crime under AS 11.41 (murder, manslaughter, criminally negligent homicide, assault, reckless

endangerment, stalking, kidnapping, custodial interference, sexual assault, sexual abuse of a minor, incest, unlawful exploitation of a minor, indecent exposure, robbery, extortion, and coercion), AS 11.46.300-310 (burglary), AS 11.46.320-330 (criminal trespass), AS 11.46.400-430 (arson and criminally negligent burning), AS 11.46.480-486 (criminal mischief), AS 11.56.810 (terroristic threatening), AS 11.56.740 (a)(1) (violating a domestic violence order, AS 11.61.120(a)(2)-(4) (harassment), and AS 11.61.140(a)(5) (animal cruelty if the animal is a pet). Additional crimes specific to domestic violence are:

AS 11.56.745 (interfering with a report of a crime involving domestic violence) and AS 11.56.750-755 (unlawful contact). Unlawful contact is specific to AS 12.30.027.

AS 18.66.900 Defines specific relationships that are to be applied to crimes involving domestic violence. These relationships are referred to as “household members” and include:

1. Adults or minors who are CURRENT OR FORMER SPOUSES;
2. Adults or minors who LIVE TOGETHER OR HAVE LIVED TOGETHER;
3. Adults or minors who are DATING OR WHO HAVE DATED;
4. Adults or minors who are ENGAGED IN OR WHO HAVE ENGAGED IN A SEXUAL RELATIONSHIP;
5. Adults or minors who are RELATED TO EACH OTHER UP TO THE FOURTH DEGREE OF CONSANGUINITY, whether of the whole or half blood or by adoption (Generally parents, siblings, grandparents, aunts, uncles, and first cousins. Consanguinity is counted up to the common relative and then down again; thus a parent is the first degree, a grandparent the second degree, an aunt the third degree, and first cousin is the fourth degree.);
6. Adults or minors who are RELATED OR FORMERLY RELATED BY MARRIAGE;
7. PERSONS WHO HAVE A CHILD OF THE RELATIONSHIP; or
8. MINOR CHILDREN OF A PERSON IN A RELATIONSHIP described under 1-7.

Violations based upon Domestic Violence Protective Orders. Several criminal violations are based upon the violation of conditions set out in domestic violence protective orders. These include:

1. Violations of provisions listed in AS 18.66.100(c)(1-7) for protective orders issued under AS 18.66.100-180 are a separate offense under AS 11.56.740(a)(1). The provisions listed in AS 18.66.100(c)(1-7) are:
 - a. Prohibit the respondent from threatening to commit or committing domestic violence, stalking, or harassment;
 - b. Prohibit the respondent from telephoning, contacting or otherwise communicating directly or indirectly with the petitioner;
 - c. Remove and exclude the respondent from the petitioner's residence, regardless of ownership of the residence;

CHAPTER 212 DOMESTIC VIOLENCE

- d. Direct the respondent to stay away from the residence, school, place of employment of the petitioner, or any other specified place frequented by the petitioner or any household member;
 - e. Prohibit the respondent from entering a propelled vehicle possessed or occupied by the petitioner;
 - f. Prohibit the respondent from using or possessing a deadly weapon if the court finds the respondent was in the actual possession of or used a weapon during the commission of domestic violence; or
 - g. Direct the respondent to surrender any firearm owned or possessed by the respondent if the court finds that the respondent was in the actual possession of or used a firearm during the commission of the domestic violence.
- 2. Criminal Trespass in the Second Degree – AS 11.46.330;
 - 3. Misconduct Involving Weapons in the Third Degree – AS 11.61.200(a)(8).
 - 4. Custodial Interference AS 11.41.320-330
 - 5. Burglary AS 11.46.300

212.310 DOMESTIC VIOLENCE PROTECTIVE ORDERS

A. *Protective orders issued by the Alaska Court System.* Protective orders issued by the Alaska Court System in cases of domestic violence under AS 18.66.100-180 can take three forms:

- 1. Long Term Protective Order. Issued after notice to the respondent and a hearing. The provision of the order prohibiting the respondent from threatening to commit or committing domestic violence, stalking or, harassment remains effective until further order of the court, other provisions remain in effect for one (1) year unless earlier dissolved by the court. [Ref AS 18.66.100]
- 2. Ex Parte Protective Order. An ex parte protective order can be issued without the respondent being notified or present at a hearing. Ex parte protective orders expire after twenty (20) days. [Ref AS 18.66.110(a)]
- 3. Emergency Protective Order. A protective order issued on the request of a peace officer with the consent of the victim of a crime involving domestic violence. Emergency protective orders expire after seventy-two (72) hours unless dissolved earlier by the court. An officer can obtain an emergency protective order in person or telephonically from a Judge or Magistrate. The officer must complete a DV-112 form provided by the court. If the order is issued telephonically, the Judge and the officer will each fill out a DV-112. The Judge will authorize the officer to sign the Judge's name to the order. After the order has been issued the officer will serve the petitioner and the respondent, file the order with the court by the end of the next day, and see that the protective order is entered into the registry of protective orders.

B. *Protective orders from other jurisdictions.* Valid protective orders from other jurisdiction shall be enforced in the same manner as orders issued by Alaska Courts. Ref AS 18.66.140 and 18 USC 2265 (full faith and credit).

1. The officer needs to confirm that the order on its face appears to be valid. Elements of a valid order are as follows:
 - a. The order has not expired and has been served on the respondent. Ex-parte orders are entitled to full faith and credit if the respondent has notice of the order and will have an opportunity to be heard (i.e. the order has been served).
 - b. The order contains the name of the issuing court and the order was signed by or on behalf of a judicial officer (includes tribal courts).
2. Charges for violation of a protective order from another jurisdiction under AS 11.56.740, are valid if the provisions in the order closely correspond to the provisions in AS 18.66.100(c)(1-7). (See 212.300 C 1 for a list of authorized provisions).

The officer also needs to confirm that the order on its face appears to be valid, has not expired, and has been served on the respondent.
3. Orders from other jurisdictions may be filed with the Alaska Court System and can be confirmed in two ways:
 - a. Check the central registry of protective orders (APSIN) to confirm that the order is unexpired and has been filed with the Alaska Court System;
 - b. If APSIN is unavailable, check the copy of the order held by the victim (petitioner). If the Alaska Court System has recorded it, it should bear a time and date stamp, the initials of the court clerk, and an Alaska Court System case number.
4. Officers shall explain to the petitioner the benefits of filing the order with the State of Alaska Court and thus, enabling the entry of the order into APSIN. If the petitioner, chooses not to file the order with the State of Alaska Court, the order may be placed into APSIN as a locate.
5. Officers shall treat the order from another jurisdiction in the same manner as they would an Alaska order. Thus, for example, if the order allows the petitioner to retrieve clothing or property from the respondent the officer shall provide the same type of civil standby or other assistance that we would if an Alaska court issued the order.
6. If an officer determines that an otherwise valid protective order from another jurisdiction cannot be enforced because the respondent has not been served with the order, the officer shall inform the respondent of the order and make a reasonable effort to serve the order. The officer will then properly document the service of the order.

CHAPTER 212 DOMESTIC VIOLENCE

7. The full faith and credit provision is silent on the issue of child custody and child support orders. Officers shall contact DPS legal counsel regarding the enforcement of child custody and support provisions contained in orders from other jurisdictions. If an officer is unable to reach the DPS legal counsel, they should contact their local on-call District Attorney.
8. Military protective orders do not qualify for enforcement under full faith and credit.
9. Mutual protective orders are only enforceable if the respondent cross-filed a written pleading for an order and the issuing court made a specific finding that each party had abused each other.

212.320 COMMANDER RESPONSIBILITIES

A. *Commanders responsible for domestic violence response.* Commanders are responsible for ensuring that domestic violence incidents occurring in areas under their jurisdiction are handled in accordance with statute, regulation, department policy, and detachment SOP.

1. Detachment and post SOPs may be established that take into account the availability of local resources and personnel to investigate, intervene, and prosecute reported cases of domestic violence. The Division Director must approve any SOP relating to response to domestic violence incidents.
2. Each detachment commander or their designee, shall ensure the following:
 - a. An annual review of all detachment and post SOP's and update, if necessary.
 - b. In consultation with the statewide coordinator, identify and analyze trends, problems, or issues relating to domestic violence within each detachment.

The director's office (AST) will provide the data necessary to fulfill this requirement.
 - c. A quarterly review of domestic violence incident reports as well as non-arrests within the detachment area. This review may be a random selection of cases.
 - d. Serve as a liaison with local victim service provider programs, CDVSA and other relevant local entities.
 - e. All new recruits and officers are familiar with local resources specific to domestic violence.
 - f. All statutory training requirements are met. This will be done in coordination and consultation with the statewide coordinator.

212.330 RESPONSE TO DOMESTIC VIOLENCE CALLS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

212.340 ARREST DECISION

A. *Arrest mandatory for crimes involving domestic violence.*

1. AS 18.65.530 requires that a peace officer, with or without a warrant, shall arrest a person if the officer has probable cause to believe the person has, either in or outside the presence of the officer, within the previous 12 hours: committed domestic violence (whether a misdemeanor or felony); committed the crime of violating a protective order under AS 11.56.740; or violated a condition of release imposed under AS 12.30.027. Three exceptions to mandatory arrest are provided:
 - a. For homicide under AS 11.41.100-130 (OPM 212.340(A)(2));
 - b. For other offenses with the authorization of the District Attorney in the jurisdiction of the offense (OPM 212.340(A)(3)); or
 - c. In cases with multiple offenders where there was a principal physical aggressor (OPM 212.340(A)(4)).

1. For a crime committed or attempted in the presence of the person making the arrest;
2. When the person has committed a felony, although not in the presence of the person making the arrest;

3. When a felony has in fact been committed, and the person making the arrest has reasonable cause for believing the person to have committed it; and
4. When a peace officer has reasonable cause for believing that the person has committed Violation of a Domestic Violence Restraining Order [Ref AS 11.56.740], violations of conditions of release [Ref AS 18.65.530], or any of the domestic violence offenses listed under AS 18.66.990 against any of household member as defined in AS 18.66.990. (See 212.300)

[REDACTED]

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. [REDACTED]
11. [REDACTED]
12. [REDACTED]

D. *Written explanation of non-arrest, authorization to not arrest or multiple arrests in DV cases required.* It is expected that non-arrest situations or multiple arrest situations will be very rare.

1. A peace officer who does not make an arrest after investigating a complaint of domestic violence (as defined in AS 18.66.990) shall describe in a written report the reasons for not making an arrest (AS.18.65.530 (e)).
 - a. The written incident report must contain a detailed explanation of the reasons why there was no probable cause and why an arrest was not warranted. The officer must provide information in sufficient quantity

CHAPTER 212 DOMESTIC VIOLENCE

and detail in ARMS to ensure that a thorough investigation was conducted and for a supervisor to discern that no crime was committed.

- b. The officer must complete a “non-reportable” ARMS incident as a domestic disturbance non-criminal in the offense/activities section. Entering information in a CAD system does NOT fulfill this requirement.

This ARMS incident must include:

- i. Completed Domestic Non-Criminal Checklist.
 - ii. Statements of both parties and interviews with complainant(s).
 - iii. Audio recording of investigation, any case photos and 911 call entered into evidence.
- c. If the investigation reveals there is no “household member” relationship, as defined in AS 18.66.990 (5), between the parties and no arrest-able offense was committed, the officer does **not** need to complete a “non-reportable” incident report in ARMS.
 - d. In cases in which there is an established “household member” relationship and the responding officers determines no-arrest is warranted because there is no probable cause, the trooper must contact an on-duty supervisor or OIC prior to clearing the scene. When needed rural troopers may contact a supervisor or OIC on-duty at an urban post.

This does not preclude the officer from contacting their local on-call District Attorney to discuss potential charging options.

- 2. If the officer receives authorization not to arrest from a District Attorney in a case where there is probable cause or if multiple arrests are made based on the same incident, a written incident report must be prepared in ARMS that contains a detailed explanation of the exceptional circumstances surrounding the authorization to not arrest or why multiple arrests were made (AS 18.65.530(e)).
 - a. It is expected that outposts or areas without jails or cells may encounter situations where arrest may not be possible due to transportation problems or other complicating factors. Officers in these locations shall discuss with their local District Attorney how such incidents will be handled.
 - b. Prior to making a dual arrest, the responding officer will consult with the on-call District Attorney.
 - c. In some circumstances, the documentation may provide a foundation for the issuance of a protective order, create a record with information relevant to future calls and prosecutions, or provide important facts for review, planning and training.

212.350 VICTIM ASSISTANCE AND NOTIFICATION

A. *Victims of domestic violence often need:*

1. Emergency medical treatment.
2. An officer standby to leave the premises in safety.
3. Assistance in getting the offender to leave if the victim is in lawful possession of the premises.
4. Assistance in locating alternative lodging or transportation to a place of safety.
5. Due to lack of services in some remote communities, officers cannot always provide all forms of assistance, however, whenever possible, concrete steps will be taken to help victims.
6. If the victim does not understand English, the responding officer shall make reasonable efforts to inform the victim of the services and rights available to victims in a language the victim understands.

B. *Officer required to protect victim and family members.* AS 18.65.515 requires a peace officer investigating a crime involving domestic violence to protect the victim and any member of the victim's family and to prevent further violence by:

1. Transporting an adult victim and any member of the victim's family to a location within the community where the offense occurred that is a shelter, a safe home, or another location in the community requested by the victim;
2. Assisting the victim in removing from the residence essential items belonging to the victim, such as clothing, vehicles, medication, personal records, and legal documents;
3. Assisting the victim and any member of the victim's family in obtaining medical treatment necessitated by the offense, by contacting emergency medical services or by transporting the victim to a local medical facility, if available in the community where the offense occurred; and
4. Providing notice of the rights of victims and services available to victims of domestic violence (both orally and in writing).

C. *Officer required to provide certain information to victims of domestic violence.* Under AS 18.65.520, an officer must inform victims of domestic violence, both orally and in writing, of services available to victims and the rights of victims.

1. A responding officer shall have available the Information for [Victims of Domestic Violence](#) booklet. The booklet is also available in [multiple languages](#).
2. Documentation that the information was provided to the victim of a domestic violence incident must be included in the written report of the incident. The officer shall include a paragraph in the body of the report indicating that the information was provided.

D. *Officer to explain DV protective order application.* A responding officer shall inform the victim of the process for applying for a protective order, including that the order is available 24

hours a day, that application forms for orders are available at the courthouse and on line, that an attorney is not required for processing the application, and that the officer can apply for an Emergency Protective Order on behalf of the victim. (See 212.310)

E. *Officer to advise victim of reason for non-arrest.* If arrest is not warranted because of the absence of probable cause to believe that a crime was committed, or if arrest is authorized but not made (for reasons to be detailed in the incident report), the officer shall explain to the victim the reasons that arrest is not being made and make every effort to answer any questions.

F. *Officer to notify and assist victim if charges filed.* If an arrest is made, or an arrest warrant obtained, the officer shall:

1. Advise the victim of the nearest victim service program (shelter) and provide them the address and telephone number. The officer will advise the victim that the program can assist with shelter, legal advocacy and provide other assistance. See section B above regarding transportation to a safe place within the community.
2. Advise the victim of what procedure will happen next, including the possibility that the accused may be in custody for only a short period of time but that the offender will be required to appear before a magistrate in person or telephonically before release;
3. Obtain the address and telephone number where the victim can be contacted if the victim decides to leave the residence (being careful that the accused cannot overhear);
4. Obtain from the victim information to be included in the arrest report indicating any special conditions of bail that shall be requested; and
5. Provide the victim with the case number, the officer's name, a follow-up telephone number, and the name of the follow-up investigator if it will be someone other than the responding officer.

212.360 VULNERABLE ADULTS VICTIMS/DEPENDENTS

A. *Vulnerable adults.* Peace officers are required to report to Adult Protective Services if they have reasonable cause to believe that a vulnerable adult suffers from undue influence, abandonment, exploitation, abuse, neglect or self-neglect (AS 47.24.010). The report of harm must be made within 24 hours and documented in ARMS. [Adult Protective Services](#).

Under AS 47.24.900 "vulnerable adult" means a person 18 years of age or older who, because of physical or mental impairment, is unable to meet the person's own needs or to seek help without assistance.

B. *Vulnerable adults require care.* When a victim of domestic violence is a vulnerable adult or when the accused or the victim of domestic violence is the sole caretaker of a vulnerable adult and the person can no longer provide care (as, for example, when the victim is

hospitalized or when the accused is arrested), the responding officer shall determine whether the vulnerable adult is physically endangered, either as a result of the abuse, a preexisting medical condition, or the removal of a caretaker.

C. *Vulnerable adult care determination.* If the vulnerable is physically endangered, the officer shall determine whether there is responsible friend or relative who can be contacted immediately to provide care. If there is no one available to care for the vulnerable adult, the officer shall transport, or arrange for someone else to transport, the vulnerable adult to a medical facility or other appropriate location.

If the suspect is a vulnerable adult, prior to departing the scene the officer shall determine if the suspect is on any essential medications and determine whether the suspect needs to be medically cleared before transporting to jail.

212.370 CHILD VICTIMS & DEPENDENTS

A. *OCS notification required for child victims.* When the victim or witness of crime involving domestic violence is a minor child, the officer must immediately report the harm to the nearest Office of Children's Services (OCS). Reports should be made if the child was in sight or sound of the incident. [Ref AS 47.17.020 and AS 47.10.011(8)(ii)] [OCS Report of Harm](#)

B. *Officer to escort injured child to medical facility.* If the child victim of domestic violence is physically injured, the officer shall coordinate efforts to get the child to the nearest medical facility for treatment. If a non-offending adult caretaker of the child is available they shall accompany the injured child to the medical facility.

C. *Officer to provide notice to caretaker of abused child.* The officer shall provide victim notification as described in 212.350 to an adult caretaker (who is not the perpetrator of the abuse) of a child victim of domestic violence.

D. *Officer to assure dependent care.* If the accused is arrested and was the sole caretaker of a child, or the victim is the sole caretaker of a child and can no longer provide care (as, for example, when the victim is hospitalized), the officer shall determine (for example, by asking the victim or mature child) whether there is a responsible relative who can care for the child and, if so, shall contact that relative and await the relative's arrival.

E. If no responsible relative is available, the officer shall contact the OCS and either remain at the residence until a social worker arrives or transport the child to a location designated by OCS.

F. If the officer is unable to contact OCS, the child shall be transported to a place of safety and the officer shall continue efforts to reach OCS.

G. The officer shall attach the report of harm referral form in ARMS.

H. Officers will comply with the provisions of AS 47.17.020 and AS 47.17.023..

213.380 EMPLOYEE AS VICTIM OF DOMESTIC VIOLENCE

A. *Law enforcement response to employee victim is the same as other victims.* DPS employees who are the victims of domestic violence (victims of a crime of domestic violence or plaintiffs in a Domestic Violence Protective Order) shall receive the same law enforcement response (e.g. investigation, decision to arrest, service and recording of process) as other similarly situated victims.

B. *Protection of victim.* The department will make every effort to assure that the victim employee is protected from harm or harassment while at the workplace or on the job. Whenever possible, actions taken to protect a victim employee shall be developed with that person's concurrence.

1. For employees whose duties involve public contact, consideration will be given to the assignment and scheduling of the employee to minimize situations where the respondent / defendant can make contact with the victim.
2. If the victim employee is an officer, precautions against that officer being lured into contact with the respondent / defendant through false or deceptive calls will be taken.
3. The Department will make appropriate notification of receptionists and others who control entry to a secured facility where a victim employee is working.

212.390 REPORTING INCIDENTS OF DOMESTIC VIOLENCE

The Department recognizes that domestic violence is a serious problem that affects not only the public at large, but also our own employees. All employees are encouraged to report incidents of criminal domestic violence, including those that they encounter while away from the workplace. Employees who are themselves victims of domestic violence are encouraged to seek assistance, and in the case of criminal domestic violence, to report it to law enforcement. Employees whose friends, acquaintances, or relatives reveal domestic violence should encourage those persons to seek appropriate assistance and to report criminal conduct. Mandatory reporting of domestic violence is required as follows:

A. *Employees must report on-duty knowledge of domestic violence.* Employees who learn of criminal domestic violence involving any person (members of the public or DPS employees of any rank) through their official function must report such knowledge to the appropriate enforcement agency.

B. *Officers must report domestic violence.* Officers who learn of criminal domestic violence involving any person (members of the public or DPS employees of any rank) must report such knowledge to the appropriate enforcement agency. Failure to report knowledge of domestic violence will subject the officer to discipline, except that no officer who is a victim of criminal domestic violence will be disciplined for failure to report that incident.

C. *Officers who are respondents to any DVPO must report.* Any officer of the Department who is named as a respondent on any domestic violence protective order whether issued in Alaska or any other jurisdiction must report that fact to their supervisor and to the Commander. They shall also provide a copy of the DVPO to their supervisor.

D. *DV incidents involving law enforcement officers from other agencies to be reported.*

When DPS responds to an incident of criminal domestic violence and determines that the defendant or suspect is a law enforcement officer from another agency or when a protective order is served on a law enforcement officer from another agency, immediate notification shall be made to the command staff of the officer's agency. In this context "law enforcement officer from another agency" includes federal, state, and municipal police or corrections officers from Alaska or any other state and any other person with authority to enforce Alaska criminal law or regulations.

212.400 EMPLOYEE AS SUSPECT, DEFENDANT, OR RESPONDANT IN DV CASE

Nothing in this section shall be construed as limiting actions by the Department that may be authorized by contractual agreement, regulation, or statute. When a DPS employee is a respondent, suspect, or defendant in a domestic violence action they will receive the same law enforcement response (e.g. investigation, decision to arrest, service and recording of process) as any other similarly situated citizen. They will receive no special leniency or exceptions to normal practice because of their employment with the department. All of the standards set out elsewhere in this Chapter for arrest and investigation where allegations of domestic violence are present will be followed. In addition, the following provisions shall also apply:

A. *Supervisor to be notified of employee involved DV.* When an officer responding to a DV incident determines that the suspect or defendant is a DPS employee they shall immediately notify a supervisor. If no supervisor is available, the officer shall make the supervisory notification to a commander required under 212.400 B2.

B. *Supervisor respond to notification of employee involved DV.* Upon receiving notification that a DPS employee is involved as a suspect or defendant in a DV incident, the supervisor shall do the following:

1. If the suspect / defendant employee is DPS officer a supervisor shall immediately respond to the scene except where impractical. Upon arrival, the supervisor is responsible to see that the incident is handled in strict compliance with all applicable laws and department policies.
2. The supervisor will make prompt notification of the incident to the employee's Commander.

C. *Commander to report to Director.* Upon notification that a DPS employee has been involved in a DV incident as a suspect or defendant or is the respondent in a DVPO, the Commander will make immediate notification to the employee's Division Director.

D. *Seizure of defendant officer's issued weapons and other gear.* If a DPS officer is arrested as a result of a DV incident any issued firearms, badges (including flat, hat, and breast badges), credentials, or DPS vehicles in his possession shall be seized and returned to the post pending a determination of status under 212.400 E.

E. *Duty assignment and possession of firearms by officers subject to DVPO or defendants in DV matters.*

1. Officers who are respondents to a DVPO or are defendants awaiting trial on DV charges may be placed in special duty assignments or leave status and may have their authority to carry firearms and badges or to possess department equipment and identification restricted. As the specific circumstances vary for each officer subject to this section, so will the actions of the Department.
2. In general, if a DPS officer is subject to a DVPO or is awaiting disposition on a charge of a domestic violence misdemeanor, they shall be prohibited from possessing department issued firearms, ammunition, badges, credentials, or vehicles except while actually on duty. Depending on the specific allegations or circumstances involved, the Department may choose not to exercise the "official use" exemption to any firearms prohibitions and may restrict the officer's use or possession of other department equipment including uniforms, badges, and credentials while on duty.
3. Officers who are respondents to a DVPO or who are defendants in a domestic violence misdemeanor will normally receive written departmental orders that they comply with all conditions placed upon them by the court. Additionally, they will usually receive specific written directions concerning their duty status and possession of DPS badges, property, firearms, and other equipment.

F. *Court appearances to be on personal time.* Officers who are appearing in court as respondents to a DVPO or as a defendant in a domestic violence criminal matter shall comply with OPM 109.

212.410 SERVICE OF DOMESTIC VIOLENCE PROTECTIVE ORDERS

A. *DV protective order service is a department priority.* Service of domestic violence protective has high priority. Until personal notice has been served on an offender, the order does not provide protection or assistance to the victim. Therefore, once the court has issued a domestic violence order, every reasonable effort will be made to serve the order on the offender at the earliest possible opportunity. Per AS 18.66.160 the order shall be "promptly served and executed."

B. *Officer to be familiar with DV protective order before service.* Before attempting service, the officer must read the domestic violence protective order thoroughly to determine what situation may be confronted while making service, and to find out if the officer is required to do anything in addition to making service. The officer should also review the confidential law enforcement information sheet prior to service of the order. The confidential information sheet is not provided to the respondent.

C. *Time and place of service.* Domestic violence protective orders can be served at any time of day and any place the person to be served can be located. However, the order is not a search warrant, so unauthorized entries or intrusions to effect service shall not be made. If a

situation is encountered where a search warrant would be needed to enter a residence or vehicle, and the officer is positive the person is inside, special permission can be obtained from the judge to force entry.

D. *Person served must be conscious.* The person being served must be conscious, but need not be sober. If the person is not sober or does not appear to understand an explanation of the order, these observations shall be noted on the back of the "return" for the court's information at future hearings.

E. *Officer to explain order to person served.* Whenever reasonable, the officer shall explain the domestic violence protective order to the person being served, and explain in detail the section where the judge has ordered the person to do or not do something. The officer shall not just hand the writ to the person and leave, unless the person is so uncooperative or so incapacitated that attempts to explain are pointless.

F. *Digitally record service and written documentation.* The officer shall digitally record the service of the order and maintain the recording for the duration of the order at a minimum. The officer shall document in ARMS all attempts for service. If the officer is unable to serve the order by the end of their shift. The officer will notify their shift supervisor and the service of the order will be assigned to the next shift.

G. *If the officer/department is unable to serve the order within 24 hours, the officer will contact the petitioner.*

H. *Writs of Assistance.* The officer shall comply with all writs of assistance in a timely manner. See ARMS instructions regarding service and attempt of service for writs for how to properly document.

212.420 ADMINISTRATION OF DOMESTIC VIOLENCE PROTECTIVE ORDERS

A. *Protective Orders to be immediately entered into central registry.* All protective orders, modified orders or dismissal orders delivered to the department are to be immediately entered into the central registry. {Ref AS 18.65.540}

B. *DPS to notify other law enforcement agencies upon notice of issuance of DV protective order.* When the Department is notified that a domestic violence protective order has been issued, immediate notification of the order must be conveyed to all appropriate law enforcement agencies within the surrounding area. The entry of the order into the central registry fulfills this requirement. (All military police and agents at the military gates have APSIN access.) In rural areas, VPSOs will have access to the central registry in APSIN. In communities without VPSOs, the distribution of the order to surrounding peace officers will be determined based on the known or probable travel of the petitioner or respondent.

C. *Return of Service.* After service of the order, the officer shall complete the required return of service form (DV-125) and provide a copy of the form to the issuing court. If the officer is unable to serve the order, the officer shall complete the required return of service

form (DV-125), document on the form the reasons the order was not served and provide a copy of the form to the issuing court.

A copy of the return of service paperwork must be entered into ARMs.

212.430 VIOLATION OF BAIL RELEASE CONDITIONS IN DV CASES

After initiation of a criminal charge in a domestic violence case, the judge has the authority to set conditions of bail release designed to prevent further violence. To facilitate the setting of appropriate bail conditions, the officer shall convey to the prosecutor's office, prior to arraignment, any information received from the victim relating to appropriate or necessary conditions of release such as prior history of domestic violence between the parties and any significant lethality indicators. Judges are required to take special factors into consideration, and may apply special conditions of release in cases involving domestic violence [Ref AS 12.30.027].

A. *Conditions of release to be immediately recorded.* If a court issues conditions of release on a domestic violence case under AS 12.30.027 the court is required to provide a copy of the release conditions to the arresting agency. If the documentation of the conditions of release is received from the court, it is to be immediately processed:

1. The conditions of release form will be scanned and attached to the original ARMS incident.
2. By entry into APSIN once procedures for the recording of bail release conditions in APSIN have been established;
3. Officers may check with correctional facilities and local District Attorneys' offices regarding conditions of release.
4. If the department is notified that a defendant/suspect has absconded from their 3rd party, the officer shall make all reasonable efforts to notify the victim and document all attempts to contact the victim in ARMS.

B. *Officer to notify victim if defendant released from custody from other than a correctional facility.* If an officer releases a defendant from other than a correctional facility (such as from a rural holding facility) after a hearing before a judge or magistrate under AS 12.30.027, they shall make reasonable efforts to immediately notify the victim and to provide the victim a copy of the conditions of release. All attempts and contacts shall be documented in ARMS.

C. *Officers shall arrest for violation of conditions of release.* Incidents of violations of conditions of release specific to crimes involving domestic violence fall under the mandatory arrest provision established in AS 18,65.530(a)(3). If an officer becomes aware that conditions of bail release set under 12.30.027 have been violated within the preceding twelve (12) hours the officer shall make an immediate arrest of the person (See 212.340 A1).

212.900 DEFINITIONS

Order from another jurisdiction-- is a court order that is issued by a court other than a State of Alaska court. Orders from other jurisdiction include those issued by the courts of other states (such as Washington State) and of political subdivisions within other states (e.g. county courts); tribal governments; the District of Columbia; and of a commonwealth, territory or possession of the United States of America (American Samoa, Guam, Northern Mariana Islands, Puerto Rico and the U.S. Virgin Islands). See exception for Military protective orders in paragraph 212.310 B7.

Full faith and credit -- full faith and credit is a term which derives from the U.S. Constitution and the federal Violence Against Women Act that, in the context of domestic violence protective orders, means that law enforcement officers are to enforce protective orders issued by another jurisdiction as though they were issued by their own jurisdiction.

Protective order -- includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communications with or physical proximity to, another person, including temporary and final orders issued by civil and criminal courts (other than support or child custody orders) [Ref 18 USC 2265]. This includes provisions contained in divorce or dissolution orders or decrees.

RESOURCES

[Information for Victims of Domestic Violence booklet](#) – also available in several languages

[Domestic Violence Checklist](#) – Initial Investigation

[Domestic Violence Checklist](#) – Follow-up

[Domestic Violence Checklist](#) – Non-criminal

Medical Records Release (Victim of DV) – Most healthcare providers have an agency specific form. You can also use a [Waiver of Search](#) (12-227).

Medical Records Release (Victim of DV) – [Link to form](#)