



South Lake Minnetonka Police Department Manual

Policy Title:

Domestic Abuse Response

Policy Number:

1007

Issue Date:

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PURPOSE

The South Lake Minnetonka Police Department recognizes domestic abuse as a serious problem in society. This agency aims to protect victims of domestic abuse by ensuring its peace officers understand domestic abuse statutes and approach domestic abuse situations with sensitivity and understanding. Peace officers will utilize this policy when responding to incidents of domestic abuse. This agency will aggressively enforce the laws without bias or prejudice.

DEFINITIONS

- A. Child:** an individual under the age of 18, pursuant to MN §260C.007 (4).
- B. Complainant:** refers to an individual making a complaint or reporting a crime.
- C. Domestic Abuse:** has the meaning given to it in MN §518B.01 (2) (a) which states:
 - 1) physical harm, bodily injury, or assault;
 - 2) the infliction of fear of imminent physical harm, bodily injury, or assault; or
 - 3) terroristic threats, within the meaning of section 609.713, subdivision 1; criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or 609.3451; or interference with an emergency call within the meaning of section 609.78, subdivision 2.
- D. Domestic Abuse No Contact Order (DANCO):** refers to an order issued by a judge under MN §629.75 in criminal court. DANCOs may be issued as a pretrial condition of release and/or as a condition of probation. Violating a DANCO is a crime.
- E. Domestic Abuse Program:** means a public or private intervention project or advocacy program which provides support and assistance to the victims of domestic abuse.



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-
- F. Domestic Call:** refers to a call for service or a request for service made to a law enforcement agency regarding a domestic disturbance.
- G. Family or Household Member(s):** has the meaning given to it in MN §518B.01 (2) (a). Specifically, a family or household member(s) means:
- 1) Spouses and former spouses;
 - 2) Parents and children;
 - 3) Persons related by blood;
 - 4) Persons who are presently residing together or who have resided together in the past;
 - 5) Persons who have a child in common regardless of whether they have been married or lived together at any time;
 - 6) A man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
 - 7) Persons involved in a significant romantic or sexual relationship.
- H. Harassment:** has the meaning given to it in MN §609.749 (2) (a).
- I. Harassment Restraining Order (HRO):** refers to an order issued by a judge under MN §609.748 in civil court where a petitioner requests a court order prohibiting another person from having contact with them. The petitioner of an HRO does not have to be a family or household member to the respondent. Violating an HRO is a crime.
- J. Order for Protection (OFP):** refers to an order issued by a judge under MN §518B.01.5, in civil court. Violating an OFP is a crime.
- K. Petitioner:** refers to an individual who initiates legal proceedings by filing a petition with the court.



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-
- L. Primary Aggressor:** refers to the person who, based on the totality of the circumstances, is determined to be the primary perpetrator of domestic abuse, as opposed to a person who used force in self-defense or who has been primarily subject to abuse.
- M. Qualified Domestic Violence Related Offense (QDVRO):** has the meaning given to it in MN §609.02 (16).
- N. Respondent:** refers to the person against whom a court action or protective order is sought.
- O. Stalking:** has the meaning given to it in MN §609.749 (5).

PROCEDURE**A. RECEIVING A DOMESTIC REQUEST FOR SERVICE**

- 1. Receiving a Domestic Request for Service.** Domestic requests for service are considered high priority calls and must be treated accordingly by dispatchers and officers. Dispatchers must assign, minimally, two officers to a known or suspected domestic abuse call. If only one officer is available, reasonable attempts must be made to obtain another officer. After receiving a domestic call, officers must respond promptly according to the information they received (e.g., is the situation active/ongoing, is the incident being reported several days after the event, or are the victim(s) in a safe location away from the suspect). Domestic requests for service may be received via text message to 911 or other means.
- 2. Information to be Obtained.** The dispatcher receiving a domestic request for service should attempt to collect pertinent information from the caller and relay the information to the responding officers. The dispatcher receiving a domestic abuse call should attempt to gather the following information:



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-
- the nature of the incident,
 - the address of the incident, including apartment number (if applicable),
 - the telephone number(s) by which the caller can be reached.
 - whether weapons are involved or present in the dwelling,
 - whether someone is injured and the nature of the injury,
 - whether alcohol or drugs are involved,
 - information about the suspect (e.g., presence, description, direction of flight, mode of travel, etc.),
 - the relationship between the caller and the suspect,
 - whether there have been previous calls involving the caller and suspect,
 - whether there is an active order for protection (OFP), harassment restraining order (HRO), or criminal pre-trial or probationary domestic abuse no contact order (DANCO),
 - whether children are present, and
 - whether there are non-English speaking, mobility impaired, or hearing-impaired individuals present.

If the caller is the victim, the dispatcher should attempt to keep the caller on the telephone for as long as possible and tell the caller when they can expect the peace officers to arrive. If the caller is a witness to an incident in progress, the dispatcher should attempt to keep the caller on the phone and should relay ongoing information provided by the caller to the responding officers. Dispatchers should ask callers if it safe for them to talk and if so, for how long.

If, for any reason, the dispatcher is unable to remain on the line with the caller and the responding officers are some distance away from the call location, the dispatcher should attempt to periodically call the complainant back, if the caller said it is okay to do so, to check on their well-being. If the complainant was available by telephone, but later becomes unreachable or the dispatcher encounters a persistent busy signal, that information should be relayed to responding officers.



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B. RESPONDING A DOMESTIC CALL

- 1. Driving to the Scene.** Peace officers must respond directly and without unreasonable delay to the scene. Officers should evaluate tactical considerations related to the use of emergency lights and sirens when responding.
- 2. Initial Contact.** Upon arriving at the scene of a domestic abuse call, the responding officers must identify themselves as peace officers, explain their presence, and request entry into the home. The officers must ask to speak with the individuals involved in the situation. When reasonable, practical, and safe to do so, officers should separate (sight/sound) all individuals involved prior to taking any statements. If the person who called the law enforcement agency is someone other than the subject of the call, the officer should not reveal the caller's name. The officer must ensure all occupants inside or at the call location are safe to the extent they are able.
- 3. Entry.** If refused entry, the officers should be persistent about seeing and speaking alone with the complainant. If access to the complainant is refused the officers should request dispatch to contact the caller via phone. If access is still refused and the officers have reason to believe someone is in imminent danger, officers are permitted to force entry. If the officers are refused entry, and have no legal grounds to force entry, but have reasonable grounds to believe a crime has been committed, the officers may apply for a search warrant.
- 4. First Aid.** After securing the scene, responding peace officers shall provide first aid and offer EMS (as applicable). Officers may preemptively request EMS and put them on standby while responding to the scene in an effort to minimize medical personnel response time.



South Lake Minnetonka Police Department Manual

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Domestic Abuse Response

Policy Number:

1007

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06/15/2026

Rescinds:

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C. INVESTIGATION

1. After securing the scene and providing any necessary first aid, peace officers must begin an investigation and assess the evidence to determine if there is probable cause that evidences a crime has been committed. During the investigation, when feasible, officers must attempt to interview the parties directly involved as well as any witnesses to the incident as necessary for the investigation. If the witness, victim, or suspect is a child, officers should consider whether an interview should take place at another location or be handled by another organization. Officers must collect and/or document any evidence at that scene. As part of the evidence collection process, officers must consider:

- taking photos of the scene,
- photographing the condition of clothing of the individuals involved,
- photographing any property damage,
- photographing physical injuries or the presence of petechiae (peace officers should be aware that injuries appear differently on different complexions and under flash photography),
- completing a lethality assessment (as applicable),
- recording and documenting excited utterances made by the victim and/or the suspect,
- documenting the demeanor of the victim and/or the suspect,
- collecting medical records including the victim's statements to paramedics, nurses, and doctors,
- recording interviews with witnesses including children who may have been present,
- documenting evidence of any prior domestic abuse related incidents,
- documenting any existing OFPs, HROs or DANCOs, and
- documenting any other existing court order restricting contact between the suspect and victim.

2. When establishing probable cause, peace officers may consider their observations as well as any statements made by the parties/witnesses involved.



South Lake Minnetonka Police Department Manual

Policy Title:

Domestic Abuse Response

Policy Number:

1007

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06/15/2026

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06/15/2026

3. If there is probable cause to make an arrest, officers should make reasonable attempts to locate and arrest the suspect. Officers should consider checking the suspect's place of employment and residence the suspect is known to frequent (e.g., the residences of family/friends or other properties the suspect may own).

D. ARREST CONSIDERATIONS

1. **Arrest Determinations.** Arrest determinations must be based on probable cause that evidences a crime has been committed. Officers shall not base arrest determinations on the following factors:
 - the ownership/tenancy rights of either party or the fact that the incident occurred in a private place,
 - belief that the victim will not cooperate with criminal prosecution or that the arrest may not lead to a conviction,
 - verbal assurances that the abuse will stop,
 - disposition of previous calls or criminal cases involving the same victim or suspect,
 - denial by either party that the abuse occurred when there is evidence of domestic abuse and probable cause has been established,
 - lack of a court order retraining or restricting the suspect,
 - concern about reprisals against the victim,
 - adverse financial consequences that might result from the arrest, or
 - chemical dependency or intoxication of the parties.
2. **Primary Aggressor and Dual Arrests.** The South Lake Minnetonka Police Department discourages dual arrest, however, such arrests are not explicitly prohibited. When there are allegations that each party assaulted the other, the peace officer shall determine whether there is sufficient evidence to conclude one of the parties is the primary aggressor. Such a determination should be based on, minimally, the following:



South Lake Minnetonka Police Department Manual



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Domestic Abuse Response

Policy Number:

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06/15/2026

Rescinds:

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06/15/2026

-
- the comparative extent of the injuries inflicted,
 - the presence of fear of physical injury because of past or present threats,
 - were actions taken in self-defense or to protect oneself,
 - patterns of power control (financial/technological/psychological),
 - the history of domestic abuse perpetrated by one party against the other, or
 - the existence or previous existence of an order for protection.

In situations where the primary aggressor is identifiable, but charges also seem appropriate for the other individual involved, a report should be sent for consideration of charges to the prosecutor's office in lieu of a physical (dual) arrest. In their report, [officers] should explain how the officer identified a specific individual as the primary aggressor. In extreme cases or for instances in which a primary aggressor cannot be identified, a dual arrest may be made. In the event a dual arrest is made, when feasible, [officers] should transport the individuals in separate vehicles.

3. **Victims Declining Arrest of Prosecution.** If an officer establishes probable cause and determines a domestic abuse crime has been committed, they may make an arrest. The arrest may be made regardless of a victim's request not to arrest or prosecute the suspect. When an officer encounters a victim who wishes to decline charges, the officer should explain to the victim that arrest and prosecutorial determinations are given to law enforcement and prosecutors by state statute. Officers can offer to include a victim's request to decline charges in their report, however, victims should be made aware prosecutorial determinations will be made by the prosecuting attorney's office based on evidence.
4. **Warrantless Probable Cause Arrest for Fifth Degree Assault or Domestic Assault.** In general, officers cannot effect probable cause arrest for misdemeanors that did not occur in their presence. This is not the case for crime of domestic assault. According to MN §629.341, peace officers are immune from civil liability when making a domestic abuse arrest so long as they act in good faith and exercise due care when making the arrest determination. For misdemeanor offenses, according to MN §629.341, peace



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Domestic Abuse Response

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1007

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officers may arrest a person anywhere, without a warrant, if the officer has probable cause to believe that, within the preceding 72 hours excluding the day probable cause was established, the individual assaulted, threatened (with a dangerous weapon), or committed an act intended to cause fear in another of immediate body harm or death if the victim is a “family or household member.”

According to MN §629.72, notwithstanding any other law or rule, an arresting officer may not issue a citation in lieu of effecting the arrest of an individual being charged or arrested for harassing or stalking, domestic abuse, a violation of an order for protection, or a violation of a domestic abuse no contact order.

- 5. Level of Arrest for Fifth Degree Assault and Domestic Assault.** Officers should be aware there are many domestic abuse related crimes that are eligible for enhancement based on an individual’s previous criminal convictions. Fifth Degree Assault and Domestic Assault are deemed misdemeanor offenses. When enhancement factors are present, these offenses may be charged as a gross misdemeanor or felony.

- *Gross Misdemeanors:*

- a. MN §609.224 (2)(a), Assault in the Fifth Degree provides for an enhancement to a gross misdemeanor violation when the offense is against the same victim within ten years of a qualified domestic violence related offense (QDVRO) conviction or adjudication of delinquency in Minnesota, or any similar law of another state.
- b. If the charge is Domestic Assault (MN §609.2242), and the victim is a family or household member and the crime occurs within ten years of a QDVRO conviction or adjudication of delinquency of any of the above offenses against any family or household member, the same gross misdemeanor enhancement applies. The prior conviction need not be against a member of the same family or household.
- c. If there is a prior conviction for assault or threats of violence against any person within two years, a gross misdemeanor may also be charged.



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Policy Title:

Domestic Abuse Response

Policy Number:

1007

Issue Date:

06/15/2026

Rescinds:

1007 – Dated 03/17/2017

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06/15/2026

- *Felonies:*

- a. If a person commits Fifth Degree Assault against the same victim within ten years of the first of any combination of two or more QDVRO convictions or adjudications of delinquency, the assault becomes a felony. The same enhancement applies to Fifth Degree Assault against any victim occurring within three years of the first of two more of these convictions.
- b. Domestic assault against a family member or household member is also enhanceable under the same circumstances except that the prior convictions may be against any family or household member.
- c. According to MN §609.2247 (2), whoever assaults a family or household member by strangulation is guilty of a felony.

E. REPORTS AND FORMS

1. Peace officers must write a report after responding to domestic call. If the officer did not arrest or seek an arrest warrant even though an arrest was authorized, a detailed explanation of the reasons for the officer's decision not to arrest must be documented. The report must then be forwarded to the prosecutor's office for consideration of formal charges. Domestic abuse related reports must, when feasible or applicable, include the following information:

- detailed statements from the victim, suspect, and any witnesses,
- a description of injuries,
- information about past abuse,
- a summary of the lethality assessment,
- a description of the scene,
- identification of the primary aggressor if applicable,
- information on the existence of any language barriers,
- the identification of elderly victims or those with disabilities,
- a summary of prior convictions relevant to charging enhancements,



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-
- a general summary of the suspect's criminal history, and
 - a list of evidence.

2. If necessary, a domestic call must be turned over to the appropriate investigator for further follow-up when needed. If an arrest is made, the officer must examine the defendant's criminal history record and, if there is evidence of a QDVRO conviction, advise the prosecutor's office of any potential charging enhancements. If there is probable cause to warrant charges on an individual not determined to be the primary aggressor, the peace officer must thoroughly document all relevant information in the report and refer it to the prosecutor for review and consideration of criminal charges.

F. LETHALITY/RISK ASSESSMENT

1. Domestic abuse situations often involve heightened emotional responses from the individuals involved because of not only the present circumstances, but the historical context. Historical context is especially important for assessing the potential risk of future domestic violence against an individual victim. Lethality/risk assessments are a tool officers can use to explore a victim's/suspect's abuse history and gauge the risk of future abuse. Officers should complete a lethality/risk assessment, approved by the agency, and include the assessment with their report. The assessment should be sent to the prosecuting attorney's office for review. Minimally, the following questions should be included in the agency's assessment.
 - Does the suspect have access to a firearm, or is there a firearm in the home?
 - Has the suspect ever used or threatened to use a weapon against you or your children/family members?
 - Has the suspect ever attempted to strangle you, cut off the circulation in your neck, or impede your breathing in any way. This may include covering your mouth and/or nose.
 - Has the suspect ever threatened or tried to kill you?
 - Has physical violence increased in frequency or severity in recent months?



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Domestic Abuse Response

Policy Number:

1007

Issue Date:

06/15/2026

Rescinds:

1007 – Dated 03/17/2017

Distribution:

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Effective Date:

06/15/2026

-
- Has the suspect ever forced or coerced you to have sexual relations against your will?
 - Does the suspect control or try to control most or all of your daily activities?
 - Does the suspect monitor or surveil most of all your daily activities?
 - Is the suspect constantly or violently jealous?
 - Has the suspect ever threatened to commit suicide?
 - Do you believe the suspect will assault you again?
 - Has the suspect assaulted you in the past?
 - Do you believe the suspect will try to kill you?
 - Are there any pending or prior OFPs, HROs, or other criminal or civil cases involving the suspect?
 - Has the suspect previously violated an OFP, HRO, DANCE, or other order in which you were the petitioner or protected party?

2. The questions included in the agency's assessment should be evidence informed – meaning that the questions are derived from practical experience and/or research. Agencies are encouraged to develop an assessment referral protocol. Minimally, the protocol, should include referring the assessment to the prosecuting attorney's office and a local advocacy program. After an assessment is completed, officers should inform the victim of the outcome, or score, of the assessment. Officers should ask the victim if they would like assistance contacting a victim's rights advocacy center for assistance.

OTHER DOMESTIC ABUSE RELATED CRIMES

A. STALKING

- a. It is a felony to engage in stalking with respect to a single victim or one or more members of a single household which the actor knows or has reason to know would cause the victim under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim. Stalking charges should be considered when, within a 5-year period, an



South Lake Minnetonka Police Department Manual

Policy Title:

Domestic Abuse Response

Policy Number:

1007

Issue Date:

06/15/2026

Rescinds:

1007 – Dated 03/17/2017

Distribution:

All

Effective Date:

06/15/2026

individual commits or attempts to commit two or more of the criminal acts described in MN §609.749 subdivision 5(b)(1) through (17).

- b. Reports on incidents of stalking must include historical information about/between the individuals involved as well as the emotions the conduct stirred, if any, in the victim(s). This information is necessary to demonstrate patterns of behavior and to satisfy the elements of the crime. Such information is especially important when one of the acts being used to bring forth a charge of stalking was previously attempted but not charged or, possibly, previously reported. Examples of stalking behaviors include, but are not limited to:
 - i. Surveillance
 - Waiting for the victim outside of their office, gym, or other frequented locations.
 - Using tracking software on the victim's devices.
 - Going through the victim's mail or trash.
 - Attaching a tracking device on the victim's vehicle or home.
 - ii. Life Invasion
 - Repeated unwanted contact via telephone, text messages, emails, etc.
 - Sending or leaving unwanted gifts.
 - Initiating contact through third parties.
 - Harassing the victim's friends or family.
 - iii. Intimidation
 - Using a weapon as a threat.
 - Forcing confrontations.
 - Threatening to harm or kill the victim, themselves, friends, family, pets, or others the victim cares about.



South Lake Minnetonka Police Department Manual

Policy Title:

Domestic Abuse Response

Policy Number:

1007

Issue Date:

06/15/2026

Rescinds:

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06/15/2026

-
- Threatening to share or post private information, photos, or videos of the victim.

iv. Interference

- Spreading rumors about the victim.
- Ruining or attempting to ruin the victim's reputation.
- Taking and/or sharing photos or videos of the victim without their consent.
- Posting deepfake photos or videos online of the victim.

For additional information regarding stalking behaviors, officers should refer to the Stalking Prevention Awareness and Resource Center's (SPARC) website and law enforcement information sheet.

B. HARASSMENT

- a. A person commits a harassment crime if they:
 - i. directly or indirectly, or through third parties, manifest a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;
 - ii. follow, monitor, or pursue another, whether in person or through any available technological or other means;
 - iii. return to the property of another if the actor is without claim of right to the property or consent of one with authority to consent;
 - iv. repeatedly make telephone calls, send text messages, or induce a victim to make telephone calls to the actor, whether or not conversations ensue;
 - v. make or cause the telephone of another repeatedly or continuously to ring;
 - vi. repeatedly mail or deliver or causes the delivery by any means, including electronically, of letters, telegrams, messages, and packages, through



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Policy Title:

Domestic Abuse Response

Policy Number:

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Distribution:

All

Effective Date:

06/15/2026

assistive devices for people with vision impairments or hearing loss, or any communication made through any available technologies or other objects;

- vii. knowingly make false allegations against a peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties; or
- viii. use another's personal information, without consent, to invite, encourage or solicit a third party to engage in a sexual act with the person.

- b. Harassment crimes are elevated to a gross misdemeanor if the conduct was committed with the intent to kill, injure, harass, or intimidate another person if the conduct 1) places the other person in reasonable fear that the person's family or household members will be subject to substantial bodily harm, 2) places the person in reasonable fear that the person's family or household members will be subject to substantial bodily harm, or 3) causes or would reasonably be expected to cause substantial emotional distress to the other person. Harassment crimes may also be elevated to a felony if the provisions of MN §609.749, subdivision 3 or 4 are met.

- c. Acts constituting a violation of harassment or stalking, when committed in two more counties, may be prosecuted in any county in which one of the acts was committed for all acts in violation of MN §609.749.

- C. VIOLATION OF COURT ORDERS.** Peace officers must verify whether any of the following orders discussed herein exist before, during, or after an arrest (OFP, HRO, or DANCO). Methods of verification include visually inspecting a paper or digital copy of the order or obtaining verification from the court or law enforcement agency that issued or served the order. If there is an active court order and the suspect violated the order, the officer's incident report must include information regarding the order, such as the name of the county where the order was originally issued and the court file number. In the report, officers should explicitly identify what provision the suspect violated in the court order.



South Lake Minnetonka Police Department Manual

Policy Title:

Domestic Abuse Response

Policy Number:

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06/15/2026

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06/15/2026

a. Order for Protection (OFP).

- i. A peace officer must arrest and take into custody, without a warrant, any person who the peace officer has probable cause to believe violated a condition of an OFP granted by the court pursuant to MN §518B.01. Such an arrest must be made even if the violation of the order did not take place in the present of the peace officer. A violation of an OFP is a misdemeanor but the charge is enhanceable to a gross misdemeanor if the offense occurred within ten years of a previous QDVRO conviction or adjudication. OFP Violations are enhanceable to a felony if 1) the individual violated the OFP within ten years of the first of two or more previous QDVRO conviction/adjudication or 2) the individual violated the OFP while possessing a dangerous weapon as defined in MN §609.02 (6).
- ii. According to MN §518B.01, subdivision 18(a)(2), an OFP is not voided if the respondent was invited by the petitioner to the petitioner's residence. Likewise, an OFP is not void if the petitioner initiates contact with the respondent. There is not a time limitation to effect a warrantless arrest for a violation of an OFP.

b. Harassment Restraining Order (HRO)

- i. A peace officer must arrest and take into custody a person who the peace officer has probable cause to believe has violated a harassment restraining order granted by the court pursuant to MN §609.748, subdivisions 4 and 5, if the officer can establish probable cause and verify the existence of the order. A person who violates an HRO is guilty of a misdemeanor. This offense is enhanceable to a gross misdemeanor if the violation occurs within ten years of a QDVRO conviction. Per MN §609.748 (6)(d), the offense is enhanceable to a felony if the person knowingly violates the order:
 - within 10 years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications;



South Lake Minnetonka Police Department Manual

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Domestic Abuse Response

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1007

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06/15/2026

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All

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06/15/2026

-
- because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability (as defined in MN §363A.03 (12), age, or national origin;
 - by falsely impersonating another;
 - while possession a dangerous weapon;
 - with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in MN §609.415 (3), or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or
 - against a victim under the age of 18, if the respondent is more than 36 months older than the victim.

c. Domestic Abuse No Contact Order (DANCO)

- i. A peace officer must arrest, without a warrant, and take into custody a person who the peace officer has probable cause to believe has violated a DANCO pursuant to MN §629.75. The arrest must be made even if the violation did not occur in the presence of the peace officer. A pretrial DANCO is sometimes continued at the time of sentencing with a new DANCO issued as a condition of probation. This DANCO may be valid for the full probationary period indicted in the order. The court may rescind a DANCO at any time. A victim's production of a copy of the court order, that appears valid, absent contrary evidence, provides a prima facie basis for arrest whenever there is probable cause to believe a violation of the order has occurred.
- ii. When investigating a domestic abuse incident, peace officers must, when applicable, consider whether additional crimes have been committed. Other crimes that should be considered are trespassing, criminal damage



South Lake Minnetonka Police Department Manual

Policy Title:

Domestic Abuse Response

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1007

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06/15/2026

Rescinds:

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Distribution:

All

Effective Date:

06/15/2026

to property, disorderly conduct, witness tampering, burglary, and/or assault.

D. CRIME VICTIM RIGHTS AND SERVICES. If for some reason it is not possible to effect the arrest of a suspect during a domestic abuse incident (for example, the suspect fled the scene), officers should, when feasible, consider staying at the scene until the likelihood for further violence has been substantially reduced or eliminated. If the suspect is gone on arrival, officers are encouraged to talk to the victim about how to safely contact law enforcement if the suspect returns or their whereabouts are determined. Officers are encouraged to provide guidance to victims on how to ensure their own immediate safety (e.g. staying with a family members or friend, having a family member stay with them, or staying at a shelter). If a domestic advocacy program exists in the area, the responding officer should initiate contact on behalf of the victim with their permission. MN §629.342 provides that when a peace officer does not make an arrest, the peace officer must provide immediate assistance to the victim, which includes obtaining any necessary medical treatment, and provide the victim a notice of rights pursuant to MN §629.341 (3).

a. Assistance to Non-English-Speaking Victims or Victims with Communication

Disabilities. The peace officer shall use the resource list established by this law enforcement agency to contact a person to assist in cases where the individuals involved in the domestic call, including the witnesses, are non-English-speaking, hearing-impaired, or have other communications limitations. The officer should avoid the use of friends, family, or neighbors as the primary interpreter for the investigation. Consideration: Is there a bilingual officer who could assist?

b. Notice of Crime Victim's Rights. The peace officer must give the victim of a domestic abuse incident a copy of the agency's crime victim notification. Officers are encouraged to verify the victim understands the victim's rights information they have been provided. The agency will routinely review the form to ensure it is current and in compliance with all applicable MN laws. The Department of



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1007

Issue Date:

06/15/2026

Rescinds:

1007 – Dated 03/17/2017

Distribution:

All

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Public Safety, Officer of Justice Programs, produces the crime victim's right notice and serves as the contact for victim's rights information.

- c. **Services.** The peace officer or agency should contact the local domestic abuse program as soon as possible on all domestic abuse situation for which there is probable cause for an arrest and provide the name, phone number, and address of the victim and a brief factual account of the events that transpired. This section shall not apply if the dissemination of certain data is prohibited by the Minnesota Government Data Practices Act.
- d. **Child Victims.** If a child is present during a domestic abuse incident or if the child is the victim of domestic abuse, the responding officer must determine whether the child has been subject to physical abuse, psychological abuse, sexual abuse, or neglect as defined by MN §260E.03. If a peace officer finds a child in an environment which endangers the child's health or welfare or which will endanger the child's welfare, the child should be taken into protective custody pursuant to MN §260C.175. When cases involve children, officers must comply with the reporting requirements of MN §260E regarding the reporting of maltreatment of minors. If the child has been injured, the officer must escort the child to the nearest hospital for treatment. This can be established by following EMS transport, riding with EMS transport, or by the officer transporting the child as appropriate.

E. 24-Hour Follow-Up

- a. To increase the safety for domestic abuse victims and to reduce and eliminate repeat acts of domestic violence, follow-up contact with the victim shall be attempted to provide the victim's increased knowledge and resources. Domestic assault follow-up should be attempted three times in a 24-hour period.



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If the victim in the domestic abuse resides outside of the jurisdiction of the South Lake Minnetonka Police Department then a follow-up report is not required.

F. Records Unit Responsibilities (Follow-Up)

- a. Ensure the previous day's domestic reports are prepared for follow-up.
- b. Forward the police report to the domestic assault advocacy report (Sojourner's).
- c. Query Hennepin County detention records to determine if the suspect is in custody.
- d. Make a notation in the file and/or inform the officer assigned to the follow-up regarding the suspect's custodial status.
- e. Contact dispatch and have the call entered for domestic assault follow-up.

G. Peace Officer Responsibilities (Follow-Up)

- a. Review the initial report that generated the domestic follow-up.
- b. Determine the custodial status of the offender. If the offender is out of custody, or if there are other factors indicating safety concerns, the follow-up officer should recruit the assistance from any other sworn member of the department prior to making contact with the victim.
- c. Determine if there are any current court orders.
- d. Obtain a domestic assault follow-up packet.
- e. Contact with the victim should be made in person whenever practicable.
- f. Phone contact is acceptable when the victim is outside the South Lake Minnetonka Police Department jurisdiction or otherwise unavailable in-person.
- g. The communication with the victim should include:
 - i. Providing information on protective orders.
 - ii. Encouraging contact with the domestic assault advocate.
 - iii. Conducting any further criminal investigation required.
 - iv. Collecting additional evidence as required (photographs, statements, etc.)
 - v. Obtaining/verifying a reliable emergency contact number for the victim.



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- h. Once the follow-up contact is completed, the officer shall complete a supplement report indicating that contact was made, documenting the collection of any additional evidence, and noting the verified emergency contact number.
 - i. If the officer is unable to make contact during their shift, the domestic assault follow-up will be completed the following day. If the assigned officer will be on days-off following their shift, then the domestic assault follow-up shall be forwarded to the next shift supervisor. If no supervisor is scheduled, then the domestic assault follow-up shall be forwarded to the Lieutenant. If neither of these is available, the domestic assault follow-up shall be forwarded to the next senior patrol officer.