

Domestic Violence Law Enforcement Guidelines 2025



**The Commonwealth of Massachusetts Executive Office of Public
Safety & Security**

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Guidelines for Law Enforcement Response to Domestic Violence

SECTION ONE

AUTHORITY AND EFFECTIVE DATE

These guidelines are established pursuant to Chapter 260 of the Acts of 2014, *An Act Relative to Domestic Violence*. Law enforcement agencies shall adopt these guidelines or establish and implement specific operational guidelines consistent with the provisions contained in this document. This revision of the guidelines shall take effect as of January 2025.

SECTION TWO

PURPOSE

The purpose of this document is to establish guidelines for law enforcement officers and police agencies when responding to domestic violence calls. The primary focus shall be on victim safety, followed closely by offender accountability; accordingly, a proactive, pro-arrest approach in responding to domestic violence is a priority. Officers shall be expected to do the following:

1. Establish arrest and prosecution as a preferred means of police response to domestic violence;
2. Enhance the safety of victims, witnesses, their children, and anyone else living in the home;
3. Promote offender accountability and ongoing management of risk; -
4. Take appropriate action for any violation of permanent, temporary, or emergency orders of protection;
5. Promote the safety of law enforcement personnel responding to incidents of domestic violence; -

6. Provide victims and witnesses of domestic violence with support and assistance through cooperative efforts with community stakeholders, to prevent further abuse and harassment. Community stakeholders are individuals and entities in the community who work to foster effective intervention in and prevent domestic violence. Please refer to Appendix II and III for community resources and Domestic Violence Task Forces; and
7. Complete thorough investigations with appropriate documentation and effect arrest of the dominant aggressor upon establishment of probable cause.

SECTION THREE

DEFINITIONS

On June 20, 2024, the Governor signed into law Chapter 118 of the Acts of 2024, *An Act to Prevent Abuse and Exploitation*, which took effect on September 18, 2024. The Act amended the definition of “abuse” as defined in Chapter 209A of the general laws and added the term “coercive control.”

Abuse

For the purposes of these guidelines, the term "abuse" is defined by M.G.L. c. 209A, § 1, as the occurrence of one or more of the following acts between family or household members:

1. Attempting to cause or causing physical harm;
2. Placing another in fear of imminent serious physical harm;
3. Causing another to engage involuntarily in sexual relations by force, threat, or duress;
or
4. Coercive control.

Coercive Control

Defined by *An Act to Prevent Abuse and Exploitation* as either:

1. A pattern of behavior intended to threaten, intimidate, harass, isolate, control, coerce or compel compliance of a family or household member that causes that family or household member to reasonably fear physical harm or have a reduced sense of physical safety or autonomy, including, but not limited to:
 - a. isolating the family or household member from friends, relatives, or other sources of support;
 - b. depriving the family or household member of basic needs;
 - c. controlling, regulating, or monitoring the family or household member's activities, communications, movements, finances, economic resources, or access to services, including through technological means;
 - d. compelling a family or household member to abstain from or engage in a specific behavior or activity, including engaging in criminal activity;
 - e. threatening to harm a child or relative of the family or household member;
 - f. threatening to commit cruelty or abuse to an animal connected to the family or household member;
 - g. intentionally damaging property belonging to the family or household member;
 - h. threatening to publish sensitive personal information relating to the family or household member, including sexually explicit images;
 - i. using repeated court actions found by a court not to be warranted by existing law or good faith argument; or
2. A single act intended to threaten, intimidate, harass, isolate, control, coerce or compel compliance of a family or household member that causes the family or household

member to reasonably fear physical harm or have a reduced sense of physical safety or autonomy of

- a. harming or attempting to harm a child or relative of the family or household member;
- b. committing or attempting to commit abuse to an animal connected to the family or household member; or
- c. publishing or attempting to publish sexually explicit images of the family or household members.

The Act did not change the definition of family or household member, which continues to be defined as:

- 1. Persons who are or were married to one another;
- 2. Persons who are or were residing together in the same household;
- 3. Persons who are or were related by blood or marriage;
- 4. Persons who have a child in common, regardless of whether they have ever married or lived together; or
- 5. Persons who are or have been in a substantive dating or engagement relationship. This includes relationships involving an individual or individuals who identify as gay, lesbian, bisexual, or transgender.

In essence, the broader section 1 of chapter 209A of the general laws includes all types of domestic violence, including violence committed on family members, household members, and intimate partners. However, if charging “Domestic Assault and Battery,” pursuant to section 13M of chapter 265, the “intimate partner” definition as forth in subsection (c) of section 13M of chapter 265 must be satisfied. All other domestic violence situations would be charged with a simple A&B, A&B DW, or whatever is appropriate given the circumstances.

Substantive Dating Relationships

Officers will gather information to determine whether a substantive dating relationship exists. Officers will examine the same factors which the courts review when making this

determination, including:

1. the length of time of the relationship;
2. the type of relationship; and
3. the frequency of interaction between the parties

This includes the interaction between the parties through the use of technology, and, if the relationship has been terminated by either person, the length of time that has elapsed since the termination of the relationship.

If the officer determines that a "substantive dating relationship" exists or did exist, then the officer shall take the proper action, including arrest when appropriate, regardless of whether the victim seeks a restraining order. Even in cases where there is no substantive dating relationship, a crime, such as stalking or criminal harassment, may have been committed.

Non-consensual Sharing of Intimate Images AKA "Revenge Porn"

Amendments to c. 265, Criminal Harassment; criminalization of "revenge porn"

Section 6: Further amends M.G.L. c. 265, § 43A by striking subsection (b), the penalty for second or subsequent criminal harassment convictions, and replaces it with the following subsections:

(b)(1) Defines the following terms: "Digitization," "Distribute," "Identifiable," "Partially nude," "Publish," and "Visual material."

(2) Whoever knowingly distributes visual material (including produced by digitization), depicting another person, either identifiable in the visual material or identified by the distributing person, who is nude, partially nude or engaged in sexual conduct, when the distribution causes physical or economic injury or substantial emotional distress, and does so with the intent to cause (or reckless disregard for the likelihood to cause) harm, harassment, intimidation, threaten, coercion or substantial emotional distress; does so without the depicted person's consent; and with the reasonable expectation that the visual material would remain private, shall be guilty of the crime of criminal harassment

(3) Consent to create visual material shall not be consent to the distribution of such material.

(4) Subsection (b) shall not preclude other remedies available at law or in equity.

(5) Visual material that is part of any court record from the prosecution under this subsection shall not be open to public inspection, and unless the court orders otherwise in writing, shall only be made available for inspection by court personnel to a prosecuting attorney, the defendant's attorney, a defendant or a victim connected to the prosecution. Nothing in this subsection prohibits disclosure, inspection, or use of the visual material in the underlying prosecution or other related court proceeding in accordance with evidentiary and procedural rules or court order. (emphasis added)

(6) This subsection shall not apply to visual material that is voluntary or consensual and occurring in a commercial setting or a place where a person does not have a reasonable expectation of privacy. This subsection shall also not apply to distributing visual material in the public interest (including reporting unlawful conduct); lawful and common practices in law enforcement or medical treatment including telemedicine; visual material distribution on a matter of public concern; interactive computer services for content solely provided by another person; or information services or telecommunication services for content solely provided by another person.

Amends c. 272, Crimes Against Chastity, Morality, Decency and Good Order

Section 7: Amends M.G.L. c. 272 by adding a new section, § 29D:

(a) Persons under the age of criminal majority who possess, purchase, or disseminates to another visual material in violation of section 29B or 29C of this chapter, or who uploads visual material of another to the internet in violation of law may be punished by a commitment to DYS.

(b) Knowingly disseminating visual material by reporting the matter to law enforcement, parent, guardian, or school personnel shall not constitute dissemination in violation of this section.

(c) Adjudications under this section shall not require SORB registration and no data relating to

the adjudication shall be transmitted to the SORB. Adjudications shall be eligible for expungement.

(d) Provides juvenile court exclusive jurisdiction of proceedings under this section.

(e) Lists affirmative defenses for crimes alleged to be committed by a juvenile under sections 29A, 29B, 29C or 29D.

(f) This section does not preclude prosecutions for disorderly conduct, public indecency, child pornography, or any other applicable law.

Firearms

For the purposes of these guidelines, the term "firearm" shall not be limited to its definition in M.G.L. c. 140, §121, but rather shall include any of the following:

1. Firearms;
2. Rifles;
3. Shotguns;
4. Machine guns;
5. Ammunition;
6. High capacity feeding devices; or
7. Antique firearms.

Licenses

For the purposes of these Guidelines, the term "license", as defined in M.G.L. c. 140, §§ 122, 122B, 122D, 129B, and 131 shall include all of the following:

1. License to carry firearms;
2. Firearms identification card;

3. License to sell firearms;
4. Gun Club License to possess/store/use large capacity firearms, ammunition, and feeding devices; or
5. License to perform as a gunsmith.

SECTION FOUR

RELEVANT STATUTES (See Appendix I)

The following is a list of common domestic violence related statutes:

Physically Assaultive Crimes

1. Assault/Assault and Battery on a Family or Household Member c. 265, §13M(a)
2. Assault/Assault and Battery as defined by c. 265, §13A, and the Assault and Battery took place between:
 - a. Persons who are or were married to one another;
 - b. Persons who have a child in common regardless of whether they have ever married or lived together; or
 - c. Persons who are or have been in a substantive dating or engagement relationship.
3. Subsequent Offense c. 265, §13M(b)

CHANGE TO STATUTE OF LIMITATIONS: *The Act added MGL c 265 §§ 13M (assault and battery on a family or household member) and 13A(b)(iii) (assault and battery upon another while a protective order is in effect) to the list of crimes with a 10-year statute of limitations.*

NOTE: *Application of the statute of limitations is complicated and nuanced. Officers are encouraged to consult with their local prosecutor's office before charging cases that could implicate the statute of limitations*

Amends statute of limitations (SOL) for A&B on family/household member, or someone with active restraining order

Section 8: Amends M.G.L. c. 277, by § 63 (limitations of criminal prosecutions) by extending the SOL to 15 years for assault and battery on a family or household member, or against someone with an active protection order.

Assault and Battery by Means of a Dangerous Weapon c.265, §15A(b)

1. Assault/Assault and Battery as defined by c. 265, §13A, and
2. The touching was done with a dangerous weapon.

Aggravated Assault and Battery c. 265, §15A(c)

1. Assault/Assault and Battery as defined by c. 265, §13A, and
2. The touching was done with a dangerous weapon.
 - a. One of the additional aggravating factors were present:
 - i. The defendant's act caused serious bodily injury;
 - ii. The defendant committed the act upon the complainant who was pregnant at the time of such assault, knowing or having reason to know she was pregnant, or
 - iii. The defendant committed the act upon the complainant who had an outstanding temporary or permanent restraining order at the time of the assault.
 - iv. The defendant is 18 years of age or older, and committed assault and battery upon a child under the age of 14.

Serious Bodily Injury

For the purposes of these Guidelines, the term "serious bodily injury," as defined in

M.G.L. c. 265, §§13A(b), 15A(b), and 15D(a), shall mean bodily injury that results in a permanent disfigurement, loss or impairment of a bodily function, limb or organ, or a substantial risk of death.

Strangulation c. 265, §15D(b)

Strangulation or Suffocation as defined below:

1. "Strangulation", the intentional interference of the normal breathing or circulation of blood by applying substantial pressure on the throat or neck of another.
2. "Suffocation", the intentional interference of the normal breathing or circulation of blood by blocking the nose or mouth of another.

Aggravating Factors

Aggravating factors that can increase the penalty for strangulation or suffocation include when the attacker:

1. strangles or suffocates another person and by such strangulation or suffocation causes serious bodily injury;
2. strangles or suffocates another person, who is pregnant at the time of such strangulation or suffocation, knowing or having reason to know that the person is pregnant;
3. is convicted of strangling or suffocating another person after having been previously convicted of the crime of strangling or suffocating another person under this section, or of a like offense in another state or the United States or a military, territorial or Indian tribal authority; or
4. strangles or suffocates another person, with knowledge that the individual has an outstanding temporary or permanent vacate, restraining or no contact order or judgment

Assault and Battery upon an Elderly or Disabled Person c. 265, §13K

1. "Elder", a person sixty years of age or older.
2. "Mistreatment", the use of medications or treatments, isolation, or physical or chemical restraints which harms or creates a substantial likelihood of harm.
3. "Neglect", the failure to provide treatment or services necessary to maintain health and safety and which either harms or creates a substantial likelihood of harm.
4. "Person with disability", a person with a permanent or long-term physical or mental impairment that prevents or restricts the individual's ability to provide for their own care or protection.

Violation of a Restraining Order c. 209A, §7:

Violation of a Restraining Order occurs when:

1. There was a Restraining Order which ordered the Defendant to
 - a. refrain from abusing,
 - b. refrain from contacting and stay away from the person(s) protected by the order,
 - c. vacate and remain away, or
 - d. surrender firearms, weapons, ammunition, and related licenses;
2. Such order was in effect at the time of the violation;
3. The defendant knew of the pertinent terms of the order;
4. The defendant, either directly or indirectly violated the restraining order by failing to:
 - a. refrain from abusing;
 - b. stay away from or have no contact with person(s) protected by the order;

c. vacate;

d. surrender firearms, weapons, ammunition and related licenses.

Jurisdiction is given to the police department for either where the violation occurred or where the restraining order was obtained.

Any protection order issued by another jurisdiction shall be given full faith and credit throughout the Commonwealth and enforced as if it were issued in the Commonwealth for as long as the order is in effect in the issuing jurisdiction.

Stalking c. 265, §43(a)

Stalking is defined under the Act as:

1. The defendant knowingly engaged in a pattern of conduct or series of acts directed at the complainant (at least 3);
2. The acts would cause a reasonable person to suffer substantial emotional distress;
3. The acts caused the complainant to become seriously alarmed or annoyed;
4. The defendant committed the acts willfully and maliciously; and
5. The defendant also made a threat with the intention of placing the complainant in imminent fear of death or bodily injury.

Stalking in Violation of a Restraining Order c.265, §43(b)

Stalking in Violation of a Restraining Order occurs when there is:

1. Stalking as defined by c.265 §43(a); and
2. The acts were committed in violation of a temporary or permanent restraining order.

Stalking Subsequent Offense c. 265, §43(c)

Stalking Subsequent Offense occurs when there is:

1. Stalking as defined by c. 265, §43(a);
2. The defendant was previously convicted of the crime of stalking.

Lesser Included Crime of Criminal Harassment c. 265, §43A(a)

1. The defendant knowingly engaged in a pattern of conduct or series of acts directed at the complainant (at least 3);
2. The acts would cause a reasonable person to suffer substantial emotional distress;
3. The acts caused the complainant to become seriously alarmed or annoyed;
4. The defendant committed the acts willfully and maliciously.

Criminal Harassment Subsequent Offense c. 265, §43A(b)

Criminal Harassment as defined by:

1. The defendant was previously convicted of the crime of criminal harassment.
2. Jurisdiction is given to the police department(s) where any one of the elements occurred.

Intimidation of a Witness c. 268, §13B

Intimidation of a Witness as defined by:

1. The defendant, directly or indirectly, willfully, did
2. Threaten; or
3. Attempted to cause physical injury, emotional injury, economic injury, or property damage to; or

4. Conveyed a gift, offer, or promise of anything of value to; or
5. Mislead, intimidated, or harassed a person who was:
 - a. A witness or potential witness at any stage of a criminal investigation or other criminal proceeding; or
 - b. A person who was or is aware of information, records, documents, or objects that relate to a violation of a criminal statute, or a violation of conditions of probation or bail; or
 - c. A person who is furthering a civil or criminal proceeding, including criminal investigation, grand jury proceeding, trial, other criminal proceeding of any type, probate and family proceeding, juvenile proceeding, housing proceeding, land proceeding clerk's hearing, court ordered mediation, or civil proceeding of any type; or
 - d. A person who is or was attending or had made known his intention to attend a civil or criminal proceeding, including criminal investigation, grand jury proceeding, trial, other criminal proceeding of any type, probate and family proceeding, juvenile proceeding, housing proceeding, land proceeding clerk's hearing, court ordered mediation, or civil proceeding of any type
 - e. With the intent to impede, obstruct, delay, harm, punish or otherwise interfere thereby, or did so with reckless disregard.
 - f. A prosecution under this section may be brought in the county in which the criminal investigation, grand jury proceeding, trial or other criminal proceeding is being conducted or took place, or in the county in which the alleged conduct constituting an offense occurred.

Kidnapping c. 265, §26

1. The defendant had no lawful authority;
2. The defendant forcibly (either physically or constructively) or secretly confined the

complainant; and

3. It was done against the complainant's will.

Civil Liability

According to M.G.L. c. 209A "No law officer shall be held liable in any civil action regarding personal injury or injury to property brought by any party to a domestic violence incident for an arrest based on probable cause when such officer acted reasonably and in good faith and in compliance with this chapter and the statewide guideline as established by the Secretary of Public Safety."

Procedures

All police officers are expected to be familiar with and act in accordance with these guidelines. The provisions of M.G.L. c. 209A impose specific responsibilities upon the police regarding a domestic abuse situation. All officers are expected to be thoroughly familiar with the contents of c. 209A and all other statutes referenced within these guidelines, as amended and construed by case law, and to act with appropriate discretion and competence in carrying out these provisions.

SECTION FIVE

VICTIMOLOGY

Law enforcement officers can be agents of change—fulfilling a mandate to intervene, holding batterers accountable, and providing protection to victims. A victim's first contact with law enforcement rarely happens after the first or even the second domestic violence incident. A trauma-informed response to a domestic violence call is essential due to the complex nature of these crimes and their devastating effects.

Domestic violence victims can display a variety of behaviors, and officers should understand and be prepared for a range of possible responses. It is crucial to acknowledge that certain responses, although potentially frustrating, can significantly enhance the long-term safety of victims and their families. This is particularly relevant in situations where law enforcement

has departed from the scene, or the perpetrator has been released from custody. Officers should refrain from judging the reactions of victims and instead concentrate on supporting them in exploring the most effective options to ensure their immediate safety.

Remember, anyone can be a victim, and anyone can be an offender regardless of biological sex or gender identity or expression and/or sexual orientation. Always consider who is the dominant aggressor and make that determination based on the totality of the facts and circumstances, not on the victim/offender's sex, gender or other characteristics.

Dynamics

It is crucial for law enforcement officers to be familiar with the dynamics of domestic abuse. "Dynamics" refers to how an abuser may act towards their victim and how the victim may react towards the abuser. A lack of understanding of the complexities of these dynamics may result in blaming the victim for the violence and manipulation of the criminal justice system by the abuser.

Law enforcement officers arriving at an incident are likely to find a victim who is taking responsibility for an abuser's actions. A victim may act in ways that appear to conceal the abuse out of fear. The victim may waive their right to civil protection orders (e.g., 209A), bail the abuser out of jail, or recant in court—accusing the officer of lying. Officers should be aware that victims may act this way in an attempt to keep themselves and their children safe.

Law enforcement officers must recognize that a victim's safety is at greater risk when an abuser feels a loss of control.

Many victims of domestic violence never file a report with law enforcement, get a restraining order/injunction, or connect with a domestic violence program. Many victims do not call 911 for various reasons, including, but not limited to, fear, cultural beliefs, immigration consequences, and financial concerns, similar to the difficulties they face in leaving their abusers. Furthermore, many victims may regret calling 911 once they are thrust into the criminal justice system, which can bring increased personal and financial burdens such as lost income, defense attorney fees, embarrassment or fear of having to publicly testify to the abuse, and pressure to recant.

This whole process may, in fact, put the victim at a higher risk of danger. An appropriate response is to assist in determining what risks exist and help to problem-solve on how to minimize those risks.

Remember, trauma can affect how victims interact with law enforcement. Do not mistake this for being uncooperative. Everyone reacts differently to violence. For a more effective response, officers should familiarize themselves with local domestic violence programs. Encourage victims to utilize all available resources, including domestic violence advocates who can provide invaluable support with safety planning.

Partner Inflicted Brain Injury

This section provides an overview of traumatic brain injuries (TBI) caused by domestic violence. Victims, as well as service providers, may not have an awareness regarding head trauma endured during domestic violence incidents. According to a research study at the Ohio Domestic Violence Network (ODVN), 85% of domestic violence victims have been hit in the head, and almost 50% of survivors reported that their head was hurt too many times to count (Ohio Domestic Violence Network [ODVN], 2020). Learn more and access resources by visiting the Ohio Domestic Violence Network's Center on Partner-Inflicted Brain Injury.

Head Injury

A head injury is when there is a change in how the brain normally works due to a bump, blow, or jolt to one's head. Head injuries are also a result of the brain not getting the oxygen or blood it needs, like when one is strangled, or breathing gets disrupted. Sometimes, the change is temporary, and sometimes, it is long-lasting.

How are Head Injuries Related to Domestic Violence?

Abusive partners often target a partner's head, neck, or face more than anywhere else on the body. Head injuries may occur if the abusive partner:

1. Hits in the face or head;
2. Puts hands around the neck or tries to strangle;

3. Causes victim to fall and strike head;
4. Shakes partner severely;
5. Has done something that made the victim pass out, lose consciousness, or have trouble breathing.

This violence can cause a head injury, which happens when there is a change in how the brain normally works. The brain can be affected for a few minutes, hours, or days, but sometimes it's weeks, months, years, or forever.

What might one notice that could be a sign their brain was hurt?

1. Felt funny, or something seemed different or off;
2. Don't remember what happened;
3. Felt dazed and confused, in a fog, or worried you were losing it;
4. Couldn't see right or saw stars and spots;
5. Felt dizzy or clumsy or had problems with balance;
6. Had headaches, pain in the face and neck, or bruising or swelling;
7. Felt agitated or restless and couldn't calm down;
8. Had problems with sleeping—too much, too little, or bad sleep.

These injuries can make it more difficult for the brain to do many things it needs to live daily life, get and keep a job, and be healthy. Head injuries can affect physical, emotional, thought process and overall well-being.

Being strangled or hurt in the head can cause a concussion or brain injury. Symptoms can develop or get worse over time, even without any bruises or marks. The following are some warning signs for immediate medical care:

1. Difficult or painful breathing;

2. Problems speaking or swallowing;
3. Uncontrollable vomiting;
4. Shaking/twitching/seizures;
5. Extreme confusion or agitation;
6. Drowsy or cannot wake up;
7. Excruciating headaches;
8. Slurred speech;
9. Decreased coordination;
10. Passed out/went unconscious/blacked out; and/or
11. Urinated or defecated unintentionally.

The brain can heal, and brain injuries can get better, especially when they get identified early. There are many ways professionals treat brain injuries, but who will help depends on the effects of the head injury. If vision is off, one provider may be of assistance compared to having seizures or thinking problems, concentration, or focusing. Everyone deserves to feel safe; help is available.

SECTION SIX

DISPATCHER RESPONSE TO DOMESTIC CALLS

The possibility of injury associated with domestic violence requires that officers immediately proceed to the location of the incident.

Key Considerations

Officers should be mindful of how a call is received at the dispatch center. Reports of domestic incidents may be made via different types of technology (e.g., 911 Voice, Silent, Text, or

business telephone lines). Responders should be aware that 911 Silent or Text Calls may contain limited information and may take longer than usual to process. Callers may also try to discreetly contact police using code words (e.g., calling 911 to order a pizza). Additionally, reports of domestic calls may be reported by friends or family who are not on-scene and are reacting to a phone call, text message, or social media post.

Number of Officers

Whenever possible, two officers should be dispatched to the scene.

Tasks

Dispatch officers or call takers should do the following:

1. Initial Intake/Report;
2. How is the call being received? (1st, 2nd, 3rd / 4th party);
3. Location (and location within the location) of the incident;
4. Is the incident in progress, just occurred, or past tense?
5. Attempt to elicit any and all information from the caller that may help the responding and investigating officers assess the situation;
6. Inquire about the nature of the incident (verbal or physical);
7. Inquire about the nature of injuries;
8. Inquire about the immediate safety of the caller, the victim, and others at the scene;
9. Dispatch Units;
10. Assign a priority response to all domestic violence calls, whether or not the assailant is known to be on the premises, including those calls that involve or appear to involve a police officer of any department;

11. Immediately notify a supervisor of any domestic violence calls

12. Additional Caller Inquiry;

13. Obtain Additional Information to update responders such as/to include:

- a. Presence or absence of the alleged assailant, and direction and mode of travel, if applicable;
- b. The type of weapons that are involved, or present, if applicable (check CJIS for LTC or Firearms entries);
- c. Record of firearms identification cards and/or licenses to carry having been issued to resident(s);
- d. Potential hazards to responders, including animals;
- e. Whether the caller or alleged assailant is under the influence of alcohol or drugs, or if there are mental health issues;
- f. Caller's and alleged assailant's description;
- g. Other people involved or witnesses at the scene, including children;
- h. Alleged assailant's criminal history (BOP check);
- i. Past history at address (Number of times the department has been called for this suspect or victim);
- j. Existence of a protection order currently on file against the suspect or caller (check BOP) ;
- k. Outstanding warrants against the caller or alleged assailant if any exist (check CJIS and Warrant Management System); and
- l. Caller's and alleged assailant's names and dates of birth.

Other Considerations

1. Keep the caller on the telephone, if the caller is a victim or witness to a domestic violence incident in progress, to relay ongoing information provided by the caller to the responding officers and remain aware of the victim's safety.
2. Keep in mind that the caller could be the victim or assailant.
3. Do not cancel the original call for service if a subsequent request to cancel the original call is received – advise the responding officers of the second call and instruct them to continue to respond, investigate, and assess the situation to ensure that all parties are safe.
4. Make the safety of domestic violence victims a primary concern.
5. Address threats of violence, whether immediate or remote, by working with the victim to focus on ways to enhance safety, such as waiting for officers at another location or leaving the location if the suspect returns.
6. Maintain current contact information of local domestic violence victim advocacy organizations for responding officers to provide to victims.
7. Preserve documentation of the facts and circumstances of each call, including tapes, for use in potential administrative and criminal investigations.

SECTION SEVEN

POLICE RESPONSE TO DOMESTIC VIOLENCE-RELATED CALLS

On-scene Considerations

Initial Observations

Upon arrival, responding officers should approach the scene with the utmost degree of caution. Upon approach, officers should make observations of the surrounding area for evidence such as weapons, damaged furniture, broken windows, and any other items that may

be evidence of a domestic violence incident.

Officers shall listen for sounds of an argument, threats, or an ongoing physical assault. All evidence, utterances, statements, and observations should be documented in an incident report—and photographically if appropriate.

Entering Private Premises

When investigating a report of domestic violence, an officer should wait for a second officer unless exigent circumstances exist. Officers may enter private premises without a warrant in the following circumstances:

1. At the request of someone in lawful control of the premises;
2. Where there is imminent danger of violence that could result in death or serious physical injury;
3. Where an exigency exists or consent is granted;
4. When a police officer has probable cause to believe a felony has occurred and is in fresh pursuit of the fleeing felon;
5. To quell an ongoing disturbance and restore peace; or
6. After repeated attempts to contact residents and contact the patrol supervisor.

The term "private premises" shall include, but not be limited to, a house, an apartment, a condominium, a hotel room, a mobile home, a dormitory room, or a house trailer.

Officer's Demeanor

Responding officers shall maintain a professional, non-biased, and objective demeanor throughout their investigation. Officers should immediately state their reason for being present to the persons at the scene—including any children. This action can help defuse the situation.

Upon entering, officers shall make efforts to monitor the physical movement of the parties and

prevent them from accessing any potential weapons.

Be cognizant that individuals under the influence of drugs or alcohol or those suffering a mental health disorder may pose additional safety risks to themselves or others on scene. Special precautions and tactics may need to be implemented consistent with up-to-date training and policies.

Prioritize the safety of children. If an arrest is necessary, try to remove the children or the person being arrested from the scene before the arrest takes place. Reassure the children that this situation is not their fault and that the police are there to help everyone in the family. If a child called 911, commend them for taking the brave step of getting help.

Additional layers of control and oppression experienced by individuals which can exacerbate their response to law enforcement may include, but is not limited to, the following:

1. Immigration status;
2. Language skills including English as a second language;
3. Cultural identity;
4. Physical limitations and disabilities; and
5. Sexual orientation and gender identity.

These individuals may fear the police and present angrily or as abusers themselves. It is important to be aware of and deter any biases. Statewide resources for these, and other special populations, can be found in Appendices II and III.

Officer's Responsibility on Scene

Responding officers must take immediate control of the situation and should:

1. Throughout the investigation, officers should allow each party to present their account individually, avoiding unnecessary interruptions from the other party.
2. Separating the parties enables each individual to communicate their perspective to an

officer without being overheard, influenced, or intimidated by the other party.

Language Barriers

Officer should determine whether interpretative language to include ASL services are needed and should obtain such services when available.

The practice of using children or other family members as interpreters is strongly discouraged unless it is a medical emergency. Using family members as interpreters could prove dangerous to the child and/or adult victim.

Remain on Scene

Officers shall remain on the scene or present wherever the incident occurred if the officers have reason to believe that at least one of the parties involved would be in immediate physical danger without the presence of an officer. Whenever any officer has reason to believe that a family or household member has been abused or is in danger of being abused, such officer shall use all reasonable means to prevent further abuse. Law enforcement officers should remain on scene for a “reasonable period of time” to prevent abuse. If it is believed that the suspect has fled the scene, a reasonable period is the amount of time necessary:

1. To confirm that the suspect has left the scene, and
2. To carry out the responsibilities outlined in this section.

Medical Treatment

Assist the victim in obtaining medical treatment for any sustained injuries by arranging for appropriate transportation by ambulance to a health care facility. Officers should consider responding to the Emergency Room to properly document any sustained injury. In addition, consideration should be given to whether a sexual assault forensic exam needs to be completed. (See Appendix III for a list of MA Sexual Assault Nurse Examiner (SANE) sites).

In cases of serious injury, the preferred method of transportation is via ambulance. Officers are authorized by M.G.L. c. 209A, § 6 to transport victims of domestic violence to the emergency room of the nearest hospital, or to arrange for appropriate transportation to a health care

facility. Officers should receive approval from their supervisor prior to transporting a victim of domestic abuse in a cruiser, except in an emergency.

Interviewing Witnesses

Attempt to identify and interview the party that called the police, neighbors, and other potential witnesses. All parties present and involved should be documented in the incident report. It is not unusual for some witnesses to be unsupportive of the victim. **Do not tell the suspect who called the police.**

Information from the Scene

Attempt to obtain the following information at the scene. If that is not possible, obtain the information during the follow-up investigation:

1. Determine the relationships of all parties, including children, at the scene. If children are not immediately observed, ask if there are children present in the household.
2. If children are present, record their names and dates of birth;
3. Check on the children to ascertain whether or not they have sustained an injury;
4. Unless it involves a medical emergency or safety concern, consider conducting a “minimal facts” interview on scene if appropriate; and
5. If the child needs a more comprehensive interview, contact the District Attorney’s Office/Children’s Advocacy Center to schedule a forensic interview.
6. Obtain at least two phone numbers where the victim can be reached. Include a cell phone number, a daytime phone number, or the number of a close relative or friend. Include these numbers in the incident report so the bail bondsperson or court personnel may inform the victim of the abuser's release on bail.
7. Inform the victim that if they intend to leave the residence and wish to be informed of the abuser's release, the victim must inform the police department of a number where they may be reached or where a message may be left safely.

8. Consult with the victim whether their phone number should remain confidential and take steps to ensure that it is, if necessary.
9. Do not rely on prior phone numbers in your in-house system, as they may be outdated.
10. Obtain information about the suspect's ownership of, presence of, or access to firearms, and their location.
11. Officers should gather information regarding the suspect's past behavior/dangerousness. This information should be documented in an incident report and/or high-risk assessment worksheet (See attached Appendix IV) and provided to the Bail Commissioner in the determination of bail and to the Prosecutor for use at arraignment. That information includes, but is not limited to, the suspect's:
 - a. Criminal history;
 - b. History of abusing the current victim;
 - c. History of abusing other victims;
 - d. History of non-fatal strangulation;
 - e. History of forced sex;
 - f. History of extreme possessiveness or jealousy;
 - g. Possession of weapons;
 - h. History of use of/or threats with a weapon; Use of weapons in prior abuse of the victim; Past threats against or abuse of pets;
 - i. Past attempts or threats to kill;
 - j. Past attempts or threats to commit suicide; and
 - k. Current or past vacate, restraining, no-contact, or other protective orders, including those held against the suspect by someone other than this victim.

- l. After ascertaining past reported and non-reported criminal history, across agencies and across jurisdictions, seek appropriate criminal action for current and prior incidents.
- m. Refer victims to appropriate resources listed in attached Appendices II & III.

Incident Documentation

Officers shall document important information, including statements from the victim, the suspect, children, and other witnesses, and note direct quotes whenever possible.

In collecting evidence of domestic abuse, law enforcement officers are encouraged to photograph injuries sustained by the victim as well as the crime scene.

Contemporaneous records of injuries and crime scene conditions are critical to the prosecution of alleged abusers:

1. When photographing injuries and/or the scene, officers are reminded to take both close-up and full-scene pictures.
2. Follow-up photographs of injuries should be taken 2-3 days after the incident to document the progression of injuries.
3. Collect physical evidence (including weapons used, even simple household items) and document collection in the incident report; and
4. If the incident involves strangulation, the officer shall complete a *strangulation worksheet*. (See attached Appendix VI.)

Body Worn Cameras

Body-worn cameras are an effective tool to document active and ongoing investigations. They are not meant to replace traditional crime scene practices, including photography, evidence gathering, etc. For more information, see the [Recommended Regulations for the Procurement and Use of Body Worn Cameras by Law Enforcement](#).

Getting to a Safe Place

The officer shall consider the victim's reasonable requests for assistance in getting to a safe location. This could include the victim and any dependent children. Help the victim and any dependent children find safe shelter. This could include a designated emergency shelter, a trusted friend or family member's home, or another safe location.

The location and street addresses of all domestic violence programs are absolutely confidential and shall not be required to be revealed in any criminal or civil proceeding. See M.G.L. c. 233, § 20L. For the purposes of this provision, a domestic violence program is defined as any refuge, shelter, office, safe home, institution, or center established for the purpose of offering assistance to victims of abuse through crisis intervention, medical, legal, or support counseling. See M.G.L. c. 233, §20K.

If a report is made at a domestic violence program, the incident occurred at that program, or an officer transported someone to a program, the officer shall not include this address in the incident report. Under no circumstances should a law enforcement officer release information to the public regarding the location of a domestic violence program.

Notice of Rights

Immediately inform victims of domestic violence about their rights. This includes handing them a written copy of their rights (see Appendix V) and reading it aloud to them in a clear and understandable way.

If the victim's primary language isn't English, make every effort to provide the information in their native language. Where the person's native language is not English, the statement shall be provided in the person's native language whenever possible.

Activating the Emergency Judicial Response System (E.J.R.)

1. Assist the victim by activating the Emergency Judicial Response System when a judge is not available through the court. This should be done even when the alleged abuser has been arrested. If a victim is unable to appear in court because of severe hardship due to the victim's physical condition, officers can seek an order by contacting the court.

2. A representative may appear in court on behalf of the victim to seek an emergency or temporary order. Officers shall advise these victims that a representative may appear on their behalf.

Issuance of an Abuse Prevention Order

Upon issuance of any applicable order under M.G.L. c. 209A, police shall immediately take possession of all firearms and licenses in the control, ownership, or possession of the defendant. Such firearms and licenses may not be returned until the order has been completely vacated or the firearms provision modified by order of the court.

Violations of Orders

In the interest of immediacy and the statutory mandate to arrest, officers shall make a warrantless arrest of any person the officer witnesses or has probable cause to believe has violated an order, including a violation that stems from the possession of firearms, weapons, or licenses.

If, after your assessment, the situation does not meet the substantive dating relationship, consider whether the facts and circumstances apply regarding a 258E protection order.

SECTION EIGHT

ARREST GUIDELINES

The Decision to Arrest

The safety of the victim, children, and other family members shall be paramount in any decision to arrest.

As in other types of criminal investigations, uncorroborated statements by a victim can constitute probable cause that the crime occurred.

The decision to arrest must be based on whether probable cause exists that the crime occurred, not on whether the victim wishes to seek complaints or wishes to testify at a future date.

Substance Abuse and/or Mental Health Issues

When assessing credibility to establish probable cause, officers should remember that a victim who is under the influence of drugs or alcohol, or who suffers from mental illness, is not an inherently unreliable witness.

Arrest: Mandatory or Preferred?

An officer's authority or mandate to arrest is set forth in M.G.L. c. 209A, § 6(7).

Mandatory:

In the interest of immediacy, and the statutory mandate to arrest, officers shall make a warrantless arrest of any person the officers witness or have probable cause to believe has violated an emergency, temporary, or permanent, refrain from abuse, stay away, or no-contact order or judgment, a suspension and surrender order, or protection order issued by any jurisdiction. M.G.L. c. 209A, §7

Preferred:

When there is no outstanding restraining order, arrest shall be the preferred response whenever officers witness or have probable cause to believe that a person has committed:

1. has committed a felony;
2. has committed a misdemeanor involving abuse as defined in section one of this chapter;
3. has committed an assault and battery in violation of section thirteen A of chapter two hundred and sixty-five.

When probable cause to arrest exists and the suspect has fled the area, patrols, including other jurisdictions where the suspect is believed to be going, shall be advised in efforts to locate and arrest the suspect.

1. One department's statement that probable cause to arrest exists shall be honored by another department anywhere within the Commonwealth. The second department shall

immediately attempt to affect the arrest as requested by the investigating department.

2. Officers will attempt to make a warrantless arrest within a reasonable period of time. However, as soon as is practical, the investigating department shall seek an arrest warrant from the appropriate court for crimes of abuse as defined under M.G.L. c. 209A.
3. When probable cause exists to believe a crime involving abuse occurred, it is not proper procedure to advise the victim to seek complaint applications on their own.

The Massachusetts Probation Service Electronic Monitoring (ELMO) Law

Law Enforcement agencies (i.e., local and state police) may request ELMO information by submitting a written request to Elmo.Inforequests@jud.state.ma.us from a verifiable Law Enforcement agency email address. These requests are typically responded to within 24 to 48 hours. ELMO will supply GPS information “For Investigative Purposes Only”

Once the prosecuting entity has initiated charges by commencing a grand jury or filing an application for complaint, requests for information must comply with Trial Court Rule IX and be sent to the MPS Legal Unit.

In the interest of public safety, if a Law Enforcement agency makes an urgent request (i.e. AMBER Alerts, Major/Catastrophic events, and requests for real time locations of specific monitored offenders for the purpose of serving a warrant or effectuating an arrest) and provides verifiable credentials such as the main phone number of the requesting agency, the officer’s badge number, contact information, and the officer is currently assigned to investigate the matter at hand, information for investigative purposes may be provided immediately.

If an agency is requesting a point tracking search (Crime Correlation) for a particular location, this request should include a defined period of time and should disclose for what purpose the request is being made.

All requests should be sent to Elmo.Inforequests@jud.state.ma.us. Law enforcement may also contact ELMO directly at 978-365-2970 for assistance.

Dual Arrests / Dominant Aggressor

Dual arrests are strongly discouraged because they trivialize the seriousness of domestic abuse and increase the danger to victims.

1. Officers should attempt to identify the dominant aggressor and take action based on that determination. In the majority of cases, an effective investigation will reveal the dominant aggressor.
2. Officers should note any visible injuries and consider whether the wounds appear to be more consistent with an offensive attack or self-defense." In some cases, the dominant aggressor may have more serious injuries. If one of the persons acted entirely in self-defense, the situation should be treated as such, and the dominant aggressor identified and arrested if appropriate.
3. When someone uses self-defense, the amount of force used must be "reasonable" given the nature of the threat and surrounding circumstances and, if warranted, may even include the use of weapons.

If the officers determine that neither party acted in self-defense and that both parties have committed an act of domestic abuse, then the officers should determine who is the dominant aggressor and take action after considering the totality of the circumstances including:

1. The severity of injuries and fear inflicted in the incident;
2. The use of force and intimidation in the incident;
3. Prior incidents involving either party; and
4. The likelihood of either party committing domestic violence in the near future.

Any officer arresting both parties is required, by law, to submit a separate detailed written report in addition to an incident report, setting forth the grounds for dual arrest. In the event of a dual arrest, officers are encouraged to consult with a supervisor prior to arrest.

Officers investigating an incident of domestic violence shall not threaten, suggest, or otherwise

indicate the arrest of all parties for the purpose of discouraging requests for law enforcement intervention by any party.

Arrest of a Caretaker

In cases involving the abuse of a child, an elder, or a person with a disability, officers must address the issue of whether or not the victim can be left alone safely if the abuser is arrested.

If the child, the elder, or the person with a disability cannot be left alone, the appropriate protective agency must be contacted in order to arrange for temporary care. When a caretaker is arrested and an agency is called for temporary care, the officer shall explain to the child, elder, or person with disability what is happening and the reasons for calling a protective agency.

Bail

A person who is 18 years or older shall not be bailed sooner than 6 hours after arrest from a police station if under arrest for the following crimes:

1. Any act that would constitute abuse, as defined in section 1 of said chapter 209A; or
2. A violation of M.G.L. c. 265, §§13M or 15D.

A person shall NOT be bailed from a police station if under arrest for the following crimes:

1. A Restraining Order Violation under M.G.L. c. 208 or 209A; or
2. Any act that would constitute abuse, as defined in section 1 of said chapter 209A, while a restraining order is in effect.

Inform the victim that the defendant may be eligible for bail and may be promptly released. If a defendant is released on bail from the place of detention, a reasonable attempt shall be made to notify the victim(s) of the defendant's release by the arresting police department.

Dangerousness Hearing

Under M.G.L. c.276, §58A, a defendant arrested and charged with certain offenses may be held without bail if a court determines that the defendant is a danger to the victim or the public. Included in the list of 58A eligible offenses are misdemeanors or felonies involving abuse as defined by c. 209A or while an order of protection issued under said chapter 209A was in effect against such person.

1. The responding officer's actions and behavior at the scene form the basis for this
2. determination by the prosecuting agency and/or Court.
3. Officers should ensure that the proper documentation is done in a timely manner and forwarded to the appropriate officer to be brought to Court and the prosecuting agency.
4. If an officer believes that a defendant is a high risk and poses a danger to a victim or the public, it should be documented in the police report and steps should be taken to notify the prosecuting agency.

Juveniles

Juvenile DV incidents pose a significant challenge for responding law enforcement officers. This section aims to address several of those challenges and offer response/action recommendations. Every DV incident presents unique challenges, and this section is not meant to cover every possible scenario.

Officers should use their discretion in accordance with departmental policies, rules, and regulations, and applicable statutes, keeping the safety and security of victims and the public as the ultimate objective. Officers handling juveniles in enforcement capacities may exercise reasonable discretion in deciding appropriate action. Officers shall consider using the least coercive and most reasonable alternative to an arrest when appropriate, consistent with preserving public safety, order, victim safety, and individual liberty.

Police cannot arrest, summon, or charge a juvenile under 12 years old for violating any town by-law, municipal ordinance, or criminal law in Massachusetts.

Police can arrest or charge a juvenile between 12 and 18 years old who commits a misdemeanor or felony.

When a juvenile is properly charged with domestic violence (M.G.L c. 265, § 13A or M.G.L c. 265 § 13M), the 6-hour bail hold does NOT apply - All juveniles are exempt from this hold:

1. By statute, these provisions only apply to those defendants “who have attained the age of 18 years.” M.G.L. c. 276, § 58.
2. Circumstances that warrant a charge under M.G.L. c. §265, § 13M upon a juvenile would be cases of violence perpetrated against someone with whom the juvenile was once married, has a child in common, has been in a substantive dating relationship,’ or is engaged to be married. In such cases, as in teen dating violence, the six-hour waiting period for bail does NOT apply to juveniles.
3. Officers should, therefore, follow the typical protocol for arresting a juvenile. Officers are required to contact the juvenile’s legal guardian per M.G.L. c. 119,
4. §67. If no parent is available, a guardian or custodian with whom the child lives shall be notified. If the child is in the custody of the Department of Children and Families, DCF shall be notified.
5. Violence between family members, as defined by Massachusetts General Law Chapter 265, Section 13A, presents a unique challenge when the perpetrator is a juvenile and the victim resides in the same household.
6. If a parent, guardian, or custodian refuses custody of a juvenile who is eligible to be released, the officer shall file a 51A for neglect and notify DCF.
7. Officers would then be required to contact an on-call bail clerk or bail magistrate for a bail determination.

Officers are advised to consider various options for the juvenile in lieu of an arrest. A summons may be a preferred option, especially when the juvenile is receiving proactive support from caregivers and the safety of the intimate partner and/or family/household

member can be assured.

Notification to the Victim in Criminal Cases

The law directs that a “reasonable attempt” must be made by the arresting police department to notify the victim if a defendant charged with a violation of a restraining order or a criminal act constituting domestic abuse is released on bail from the place of detention. If the defendant is released on bail by order of a court, a reasonable attempt at notice shall be made by the district attorney. M.G.L. c. 276, § 42A, § 57, § 58.

Information Provided to Defendant

The person admitting the defendant charged with a criminal act constituting domestic abuse to bail is required to provide the defendant with informational resources regarding domestic violence, including a list of nearby certified intimate partner abuse education programs. M.G.L. c. 276, § 42A, § 57, § 58.

Probable Cause Standard

All officers shall utilize the same standard of “probable cause” for domestic violence offenses as with all other crimes.

Decisions to arrest will be based on whether or not probable cause and the authority to arrest exist, not on the victim’s agreement to testify at a future date.

Fingerprinting of Defendants

Whenever resources allow, officers shall take fingerprints and photographs of all criminal defendants in domestic violence cases.

Fingerprints should be forwarded to the State Police for entry into the Automated Fingerprint Identification System (AFIS). This will greatly improve the detection and prosecution of other offenses, such as breaking and entering and stalking. When any defendant is arrested and charged with a felony, copies of fingerprints shall be forwarded to the colonel of state police per M.G.L. c. 263, § 1A.

Referrals

Provide information, including phone numbers, about local resources such as community-based domestic violence and sexual assault advocacy programs for emergency shelter and counseling services, and the District Attorney's Office Victim Witness Advocacy Program. (See attached Appendices I, II, & III)

It is advisable that Police agencies have referral information preprinted so that it can be distributed with the Abused Person's Notice of Rights card. Referral information can be typed onto the card or stapled to it. Victim Compensation can also be a valuable resource.

Incident Reports

Incident reports will be filed whether or not an arrest is made. They will be made available to the victim (see: M.G.L. c. 41, § 97D) at no cost upon their request to the investigating department. (Since the initial investigation should determine the existence of any history of abuse, that information must be included within the report.)

1. Prosecution and subsequent legal action can be greatly aided by documentation and description of physical injuries, photographs of the injuries, noting the presence of children in the household, and other information gained through the investigation.
2. All police departments that require an investigating officer to complete a report concerning an incident, offense, alleged offense, or arrest on a form provided by their department shall include on the said form a space to indicate whether such an offense, alleged offense, or arrest involved abuse as defined in M.G.L. c. 209A. See M.G.L. c. 41, § 98G, and M.G.L. c. 22C, § 49.

Confidentiality of Reports: Chapter 41 Section 97D

All reports, including communications between police officers and victims of domestic violence/ abuse perpetrated by family or household members, rape, and sexual assault, are confidential and are not public records. Violation of this section shall be punished by imprisonment of 1 year and/or a fine of \$1,000.00.

1. Police departments shall ensure the confidentiality of domestic violence records, including information regarding the identity of a victim or children and any medical information or statement by witnesses.
2. Victims of domestic violence have a strong privacy interest in this type of information—whether contained in the initial incident report or supplemental reports. With the exception of the complete report's release to the victim, reports should be reviewed and redacted accordingly in response to other requests.

Expanded Confidentiality of Abuse Prevention Order Provisions

M.G.L. c. 41, § 97D states that all police records related to rape, sexual assaults, and domestic violence are confidential. This statute includes specific authorization for victims, prosecutors, counselors, and law enforcement officers to obtain the records.

Unlike sexual assault crimes governed by M.G.L. c. 265, § 24C, the law does not extend the confidentiality of police reports in domestic violence cases once those reports are filed in court. In the event a party seeks impoundment of the reports, clerks should not disseminate the reports until the issue has been decided by a judge.

A plaintiff's residential address and workplace address shall appear on the court order and be accessible to the defendant unless the plaintiff specifically requests that this information be withheld from the order (See M.G.L. c. 209A, § 8). Police officers helping to issue emergency abuse prevention orders must be cognizant of victims' confidentiality rights and requests.

Police Department Log: Chapter 41 Section 98F

The following entries shall be kept in a separate log and shall not be a public record, nor shall such entries be disclosed to the public:

1. Any entry in a log which pertains to a handicapped individual who is physically or mentally incapacitated to the degree that said person is confined to a wheelchair or is bedridden or requires the use of a device designed to provide said person with mobility.

2. Any information concerning the response to reports of domestic violence, rape, or sexual assault.
3. Any entry concerning the arrest of a person for assault, assault and battery, or violation of a protective order where the victim is a family or household member, as defined by Chapter 209A Section 1.

Mandated Reporting

Under Massachusetts law, the Department of Children and Families (DCF) is the state agency that receives all reports of suspected abuse and/or neglect of children under the age of 18. State law requires professionals whose work brings them in contact with children to notify DCF if they suspect that a child is being abused and/or neglected.

Officers are filing on behalf of the child. If an officer intends to file a 51A child abuse report, they should inform the non-offending parent or caretaker and explain the filing process, including that the report is being filed.

Mandated Reporters

Massachusetts law requires mandated reporters to immediately make an oral report to DCF when, in their professional capacity, they have reasonable cause to believe that a child under the age of 18 years is suffering from abuse and/or neglect. Access the [Mandated Reporter page](#) for more information.

[How to Report](#)

A mandated reporter shall immediately communicate with the department orally and shall, within 48 hours, file a written report with the department detailing suspected abuse or neglect if, in their professional capacity, they have reasonable cause to believe that a child is:

- i. suffering physical or emotional injury resulting from abuse inflicted upon them, which causes harm or substantial risk of harm to the child's health or welfare, including, but not limited to, sexual abuse;
- ii. suffering physical or emotional injury resulting from neglect, including, but not limited

to, malnutrition;

- iii. a sexually exploited child; or
- iv. a human trafficking victim, as defined by section 20M of chapter 233; provided, however, that an indication of prenatal substance exposure shall not solely meet the requirements of this section.

Mandated reporters are encouraged to utilize the online abuse/neglect report option available [online](#) to submit the written report; however, written reports may be mailed or faxed to the Department within 48 hours of the oral report. The form for faxing/mailing this report can also be obtained from the [DCF website](#).

Any mandated reporter who fails to make the required oral and written reports can be punished with a fine of up to \$1,000. Any mandated reporter who willfully fails to report child abuse and/or neglect that resulted in serious bodily injury or death can be punished by a fine of up to \$5,000 and up to 2½ years in jail, and be reported to the person's professional licensing authority.

By phone

- During regular business hours (8:45 a.m. - 5 p.m. M-F), call the [DCF area office that serves the city or town](#) where the child lives.
 - *Note that some cities have more than one DCF office. Use the coverage directory for [Boston](#), [Springfield](#), or [Worcester](#) to determine which office to call.*
- After hours or on weekends, call the Child-Risk-Hotline 1-800-792-5200.

Mandated Reporters only

- After making the initial call, within 48 hours, [complete the required written report](#).

Supporting Children After a Domestic Violence Call:

To better support children affected by domestic violence and other traumatic incidents,

consider implementing a "Handle with Care" approach in your community. This model centers on improved communication and collaboration between law enforcement, schools, and mental health providers.

To effectively implement this approach, it is imperative to build strong relationships with schools and community partners. There must be established communication channels for these notifications, and regular meetings and training sessions should be conducted to enhance understanding of trauma's impact on children.

This collaborative effort creates a comprehensive support network that can help mitigate the negative effects of trauma on children's learning and behavior. By adopting this community-wide approach, you can create a more sensitive and effective system for responding to and assisting traumatized children, ultimately improving their outcomes in school and beyond.

With a Handle with Care approach, law enforcement officers identify children present, gather their school information, and send a confidential "Handle with Care" notification to the school before the next day. These notifications only include the child's name and the phrase "Handle with Care," without any details of the incident, allowing schools to provide appropriate support while maintaining privacy.

If you're interested in learning more about the "Handle with Care" model or need additional resources for implementation, please refer to the [Plymouth District Attorney's Handle With Care website](#), which provides links to materials and examples from communities that have successfully adopted this approach.

Disabled Persons Protection Commission

M.G.L. c. 19C., s. 10 Domestic Violence or Abuse Reporting to the Disabled Persons Protection Commission (DPPC):

- A notification must be made to the [Disabled Persons Protection Commission](#) whenever an officer has reasonable cause to believe that a caretaker has abused, neglected, and/or caused physical or emotional harm or contributed to the death of an adult with a disability (aged 18-59)*.

- M.G.L. c19C, s. 10, notifications should be made as soon as possible but are required within 48 hours for mandated reporters. When possible, officers should notify the victim when an abuse report is to be filed.

Notifications to the DPPC Abuse Reporting Network can be accomplished in any of the following methods:

- By calling the DPPC Abuse Hotline (24 hrs./day). Officers should call 1-800-426-9009. Specially trained live intake personnel are available 24 hours.
- By submitting an [online report](#).
- Mail/facsimile correspondence can be addressed to: DPPC-State Police Detective Unit, 300 Granite Street, Suite 404, Braintree, MA 02184, Fax to: (857)403-0296, email to: DPPChotline@massmail.state.ma.us.
- In addition, the R3 Apple App was developed to help people with disabilities Recognize, Report, and Respond to abuse. A download link and information are available on the [DPPC R3 App website](#).

Executive Office of Elder Affairs

The [Executive Office of Elder Affairs' Adult Protective Services](#) program investigates cases of abuse where the individual:

- Is 60 or older
- Resides in Massachusetts and lives in the community, as opposed to a long-term care setting

Reports can be filed 24 hours a day by phone at (800) 922-2275.

- If you are ready to call, please have the victim's name, address, date(s), and any other relevant information to explain the situation. You do not have to share everything with the Adult Protective Services team, but our investigators need enough information to follow up on the situation.

- Reports can be filed 24 hours a day [online](#). If you have technical issues when trying to report online, please stop the online reporting process and immediately call (800) 922-2275 to report abuse.
- Please see the [Elder Abuse Online Reporting User Guide](#) for further instructions before you [report elder abuse online](#).
- If you successfully file a report online, you DO NOT need to call.
- Online reports will be treated the same as verbal reports over the phone and referred to the local Adult Protective Services agency.
- If you include your email address, you will receive an email confirmation after submitting the report.

Once a report is received, it will be reviewed by the local Adult Protective Services agency.

- If a report is reviewed and calls for an investigation, an Adult Protective Services caseworker will be assigned to further investigate the situation.
- If a report is reviewed and does not qualify for an investigation by the Executive Office of Elder Affairs, the reporter will be notified if they specified they wanted to be updated about the status of the case when reporting the abuse.
- In most cases, reports are reviewed the same day, but [regulations](#) allow up to 48 hours in non-emergency situations.

SECTION NINE

FIREARMS

When a firearm or other weapon is present at the scene of a domestic violence situation, officers shall:

1. Seize the firearm or weapon as evidence of the crime if the responding officers are informed that it has been involved in the dispute.

2. Every department within the Commonwealth shall honor another department's request for assistance in seizing firearms, weapons, or licenses, regardless of which department is named within the order.

If the firearm or weapon is not reported to have been involved in the dispute:

1. Request that the firearm or weapon be placed in their custody temporarily to alleviate the threat of serious violence.
2. Search for and take custody of the firearms or weapon if a party who lawfully resides there requests that the officer do so. A consent search is allowed in areas where the victim has access, including areas of joint access with the suspect
3. Determine whether a firearm or weapon is lawfully possessed before returning the same.

If the officer determines that the firearm or weapon cannot be seized, the following actions can take place:

1. A judge can order the defendant to surrender guns and licenses; and
2. The chief who issued a license to carry may revoke or suspend such license.
3. In all domestic violence cases, the investigating department shall advise the licensing authority that the subject of the licenses is suspected of abuse.

Storage of Firearms

The department named within the order shall be responsible for the storage of the seized items or the delegation of storage to an authorized facility.

In cases involving police officers that are defendants in Abuse Prevention Orders, the defendant shall immediately surrender all firearms, including departmental weapons and licenses, to the department serving the order.

Federal Firearms Provisions

Although State and Local Police officers cannot enforce Federal provisions, the chief should be notified whenever an officer identifies a case involving the following circumstances, because there may be Federal action that can be taken:

- a) Misdemeanors Involving Domestic Violence—Under 18 USC § 922(g)(9), it is unlawful for any person convicted of certain misdemeanor crimes involving domestic violence to ship, transport, possess, sell, or otherwise dispose of, or receive firearms or ammunition. Federal law prohibits any person subject to a qualifying order of protection from possessing firearms and ammunition. See 18 USC § 922(g)(8).
- b) Federal Felon in Possession of a Firearm—Under 18 USC. § 922(g)(1), "Felon in possession of a firearm," it is unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to possess any gun or ammunition.
- c) Persons Named in Protective Orders—Under the Federal Crime Control and Law Enforcement Act of 1994, it is unlawful for an individual subject to a "permanent" restraining order involving "intimate partners" to receive, ship, transport, or possess guns (including handguns, rifles, and shotguns) or ammunition that traveled in interstate commerce.
- d) Misdemeanors are excluded from consideration if they are punishable by a term of two years or less. Therefore, misdemeanors punishable by a term of imprisonment of more than two years fall within that provision.

SECTION TEN

PROPERTY

The relationship between the parties and their property interests complicates domestic violence situations.

Vacate Orders and Court Orders to Retrieve Belongings

Once a vacate, no contact, stay away, or refrain from abuse order is issued, officers should not accompany a defendant to the property without specific judicial authorization.

The defendant in the “vacate order” is allowed to retrieve their belongings under the following conditions:

- The defendant must have a court order allowing for the retrieval of the property.
- The police must accompany the defendant. Officers shall remain with the defendant throughout the process.
- The victim must have prior notice from the police department, and the victim must agree to the timing of the retrieval.
- The defendant must not be allowed to use this as a means of harassing the victim.
- The defendant may retrieve personal property, including clothing, shoes, personal care items, etc. If the defendant is attempting to collect any other items, including furniture or electronic equipment, that are in dispute, the defendant should be referred to the issuing court or the Probate and Family Court for the settlement of shared property.
- When a court order exists allowing a victim to return to the defendant's residence to retrieve their belongings, the police shall accompany the victim to ensure the victim is not abused or harassed by the defendant.

Removing or Destroying Property -

When a person is accused of removing or attempting to remove property from the dwelling or of damaging or destroying property, the officer should investigate to determine whether the action is criminal (for example, malicious destruction of property).

SECTION ELEVEN

STRANGULATION

Strangulation is a primary and significant dangerousness factor that is often misunderstood or misidentified. Strangulation and choking are not the same. Victims who are strangled by their attacker are 750% more likely to be killed by the same attacker in the near future (Alliance for Hope, n.d.).

Despite the high fatality risk of strangulation, it is often mistaken for something less serious. The word 'choking' minimizes the severity of strangulation for victims, abusers, law enforcement, and court personnel.

- Choking is when food or other objects become lodged in a person's throat and temporarily interfere with a person's ability to breathe.
- Strangulation is the manual constriction of the neck or throat of a person in order to interfere with or stop the flow of oxygen to the brain.

Victims often have no visible injuries, yet because of underlying physiological dangers, it is very important that the victim receive medical attention. Victims may have serious internal injuries, which could lead to death hours, days, or even weeks later.

The general clinical sequence of a victim who is being strangled is:

1. Severe pain
2. Followed by unconsciousness
3. Followed by brain death

Lethal Progression

1. 10 Seconds: pass out
2. 20 seconds: should bounce back on own
3. 30 seconds: need to revive if they don't bounce back
4. 50-100 seconds: point of no return

5. 4 minutes (or less): brain death

The victim will lose consciousness by any one or all of the following:

1. Blocking of the carotid arteries which will deprive the brain of oxygen; (Carotid arteries are the major vessels that transport oxygenated blood from the heart and lungs to the brain. These are the arteries at the sides of the neck that persons administering cardiopulmonary resuscitation (CPR) check for pulses.)
2. Blocking of the jugular veins which will prevent deoxygenated blood from exiting the brain, (Jugular veins are the major vessels that transport deoxygenated blood from the brain back to the heart.)
3. Closing off the airway, causing the victim to be unable to breathe.

Suggested Questions to Document Strangulation (Also refer to the strangulation worksheet)

1. Did the perpetrator use one or two hands?
2. Were you shaken while being strangled? If so, how much?
3. Were you whipped back and forth?
4. How much force was used and how hard were you grabbed?
5. Were you grabbed from the front or from the back?
6. Do you know how long you were strangled?
7. Were you strangled by the perpetrator's hands or arm?
8. Was an object used?
9. Was he/she wearing rings?
10. Did you try to get their hands off?

11. Did he/she say anything while strangling you?

12. How did the strangulation stop?

Questions to Determine Internal Injuries

1. Did you have difficulty breathing?
2. Did you feel light-headed, faint, or close to losing consciousness?
3. Did you experience any loss of bodily functions?
4. Are you experiencing nausea or vomiting?
5. Are you in pain or discomfort?
6. Are you having trouble swallowing?
7. Have there been past incidents of strangulation?

Physical Symptoms of Victims

1. Spots around eyes or face from a ruptured capillary
2. Bruising
3. Impression marks, rope or cord burns
4. Swelling of the neck
5. Loss of bodily functions
6. Ringing ears or light-headedness, raspy voice
7. Difficulty talking, breathing, or swallowing
8. Sore throat, bleeding from the mouth
9. Fainting

10. Petechiae behind ears; bleeding from ear canals

Physical Evidence on Perpetrator

1. Scratches or cuts
2. Bite marks on the arms, hands, or chest
3. Finger impressions on hands or arms

Evidence Collection

Remember, DNA is contained in blood, semen, skin cells, tissue, organs, muscle, brain cells, bone, teeth, hair, saliva, mucus, perspiration, fingernails, urine, feces, etc.

Documentation

In order to properly assess not only the legal standards necessary for charging but also to understand the lethality of the assault, it is essential to fully document what happened by completing a strangulation worksheet. When strangulation is indicated by either the victim or the suspect, *it is ideal to complete the Strangulation Worksheet which includes all questions cited in this section* (See attached Appendix VI).

Stalking and Intimate Partner Violence:

There is a real and frighteningly significant connection between [stalking](#) and intimate partner violence. Stalking often co-occurs with intimate partner violence and can be an indicator of other forms of violence. Stalking can be a way to exert power and control during and/or after an abusive relationship.

1. Stalking increases the risk of intimate partner homicide by three times.
2. The average length of partner stalking is 2.2 years.

Intimate partner stalkers are more likely (than stalkers who are not intimate partners) to:

1. Use the widest range of stalking tactics.

2. Contact and approach victims more frequently.
3. Assault their victims.
4. Be insulting and interfere in the victim's life.
5. Escalate the frequency and intensity of pursuit more often.
6. Threaten victims with weapons or actually use weapons on their victims.
7. Be threatening to their victims and re-offend.
8. Follow through on threats of violence.
9. One study found that among stalking victims threatened, 71% of intimate partner victims were actually assaulted compared to 33% of non-intimate partner victims.
10. Assault third parties.
11. Reoffend after a court intervention and re-offend more quickly.

SECTION TWELVE

Domestic Violence High-Risk Model

Many communities have created high-risk models for addressing, responding to, and reducing domestic violence. These efforts include the creation of Domestic Violence High-Risk Teams and the use of risk assessment worksheets.

High-risk teams exist throughout the Commonwealth.

High-risk teams build upon the work of risk assessment by providing consistent, systematic responses to monitor offenders and enhance the safety of victims. These teams are made up of multiple agencies and provide a vehicle for communication among the different disciplines involved in the domestic violence response system.

Ideally, high-risk teams are focused equally on offender accountability and victim safety.

Teams pool information on high-risk cases and create individualized intervention plans, provide ongoing risk management, and track case dispositions and victim safety. Teams are made up of victim advocacy organizations, law enforcement, probation, parole, prosecutors, Intimate Partner Abuse Education Programs (formerly known as “Certified Batterer’s Intervention Programs”), and health care. Other members could include the Disabled Persons Protection Commission, Department of Transitional Assistance (DTA), Department of Children and Families (DCF), educational institutions, correctional facilities, as well as organizations that will ensure cultural sensitivity and representation.

Team members are well-trained in domestic violence dynamics and risk assessment. They work together to leverage all possible safety options for victims at the highest risk.

Critical Elements of Successful High-Risk Teams

1. Train law enforcement and first responders in risk assessment, strangulation, and the high-risk model (ideally from a training team made up of an advocate, officer, and prosecutor).
2. Sign a memorandum of agreement that outlines each other’s roles, responsibilities, and accountability practices.
3. Create and adopt high-risk assessment protocols in each member’s organization.
4. Include victim advocacy organizations in the leadership of the team to ensure that victim safety remains paramount.
5. Ensure quality, comprehensive, and adequately funded victim services.
6. Utilize all effective and appropriate pre-trial containment options, including GPS and electronic monitoring, dangerousness hearings, and pre-trial conditions of probation.
7. Coordinate efforts to contain and monitor the offender through pre-trial detention, dangerousness hearings, GPS monitoring, and/or batterer’s intervention.
8. Engage the community in the formation process and establish support from the top management of partner organizations.

9. Address and correct systemic gaps that are uncovered through case management.
10. Track and evaluate effectiveness and provide a yearly outcome report to the community.
11. Ensure funding is in place for the lead organization to sustain the efforts.

Law Enforcement Response

While the protocol will depend on the municipality, below is a standardized tool and protocol for response (Standard Risk Assessment is attached in Appendix):

Risk Assessments

The ability to assess the dangerousness and lethality of those who commit acts of domestic abuse is a critical element in violence intervention and prevention. Research shows that domestic violence homicides typically do not occur without warning. They occur most often in predictable patterns that escalate in severity and frequency. Risk indicators for intimate partner homicide (e.g., strangulation, forced sex, threats to kill) have been established through the research of Dr. Jacquelyn Campbell and others over the last 20 years. According to the research, there are approximately nine near-lethal incidents for every intimate partner homicide (IPH).

Despite this, few police departments incorporate danger assessment into their investigation of domestic violence incidents. In addition, many domestic violence programs do not systematically assess for risk when working with abuse victims. This results in incomplete and limited information, decreasing offender accountability and victim safety.

Risk assessment tools help us to gather and share information across systems – information which is critical to victim safety and offender accountability. Once high-risk offenders have been identified, we can begin to monitor the offender, ensure victims have the services they need, and manage the case with those two primary objectives in mind.

By incorporating what we know about IPH and instituting risk assessment protocols for first responders, we can identify dangerous domestic violence offenders earlier, giving the system a

better opportunity to interrupt the cycle of escalating violence before serious re-assault or a lethal assault occurs. Risk assessments encourage the system to look beyond an individual incident of violence and take a wider view of the history and patterns of abuse – a far better way to gauge the danger of a situation.

When should a risk assessment screen be conducted?

The risk assessment screen should be completed when there is a current or previous intimate relationship between the parties and the responding officer:

1. Is arresting the abuser or is asking for a warrant or criminal charges to issue
2. If there is no probable cause for criminal charges a Risk Assessment can also be done if the following exist
3. Believes a violent incident may have occurred,
4. Senses the potential for danger is high,
5. Is responding to repeat names or location, or
6. Simply believes one should be conducted.

When officers arrive at a scene of a verbal argument, the officer should note if they have gone to the location before or have responded to the same individuals before. The officer should consider doing a risk assessment if they believe that this is not an isolated incident. A risk assessment can also be conducted if the officer believes that the verbal argument rose to the level that at least one party was fearful enough to contact the police.

An abusive partner does not have to use physical force to be a high-risk offender. There are a multitude of other behaviors and actions within the relationship that could place the victim at high risk.

When completing a formal Risk Assessment Worksheet with the victim, it is important that the officer completes the form and does not ask the victim to fill out the form. This is also true for the above-mentioned Strangulation Worksheet.

Interviewing the victim and conducting the risk assessment:

1. If there is need for emergency medical attention, conduct the interview after the victim has been treated (most likely at the medical facility).
2. Conduct the victim interview in a private setting, away from the suspect and, if possible, other family members.
3. In the case of a disclosed sexual assault, follow department procedure.
4. Obtain preliminary information from the victim about the current reported incident and specifics leading up to the incident, whether there is a relationship between the victim and suspect, prior history of abuse, any court orders, use of weapons, or use of alcohol/drugs.
5. Record the victim's excited utterances and emotional and physical condition.
6. Note demeanor, body language and other nonverbal communication and document in the police report.
7. Document the victim's injuries and inquire about injuries that are not visible.
8. Obtain temporary addresses/phone information from the victim.
9. If the four criteria to conduct a risk assessment have been met, conduct the risk assessment.
10. Officer(s) should use the Risk Assessment form and provide as complete answers as possible to all questions. (Sample form attached as Appendix IV).
11. The information received from the victim should then be included in, and attached to the incident report.
12. If the victim answers yes, to any of the high-risk questions, the officer should further investigate positive answers by asking for more details.

Responsibilities once the risk assessment screen has been completed:

If an officer determines and/or feels that the victim is at high risk and needs immediate assistance they should:

1. Inform the victim of his/her concerns for the victim's safety based on the answers given to the assessment questions;
2. Inform the victim that there are free and confidential services available that offer a wide range of services;
3. Inform victim of DV shelter hotline and assist if asked;
4. Inform the victim of Protective Order information and options;
5. The officer will offer to contact the local domestic violence agency for the victim to speak with an advocate; and
6. The officer will give the victim the palm cards and brochures.

After the risk assessment has been completed, that and your report will be seen and used by many other agencies to hold the offender accountable and keep the victim safe. They both will be used by prosecutors when arguing bail, arguing prior bad act motions, recommending sentences as well as during probation surrenders, parole hearings, and possibly by other partnering agencies for hearing. It is important to make sure both documents are as detailed and complete as possible

SECTION THIRTEEN

SERVICE OF RESTRAINING ORDERS

In-hand Service

Service of orders shall be made in hand unless otherwise ordered by the court. M.G.L. Chapter 209A, § 7, requires that "the law enforcement agency shall promptly make its return of service to the court."

1. Upon service, a law enforcement officer shall, to the extent practicable, fully inform the defendant of the contents of the order and the available penalties for any violation of an order or terms thereof.
2. Orders shall be served promptly upon receipt. If service is initially unsuccessful, the responsible Police Department must continue to attempt service until it is completed. Service of orders will not be delayed in order to forward service by a specialized officer or unit. If an officer is unable to make service after "numerous attempts," the officer should document, in detail, the service attempts on the "return of service" form and request the court to allow service by leaving a copy of the order at the last known address of the defendant.
3. Service of orders may compromise victim safety. Victim safety should be considered in the timing of the service of the order. Officers should encourage the victim to contact an advocate (either through the D.A.'s Office, SAFEPLAN or the local domestic violence program) in order to develop a safety plan around the service of the order.

Record of Service

Departments must keep a record of all attempts at service.

Return of Service

All returns of service, including service of Emergency Orders, must be sent to the court.

Orders Disseminated to the Department

The Court is responsible for sending the order to the appropriate law enforcement agency for service on the defendant. In the event that the plaintiff brings an order to the police department for service, officers should ensure that the police department's responsibilities under M.G.L. c209A and these guidelines are met.

Firearms

Upon service of the order, officers shall immediately take possession of all firearms, rifles,

shotguns, ammunition and any licenses or FID cards in the control, ownership, or possession of the defendant. The license-issuing authority shall be contacted at once and fully informed of the incident and provided full reports in accordance with current law. All confiscated items shall not be returned until the Order has been vacated or the firearms provision has been modified by order of the court. M.G.L. c140, §§ 129B, 131.

Notice to Plaintiffs

When assisting plaintiffs with emergency abuse prevention orders, officers should provide guidance to the plaintiff as to the exact terms of the order sought.

Out-of-State Order Violations

1. A protective order issued in another jurisdiction (as defined in M.G.L. c. 209A, §1) shall be given full faith and credit in the Commonwealth. A responding officer shall serve and enforce the terms and conditions of an out-of-state protective order as written by the issuing jurisdiction.
2. Officers shall make a warrantless arrest of any person the officer witnesses or has probable cause to believe has violated an emergency, temporary or permanent vacate, refrain from abuse, stay away, or no-contact order or judgment issued by another jurisdiction.
3. In assessing probable cause, an officer may presume the validity of the protection order issued by another jurisdiction when the officer has been provided with:
4. A copy of the order, by any source, and a statement by the victim that such order remains in effect.
5. An order of protection is presumed valid if it gives the names of the parties involved, contains the date the order was issued, has not expired, specifies the terms and conditions set against the abuser, contains the name of the issuing court, and is signed by the issuing authority.
6. Violations of out-of-state orders or Massachusetts orders violated in another state may

be charged criminally as contempt of court (M.G.L. c. 220, §14) in the Commonwealth of Massachusetts.

Notice to Defendants

When serving an abuse prevention order, officers shall fully inform the defendant of the contents of the order and penalties for any violation of an order and provide additional resources, including information on batterer's intervention programs, substance abuse counseling, alcohol abuse counseling and financial counseling. (M.G.L. c. 209A, §7) (See attached Appendix VIII).

Third-Party Contact

The Abuse Prevention Order states that the defendant is "ordered not to contact the plaintiff in person, by telephone, in writing, electronically or otherwise, either directly or through someone else."

SECTION FOURTEEN

ALLEGATIONS AGAINST LAW ENFORCEMENT PERSONNEL

Departments must recognize that law enforcement personnel, whether sworn or non-sworn, are not immune from committing or being a victim of Domestic Violence.

Although no person is exempt whatever their occupation, response dynamics may change when Law Enforcement personnel are involved depending on the circumstances.

The following response protocols are critical components to the integrity of the law enforcement profession and the trust of the community.

When responding to a Domestic Violence incident involving a law enforcement officer all of the previously outlined protocols apply. However, additional protocols may also apply.

Dispatch / Officer Response

1. The dispatcher / communications officers shall immediately notify the on-duty

commanding officer of all domestic violence involving officers.

2. The responding officers shall take immediate action to ensure the safety of the victim and all parties present.
3. A supervisor of higher rank than the officer involved should respond to the scene, when practicable.
4. The responding officers will, whenever practicable, remain on scene until relieved by the responding supervisor. The responding officers shall document, in a report, their actions and complete such report prior to the end of their tour of duty.

On-Scene Supervisor's Response

The on-scene Supervisor should:

1. Proceed to the scene of the incident and conduct an investigation.
2. Assess the actual and potential harm to the victim, children, and others present and ensure their safety.
3. Following an investigation, if the responding supervisor has reasonable suspicion to believe that there is evidence of physical abuse or that the threat of physical abuse exists and the abuser is a sworn law enforcement officer, the responding supervisor shall seize and take into custody all department-issued firearms, licenses and equipment in possession of the officer. In addition, the responding supervisor shall request the officer surrender all personally owned firearms and licenses. The responding supervisor shall ensure a check of the Firearms database is made.
4. Following an investigation, if the responding supervisor has probable cause to believe that physical abuse or the threat of physical abuse exists and the abuser is a sworn member of the department, the responding supervisor shall arrest the sworn member and seize all department issued and personally owned firearms and licenses. The responding supervisor shall ensure a check of the Firearms database is made.
5. If the suspected officer does not have their department-issued firearm on their person

or under their control at the time of the incident, the responding supervisor shall accompany the officer to the location where the firearm is located and take custody of department-issued firearms, licenses and other weapons.

6. Ensure enforcement of any court orders pursuant to M.G.L. c. 208, 209, 209A, 209C, and c. 140, § 298, court orders and department guidelines, procedures, rules and regulations.
7. The supervisor will ensure a Board of Probation (BOP) and Warrant Management System (WMS) check is conducted to determine the existence of outstanding abuse prevention orders, harassment orders, or warrants in effect against the officer involved.
8. The supervisor shall submit, through the department's appropriate chain of command, a report detailing their assessment of the incident and action taken before the end of the supervisor's tour of duty.

On-Duty Commanding Officer's Responsibilities

1. The commanding officer in charge of the officers/supervisor assigned to the initial investigation, upon being notified of a domestic violence incident involving a sworn officer, shall ensure the on-duty supervisor has responded to the scene and initiated an investigation.
2. Ensure the safety of the victim, children or others present at the scene.
3. Ensure enforcement of all provisions of M.G.L. c. 208, 209, 209A, 209C, M.G.L. c. 140, § 298, court orders, department guideline, procedures, rules and regulations.
4. Ensure reports and proper documentation of the facts and circumstances of the incident and the action taken are submitted through the proper channels in accordance with department procedures.
5. Ensure the appropriate notifications are made in accordance with the department's procedures and chain of command. Notifications should include the commanding officer of the officer involved and the commanding officer of the jurisdiction in which the incident occurred.

6. Ensure that proper notice is given to the Massachusetts Peace Officer Standards and Training (POST) Commission, pursuant to chapter 6E of the General Laws and any and all regulations promulgated by the POST Commission.

Additional considerations:

1. When responding to a domestic violence complaint involving a police officer from another jurisdiction, all responding officers, investigators, supervisors, and commanding officers shall follow the same procedures that are to be followed in responding to a domestic violence complaint regarding an officer from their own department.
2. In the event that the reported incident involves the chief, director, superintendent, or commissioner of the department, the commanding officer shall notify the individual in the government who has direct oversight for the chief, director, superintendent, or commissioner.
3. In responding to an incident where the victim is a police officer, standard domestic violence response and investigation procedures should be followed.
4. In responding to domestic violence incidents where the parties involved are both police officers, standard domestic violence procedures should be followed. After probable cause and dominant aggressor determinations are made, an arrest should be made, and all service weapons of the accused officer confiscated.

The Role of the Supervisor

Response

1. The supervisor shall ensure that all provisions of M.G.L. c. 209A, other related statutes, and these guidelines are fully adhered to.
2. A Supervisor shall be responsible for monitoring all domestic violence calls.
3. Whenever possible, a Supervisor shall respond to the scene for the purpose of providing advice or any other assistance.

4. A Supervisor shall ensure all procedures, guidelines, and department policies have been followed.

Assurances for Practice:

1. Supervisors will ensure that dispatch logs are reviewed to ensure that an incident report has been filed, even in cases where no arrest was made. Calls, which are received as allegations of domestic violence or a domestic disturbance, will not be reclassified because no probable cause to arrest existed. Incident reports shall be filed in those cases.
2. A supervisor or their designee within the department who is specially trained to review domestic violence cases, in order to ensure that the provisions of M.G.L. c. 209A, and these guidelines are met, will carefully review incident and arrest reports. If, upon review of an incident report, it is believed that probable cause exists, the supervisor will ensure that criminal charges are initiated according to the statute and these guidelines.
3. Whenever a domestic violence incident is identified as posing a significant danger, the case should be assigned for follow-up, presented at roll call, and forwarded to a "High Risk Team", if applicable.
4. Whenever a defendant is identified as being a high risk to the victim or the public, the case should be promptly referred to the local prosecuting agency.
5. Whenever a dual arrest is made, the supervisor shall review the case to determine if one of the parties is a dominant aggressor before approving the dual arrests and reports.

Referrals

1. Supervisors shall ensure that the appropriate and mandated reports are filed for children, persons with disabilities, and the elderly.
2. Supervisors shall ensure proper safety plans are in place for the survivor and other family members. These measures shall be in place immediately, enabling those affected to make informed decisions.
3. The safety plan may include all, some, or additional items;

- a. a Drive-By
- b. Welfare spot checks
- c. Arresting the abuser
- d. Serving 209a orders
- e. Assisting in obtaining 209A order
- f. Arranging transportation for medical, shelter, or other locations
- g. Referral to a Domestic Violence Advocate

Follow-up Investigations

Supervisors shall:

1. Determine if a follow-up is needed;
2. Ensure it is conducted in a complete and thorough fashion; and
3. Review and ensure proper charges are filed whenever appropriate

SECTION FIFTEEN

HARASSMENT PREVENTION ORDER CONSIDERATIONS M.G.L. c.258E

M.G.L. c. 258E provides victims of criminal harassment, stalking, and sexual assault, regardless of their relationship with the defendant, the ability to obtain harassment prevention orders against their perpetrators.

Harassment Defined

The Act defines harassment as follows: Three or more acts of willful and malicious conduct aimed at a specific person committed with the intent to cause fear, intimidation, abuse, or damage to property, and that does in fact cause fear, intimidation, abuse or damage to

property, or (ii) an act that:

1. by force, threat, or duress causes another to involuntarily engage in sexual relations; or
2. constitutes a violation of section 13B, 13F, 13H, 22, 22A, 23, 24, 24B, 26C, 43, or 43A of Chapter 265 or section 3 of chapter 272.

In-hand Service (M.G.L. c. 258E)

The Act requires that service shall be made in-hand unless otherwise directed by the court. The law enforcement agency shall promptly make a return of service to the court (M.G.L. c. 258E, § 9).

Service of an order may directly compromise a victim's safety; therefore, consider the timing of service of the order. Officers should encourage the victim to contact an advocate (either through the DA's Office, SAFEPLAN, or the local victim service program) in order to develop a safety plan around the service of the order.

Record of Service (M.G.L. c. 258E)

Departments must keep a record of all returns of service. If an order is vacated, the court will notify the law enforcement agency, and all records of the vacated order must be destroyed (M.G.L. c. 258E, § 9).

Return of Service

All returns of service must be sent to the court. Plaintiff Bringing an Order to the Police Department

The Court is responsible for sending the order to the appropriate law enforcement agency for service upon the defendant. In the event that the plaintiff brings an order to the department for service, officers should ensure that the department's responsibilities under M.G.L. c.209A and these guidelines are met.

Out-of-State Orders

A harassment order issued in another jurisdiction (as defined in M.G.L. c. 258E section 1 shall be given full faith and credit in the Commonwealth. A responding officer shall serve and enforce the terms and conditions of an out-of-state order as written by the issuing jurisdiction.

Emergency Response

1. If law enforcement officers have reason to believe that a person has been or is in danger of being abused or harassed, they shall use all reasonable means to prevent further abuse or harassment. Law enforcement officers should make every reasonable effort to do the following as part of the emergency response (M.G.L. c. 258E section 8):
2. Assess the immediate physical danger to the victim and provide assistance reasonable to mitigate the safety risk;
3. If there is observable injury to the victim or if the victim is complaining of injury, encourage the victim to seek medical attention and arrange for medical assistance by requesting an ambulance for transport to a hospital;
4. If a sexual assault has occurred, encourage the victim to seek medical attention at a Sexual Assault Nurse Examiner site (see SA guidelines) and request an ambulance for transport if appropriate. Provide the victim with referrals to local resources that may assist the victim in locating and getting to a safe place; and
5. Provide adequate notice to the victim of his/her rights, including, but not limited to, obtaining a harassment prevention order;
6. Assist the victim by activating the emergency judicial system when the court is closed for business;
7. Inform the victim that the abuser may be eligible for bail and may be promptly released; and
8. Arrest any person that a law officer witnessed or has probable cause to believe violated

a temporary or permanent vacate, restraining, stay-away or no-contact order or judgment issued under this chapter or similar protection order issued by another jurisdiction; provided, however, that if there are no vacate, restraining, stay-away or no-contact orders or judgments in effect, arresting the person shall be the preferred response if the law officer witnessed or has probable cause to believe that a person has committed a(n)

- a. felony;
 - b. misdemeanor involving harassment or abuse as defined in section
 - c. assault and battery in violation of section 13A of chapter 265; provided further, that the safety of the victim shall be paramount in any decision to arrest; and provided further, that if a law officer arrests both parties, the law officer shall submit a detailed, written report in addition to an incident report, setting forth the grounds for arresting both parties.
9. Whenever a law officer investigates an incident of harassment, the officer shall immediately file a written incident report in accordance with the standards of the law officer's law enforcement agency.
 10. The victim shall be provided with a copy of the full incident report at no cost upon request to the appropriate law enforcement department.

APPENDIX

Part 1: Common Statutes Relating to Domestic Violence

- I. [Abuse Prevention Orders—M.G.L. c209A](#)
- II. [Aggravated Assault and Battery—M.G.L. c265 §13A\(b\)](#)
- III. [Assault and Battery by Means of a Dangerous Weapon—M.G.L. c265 §15A\(b\)](#)
- IV. [Assault/Assault and Battery on a Family or Household Member—M.G.L. c265 §13M\(a\)](#)
- V. [Assault and battery upon an elderly or disabled person—c265 §13K](#)
- VI. [Civil Liability—M.G.L. c209A §6](#)
- VII. [Confidentiality—M.G.L. c233 §20k](#)
- VIII. [Confidentiality—M.G.L. c233 §20L](#)
- IX. [Employer Requirements—M.G.L. c149 § 52E](#)
- X. [Firearms—M.G.L. c140 §121](#)
- XI. [Firearms—M.G.L. c140 §129B](#)
- XII. [Firearms—M.G.L. c140 §131](#)
- XIII. [Harassment Prevention Orders—M.G.L. c258E](#)
- XIV. [Kidnapping—M.G.L. c265 §26](#)
- XV. [Police Records—M.G.L. c41 §98F](#)
- XVI. [Police Reports—M.G.L. c41 §97D](#)
- XVII. [Reporting of Suspected Abuse or Neglect—M.G.L. c119 §51A](#)

- XVIII. [Sexual Assault Law Enforcement Guidelines—EOPSS 2017](#)
- XIX. [Strangulation—M.G.L. c265 §15D\(b\)](#)
- XX. [Stalking—M.G.L. c265 §43\(a\)](#)
- XXI. [Violation of a Restraining Order—M.G.L. c209A §7](#)
- XXII. [Witness Intimidation—M.G.L. c268 §13B](#)
- XXIII. [Witness Protection—M.G.L. c263A](#)

Part 2: Referrals/Resources

Key Domestic Violence Resources for Victims

Resource	Services/Notes	Contact Information
Jane Doe Inc.	Massachusetts Coalition Against Sexual Assault & Domestic Violence	617-248-0922
SAFELINK	Statewide listing of available Domestic Violence (DV) shelter beds and referrals to programs across the state, including multi-lingual agencies.	877-785-2020 (TTY: 877-521-2601)
Asian Task Force Against Domestic Violence	Specializes in services to Asian communities.	617-338-2355
Deaf, Blind, and Hard of Hearing National Domestic Violence Hotline	Domestic violence hotline available to Deaf callers across the nation.	800-787-3224 (TTY)
The Network/La Red	Survivor-led, social justice organization that works to end partner abuse in lesbian, gay, bisexual, transgender, kink, polyamorous, and queer communities.	800-832-1901
Safe Recovery	Specializes in services involving co-occurring substance abuse and domestic violence.	978-388-6600
Boston Medical Center: Child Witness to Domestic Violence	Specializes in services for young children, ages birth to 8 years old, who have been exposed to domestic violence.	617-414-4244
Llamanos Y Hablemos	Sexual assault hotline for Spanish-speaking individuals.	800-223-5001
Elder Abuse Hotline	24/7 Hotline for reporting suspected abuse or neglect of adults age 60 or older (Massachusetts).	800-922-2275

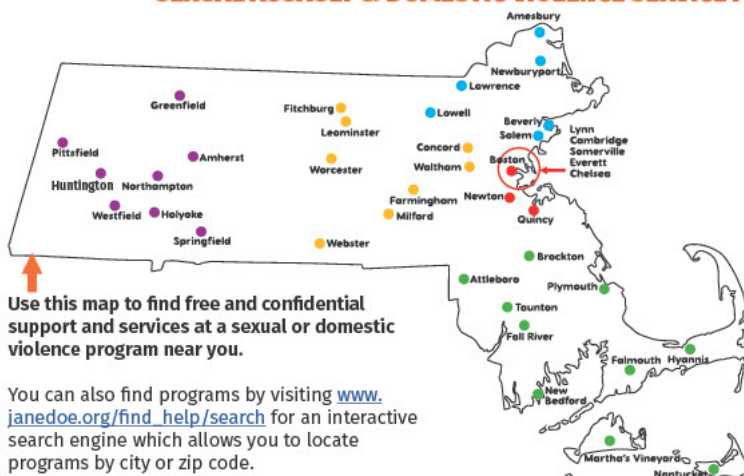
Resource	Services/Notes	Contact Information
Disabled Persons Protection Commission	24/7 Hotline for reporting suspected abuse or neglect of adults with disabilities age 18-59 (Massachusetts).	800-426-9009
Child at Risk Hotline	24/7 Hotline for reporting suspected abuse or neglect of children birth to age 17 (Massachusetts Department of Children and Families).	800-792-5200
EMERGE	Intimate Partner Abuse Education Program (Programs for Abusers).	617-547-9879
RESPOND	New England's 1st Domestic Violence Prevention Agency.	617-623-5900
Mass. Alliance of Portuguese Speakers (MAPS)	Domestic Violence and Sexual Assault Services.	617-864-7600
SAHELI	Supports South Asian & Arab survivors of domestic violence.	866-472-4354 / Text/WhatsApp: 1-781-999-1056
Military Criminal Investigations Division Field Office	Northeast Field Office Building 10705 South Riva Ridge Loop Fort Drum, NY 13602-5013	Phone: +1-315-772-9459 / DSN: 312-772-9459 / Email: Northeast FO

Jane Doe, Inc. Map of Victim Related Services



You are not Alone

SEXUAL ASSAULT & DOMESTIC VIOLENCE SERVICE PROVIDERS IN MASSACHUSETTS



Whether this experience happened recently or in the past, you can call a rape crisis center or a domestic violence program to get the support that you need. Trained advocates are there to help you, offer confidential, crisis and long-term support, connect you with resources, and respect your decisions.



Call SafeLink, the statewide domestic violence hotline to talk to someone or be connected with a local sexual assault or domestic violence program near you. SafeLink is free and confidential: **1-877-785-2020**.



VISIT OUR WEBSITE: www.JaneDoe.org

jdi

Jane Doe Inc.
The Massachusetts Coalition
Against Sexual Assault and
Domestic Violence

STATEWIDE CULTURALLY SPECIFIC PROGRAMS

To reach **TTY Off-hours**, call MassRelay at 711; English TTY: 800-439-2370; Spanish TTY: 866-930-9252 and ask to be connected to a hotline number.

Deaf, Deaf Blind and Hard of Hearing National Domestic Violence Hotline

1-800-787-3224 (TTY)
1-855-812-1001 (Video Phone)

Our Deaf Survivors Center

978-451-7225 (Cultural Broker)

Asian Task Force Against Domestic Violence (ATASK)

24-Hour Multilingual Helpline: 617-338-2355

Llámanos y hablemos

Toll-free Spanish Sexual Assault Helpline
800-223-5001

Massachusetts Alliance of Portuguese Speakers. (MAPS)

617-864-7600

SAHELI: Friendship for South Asian Women

866-472-4354

The Network/ La Red

Ending partner abuse in LGBTQ/T, SM and Poly communities
PH: 617-742-4911 TTY: 800-832-1901












To learn about other services, like intimate partner abuse education, services for children impacted by violence, and supervised visitation, see a list of programs at <https://www.mass.gov/sexual-and-domestic-violence-prevention-and-services>












See other side for a list of programs by region. →










NETWORK OF SEXUAL ASSAULT & DOMESTIC VIOLENCE SERVICE PROVIDERS IN MASSACHUSETTS

SYMBOL KEY			
	Domestic Violence Program		24 Hour Free & Confidential Hotline
	Sexual Emergency Domestic Violence Shelter		Sexual Assault / Rape Crisis Program
			Regions of Massachusetts

METRO BOSTON	
  Asian Task Force Against Domestic Violence (ATASK) 24-Hour Multilingual Helpline: 617-338-2355	 Massachusetts Alliance of Portuguese Speakers. (MAPS) Boston, Cambridge and Somerville: 617-864-7600
 Association of Haitian Women in Boston Dorchester: (617) 287-0096	 On The Rise, Inc. Cambridge: 617-497-7968
 AWAKE Program (Boston Children's Hospital) Boston: 617-355-6369	 Our Deaf Survivors Center 978-451-7225 (Cultural Broker)
 Boston Area Rape Crisis Center (BARCC) Cambridge: 800-841-8371	 Passageway at Brigham & Women's Hospital Boston: 617-732-8753
 Boston Medical Center Domestic Violence Program Boston: 617-414-5457	 RESPOND Inc. Somerville: 617-623-5900
 Brookview Dorchester: 617-869-5875	 SAHEL: Friendship for South Asian Women 866-472-4354
 Casa Myrna Boston: 877-785-2020	 The Elizabeth Stone House Jamaica Plain / Boston: 617-409-5425
 Center for Violence Prevention and Recovery at Beth Israel Deaconess Medical Center Boston: 617-667-8141	 The Network/ La Red Ending partner abuse in LGBTQ/T, SM and Poly communities PH: 617-742-4911 ES TTY: 800-832-1901
 Community Advocacy Program of CCHERS Boston: 617-373-4591	 The Second Step Newton: 617-965-3999
 DOVE, Inc. Quincy: 888-314-3683	 Transition House Cambridge: 617-661-7203
 FINEX House Jamaica Plain / Boston: 617-288-1054 (Also TTY)	 Unitarian Universalist Urban Ministry Roxbury / Boston: 617-566-6881
 HarborCOV Chelsea: 617-884-9909	 Violence Recovery Program (Fenway Health) Boston: 617-927-6250
 HAVEN at MGH Boston: 617-724-0054	

SOUTHEASTERN REGION	
  A New Day/Penelope's Place (Health Imperatives) Brockton / Quincy: 508-588-8255 ES 508-588-2041	 New Hope, Inc. Attleboro/Taunton: 800-323-4673 ES
 A Safe Place Nantucket: 508-228-2111 TTY: 508-228-7095	 South Shore Resource and Advocacy Center Plymouth: 508-746-2664 ES 888-746-2664
 CONNECT to End Violence Vineyard Haven: 508-696-7233 TTY: 774-549-9659	 SSTAR Women's Center Fall River: 508-675-0087
 Family & Community Resources Brockton: 508-583-6498	 The Women's Center New Bedford / Fall River: 888-839-6636 ES
 Independence House, Inc. Hyannis: 800-439-6507	 Violence Recovery Program (Fenway Health) Cape Cod and Fall River: 617-927-6250

CENTRAL & METROWEST	
 Domestic Violence Services Network, Inc. (DVSN) Concord: 888-399-6111	 Spanish American Center Leominster: 978-534-3145
 Journey to Safety (JFCS) Waltham: 781-647-5327	 The Domestic Violence/Sexual Assault Program of Newton Wellesley Hospital Newton: 617-243-6521
 Massachusetts Alliance of Portuguese Speakers. (MAPS) Framingham: 617-864-7600	 Voices Against Violence (SMOC) Framingham: 800-593-1125 ES
 New Hope, Inc. Milford and Southbridge: 800-323-4673 ES	 Wayside Trauma Intervention Services Milford: 800-511-5070
 Pathways for Change Worcester: 800-870-5905	 YWCA Central Massachusetts Domestic Violence Services: BWR and Daybreak Worcester: 508-755-9030 ES Leominster: 508-755-9030
 REACH Beyond Domestic Violence Waltham: 800-899-4000	

NORTHEAST REGION	
 Alternative House Lowell: 888-291-6228 ES	 The Center for Hope & Healing, Inc Lowell: 800-542-5212
 Asian Task Force Against Domestic Violence (ATASK) Lowell: 24-Hour Multilingual Helpline: 617-338-2355	 Supportive Care, Inc. Lawrence: 978-686-1300
 HAWC - Healing Abuse Working for Change Salem: 800-547-1649 ES	 YWCA Northeastern Massachusetts Lawrence: 877-509-9922 ES 844-372-9922
 Jeanne Geiger Crisis Center Newburyport / Amesbury: 978-388-1888	 YWCA North Shore Rape Crisis Center Lynn: 877-509-9922 TTY: 781-477-2315
 Massachusetts Alliance of Portuguese Speakers. (MAPS) Lowell: 617-864-7600	

WESTERN REGION	
 Behavioral Health Network Ware: 413-967-6241, Ext. 58532	 The Salasin Project Greenfield: 413-774-4307
 Center for Women & Community Hampshire County: 413-545-0800 TTY: 413-577-0940	 Womanshelter/Compañeras Hampden County: 877-536-1628 ES
 Elizabeth Freeman Center Berkshire County: 866-401-2425 ES	 Violence Recovery Program (Fenway Health) Springfield: 617-927-6250
 NELCWIT Franklin County/North Quabbin: 413-772-0806	 YWCA Western Massachusetts Hampden County: 800-796-8711 TTY: 413-733-7100
 Safe Passage Hampshire County: 888-345-5282 TTY: 413-586-5066	 Hilltown Safety at Home/Hilltown Community Health Center 413-667-2203 (press 2 for HS@H)

See other side for a list of culturally specific programs and much more. ➡

Part 3: Domestic Violence High Risk Assessment Worksheet

DOMESTIC VIOLENCE ASSESSMENT WORKSHEET

Offender's Name: _____
Offender's DOB: _____
Police Department: _____
Officer's Name: _____
Report Number: _____
Date: _____

Victim's Name: _____
Victim's DOB: _____
Victim's home #: _____
Victim's cell #: _____
Work/Alternative #: _____
Victim's email: _____

Check here if victim did not want to answer any of these questions. ☐

Please provide as much information as possible to each answer. Information can also be documented in your report.

Has the physical violence increased in severity or frequency? <input type="checkbox"/> Yes <input type="checkbox"/> No	Have the Offender and Victim separated in last year? <input type="checkbox"/> Yes <input type="checkbox"/> No
Does the Offender have firearms or immediate and easy access to firearms through friend, family member, or 3 rd party? <input type="checkbox"/> Yes <input type="checkbox"/> No	Has the Offender threatened or attempted suicide? When? <input type="checkbox"/> Yes <input type="checkbox"/> No
Has the Offender used or threatened to use a lethal weapon against Victim, such as made a direct threat, or brandished a weapon in front of the victim? <input type="checkbox"/> Yes <input type="checkbox"/> No	Is the Victim pregnant? Visibly? Yes No <input type="checkbox"/> Yes <input type="checkbox"/> No
Has the Offender threatened to kill the Victim? <input type="checkbox"/> Yes <input type="checkbox"/> No	Are there children living in the home that are not the Offender's? <input type="checkbox"/> Yes <input type="checkbox"/> No
Are threats recent and detailed? <input type="checkbox"/> Yes <input type="checkbox"/> No	Has the Offender committed prior violence toward others? <input type="checkbox"/> Yes <input type="checkbox"/> No
Has the Offender tried to kill the Victim? <input type="checkbox"/> Yes <input type="checkbox"/> No	Has the Offender avoided past police contact, such as leaving the scene before the police arrive? <input type="checkbox"/> Yes <input type="checkbox"/> No
Does Victim believe that Offender is capable of killing him/her? <input type="checkbox"/> Yes <input type="checkbox"/> No	Has the Offender prevented Victim from obtaining help? <input type="checkbox"/> Yes <input type="checkbox"/> No
Has the Offender choked/strangled/suffocated the Victim regardless of whether or not the victim has visible injuries or lost consciousness? (complete Strangulation Worksheet) <input type="checkbox"/> Yes <input type="checkbox"/> No	Has the Offender abused animals/pets? <input type="checkbox"/> Yes <input type="checkbox"/> No
Has the Offender choked/strangled, or suffocated the Victim multiple times? <input type="checkbox"/> Yes <input type="checkbox"/> No	Does the Offender have mental health issues? <input type="checkbox"/> Yes <input type="checkbox"/> No
Does the Offender control Victim's daily activities, e.g. such as by monitoring the victim's activities or relationships, or sought to restrict or control them? <input type="checkbox"/> Yes <input type="checkbox"/> No	Does the Offender misuse or has misused drugs/alcohol ? <input type="checkbox"/> Yes <input type="checkbox"/> No
Does the Offender exhibit extreme jealousy? <input type="checkbox"/> Yes <input type="checkbox"/> No	Is the Offender currently not employed? <input type="checkbox"/> Yes <input type="checkbox"/> No

Please list any other concerns that the Victim may have regarding safety issues:

If strangulation occurred, please see additional Strangulation Tool

Part 4: Strangulation Worksheet

STRANGULATION WORKSHEET

Submit this form with your Incident/Police Report

Suspect's name: _____
 Victim's Name: _____
 Report Number: _____
 Officer's Name: _____
 Date: _____

Ask **every** strangulation victim the following and check **all** applicable boxes:

☐ Victim is unable to respond at this time

1. Were EMTs called to examine the victim (strongly recommended in all strangulation cases)?

☐ Yes ☐ No

2. Did the suspect put his/her hands around the victim's neck?

☐ Yes ☐ No

3. Did the suspect apply pressure to the victim's neck by some other method?

☐ Yes ☐ No

If yes, check all applicable boxes and circle the corresponding choice.

☐ Hand

☐ right ☐ left ☐ both

☐ Foot

☐ right ☐ left ☐ both

☐ Forearm

☐ right ☐ left ☐ both

☐ Knee

☐ right ☐ left ☐ both

☐ Ligature (is item in evidence ☐ yes ☐ No)

If ligature was used, describe what and how:

4. Did the victim experience physical pain?

☐ Yes ☐ No

5. Was or is the victim having trouble breathing due to strangulation?

☐ Yes ☐ No

6. Did the victim lose consciousness?

☐ Unsure

☐ Yes ☐ No

7. Did the victim's vision fade or did the victim see stars during strangulation?

☐ Yes ☐ No

8. Where did the strangulation occur (car, bedroom, kitchen, etc.)? _____

9. What position were the suspect and the victim in when strangulation occurred?

Describe:

10. How long did the strangulation occur? _____ minutes _____ seconds

☐ Victim unable to estimate ☐ Victim unable to remember/ may have lost consciousness

11. Was the victim also smothered?

☐ Yes ☐ No

12. Was the victim shaken during strangulation?

☐ Yes ☐ No

13. Was the victim's head pounded against any stationary or immovable object?

☐ Yes ☐ No

If yes, describe: _____

14. Have there been any prior incidents of strangulation?

☐ Yes ☐ No

If yes, how many and approximately when? _____

Symptoms of Injury:

Breathing	Voice	Throat/Neck	Behavior	Other
<input type="checkbox"/> Difficulty Breathing	<input type="checkbox"/> Raspy	<input type="checkbox"/> Trouble Swallowing	<input type="checkbox"/> Agitated	<input type="checkbox"/> Dizzy
<input type="checkbox"/> Hyperventilating	<input type="checkbox"/> Hoarse	<input type="checkbox"/> Painful Swallowing	<input type="checkbox"/> Amnesia/Unable to Remember	<input type="checkbox"/> Headaches
<input type="checkbox"/> Unable to Breathe	<input type="checkbox"/> Coughing	<input type="checkbox"/> Neck Pain	<input type="checkbox"/> Stressed	<input type="checkbox"/> Fainting
<input type="checkbox"/> Other:	<input type="checkbox"/> Difficulty Speaking	<input type="checkbox"/> Nauseous	<input type="checkbox"/> Hallucinating	<input type="checkbox"/> Urination
	<input type="checkbox"/> Unable to Speak	<input type="checkbox"/> Vomiting	<input type="checkbox"/> Combative	<input type="checkbox"/> Defecation

Visible Signs of Injury: (Photographs should be taken of any and all visible injuries)

Face	Eyes/Eyelids	Nose	Ears	Mouth
<input type="checkbox"/> Red/Flushed	<input type="checkbox"/> Petechiae on eyeballs	<input type="checkbox"/> Bloody Nose	<input type="checkbox"/> Petechiae	<input type="checkbox"/> Bruises
<input type="checkbox"/> Petechiae	<input type="checkbox"/> R <input type="checkbox"/> L <input type="checkbox"/> Both	<input type="checkbox"/> Broken Nose	<input type="checkbox"/> R <input type="checkbox"/> L <input type="checkbox"/> Both	<input type="checkbox"/> Swollen Tongue
<input type="checkbox"/> Scratch Marks	<input type="checkbox"/> Petechiae on eyelids	<input type="checkbox"/> Petechiae	<input type="checkbox"/> Bleeding from Ear Canals	<input type="checkbox"/> Swollen Lips
	<input type="checkbox"/> R <input type="checkbox"/> L <input type="checkbox"/> Both		<input type="checkbox"/> R <input type="checkbox"/> L <input type="checkbox"/> Both	<input type="checkbox"/> Cuts/Abrasions
	<input type="checkbox"/> Blood-red eyeballs			
	<input type="checkbox"/> R <input type="checkbox"/> L <input type="checkbox"/> Both			
Head	Neck	Under Chin	Shoulders	Chest
<input type="checkbox"/> Petechiae on Scalp	<input type="checkbox"/> Redness	<input type="checkbox"/> Redness	<input type="checkbox"/> Redness	<input type="checkbox"/> Redness
<input type="checkbox"/> Pulled Hair	<input type="checkbox"/> Scratch Marks	<input type="checkbox"/> Scratch Marks	<input type="checkbox"/> Scratch Marks	<input type="checkbox"/> Scratch Marks
<input type="checkbox"/> Bumps	<input type="checkbox"/> Fingernail Impressions	<input type="checkbox"/> Bruises	<input type="checkbox"/> Bruises	<input type="checkbox"/> Bruises
<input type="checkbox"/> Skull Fractures	<input type="checkbox"/> Thumbprint Bruising	<input type="checkbox"/> Abrasions	<input type="checkbox"/> Abrasions	<input type="checkbox"/> Abrasions
	<input type="checkbox"/> Fingerprint Marks			
	<input type="checkbox"/> Bruises <input type="checkbox"/> Swelling			
	<input type="checkbox"/> Ligature Marks			

over

Ask the victim to answer the following questions:

15. What did you think was going to happen? Were you afraid you would die?

16. What did you see, feel, smell, taste, hear?

17. What was the most difficult part?

18. What can't you forget? What do you remember?

19. What did the perpetrator say while strangling you?

20. What was the perpetrator's facial expression and demeanor during strangulation?

21. Why and how did the strangulation stop?

22. Was there anything you did to protect yourself?

Created by Northwestern District Attorney's Office, July 2016 and adopted by the Response and Assessment Work Group of the Governor's Council to Address Sexual Assault and Domestic Violence chaired by Lt. Governor Karen Polito

Part 5: Domestic Violence Notice of Rights

As a victim, the Commonwealth has afforded you certain rights. The Abused Person's Notice of Rights outlines your rights as a victim of domestic violence as provided by M. G. L. Chapter 209A.

In accordance with Chapter 209A, you have the right to appear at the Superior Court, Probate and Family District Court or Boston Municipal Court if you reside within the appropriate jurisdiction, and file a complaint requesting the issuance of any of the following orders:

- a) an order restraining your attacker from abusing you,
- b) an order directing your attacker to leave the household, building or workplace,
- c) an order awarding you custody of minor children,
- d) an order directing your attacker to pay support for you or any minor child in your custody, if the attacker has a legal obligation of support, and/or
- e) an order directing your attacker to pay you for losses suffered as a result of abuse, including medical and moving expenses, loss of earnings or support, costs for restoring utilities and replacing lockers, reasonable attorney's fees and other out of pocket losses for injuries and property damage sustained.

For an emergency on weekends, holidays, or weeknights the police will refer you to a Justice of the Superior, Probate and Family, District or Boston Municipal Court Departments.

You have the right to go to the appropriate Court and seek a criminal complaint for threats, assault and battery, assault with a deadly weapon, assault with intent to kill or other related offenses.

If you are in need of medical treatment, you have the right to request that the police officer drive you to the nearest hospital or otherwise assist you in obtaining medical treatment.

If you believe that police protection is needed for your physical safety, you have the right to

request that the officer present remain at the scene until you and your children can leave or until your safety is otherwise ensured. You may also request that the officer assist you in locating and taking you to a safe place, including, but not limited to designated meeting place for a shelter or a family member's or friend's residence, or similar place of safety.

You may request a copy of the police incident report at no cost from the police department. To obtain a restraining order you do not need an attorney and it will not cost you any money.

Part 6: Notice to Plaintiff* Regarding Abuse Prevention Order

This is [information about the abuse prevention order \(restraining order\)](#) that may help you understand the terms of the order. Please read the order carefully.

A restraining order is a court order. This means that ONLY a judge can change the order. You CANNOT change or end the order without returning to court. Even if you request, agree, or allow the defendant** to do something forbidden by the order, the defendant will be in violation of the restraining order and will be arrested even if you do not want that to happen.

A restraining order is a civil order, but a violation of the order is a criminal offense. If you believe that the defendant has violated the order, you should report the violation to the police. A defendant found guilty of violating a restraining order can go to jail for up to 2 ½ years and/or be placed on probation.

A criminal conviction (even a continuance without a finding) can (among other things) affect the defendant's ability to obtain employment, public housing, or citizenship, or result in deportation. If the police observe a violation of a restraining order or have probable cause to believe that the defendant has violated the restraining order, the police are required to arrest the defendant.

If the defendant is ordered not to abuse you, this means that:

- The defendant cannot physically assault or threaten you.
- The defendant cannot do anything that gives you reason to fear that the defendant might cause you physical harm.

- The defendant must not use force or a threat of any kind to make you have sex unwillingly.

If the defendant is ordered to have no contact with you, this means that:

- The defendant cannot live with you.
- The defendant must stay so many feet or yards away from you. The distance is listed on the order.
- The defendant cannot contact you in any way. This includes, but is not limited to, phone calls, text messages, emails, cards, and gifts. The defendant may not contact you through friends, relatives (including children), neighbors, or anyone else, or by sending or posting messages on Facebook, Twitter, SnapChat, LinkedIn, or any other social network site, unless specifically allowed in the restraining order.
- If the defendant is somewhere and you come to that same location, the defendant must leave that place as quickly as possible even if the defendant was there first.

If the defendant is ordered to leave a residence, this means that:

- The defendant must leave the residence immediately and stay away from that address while the order is in effect. The defendant must stay away from the address even if you are not there. If the residence is an apartment, the defendant may be ordered to stay away from the entire building, even if the lease is in the defendant's name.
- The defendant cannot damage the residence in any way.
- The defendant cannot shut off any utilities or interrupt mail delivery to you. These orders apply even if the lease and / or utilities are in the defendant's name.

If the defendant is ordered to stay away from your work, this means:

- The defendant must stay away from the place where you work as long as the order is in effect. The defendant must remain away from that address even if you are not there at the time.

*** The plaintiff is the person who asked the court to issue the order**

**** The defendant is the person the order is issued against. FA-16**

Part 6: Notice to Defendant Form Available at District Courts

Notice to defendant* regarding abuse prevention (restraining) order. This is [information about the abuse prevention order](#) that may help you understand the terms of the order. Please read the order carefully.

A restraining order is a court order. This means that ONLY a judge can change the order. The person who requested the order CANNOT change or end the order without returning to court. Even if the plaintiff** requests, agrees to, or allows you to do things forbidden by the order, you will be in violation of the restraining order unless a judge has changed it to permit the conduct.

A restraining order is a civil order, but a violation of the order is a criminal offense. If you are found guilty of violating a restraining order, you can go to jail for up to 2 ½ years and / or be placed on probation. A criminal conviction (even a continuance without a finding) can (among other things) affect your ability to obtain employment, public housing, or citizenship, or subject you to deportation. If the police observe a violation of a restraining order or have probable cause to believe that you have violated the restraining order, the police are required to arrest you. If you are on probation, violation of a restraining order could also be a violation of your probation.

If you are ordered not to abuse the plaintiff, this means that:

- You cannot physically assault or threaten the plaintiff.
- You cannot do anything that gives the plaintiff reason to fear that you might cause the plaintiff physical harm.
- You must not use force or a threat of any kind to make the plaintiff have sex unwillingly.

If you are ordered to have no contact with the plaintiff, this means that:

- You cannot live with the plaintiff.
- You must stay away from the plaintiff at the distance indicated on the order, usually a stated number of feet or yards.
- You cannot contact the plaintiff in any way. This includes, but is not limited to, phone calls, text messages, emails, cards, and gifts. You may not contact the plaintiff through friends, relatives (including children), neighbors, or anyone else, or by sending or posting messages on Facebook, Twitter, SnapChat, LinkedIn, or any other social network site, unless specifically allowed in the restraining order.
- If you are somewhere and the plaintiff comes to that same location, you must leave that place as quickly as possible, even if you were there first.

If you are ordered to leave a residence, this means that:

- You must leave the residence immediately and stay away from that address while the order is in effect. You must stay away from the address even if the plaintiff is not there. If the residence is an apartment, you may be ordered to stay away from the entire building, even if the lease is in your name.
- You cannot damage the residence in any way.
- You cannot shut off any utilities or interrupt mail delivery to the plaintiff. These orders apply even if the lease and/or utilities are in your name.

If you are ordered to stay away from the plaintiff's work, this means:

- You must stay away from the place where the plaintiff works as long as the order is in effect. You must stay away from that address even if the plaintiff is not there at the time.
 - * The defendant is the person the order is issued against.

If you are ordered to surrender firearms, this means:

- You must immediately transfer possession of any firearms, ammunition, license to carry firearms, or firearms identification card that you have to the police department listed on the order.
- You may not purchase any firearms or ammunition while the order is in effect.

If the plaintiff has been given custody of children, this means:

- The children will live with the plaintiff unless or until a judge changes that order.

If you are ordered to have no contact with the children, this means that:

- You must stay so many feet or yards away from the children (the distance is listed on the order). You cannot have contact with the children while the order is in effect, unless and until the Probate & Family Court permits such contact.
- The order may say that you must stay so many feet or yards away from a child's school or daycare.
- If you are permitted to have contact with the children but not the plaintiff, and the children live with the plaintiff, you must be careful to speak only to the children. You cannot speak to or have any contact with the plaintiff. You must follow the rules permitting contact with the children closely, including how and when you may contact the children. You should not call the home telephone unless the order specifically allows you to call that number.
- If after the District, the Municipal, or Superior Court has issued a restraining order, you and the plaintiff are in Probate & Family Court on a family case, a Probate & Family Court judge has the authority to change or even end the restraining order if necessary to eliminate any conflict between the restraining order and the order issued in the Probate & Family Court matter. For example, if a Probate & Family Court judge grants a parenting schedule, then the Probate & Family Court judge can change the "no contact" provision in the restraining order to allow the parenting schedule and can also change

the "stay away" provision in the restraining order to allow for specific times for pickup and return. All of the other parts of the restraining order that do not conflict with the Probate & Family Court order shall remain in effect.

How do I get my things? If you have been ordered to stay away from your home, the order may permit you to go with the police to pick up your personal belongings at a time agreed to by the plaintiff. You must contact the local police to arrange a time that they can go with you to get your clothes and other things you may need.

IMPORTANT THINGS TO KNOW: The date for the next court hearing is listed on the second page of the restraining order. The name and location of the court that issued the order is listed at the top left-hand corner of the order. During the hearing the judge will listen to evidence presented by both sides and decide if the restraining order should continue in its present form, be changed in some way(s), or be terminated (ended). If you do not appear at this hearing after receiving notice and the plaintiff appears, the order may be extended for one year.

If you want to change or end the restraining order after it has been issued, you can go to the court that issued the restraining order to file a request that the judge make changes or end the order. The courts are generally open Monday to Friday from 8:30 a.m. - 4:30 p.m. Once the order has been issued after a hearing, a judge will only change the restraining order if you show that there has been a change in circumstances. To ask to end an order before the termination date, you have to prove to a judge that there has been a significant change in circumstances. Court staff in the Clerk's or Register's Office can assist you in filing the necessary documents to make this request. After you file your request, a hearing may be scheduled, and the plaintiff will be given notice of the hearing. The court staff will let you know if they will notify the plaintiff of the hearing or if you need to send the plaintiff notice of the hearing date by mail.

Part 7: Massachusetts Certified Intimate Partner Abuse Education Programs

Office Location	Name of Agency	Website	Services	Hotline	Phone Numbers
Jamaica Plain	Common Purpose, Inc.	www.commonpurpose.com	Intimate partner abuse education programs	n/a	(617) 522-6500
Malden	Emerge	www.emergedv.com/	Intimate partner abuse education programs	n/a	(617) 547-9879; Spanish (617) 657-4895
Brockton	Family & Community Resources, Inc.	www.fcr-ma.org	Intimate partner abuse education programs; General community-based DV services; Supervised visitation services; Children exposed to domestic violence; SDV services for communities experiencing inequities	(800) 799-7233	(508) 583-6498
Springfield	Gandara Mental Health Center	https://www.gandaracenter.org/	Intimate partner abuse education programs	n/a	(413) 846-0418
Plymouth	High Point	https://hptc.org/	Intimate partner abuse education programs	n/a	(508) 830-1234
Lexington	Impact Intimate Partner Abuse Education Program (Eliot Community	https://www.eliotchs.org/intimate-partner-abuse-education/	Intimate partner abuse education programs	n/a	(781) 861-0890

Human Services)					
Lawrence	Jeanne Geiger Crisis Center	www.jeannegeigercrisiscenter.org	Intimate partner abuse education programs; General community-based DV services; Children exposed to domestic violence	n/a	(978) 989-0607 ext. 12
Cambridge	Massachusetts Alliance of Portuguese Speakers (MAPS)	http://www.maps-inc.org/	Intimate partner abuse education programs; General community-based DV services; Culturally specific initiatives to address SDV	n/a	(617) 864-7600
Attleboro	New Hope Inc (RESPECT)	https://www.new-hope.org/	Rape crisis services; Intimate partner abuse education programs; Emergency shelter; General community-based DV services Supervised visitation services	(800)-323- HOPE (4673)	(877) 222-0083
Pittsfield	Office of Community Corrections Pittsfield Community Justice Support Center		Intimate partner abuse education program	n/a	(413) 358-4321
Worcester	P.A.V.E (Spectrum Health Systems, Inc.)	www.spectrumsys.org/programs/domestic-violence	Intimate partner abuse education programs	n/a	(508) 854-3320 ext. 3596

Quincy	Project Safe (Bay State Community Services)	https://baystatecs.org/services/criminal-justice/	Intimate partner abuse education programs	n/a	(617) 471-8400 ext. 129
Ware	Proteus (Behavioral Health Network, Inc.)	www.bhninc.org	Intimate partner abuse education programs; General community-based DV services	n/a	(413) 967-6241
Fall River	Stanley Street Treatment and Resources, Inc	https://www.sstar.org/	Intimate partner abuse education programs; General community-based DV services	n/a	(508) 679-5222

Part 8: Information Regarding Victims' Rights Within Work Environment

Requirements for Employers

M.G.L. c. 149, § 52E requires employers of fifty or more employees (including the Trial Court) to provide up to fifteen days of leave in any twelve-month period if the employee, or a family member of the employee, is a victim of abusive behavior and is using the leave to seek or obtain a variety of medical, community and legal services relating to the abusive behavior, including appearing in court or addressing “other issues” directly related to the abusive behavior. Abusive behavior extends beyond domestic violence to stalking, sexual assault, and kidnapping.

Employers may require employees to provide documentation demonstrating the employee is a victim of abusive behavior, including a document on court letterhead. The employer has the sole discretion to determine whether any leave taken under this section shall be paid or unpaid.

The Attorney General will enforce this section and may seek injunctive relief or other equitable relief. Any benefit received from this section “shall not be considered relevant in any criminal or civil proceeding” as it relates to the alleged abuse unless, after a hearing, the judge determines that such benefit is relevant to the allegations.

M.G.L. c. 149, § 52E (as inserted by Act § 10).

REFERENCES

- Alliance for Hope. (n.d.). All abusers are not equal: New IPV research reveals an indicator of deadly abuse. Training Institute on Strangulation Prevention. Retrieved November 17, 2025, from <https://www.allianceforhope.org/training-institute-on-strangulation-prevention/news-archive/all-abusers-are-not-equal-new-ipv-research-reveals-an-indicator-of-deadly-abuse>
- Ohio Domestic Violence Network (ODVN). (2020). *Working with BI and MH in DV programs: Findings from the field*. [PDF]. <https://www.odvn.org/wp-content/uploads/2020/08/Working-with-BI-and-MH-in-DV-Programs-Findings-from-the-Field.pdf>