

DEPARTMENT OF PUBLIC SAFETY OPERATING PROCEDURES MANUAL		
CHAPTER 212	DOMESTIC VIOLENCE	
	Effective:	1/1/2026
	Authorities:	<u>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 12.25.031; 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</u>
	Applicability:	ALL DEPARTMENTAL EMPLOYEES
	Special Instructions:	<u>DV Checklist – Initial Interview, DV Checklist – Follow-up, DV Checklist – Non-criminal, Lethality Assessment, Strangulation Documentation</u>

## 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.

It is the policy of the Department of Public Safety to follow the mandatory arrest provisions under AS 18.65.530 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) to make proper charging decisions.

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.

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

## 212.300 DOMESTIC VIOLENCE OFFENSES DESCRIBED

**Domestic violence offenses.** Domestic violence offenses are defined in statute as being limited to a certain set of crimes, when committed between people who have a “household member” relationship.

AS 18.66.990 (3) defines which crimes are classified as domestic violence crimes.

AS 18.66.990 (5) defines the specific relationships that classify as “household members.”

**212.310 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 that take into account the availability of local resources and personnel to investigate, intervene, and prosecute reported cases of domestic violence, may be established. The Division Director and/or Commissioner's Office 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 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 in conjunction with the Victim Assistance and Forensic Science.
  - 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.

**212.320 RESPONSE TO DOMESTIC VIOLENCE CALLS**

[REDACTED]

[REDACTED]

[REDACTED]

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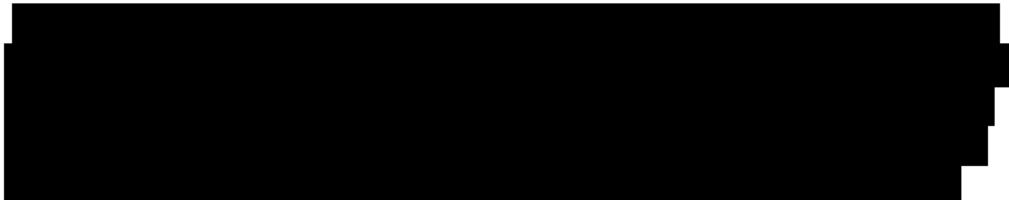
## CHAPTER 212 DOMESTIC VIOLENCE

A 10x10 grid of black and white squares. The pattern consists of a 3x3 black square in the top-left corner, followed by a 2x2 white square, and then a 5x5 black square. This pattern repeats across the grid. A small white cross is located in the bottom right corner of the grid.

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*Judges are required to take special factors into consideration and may apply*



## CHAPTER 212 DOMESTIC VIOLENCE

A horizontal bar chart illustrating the percentage of the population aged 15-24 in each state and the District of Columbia. The x-axis represents the percentage, ranging from 0% to 100% in increments of 10%. The y-axis lists the entities: Mississippi, Louisiana, West Virginia, North Dakota, South Dakota, Wyoming, Montana, Idaho, Nevada, Utah, Arizona, New Mexico, Oklahoma, Kansas, Missouri, Illinois, Indiana, Michigan, Ohio, Kentucky, West Virginia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia. The bars show a clear geographic trend, with states in the South and West generally having higher percentages than those in the Midwest and Northeast.

Entity	Percentage (%)
Mississippi	~90
Louisiana	~88
West Virginia	~85
North Dakota	~10
South Dakota	~12
Wyoming	~15
Montana	~18
Idaho	~22
Nevada	~25
Utah	~28
Arizona	~30
New Mexico	~32
Oklahoma	~35
Kansas	~38
Missouri	~40
Illinois	~42
Indiana	~45
Michigan	~48
Ohio	~50
Kentucky	~52
West Virginia	~55
Pennsylvania	~58
New Jersey	~60
New York	~62
Connecticut	~65
Rhode Island	~68
Massachusetts	~70
Vermont	~72
New Hampshire	~75
Maine	~78
District of Columbia	~80

## 212.330 ARREST DECISION

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

AS 18.65.530 outlines the requirements for a peace officer to conduct a mandatory arrest for domestic violence related offenses that occurred within 12 hours. This includes violations of protective orders and some violations of conditions of release. See OPM 223.300 (E) for details. Three exceptions to mandatory arrest are provided:

1. For homicide under AS 11.41.100-130);
2. For other offenses when authorized by a prosecuting attorney in the jurisdiction of the offense (*see below for details*); or
3. In cases with multiple offenders where there was a principal physical aggressor (*see below for details*).

11. **What is the primary purpose of the *Journal of Clinical Endocrinology and Metabolism*?**

The figure consists of eight bar charts arranged in a 2x4 grid. The columns are labeled 1, 2, 3, and 4, and the rows are labeled A, B, C, and D. Each bar chart has a black bar representing the first category and a white bar representing the second category. The height of the bars indicates the magnitude of the variables.

Row	Column	Category 1	Category 2
A	1	Very High	Medium
A	2	Medium	Very High
B	1	Medium	Very High
B	2	Very High	Medium
C	1	Very High	Medium
C	2	Medium	Very High
D	1	Medium	Very High
D	2	Very High	Medium

**G. Authority for arrest in crimes involving domestic violence outside of 12 hours.** AS 12.25.030 (b) states a peace officer *may* arrest without a warrant when they have probable cause to believe the person, either in or outside the presence of the officer, has committed Violation of a Domestic Violence Protective Order [Ref AS 11.56.740], violations of conditions of release [Ref AS 18.65.530], or any of the domestic violence offenses against any household member (*See 212.300 for definitions*).

**H. Arrest decision factors.** Victims of domestic violence have many reasons why they are unable to report crimes themselves, safely leave their perpetrator, why they often recant, and

why they may return to an abusive relationship. These may include fear of retribution or physical harm to themselves, their children, or another family member, financial dependence, and religious or cultural beliefs. In making the arrest decision in the cases of domestic violence, the officer shall consider the evidence, determine if probable cause exists, follow all applicable state statutes, and comply with training standards.

If the officer establishes probable cause to believe a person committed a domestic violence crime, regardless of the timeframe, prior to not making an arrest the officer shall consider victim safety, public safety, and flight risk of the perpetrator in formulation of the arrest and charging decision.

**212.340 REPORT REQUIREMENTS**



**B. Documentation of non-arrest, authorization to not arrest, or multiple arrests in domestic violence cases required.** It is expected that not making an arrest when the officer has probable cause of a DV crime, 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)).

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- a. **No probable cause.** If after investigating a crime involving domestic violence between household members, and the officer determines there is no probable cause for criminal charges, the officer must complete a “non-reportable” ARMS incident. Entering information in a CAD system does not fulfill this requirement.

The written incident report must contain an explanation of the reasons why there was no probable cause or why an arrest was not warranted. The officer must provide information of sufficient quantity and detail in ARMS to demonstrate that a thorough investigation was conducted and for a supervisor to discern that no crime was committed.

This ARMS incident report must include:

  - i. Completed Domestic Non-Criminal Checklist (No Probable Cause).
  - ii. Brief summary of statements of all relevant parties.
- b. **Report not required.** If the investigation reveals there is no crime involving domestic violence as defined in AS 18.66.990 (3) **being reported** (e.g. theft), or the parties involved have no “household member” relationship, as defined in AS 18.66.990 (5), the officer does not need to complete a “non- reportable” incident report in ARMS as outlined above.

2. **Authorization from prosecutor for no arrest or multiple arrests.** If the officer receives authorization not to arrest from a prosecuting attorney in a case where there is probable cause for criminal charges, or if multiple arrests are made based on the same incident, there must be a written incident report 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)).
3. **Rural areas.** 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 prosecuting attorney/s how such incidents will be handled.
4. **Digital records.** Audio, video, and photos will be stored in accordance with detachment procedures.

### 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. This will be done on a case-by-case basis as staffing allows and with approval of a supervisor.
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.

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5. 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 [Ref As 18.65.520 (b)].

**B. Officer required to protect victim and family members.** AS 18.65.515 provides a list of requirements for 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.

**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, orally and in writing, to the victim of a domestic violence incident must be included on the DV checklist.
3. 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.

**D. Officer to explain domestic violence 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.

**E. Officer to advise involved parties 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 involved parties the reasons that arrest is not being made and make every effort to answer any questions.

### 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 a 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. OCS Referral can be completed by notification to the OCS central referral registry by phone or in writing. [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 immediate treatment or to a Child Advocacy Center (CAC). If a non-offending adult caretaker of the child is available, they shall accompany the injured child to the medical facility or CAC.

**C. Officer to provide notice to caretaker of abused child.** The officer shall provide victim rights 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 whether there is a responsible relative, approved by the non-offending parent who can care for the child and, if so, shall contact that relative and await the relative's arrival.

1. 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.
2. 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.

**E.** The officer shall document they completed the OCS notification at a minimum on the DV checklist Officers will comply with mandatory reporter provisions of AS 47.17.020.

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### 212.380 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 to 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 (commissioned and non-commissioned) 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 have first-hand knowledge 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.

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Off-duty officers who have first-hand knowledge of criminal physical or sexual abuse of minor children or vulnerable adults must report such knowledge to the appropriate law enforcement agency.

**C. Employees who are respondents to any DVPO must report.** Any employee 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 their respective Director's Office. They shall also provide a copy of the DVPO to their supervisor.

**D. Domestic violence 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 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 in domestic violence.** When an officer responding to a domestic violence 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 domestic violence.** Upon receiving notification that a DPS employee is involved as a suspect or defendant in a domestic violence 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.

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**C. Supervisor to report to Director.** Upon notification that a DPS employee has been involved in a domestic violence incident as a suspect or defendant or is the respondent in a DVPO, the supervisor 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 domestic violence 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 domestic violence matters.**

1. Officers who are respondents to a DVPO or are defendants awaiting trial on domestic violence 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 BAIL RELEASE CONDITIONS IN DOMESTIC VIOLENCE CASES

**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:

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Detachments will establish a method for officers to be able to access conditions of release in a timely manner in order to be able to reasonably enforce them, whether it be their own record system or that of a partnering agency.

**B. *Victim notification requirements.*** If the department is notified that a defendant/suspect has absconded from their 3<sup>rd</sup> party, the officer shall make a reasonable effort to notify the victim and document all attempts to contact the victim in ARMS.

**C. *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 with a copy of the conditions of release. All attempts and contacts shall be documented in ARMS.

### 212.900 DEFINITIONS

**Vulnerable Adult** - 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.

### 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

[Lethality Assessment Form](#)

[Strangulation Documentation Forms](#)

[Full Faith and Credit Guide](#)

[Consanguinity Diagram](#)

[Domestic Violence VCCB OVR cheat sheet chart](#)

[Body diagrams](#)

[Arrest of Domestic Violence Perpetrators in Their Home](#) and [AS.12.25.100 Supplement](#)