

## Domestic Violence

### I. PURPOSE

The purpose of this policy is to establish agency priorities, guidelines, and procedures to be followed by law enforcement officers in response to domestic violence calls, to include when the subject is a law enforcement officer.<sup>1</sup>

### II. POLICY

It is the policy of this law enforcement agency to provide a proactive, victim-centered approach when responding to domestic violence. Additionally, it is the policy of this law enforcement agency to take a position of zero tolerance on domestic violence. Any domestic violence incident will be thoroughly investigated, to include when law enforcement officers or individuals in positions of power or influence are involved.

### III. DEFINITIONS

*Domestic Violence:* Abusive behavior in any relationship, as defined by law, that is used to gain or maintain power and control over an intimate partner or family or household member.<sup>2</sup>

*Intimate Partners or Family or Household Members:* Persons who are married, in a domestic partnership, or in a romantic or dating relationship; have a child in common; have been intimately involved in some way; are related by blood, adoption, or legal custody; or reside in the same home.

*Predominant Aggressor:* The individual who poses the most serious, ongoing threat, who might not necessarily be the initial aggressor in a specific incident.

<sup>1</sup> For the purposes of this discussion, the term “officer” is used throughout. However, agencies should utilize the same procedures for any individual, whether civilian or sworn, employed by a law enforcement agency.

<sup>2</sup> Please refer to your state or provincial statute’s definition of domestic violence. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

*Preferred Arrest Response:* Law enforcement officers are expected to arrest any person who commits a crime related to domestic violence as defined by law, unless there is a clear and compelling reason not to arrest, such as self-defense or lack of probable cause, after a comprehensive investigation to identify the predominant aggressor.

*Protection Order:* Any injunction or other court order issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person, including any permanent, temporary, or emergency order issued by a civil or criminal court (other than a support or child custody order issued pursuant to state divorce and child custody laws, except to the extent that such an order is entitled to full faith and credit under other federal law) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as a civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

### IV. PROCEDURES

- A. Communications Personnel Response
- When a caller reports a domestic violence incident, communications personnel should follow standard agency protocols. In addition, communications personnel shall do the following:
1. Dispatch a minimum of two officers whenever possible.
  2. Assign a priority response whether or not the suspect is known to be on the premises.
  3. Document the call and action taken for the call, including those that involve or appear to involve a law enforcement officer.
  4. Attempt to elicit any and all information from the caller that may help the responding and investigating officer(s) assess the situation, including the following:
    - a. The immediate safety of the caller and those at the scene

- b. Other persons involved or witnesses at the scene, including children
  - c. The suspect's relationship to the victim
  - d. Whether law enforcement has been called before because of this suspect and the number of times
  - e. Previous history of domestic violence
  - f. Presence of firearms or other weapons
5. Ascertain if either the suspect or victim has any outstanding warrants or is on probation or parole.
  6. Determine whether there is a valid protection order against the suspect or whether there have been orders in the past.
  7. Whenever possible and when it will not jeopardize the individual's safety, keep the caller on the line in order to relay ongoing information to the responding officer(s). An alternative may be to ask the caller to place the phone down but leave the line open if possible and safe to do so.
  8. If a caller requests that law enforcement response be cancelled, advise the responding officer(s) of the second call. Officers should continue to respond, investigate, and assess the situation to ensure that all parties are safe.
- B. Initial Law Enforcement Officer Response—Special Considerations**
- When responding to a report of domestic violence, officers shall follow standard incident response procedures. In addition, officers shall do the following:
1. Avoid parking law enforcement vehicles in front of the residence or other site of the disturbance when possible.
  2. When initially approaching the scene, indicate that they are responding to a call for service, without revealing the name of the caller or the caller's whereabouts.
  3. Request entry in the event the incident is at a private residence. A warrantless entry is permissible if there is an objectively reasonable basis to believe that the safety of an occupant may be in jeopardy.
  4. Make contact with all individuals present, including potential witnesses, victims, or perpetrator(s); separate all parties, keeping all individuals out of sight and hearing range of one another as safety permits.
  5. Restrain and remove the suspect if necessary.
  6. Assess for physical injuries, including inquiry about strangulation or possible internal, nonvisible injuries, and sexual violence; administer first aid; and request medical services as necessary.
7. Summon emergency medical services at the request of the victim or suspect, or if it appears that strangulation has occurred.
  8. Inquire about weapons in the area or access to weapons; identify and take temporary custody of firearms or weapons in plain sight.
  9. Determine whether there are any potential language barriers and request an interpreter where necessary.
  10. Offer to contact a local advocate to provide support to the victim as available and provide a list of current contact information for local domestic violence victim advocacy organizations.
- C. On-scene Investigation**
- The investigating officer(s) should do the following:
1. Inform the victim in advance of actions to be taken.
  2. Conduct victim interviews in a location away from others at the scene. Interviews should include questions about
    - a. acts of intimidation intended to prevent the victim from calling law enforcement or seeking other assistance;
    - b. recent or previous stalking behaviors;
    - c. objects or items that were given by the suspect; and
    - d. unwanted contact by the suspect that made the victim feel frightened or threatened.
  3. Take photographs of the victim and suspect whether or not there are any visible injuries.
  4. Take photographs of injuries to all parties, including any healing or old injuries.
    - a. Ideally photographs should also be taken 24, 48, and 72 hours later in the event the injuries become more visible and pronounced.
    - b. Descriptive and specific documentation of the injuries should accompany the photos.
    - c. Officers should be sensitive to the victim's need for privacy, which may include the use of an officer of the same sex as the victim to photograph injuries.
  5. Collect evidence to establish the facts of the crime.
  6. Check for the existence of a protection order or similar court orders through communications personnel or by whatever means available. If one is said to exist, ask the victim if they possess a copy. If not, verify the order through other means.
  7. Obtain a comprehensive account of the events from all parties. Whenever reasonable and practical, interviews shall be recorded. However, if the victim or witness indicates

that they do not wish to be recorded, this should be documented in the officer's report and the recording should stop if permitted by policy and law.

8. Interview children at the scene in a manner appropriate to their age. Document any signs of trauma and any apparent wounds or healing of wounds on the children and take appropriate action, in accordance with law, to prevent imminent harm to the children, such as notifying the appropriate child protective agency.<sup>3</sup>
9. Assess for and document all actual and suspected incidents of violence, including physical and sexual abuse, elder or child abuse, property damage, and animal cruelty.

D. Officer(s) shall not do the following:

1. Make any statement that would discourage a victim from reporting an act of domestic violence.
2. Threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage future requests for intervention by law enforcement personnel.
3. Avoid taking action because the victim stated prosecution was not desired.

E. Role of the Supervisor

Supervisors shall do the following:

1. Respond to assist officers investigating incidents of domestic violence when requested by an officer or whenever the incident appears to involve a law enforcement officer, prominent community member, or public official.
2. Supervise the on-scene investigation, if not already completed, to ensure that appropriate action is taken.
3. Review all domestic violence reports for accuracy and consistency and conduct after-action reviews and domestic violence case audits to ensure officers and investigators are conducting comprehensive, victim-centered, perpetrator-focused investigations.
4. Assess for co-occurring and interconnected crimes when responding to domestic violence, to include but not be limited to stalking, sexual violence, strangulation, firearms prohibitions, protection order violations, intimidation and threats, and abuse of children, elders, and animals.

F. Protection Order Enforcement

1. If it has been determined that a protection order or any court mandated restraining order is known to exist, officers shall do the following:
  - a. Obtain a copy of the order. If no copy is available, officers may use alternative means to verify and establish the terms and conditions as well as service of the order. A copy of the order is not required for enforcement. Officers should never avoid taking action simply because the victim does not have a copy of the order.
  - b. Enforce the order even if it was issued by another jurisdiction.
  - c. Determine if the order or applicable law prohibits firearm possession by the suspect. If so, officers shall
    - (1) encourage the voluntary relinquishment of firearms and ammunition for safekeeping;
    - (2) seize unlawfully possessed firearms and ammunition located in plain view or pursuant to a consensual or other lawful search; or
    - (3) request a search warrant.
  - d. Enforce custody provisions in accordance with jurisdictional law and language of the order.
  - e. Document order information in the report including verification and terms of order.
  - f. Document violation and prepare a report even if the suspect is not on scene. Attempts shall be made to locate and arrest the suspect.
  - g. Never penalize or arrest the petitioner for violation of the restrictions detailed in the order.

G. The Arrest Decision

1. Officers shall never ask the victim if they want the suspect to be arrested.
2. Officers shall make a warrantless arrest in accordance with applicable law, as part of the preferred arrest response, if probable cause exists to believe that a person has committed a crime involving domestic violence as defined by law or has violated a protection order.
3. Officers shall follow this agency's policy on identifying and responding effectively to a child, present or not present, whose parent is arrested.<sup>4</sup>

<sup>3</sup> For more information on interviewing children as witnesses, please refer to the resources available from the IACP's Enhancing Law Enforcement Response to Children Exposed to Violence and Childhood Trauma project at [www.theiacp.org/children-exposed-to-violence](http://www.theiacp.org/children-exposed-to-violence).

<sup>4</sup> See the IACP Children of Arrested Parents Toolkit at <https://www.theiacp.org/resources/safeguarding-children-of-arrested-parents-toolkit>.

4. When making arrest decisions, officers shall consider which individual appears to be the predominant aggressor.<sup>5</sup>
5. If an arrest is not made, the officer must provide an explanation in the report as to the reason why.
6. When an arrest cannot be made due to lack of probable cause, the officer should
  - a. explain to the victim the reasons that an arrest is not being made, and
  - b. facilitate contact with a local domestic violence service provider for information regarding counseling and other services.
7. Dual arrests are strongly discouraged. If an officer has probable cause to believe that two or more persons committed a crime and probable cause exists to arrest both parties, the arresting officer shall contact their supervisor before proceeding with the arrests. In the event of a dual arrest, a separate report for each arrest should be written and filed and should include a detailed explanation indicating the probable cause for each arrest.

#### H. Domestic Violence by Law Enforcement

In cases where one (or more) party of a reported domestic violence incident is a law enforcement officer, responding officers shall follow standard domestic violence procedures as outlined in this policy, regardless of jurisdiction. In addition, the following procedures shall be followed.

1. Notifications
  - a. When communications personnel receive a call that involves or appears to involve a law enforcement officer, they shall immediately
    - (1) notify and dispatch a supervisor, regardless of the involved individual's jurisdiction, and
    - (2) notify responding officers that the call involves a law enforcement officer.
  - b. If previously unaware that the call for service involves a law enforcement officer, responding officer(s) shall immediately notify communications personnel and request that a supervisor of higher rank than the involved officer report to the scene, regardless of the involved officer's jurisdiction. If there is no one of higher rank on duty, the shift commander should be notified.
  - c. The on-scene supervisor shall notify the chief executive or their designee and the accused individual's immediate supervisor as soon as possible.

- d. In the event that the officer is from another jurisdiction, the supervisor shall ensure that the chief executive or their designee in the accused officer's jurisdiction is notified.
  - e. In the event that the reported incident involves the chief executive of a law enforcement agency, the appropriate prosecutors and the individual with direct oversight of the accused individual shall be notified.
  - f. All notifications and attempts to notify shall be fully documented.
2. Arrest warrants charging law enforcement officers with domestic violence and protective orders issued at a later time shall be served by no fewer than two officers with at least one being of senior rank to the officer being served.
  3. In cases where an accused officer is arrested and firearms have not previously been seized, firearms shall be seized if allowed by the agency or applicable law.<sup>6</sup>
    - a. A supervisor shall relieve the accused officer of all service weapons regardless of whether the officer is a member of the responding agency.
    - b. If the accused officer is a member of an agency in another jurisdiction, the service weapon shall be relinquished to officials at that agency.
  4. The agency policy regarding administrative investigations of alleged misconduct shall be followed. This may include taking administrative action if it has been determined that agency policy was violated.<sup>7</sup>

#### I. Victim Safety and Protection

Officers shall do the following:

1. Remain at the scene of the incident until the situation is under control.
2. Provide victims with information about
  - a. obtaining an order of protection, if legally permissible;
  - b. local domestic violence service providers;
  - c. victim compensation;

<sup>6</sup> 18 U.S.C. 922 (g)(9) - In the United States, federal law prohibits anyone convicted of a qualifying misdemeanor domestic violence crime (MCDV) from possessing firearms, which includes both service and personal firearms. The agency shall ensure compliance with federal law in cases where an accused officer has been convicted.

<sup>7</sup> See the IACP Policy Center documents on Investigation of Allegations of Employee Misconduct available at <https://www.theiacp.org/resources/policy-center-resource/employee-misconduct>.

<sup>5</sup> See Appendix A in the accompanying Concepts & Issues Paper for a list of items to consider when determining the predominant aggressor.

- d. parole or release dates and notification services that provide this information, such as Victim Information and Notification Everyday (VINE); and
  - e. crime report number and officer contact information.
3. Advise the victim what to do if the suspect or others harass or intimidate the victim, witnesses, or others.
  4. Assist the victim in establishing a safety plan, whether or not they plan to remain with the suspect.

#### J. Incident Documentation

1. Officers shall complete a thorough, detailed report following response to or investigation of a report of domestic violence, whether or not an arrest is made. If available, a domestic violence supplement report form should be used.<sup>8</sup>
2. In addition to routine documentation regarding the incident, the officer should ensure that elements as they relate to the domestic violence relationship are captured, including, but not limited to the following:
  - a. Observations upon approach, including the demeanor of the victim, suspect, and witnesses
  - b. Relationship of parties involved
  - c. History of relationship
  - d. Current or past protection orders
  - e. Prior calls to the location involving the suspect
  - f. Probation or parole status of the suspect
  - g. Information on co-occurring crimes to include, but not be limited to, stalking; sexual violence; strangulation; firearms prohibitions; protection order violations; intimidation and threats; and abuse of children, elders, and animals
  - h. Details of any children present
  - i. All threats and intimidation tactics used by the suspect
  - j. Presence or use of firearms or weapons

#### K. Post-Incident Follow-Up

1. An agency representative shall be designated to make follow-up contact with victims of domestic violence and inquire whether additional violence or intimidation has occurred. Subsequent incident(s) shall be treated as separate events, assigned a new case number, and investigated in accordance with this policy.
2. Following an arrest, the agency designee shall notify victims of any conditions of bail and advise the victim of their right to request revocation of bail from the state, county, or city attorney's office if the conditions are violated.
3. A trained member of the agency should be assigned to assess the level of danger posed to the victim in order to inform perpetrator release decisions.<sup>9</sup>

#### L. Collaboration and Training

1. This agency will establish or maintain ongoing partnerships with local community stakeholders and victim advocacy organizations to develop a holistic approach to responding to victims of domestic violence and ensure they are notified of all available resources.
2. All agency personnel shall receive comprehensive mandatory instruction on this policy on an annual basis.

<sup>8</sup> For a list of what should be included in a domestic violence supplemental report form, please see Appendix B of the accompanying Concepts & Issues Paper.

<sup>9</sup> For a list of questions to ask in a domestic violence risk assessment, please see Appendix C of the accompanying Concepts & Issues Paper.

Every effort has been made to ensure that this document incorporates the most current information and contemporary professional judgment on this issue. Readers outside of the United States should note that, while this document promotes procedures reflective of a democratic society, its legal basis follows United States Supreme Court rulings and other federal laws and statutes.

Law enforcement administrators should be cautioned that each law enforcement agency operates in a unique environment of court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered, and should therefore consult its legal advisor before implementing any policy.

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