

The Police Chief

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APRIL 1988

1988 POLICE BUYERS' GUIDE

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U.S. Department of Justice
National Institute of Justice

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Models for Management

DOMESTIC VIOLENCE

Effective Date April 1, 1988		Number
Subject DOMESTIC VIOLENCE		
Reference Domestic Disputes, Domestic Violence, Family Violence		Special Instructions
Distribution	Reevaluation Date March 31, 1989	No. Pages

I. PURPOSE

The purpose of this policy is to establish guidelines for police intervention in acts of domestic violence.

II. POLICY

The primary objectives in responding to domestic violence calls are to deescalate violent situations, to reduce officer injury, to reduce repeat calls, to enforce the law against violators and to facilitate prosecution, where applicable. Therefore, it is the policy of this department to refer abusers and victims of domestic violence to professional agencies for counseling, and to arrest persons found to be responsible for crimes in domestic situations.

III. DEFINITIONS

- A. Domestic violence: The infliction of physical harm, bodily injury or assault, or the fear of imminent physical harm, bodily injury or assault, by one family or household member on another.
- B. Abuse: The act of striking, threatening, harassing or interfering with the personal liberty of any family or household member by any other family or household member, but excluding reasonable discipline of a minor child by a parent or person *in loco parentis* of such a minor child.
- C. Family/household: Persons who (1) are legally married to one another; (2) are related by blood (consanguinity); (3) were formerly married to one another; (4) are related by marriage (affinity); (5) have a child in common regardless of whether such persons have been married or have lived together at any time; (6) are not legally married, but are currently living together in a family-type relationship; (7) are not married but formerly lived together in a family-type relationship. (A family/household thus includes "common-law" marriages, same-sex couples, different generations of the same family, siblings and in-laws.)

IV. PROCEDURES

- A. Dispatcher (communication center) responsibilities
 1. Because the dispatcher is likely to be the first person to receive the call, he or she is a key person in determining the type of response.

2. The dispatcher is responsible for deciding whether a police officer is needed at the scene. To assist in making that decision, the dispatcher shall determine the following, if possible:
 - a. Who is complaining?
 - b. Is the crime (incident) in progress?
 - c. Is a weapon involved?
 - d. Has the caller or anyone else at the address been injured? Is an ambulance needed?
 - e. Name and location?
[At this point, if there is evidence of injury or weapon, or major threat of violence, dispatch a police unit immediately (and ambulance, if needed). Keep the complainant on phone if possible and obtain additional information.]
 - f. Assailant's whereabouts? If not known, obtain direction of travel and elapsed time.
 - g. Were alcohol or drugs involved?
 - h. Has there been a previous history/reports?
3. Listen for background noises that assist in evaluating the threat level (screams, shouts, threats, breaking glass and furniture). These sounds will raise the potential danger level and can help to provide the probable cause required.
4. Maintain telephone contact until the officers arrive in order to monitor the incident and provide support to the victim. Advise the victim of the intended department response. Use crisis intervention skills.

The IACP model domestic violence policy is intended to serve as a guide for the police executive who is interested in formulating a written procedure to prevent and resolve potential domestic violence problems. The police executive is advised to refer to all federal, state and municipal statutes, ordinances, regulations, and judicial and administrative decisions to ensure that the domestic violence policy he or she seeks to implement meets the unique needs of the jurisdiction.

5. The dispatcher shall provide the responding officer with as much information as possible to identify risks at the scene.
 6. Check the cross-reference file of incidents by name and address to determine previously reported incidents involving the same parties, address and the probable danger involved.
- B. Patrol responsibilities

1. Response to call: Priority will be given to domestic disputes. Officers will respond immediately and coordinate their approach if two one-unit crews respond. Two officers will be dispatched to domestic disputes. Obtain all available information from the dispatcher before arriving at the scene.

a. Approaching the scene

- (1) Avoid the use of sirens and emergency lights in the vicinity of the scene. (The use of emergency warning equipment will increase the tension of persons emotionally out of control and can result in an attack upon the officers.)
- (2) Do not park the police unit directly in front of the residence.
- (3) Persons encountered while approaching the domestic dispute scene should be briefly questioned about the incident and parties involved. Remain alert for an assailant leaving the scene.
- (4) Observe the location of the dispute before contacting the complainant.
- (5) Consider the surroundings before knocking on door; listen and look in any nearby window to obtain additional information about the situation (layout of house, number of people involved, weapons).
- (6) Officers must be concerned for their own safety as well as the disputants'. To minimize the possibility of injury, stand on the side of the door when knocking. The unexpected may occur when the door opens.

b. Initial contact with occupant(s)

- (1) *Identification*: Identify selves as police officers by name, give an explanation of police presence, and request entry into the home (when conditions permit). If the complainant is in the home, ask to see him or her.
- (2) *Consent search*: Officer may enter and conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership of a place or thing, *either one* may give a valid consent.

A spouse can consent to the search of premises used jointly by both the husband and wife. This is also true if man and women are only cohabitants. However, if one of them exercises sole control over part of the premises, the other cannot give valid consent to search the part.

- (3) *Refused entry*: When refused entry to a residence, be persistent, explaining that a complaint was received and must be verified. If entry is still refused, request the dispatcher to call the complainant to re-contact the victim. If still refused entry, contact your supervisor and explain the situation. The supervisor or senior police officer on the scene will decide whether to remain or leave. If officers remain at the scene, they should move to public property

(the street) and observe the premises.

- (4) *Forced entry*: There may be times when enough probable cause exists to indicate that a felony is occurring, has just occurred, or that a life is in danger. In these cases, if entry is refused, or there is no reply from the premises, forced entry may be necessary to protect a life or make an arrest.

Among the circumstances that can provide probable cause to force an entry include cries for help, weapons displayed, obvious signs that a struggle occurred, and/or an eyewitness account that a felony occurred and the victim is still on the premises. Officers shall evaluate the following elements when considering a forced, warrantless entry: (a) the degree of urgency involved and the time required to get a warrant; (b) the possibility of danger to others, including police officers left to guard the site; (c) whether the suspected offense involved violence; and (d) whether officers reasonably believe that persons may be armed.

5. Once inside, establish control by
 - a. Inquiring about nature of dispute.
 - b. Identifying disputants.
 - c. Being aware of potential weapons in surroundings.
 - d. Determining if person(s) are in other rooms (children and other adults) and the extent of their injuries, if any. These persons should be separated from the parties involved and kept out of hearing range (to avoid compromising their witness status).
 - e. Listening for *res gestae* statements.
6. Protecting the victim
 - a. Officers must protect the victim from further abuse. Separate from assailant, administer first aid, and arrange for medical attention if victim is hurt.
 - b. Victim can sustain internal injuries to the stomach, breast area, portions of the head covered by hair, and the back. Pregnant women are often hit or kicked in the stomach. The absence of external injury does not mean the victim has not been assaulted.
 - c. If victim appears injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatments.
7. Interviewing the disputants
 - a. Ensure safety and privacy by interviewing victim in a separate area away from the assailant, witnesses and bystanders.
 - b. Critical to the success of the interview is the police officer's manner. Officers must show interest through effective listening and remain aware of non-verbal communication signals.
 - c. Officers shall attempt a low-key approach in domestic violence cases, projecting the role of mediator/helper rather than that of authoritarian. Maintain good eye contact through natural, spontaneous glances. (Fixed gazes or staring increase fear and hostility.) A relaxed stance, along with appropriate facial and head movements, demonstrates interest and encourages the victim to continue speaking.
 - d. Allow the parties to describe the incident (individually) without interruption at the beginning of the interview. Expect the parties to ventilate their emotions to relieve tension.

- e. After the parties ventilate their emotions, and while still separated, the officer(s) should ask about the details of points for clarification and summarize the stated accounts, allowing the parties to point out anything that may be misrepresented.
8. Interviewing witnesses
 - a. Witnesses to the incident—children, other family members and neighbors—should be interviewed as soon as possible.
 - b. These witnesses also may be in a significant emotional crisis.
 - c. If witnesses provide information about prior assaults, document the incidents to help establish a pattern.
 - d. Children of disputants should be interviewed with care and kindness. Sit, kneel or otherwise be at their level when speaking to them. Signs of trauma and apparent healing of abuse wounds should be noted.
9. Techniques for handling noncriminal disputants:
 - a. Referrals: Counseling may be needed. Make referrals to the agency that can best help the disputants. A written description of services available should be distributed to persons involved in domestic conflict.
 - (1) Officers may advise the *victim* to contact a battered women's shelter. It is recommended that the victim contact the agency while the officer is at the scene.
 - (2) Officers may advise the *abuser* to seek counseling and provide the person with a referral to a community mental health agency.
- (3) All family members may be referred to a counseling service.
- b. Temporary separation: In addition to referral, suggest a temporary separation for the disputants, until they regain composure. When *has not occurred*, police officer can only suggest that an individual leave. This shall not be enforced with force or suggested threateningly.
- c. Domestic relations court orders: Refer victim who wants protection orders—when a conflict does not contain elements of domestic violence—to domestic relations court, if the conflict meets the domestic court's definition of domestic violence. Advise victim this must be done through an attorney or legal aide.
10. Arrest decisions

Officers will effect an arrest, based on probable cause and supported by the statements of the victim or witness, of abusers in domestic situations in the following circumstances:

 - a. Where a felony has been committed.
 - b. Where the officer is aware of a past history of assaults committed by the abuser and there is probable cause to believe another assault has occurred.
 - c. Where a physical assault has occurred and there is evidence of either alcohol or drug abuse.
 - d. Where any weapon was used to inflict the injury, or was used to intimidate or threaten the victim.
 - e. Where an assault has occurred and, if the officer takes no action, there is strong likelihood that further violence or injury might result.

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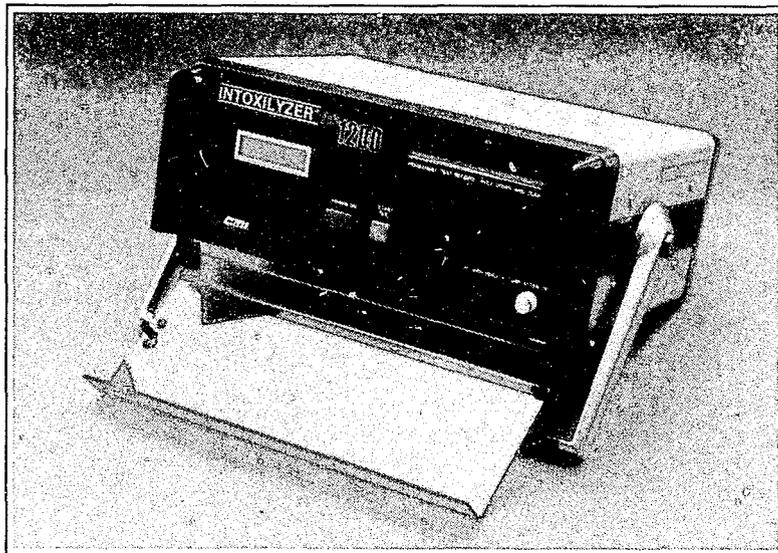
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- f. In cases where the conditions of a protective order have been violated. A copy of valid orders should be on file in the appropriate office or the petitioning victim should have a copy.
 - g. For offenses committed in the presence of the officer.
 - h. Where there are valid warrants on file for either party.
11. Gathering evidence
- a. Physical evidence takes three forms in domestic violence cases: the injuries of the victim, evidentiary articles that substantiate the attack, and the crime scene itself.
 - b. Victim's account of injuries sustained can be corroborated by a medical examination.
 - c. The investigating officer will see that photographs are taken of visible injuries on the victim and make those photographs available for prosecution.
 - d. Photographing the crime scene to show that a struggle occurred is preferred; if not possible, make a written description of it.
 - e. All articles of evidence should be collected as in other investigations.
 - f. An audio tape recording of the scene upon arrival is recommended.
12. Warrants
- The police officer will obtain the arrest warrants when elements of Section 9, Arrest Decision, exist. The complaining victim *will not* be instructed to obtain the warrants. This will reduce the element of intimidation by the abuser to pressure the victim into withdrawing the warrants. In all other situations the victim should be advised of procedures for obtaining warrants.
13. Arrest reports
- The arresting officer will prepare a report for the prosecuting attorney and a criminal offense report. The officer will further notify the district attorney's officer of the arrest, before arraignment, so they might better understand the nature of the charge and be able to answer questions from the judge concerning conditions of release. The arresting officer should telephone or visit the prosecutor prior to convening of court on the day of arraignment.
14. Emergency housing for abused victims
- In circumstances where it is necessary to assist the abused victim in temporarily leaving the residence, the officer should:
- a. Attempt to locate immediate family who could house the victim.
 - b. Determine if close friends could house the victim.
 - c. Ascertain if the victim has sufficient funds for accommodations at a hotel/motel. If so, the victim should be directed to make arrangements for such lodgings.
 - d. In the event the abused victim is without funds, family or friends to secure emergency housing, the officers will contact a battered women/domestic violence shelter, and place the victim in contact with the shelter's counselor.
15. Transportation of abused victim to emergency housing
- The transportation of victims to emergency housing by police officers will be permitted at the discretion of the supervisors.
16. Follow-up contact with the abused victim
- The investigation division commander will designate a person to make contact with the victims of assaults for follow-up. The contacts should be

made within 30 days following the intervention to determine if subsequent violence has occurred. If other acts of violence have occurred, the designee shall advise the victim as to procedures for securing a protective order or arrest warrants.

17. Procedures for special types of disputes:
- a. *Weapons*: When a weapon may be involved in the dispute, but no crime has been committed, the police officer should suggest voluntary impoundment of the weapon.
 - b. *Children*: When an arrest causes a child to be left without responsible adult supervision, police officers shall contact the appropriate children's agency for instructions regarding the care of the child.
 - c. *Intoxicated disputants*: Use discretion when dealing with drug and alcohol abusers, and make appropriate referrals. Arrests for public intoxication *cannot* be made in the disputant's home; however, an arrest for disturbing the peace can be made.
 - d. *Disputes involving the "mentally ill" and suicides*: Use the standard domestic violence procedures in conjunction with a "Response to the Mentally Ill" policy.

The IACP would like to acknowledge the following agencies for their contribution to the Domestic Violence Policy: the Dayton, Ohio, Police Department; the Largo, Florida, Police Department; the Newport News, Virginia, Police Department; the New York City Police Department; the Rockford, Illinois, Police Department; and the Department of Criminal Justice Services, State of Virginia.

The Police Chief . . .

... needs your help. We want to include *your* thoughts on some of the most important issues facing law enforcement in the '80s. The topics schedule for coverage during 1988 include:

- Highway Safety & Community Relations—July 1988 (manuscripts due 4/15)
- Criminal Investigation & 9-1-1 Systems—August 1988 (due 5/15/88)
- Aviation & Undercover Operations—September 1988 (due 6/15/88)
- Psychological Services—October 1988 (due 7/15/88)
- International Policing & Education and Training—November 1988 (due 8/15/88)
- Management Concerns & Communications—December 1988 (due 9/15/88)

For more information, please call 301/948-0922, ext. 328

Criminal Justice Training

The **Organized Crime Centre** of Fort Lauderdale, FL, has announced the following courses: *Managing Narcotics Enforcement*, May 17-19; and *The Personal Computer in Investigation and Crime*, June 14-16. For further information, contact Commander William H. Dunman, Broward Sheriff's Office, Organized Crime Centre, P.O. Box 2505, Fort Lauderdale, FL 33303, 305/492-1810.

The **National Sheriffs' Association** will conduct a seminar, "The AIDS Crisis: Improving the Public Safety Officer's Response," May 23-24 in San Francisco, CA. NSA has also announced "Violence Against Children in the Family," a new seminar for law enforcement, probation and parole, and prosecutor staff, as well as child protective service workers, involved in the investigation of child abuse, neglect and incest cases. For more information or to schedule this workshop, contact the National Sheriffs' Association, 1450 Duke St., Alexandria, VA 22314-3490.

York College offers the following work-

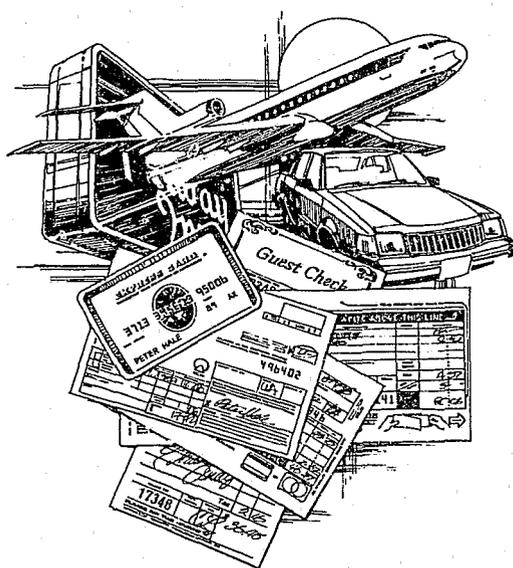
shops: *Certification Review* (for certified protection professionals and officers), May 7-8; *Security Awareness*, May 16; *Public Relations*, May 17; *Apprehension Procedures*, May 17. Contact Chris Hertig, York College, Country Club Rd., York, PA 17403-3426; 717/846-7788, ext. 249.

The **International Foundation for Protection Officers** offers a home/distance study *Certified Protection Officer* program for security officers. For more information about the course, co-sponsoring colleges and universities, and foundation membership, contact the International Foundation for Protection Officers, 6925 Union Park Centre, Suite 300, Midvale, UT 84047; 801/561-8979.

Rigging for Rescue will offer its *Technical Ropework School* May 8-14, in Wilmer, British Columbia, Canada, for those involved in rope rescue efforts, as well as for those who intend to teach these techniques to others. For information, contact Rigging for Rescue, Box 399, Invermere, B.C., Canada V0A 1K0; 604/342-6042.

Calibre Press has announced that it will conduct its *Realistic Assailant Control Program* in Saddle Brook, NJ, on May 3-4 (for female officers only) and in Sturbridge, MA, on June 14-15. For information, contact Calibre Press, 666 Dundee Rd., Suite 1607, Northbrook, IL 60062-2727; 800/323-0037 or 312/498-5680.

The **Center for Criminal Justice of Case Western Reserve University** will conduct the following police training programs: *Managing and Improving Organizational Productivity*, May 5; *Managing and Improving Individual Productivity*, May 6; *Managing Conflict*, May 11-12; *Legal Considerations in Private Security*, May 18; *Basic Radar Operation*, May 24-26; *Criminal/Traffic Code Update*, June 3; *Traffic Accident Investigation*, June 7-9; *Motor Vehicle Theft*, June 14-16; *Homicide Investigation*, June 20-24. For more information, contact the Center for Criminal Justice, Case Western Reserve University, School of Law, Gund Hall, 11075 East Blvd., Cleveland, OH 44106; 216/368-3308. ★



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To Register or Inquire, Call Wendy Howe Toll Free 1-800-638-4085