

# The Three Magic DV Questions

## Question #1 – Is there a crime? YES/NO

- Do you have Probable Cause?
- Are all the elements of the crime(s) met?
- Who is the Primary Aggressor?
- Here are the most common DV crimes:
  - Assault
  - Harassment
  - Violation of court orders
  - Stalking
  - Malicious Mischief
  - Interfering with reporting of DV

## Question #2 – Is it a Family/Household Relationship (as defined by RCW 10.99.020)? YES/NO

- Now or at any time in the past
- Any one of the following connections:
  - Child in Common (any age)
  - Married (any age)
  - Parent-child (legal/biological) / grandparent-child (any age)
  - Adult roommates (18 y.o.)
  - Related by blood or marriage (18 y.o.)
  - Significant Dating (16 y.o.)

## Question #3 – Is it a Mandatory Arrest? YES/NO

- One of these two situations:

- A [
- Suspect is 16 or older , **AND**
  - Occurred within the last four hours, **AND**
  - Family/Household relationship, **AND**
  - The crime was Assault with injury or action to cause fear of imminent serious bodily injury/death.

- OR -

- B [
- Violating a court order by one of these ways: (Not all violations will trigger the mandatory arrest!)
    - Distance violations (by coming too close to home, work, school), OR
    - By act or threat of violence, OR
    - ANY violation of a Child Abuse Order



Question #1 Crime?	Question #2 DV Situation?	Question#3 Mandatory?	What You Do:
No	No	No	No report is required, but you may choose to document the situation if you want.
No	<b>Yes</b>	No	A report is required – it's a family/household relationship!.
<b>Yes</b>	No	No	You have a crime, so you <i>should</i> make an arrest (or cite & release). And any time you do that, a report is part of the package.  You could also choose not to arrest/charge the suspect – You do have Officer Discretion. A report is still strongly recommended, though.
<b>Yes</b>	<b>Yes</b>	No	You have a crime, so you <i>should</i> make an arrest (or cite & release).  You could also choose not to arrest/charge the suspect – You do have Officer Discretion.  A report is required no matter what – it's a family/household relationship!
<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	You have a crime, and it's a mandatory arrest, so you are required to make a physical arrest and booking. And any time you do that, a report is part of the package.  But you were going to write a report anyway, because it is required any time you have a family/household relationship!

- Ask yourself the three magic questions in the order listed above.
- Notice how if you answer “no” to #2, you will never get to #3. It can't be a mandatory arrest if it's not a “DV situation.”
- Also notice that you do the “age test” twice. In both questions #2 and #3, you have to consider the ages of the people involved.
- At every domestic disturbance call, you are going to employ your problem-solving skills, offer good advice, educate everyone about DV law, and provide resource materials to the victims.

