

# Domestic Violence

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April 2019



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The IACP Law Enforcement Policy Center creates four types of documents: Model Policy, Considerations, Concepts & Issues Paper, and Need to Know one-page summaries. Typically, for each topic, either a Model Policy or a Considerations document is created, supplemented with a Concepts & Issues Paper. This file contains the following documents:

- **Model Policy**: Provides police agencies with concrete guidance and directives by describing in sequential format the manner in which actions, tasks, and operations are to be performed.
- **Concepts & Issues Paper**: Designed to provide context and background information to support the Model Policy for a deeper understanding of the topic.
- **Need to Know...**: Synthesizes the key points of the topic into a brief, one-page overview. This document is developed by Policy Center staff following the final approval of the policy and paper.

# Model Policy

Updated: April 2019

## 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.

*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

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<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.

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.

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.

#### **D. 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.

#### **E. Protection Order Enforcement**

If it has been determined that a protection order or any court mandated restraining order is known to exist, officers shall do the following:

1. 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.
2. Enforce the order even if it was issued by another jurisdiction.
3. Determine if the order or applicable law prohibits firearm possession by the suspect. If so, officers shall
  - a. encourage the voluntary relinquishment of firearms and ammunition for safekeeping;
  - b. seize unlawfully possessed firearms and ammunition located in plain view or pursuant to a consensual or other lawful search; or
  - c. request a search warrant.
4. Enforce custody provisions in accordance with jurisdictional law and language of the order.

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<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).

5. Document order information in the report including verification and terms of order.
6. Document violation and prepare a report even if the suspect is not on scene. Attempts shall be made to locate and arrest the suspect.
7. Never penalize or arrest the petitioner for violation of the restrictions detailed in the order.

## F. 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>
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.

## G. 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
    - i. notify and dispatch a supervisor, regardless of the involved individual's jurisdiction, and
    - ii. 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.

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

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

- 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>
    1. A supervisor shall relieve the accused officer of all service weapons regardless of whether the officer is a member of the responding agency.
    2. 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>

## H. 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
  - 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.

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<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>.



## I. 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

## J. 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>

## K. 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.

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<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 by the IACP Law Enforcement Policy Center staff and advisory board to ensure that this model policy incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no model policy can meet all the needs of any given law enforcement agency. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives, and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities, among other factors. 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 their legal advisor before implementing any policy. This document is not intended to be a national standard.

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# Concepts & Issues

Updated: April 2019

## Domestic Violence

### I. INTRODUCTION

#### A. Purpose of Document

This document is designed to accompany the Model Policy on Domestic Violence established by the IACP Law Enforcement Policy Center. This paper provides essential background material and supporting documentation to provide greater understanding of the developmental philosophy and implementation requirements for the model policy. This material will be of value to law enforcement executives in their efforts to tailor the model policy to the requirements and circumstances of their communities and their law enforcement agencies.<sup>1</sup>

#### B. Background

An effective law enforcement response to domestic violence must include the adoption of a comprehensive policy that is a priority for the agency, is consistently applied, supports victims, and holds perpetrators accountable. This policy and associated procedures should ensure that every domestic violence incident will be thoroughly investigated, to include when law enforcement officers or individuals in positions of power and influence are involved.<sup>2</sup> Any comprehensive policy must be part of a developed, coordinated community infrastructure and response that provides support to maximize victim and officer safety and implements sanctions against perpetrators.

In response to calls for service involving domestic violence, every officer should do the following:

- Make an arrest when probable cause exists and when arrest is authorized by law instead of using dispute mediation, separation, or other law enforcement intervention techniques.
- Treat all acts of domestic violence as criminal and document them accordingly.
- Respond with the same protection and sanctions for every domestic violence incident, regardless of race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, cultural group, or political status, including cases where any of the alleged parties may be a law enforcement officer, public official, or prominent community member.

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<sup>1</sup> For more information on this topic and additional resources, please visit the IACP's Violence Against Women Project's website at <http://www.theiacp.org/Police-Response-to-Violence-Against-Women>.

<sup>2</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.

- Immediately report all known or suspected cases of elder, child, and animal abuse as required by law.

### C. Defining Domestic Violence

For the purposes of this document, domestic violence is defined as abusive behavior in any relationship, as outlined by law, that is used to gain or maintain power and control over a current or former intimate partner or family or household member. A current or former intimate partner or family or household member includes those individuals who are or were married, in a domestic partnership, or in a romantic or dating relationship; have or had a child in common; have been intimately involved in some way; are related by blood, adoption, or legal custody; or reside(d) in the same home.

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. Additional forms of violence that may co-occur with domestic violence include, but are not limited to, verbal threats, acts of intimidation, property damage, animal cruelty, elder and child abuse, and stalking.

Acts of domestic violence or abuse may include acts that inflict or threaten harm, as well as verbal threats, acts of intimidation, sexual abuse, strangulation, property damage, animal cruelty, and stalking. Types of abuse may include the following:

- Economic Abuse—attempting to make an individual financially dependent by maintaining control of financial resources, withholding money, and/or forbidding or obstructing employment.
- Emotional Abuse—a myriad of tactics used to undermine someone’s sense of self-worth, including criticism, name-calling, and denigration.
- Physical Abuse—any intentional and unwanted physical act done toward a victim’s body. Physical abuse can comprise a wide range of behaviors, which include aggressive, offensive, and/or threatened actions.
- Psychological Abuse—the employment of verbal, emotional, and mental acts rather than, or in concert with, physical attacks.
- Sexual Abuse—unwanted sexual behavior done toward an individual, carried out with any body part or object, to which the victim does not consent to engage in and that the offender commits without regard for the victim’s wants or rights. These behaviors could include forcing the victim into sexual acts, photographing or filming the victim in sexual acts without their consent, refusing to use prophylactic measures, and any other nonconsensual sexual behavior.<sup>3</sup>

### D. Domestic Violence/Intimate Partner Violence Prevalence

The following statistics are taken from the Center for Disease Control’s National Intimate Partner and Sexual Violence Survey and the National Intimate Partner and Sexual Violence State Report and underscore the need for a proactive law enforcement response to these crimes. Note that, for the purposes of this survey, intimate partner violence is defined as “physical violence, sexual violence, stalking and psychological aggression (including coercive acts) by a current or former intimate partner.”<sup>4</sup>

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<sup>3</sup> IACP, *Intimate Partner Violence Response Policy and Training Content Guidelines*, <http://www.theiacp.org/portals/0/documents/pdfs/IACPIntimatePartnerViolenceResponsePolicyandTrainingGuidelines2017.pdf>

<sup>4</sup> Centers for Disease Control and Prevention, “Intimate Partner Violence: Definitions,” July 2016, <http://www.cdc.gov/violenceprevention/intimate-partner-violence/definitions.html>.

- Twenty people per minute are victims of physical violence by an intimate partner in the United States. This equals over 10 million men and women each year.<sup>5</sup>
- About one in three women (36.3 percent) and one in six men (17.1 percent) in the United States have experienced intimate partner violence in their lifetimes.<sup>6</sup>
- These numbers are even higher for some sexual minorities—44 percent of lesbian women, 61 percent of bisexual women, and 37 percent of bisexual men experienced intimate partner violence.<sup>7</sup>
- Black non-Hispanic and multiracial non-Hispanic men and women are more likely to experience rape, physical violence, or stalking by an intimate partner than White non-Hispanic men and women.<sup>8</sup>

## E. Responding to Domestic Violence

Law enforcement officers can be agents of change, fulfilling a mandate to intervene, hold perpetrators accountable, and provide protection to victims. A victim's initial contact with law enforcement rarely happens after the first, or even the second domestic incident. Often, the legal system becomes involved only after the pattern of abuse is well established and the level of physical injury has become serious. An agency's established priorities and written policies will be reflected in the quality of response given to victims of domestic violence.

Of equal importance is the safety of law enforcement officers responding to domestic violence calls. These calls for service remain some of the most potentially dangerous for law enforcement due to their often highly volatile, violent nature and the fact that when officers arrive, the scene may still be active. A minor confrontation can quickly escalate into a dangerous conflict. According to findings by the National Law Enforcement Memorial Fund, between 2010 and 2014, 20 of the 91 calls for service, or 22 percent, that resulted in an officer fatality were classified as a domestic dispute.<sup>9</sup> Executives must establish, promote, and maintain policies and procedures to address officer safety and to ensure that officers are trained and as fully prepared as possible to respond to domestic violence calls.

Every response to domestic violence should include screening for self-defense injuries and determining the predominant aggressor. No incident of domestic violence should be investigated without cross screening for sexual assault; strangulation; stalking; and, when appropriate, child, elder, and animal abuse due to commonly co-occurring crimes. Additionally, other crimes often go undetected such as weapons violations, property crimes, violations of court orders, and gang violence. It is crucial for agencies to collaborate and partner with numerous community organizations in order to more effectively respond to additional crimes and best support victims.

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<sup>5</sup> National Coalition Against Domestic Violence, *Domestic Violence Fact Sheet, 2015*, [https://www.speakcdn.com/assets/2497/domestic\\_violence.pdf](https://www.speakcdn.com/assets/2497/domestic_violence.pdf), citing *The National Intimate Partners and Sexual Violence Survey: 2010 Summary Report*, [https://www.cdc.gov/violenceprevention/pdf/nis-vs\\_report2010-a.pdf](https://www.cdc.gov/violenceprevention/pdf/nis-vs_report2010-a.pdf).

<sup>6</sup> Sharon G. Smith et al., *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010-2012 State Report* (Atlanta, GA: National Center for Injury Prevention and Control, Division of Violence Prevention, 2017), 1, <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf>.

<sup>7</sup> Centers for Disease Control and Prevention, *NISVS: An Overview of 2010 Findings on Victimization by Sexual Orientation* (National Center for Injury Prevention and Control, Division of Violence Prevention), [http://www.cdc.gov/violenceprevention/pdf/cdc\\_nisvs\\_victimization\\_final-a.pdf](http://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_victimization_final-a.pdf).

<sup>8</sup> *An Overview of Intimate Partner Violence in the United States – 2010 Findings*. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Division of Violence Prevention <http://www.cdc.gov/violenceprevention/pdf/ipv-nisvs-factsheet-v5-a.pdf>.

<sup>9</sup> S.G. Smith, J. Chen, K.C. Basile, L.K. Gilbert, M.T. Merrick, N. Patel, M. Walling, & A. Jain, *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010-2012 State Report* (Atlanta, GA: National Center for Injury Prevention and Control, Division of Violence Prevention, 2017), 3. <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf>.

## F. Victim Behavior

Due to the complex nature of these crimes and their devastating effects, a victim-centered and trauma-informed response to a domestic violence call is essential. Victims of domestic violence can display a variety of behaviors and officers should receive training on and be prepared for a range of possible responses. People react differently to trauma. Lack of or the presence of emotion is not an indicator of the legitimacy of the incident that occurred. Some victim behavior, such as minimizing or denying violence, may be a mechanism used to allow the victim and the victim's family to feel safer once law enforcement has left the scene and/or the perpetrator is released from custody. Victims may also display the following characteristics:

- Passivity—victims may be quiet and reserved or appear reluctant to answer questions about the current incident or those that occurred in the past.
- Denial—victims may refuse to acknowledge that the abusive incident occurred, minimize the level of abuse, recant the account, deny allegations, reject further investigation, or defend the suspect.
- Anger—victims may appear upset with the suspect and/or officers; become irritated if officers have repeatedly been to the residence for prior reports of abuse, but no arrests have been made; believe that law enforcement is not providing sufficient protection from the suspect, even if an arrest is made; or verbally or physically attack officers.
- Laughing—victims may laugh or joke.
- Lack of emotion—victims may have a flat affect and not show any emotion. This is a normal response to trauma and should not be taken as an indication that the victim did not experience trauma.
- Fear—victims may be afraid of retaliation for law enforcement being called; scared that officers will not take action to stop the violence; fear that officers will believe the suspect's account; fear that authorities will take children away; or fear that threats the suspect has made will become reality. In addition, some individuals may fear law enforcement itself due to past experiences or cultural norms.

In addition to potentially unpredictable emotional responses by victims, another discouraging aspect of handling domestic violence incidents for law enforcement officers is the frequency with which victims stay with or return to their abusive partner. An understanding of the dynamics of domestic violence, trauma response, and why it is common for victims to be reluctant to leave can be helpful in ensuring a quality, professional response for each call for service and the best possible outcome for victims, as well as improving officer morale and job satisfaction.<sup>10</sup>

Victims of domestic violence use complex strategies to try to reduce risks and must consider a myriad of consequences when trying to pursue options for safety. For example, if the victim decides to call law enforcement, resources and supportive services may be acquired, a protective order may be obtained, and the victim may decide to leave the perpetrator, thereby ending the current attack. But by doing so, retribution may result—the violence may escalate; the perpetrator may threaten to take away or harm children, other family or friends, or pets; or the perpetrator may threaten to kill the victim or themselves.

However, under no circumstances should officers compromise their response to any incident or any victim based on personal judgments or frustrations. Throughout the entire response and investigation, officers should never make any statement that would discourage a victim from reporting an act of domestic violence; threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage future requests for intervention by law enforcement personnel; or avoid taking action because the victim stated that prosecution was not desired.

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<sup>10</sup> Janine M. D'Anniballe, "Why Survivors of Sexual Assault Act the Way They Do: Understanding the Neurobiology of Trauma" (lecture, University of Maryland Baltimore Campus, Baltimore, Maryland, November 2, 2012).

Because of the dynamics and trauma involved, victims have many reasons why they are reluctant to leave or seek to return to abusive relationships, to include, but not limited to, the following:

- Love or emotional attachment to the perpetrator;
- Promises that the abuse will end or never happen again;
- Financial dependence on the perpetrator;
- Issues involving children, including fears for their safety, of loss of custody, or of kidnapping—or any combination thereof;
- Guilt;
- Feelings that they did something to cause the abuse;
- Fear that leaving will not help to escape from the perpetrator’s control;
- Fear of increased stalking behaviors;
- Fear of increased physical harm to self, children, family, friends, and pets if attempts to leave are made;
- Suicidal and homicidal threats made by the perpetrator;
- Previous negative experience with the criminal justice system;
- Lack of support and/or lack of knowledge of available resources;
- Fear of being alone;
- Fear of losing family and friends;
- Fear of not being believed or of being judged;
- Belief that they can “change” the perpetrator’s behavior; and
- Religious or cultural beliefs.

## II. POLICY COMPONENTS

### A. Communications Personnel Response

When a caller reports a domestic violence incident, communications personnel should follow standard incident response procedures. This includes eliciting the initial facts of the situation; determining whether the victim or others are in life threatening danger or in need of emergency medical attention; and dispatching emergency medical assistance as necessary. If the call is about a crime in progress or a crime that just occurred, communications personnel should obtain information from the caller to assist in identifying and apprehending the suspect. Communications personnel should also inquire as to the relationship between the victim and suspect, if there is a history of violence or calls for service, if there are any other individuals at the scene, whether a weapon was involved, and whether the suspect possesses any weapons. Additional helpful information to be obtained is the probation or parole status of the participants and whether there is a valid protection order against the suspect.

Due to the increased risk to officer safety, a minimum of two officers should be dispatched to a domestic violence call whenever possible and the call should be assigned a priority response. All calls should be documented per agency policy, to include any actions taken, to include those calls that involve or appear to involve a law enforcement officer.

In order to minimize misunderstanding or frustration by the caller, it is important for communications personnel to explain that the questions being asked will not delay the dispatch of an officer to the caller’s location. Communications personnel should remain on the phone with the caller until officers arrive on the scene in order to relay ongoing information to the responding officers. However, there may be situations where remaining on the line could jeopardize the

safety of the caller. In these cases, an alternative response may be to ask the caller to place the phone down but leave the line open. Communications personnel should also work with the caller to ensure their safety, to include instructing them to go to a different location to avoid immediate danger when necessary and possible.

In some instances, the caller may later request that the law enforcement response be cancelled. This can occur for a variety of reasons, including a victim's attempt to protect themselves from additional, immediate attacks from the suspect who is angry that the original call was placed. Regardless of the desires of the caller, officers should continue with their response so that they may investigate and assess the situations to ensure that all parties are safe.

## B. Initial Law Enforcement Officer Response

In addition to following the agency's policy on general incident response, when approaching the location of a domestic violence incident, officers should discontinue the use of emergency lights and sirens whenever possible in an effort to avoid alerting the suspect. Upon arrival, official vehicles should not be parked directly in front of the location of the disturbance so as not to attract unwanted attention to the scene. Officers should begin by introducing themselves and indicate that they are responding to a call for service but should avoid revealing the name of the caller or their whereabouts. For instance, if the caller is a neighbor, when the officers approach the scene of the potential violence, this information should not be shared to protect the caller from potential retribution. Officers should then request entry to the location and attempt to make contact with all the individuals present. It may be advantageous for officers to separate all parties, keeping them out of sight and hearing range of one another as safety permits. The suspect should be restrained and/or removed if necessary. Individuals should also be asked about the presence of any firearms or other weapons in the area. Officers should take temporary custody of any weapons in plain sight.

## C. Assessing Injuries

First responders should assess for possible injuries sustained during any type of altercation or assault. The officer should inquire about injuries concealed by clothing or otherwise not readily apparent, including those caused by strangulation. Visual inspection and photographs of these areas may necessitate the response of an officer of the same sex as the victim. Once a proactive assessment of the physical condition of all individuals present has been made, the officer should determine whether emergency medical services (EMS) should be summoned. EMS should be called if the officer is unsure of the severity of the any injuries or if an individual requests medical attention. Officers should take photographs of both the victim and the suspect, even if there are no visible injuries. If visible injuries do exist, they should be documented. Officers should be aware that evidence of physical injuries on individuals with dark complexions might not be as easy to detect. The investigating officer should arrange for follow-up photographs to be taken of injuries 24, 48, and 72 hours after the incident when injuries often become more visible and pronounced. Descriptive and specific documentation of the injuries should accompany the photos.

Strangulation, erroneously referred to as choking, is one of the most common but overlooked injuries in domestic violence cases. Strangulation is the external compression of the neck by body parts, ligatures, and similar means that impedes oxygenated blood flow to or from the brain. Choking refers to an object in the upper airway that impedes oxygen intake.<sup>11</sup> In a San Diego study of 300 strangulation cases during a five-year period, 89 percent of the cases showed a history of domestic violence.<sup>12</sup> For a victim, the experience of being strangled often begins with severe pain, can lead to unconsciousness, and may result in brain death. The loss of consciousness is caused by the blockage of either the jugular veins or the carotid arteries. Only 4 pounds of pressure for 10 seconds is needed to close off the jugular veins and cause unconsciousness. As little as 11 pounds of pressure is necessary to close off the carotid arteries and cause

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<sup>11</sup> Casey Gwinn and Gael B. Strack, "On the Edge of Homicide: Strangulation as a Prelude," *Criminal Justice* 26, no. 3 (Fall 2011): 32–36.

<sup>12</sup> Gael Strack and George McClane, *How to Improve Your Investigation and Prosecution of Strangulation Cases* (1998), 2, [http://www.ncdsv.org/images/Strack-McClane\\_HowToImproveYourInvestigationProsecutionStrangulation\\_updated\\_9-2001.pdf](http://www.ncdsv.org/images/Strack-McClane_HowToImproveYourInvestigationProsecutionStrangulation_updated_9-2001.pdf).



unconsciousness. By contrast, it takes about 8 pounds of pressure to pull the trigger of a typical handgun. Strangulation can also result from closing off the trachea, causing the victim to be unable to breathe. Following even minimal pressure to the neck, resulting internal swelling over time can create a risky situation of impaired breathing for the victim that necessitates examination by medical personnel.

Initial signs of strangulation can include the following. However, the absence of any of the following does not disprove strangulation.

- Changes in the voice ranging from hoarseness to complete voice loss (if unsure if this is present, officers should ask victims if their voice is “normal” to them)
- Wheezing
- Difficulty swallowing
- Difficulty breathing
- Scratches, abrasions, or discoloration of the neck
- Impressions in the skin, which might indicate use of a ligature or similar object
- Swelling of the tongue
- Petechiae (ruptured capillaries in the eyes, under the eyelids, on the face or neck, or inside the mouth)
- Defensive fingernail marks on victim’s face, neck, or chest<sup>13</sup>

In domestic violence incidents where strangulation occurred, first responding officers might not see any visible injuries during the initial interview of victims. Therefore, it is critical that first responders screen for strangulation and assist in obtaining a medical evaluation and treatment.

Interview questions that will elicit information specific to strangulation include, but are not limited to, the following:

- At any time were their hands on your neck or throat?
- How long do you think their hands were on your neck or throat?
- Do you have any current pain or discomfort? Where and to what extent?
- Have you noticed any change in your voice or speech?
- Are you having difficulty speaking or breathing?
- Do you have any pre-existing injuries?
- Are you pregnant or is there a possibility of you being pregnant?
- Do you have any injuries that may be hidden by clothing?
- Did you feel faint, dizzy, or like you were going to pass out? Do you feel faint or dizzy now?
- Did you lose control of your bladder or bowels or did you vomit?
- What did the perpetrator use (body part[s], ligature[s], etc.)?
- Was the attack from the front or behind?
- Did the perpetrator say anything before, during, or after the incident? If so, describe.
- Were you scared? Did you fear for your life?
- Can you describe any attempts to protect yourself?

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<sup>13</sup> D. Kelly Weisberg, ed., “Strangulation,” Special Issue, *Domestic Violence Report* 19, no. 6 (August/September 2014), <http://www.civocre-searchinstitute.com/online/article.php?pid=18&iid=970>.

- Did you injure the perpetrator? If so, describe.
- Do you know what may have caused the perpetrator to stop the assault?
- Have there been any previous incidents or attempts of strangulation?

#### D. On-Scene Investigation

Once the scene has been stabilized; the involved individuals have been identified; and the medical care has been summoned, when necessary, officers should begin their investigation. Throughout the process, officers should inform the victim in advance of actions to be taken. Part of this investigation includes additional information gathering, particularly from the victim. Officers should conduct victim interviews in a location away from others at the scene. Questions should be tailored to the victim's emotional and physical state. Domestic violence victims should be asked to provide additional information regarding any acts of intimidation the suspect used to prevent them from calling law enforcement or seeking other assistance; recent or previous stalking behaviors; any objects or items that were given to them by the suspect; or any unwanted contact by the suspect that made them feel frightened or threatened.

At this point, investigating officers should check for the existence of a protection order or similar court orders by whatever means available. If one is said to exist, officers should attempt to obtain a copy. Additional information regarding protection order enforcement is provided later in this document.

In an effort to communicate with all parties in their primary language, officers should determine whether there are any potential language barriers and request an interpreter, when necessary. This may be another officer or an individual who is a member of one of the support service organizations and who is fluent in the language. Family members, especially children, should not be used as interpreters.

A comprehensive account of the events should be collected from all parties and a recording device should be used to document any statements where reasonable and practical. Victims should always be informed that they are being recorded. Depending upon agency protocol, if a victim or witness indicates they do not wish to be recorded, this should be indicated in the officer's report and the recording should stop immediately.<sup>14</sup>

Any children previously identified at the scene should be interviewed in a manner appropriate to their age.<sup>15</sup> Officers should also document any signs of trauma or abuse and take appropriate action, in accordance with law, to prevent imminent harm, such as notifying child protective services. Due to the link between domestic violence and child abuse, officers must be vigilant in protecting the safety of any children that are identified during the investigation.<sup>16</sup>

Investigating officers should also be aware of the likelihood of co-occurring crimes. Individuals should be asked about and the scene should be assessed for any signs of actual or suspected incidents of physical and sexual abuse, elder or child abuse, property damage, and animal cruelty.

#### E. Role of the Supervisor

In addition to following standard incident response protocols, when a domestic violence incident is reported, it is important that supervisors are involved to ensure that the investigation is conducted properly and with a focus on a victim centered approach. Specifically, the supervisor should do the following:

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<sup>14</sup> See the IACP Policy Center documents on Body-Worn Cameras, <https://www.theiacp.org/resources/policy-center-resource/body-worn-cameras>.

<sup>15</sup> See the IACP Policy Center documents on Interviewing and Interrogating Juveniles at <https://www.theiacp.org/resources/policy-center-resource/interviewing-and-interrogating-juveniles> and resources available from the IACP's Enhancing Law Enforcement Response to Children Exposed to Violence project at [www.theiacp.org/children-exposed-to-violence](http://www.theiacp.org/children-exposed-to-violence).

<sup>16</sup> See the Safeguarding Children of Arrested Parents Toolkit for Law Enforcement developed by the IACP and the Bureau of Justice Assistance, available at <https://www.theiacp.org/resources/safeguarding-children-of-arrested-parents-toolkit>.

- 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.
- Supervise on-scene investigation and, upon review of findings, make on-scene arrest decisions.
- 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.
- Ensure officers look for co-occurring and interconnected crimes when responding to domestic violence.

## F. Protection Orders and Full Faith and Credit

A protection order includes any injunction or other court order issued for the purpose of preventing violent or threatening acts, 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. They can be 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.

A valid order of protection must contain all the following required basic elements:

- The order must give the names of the parties.
- The order must contain the date it was issued, which must be prior to the date when enforcement is sought.
- The named respondent must have knowledge of the order by appearing in court or by being served.
- If the order has an expiration date, the date of expiration in the order must be in the future.
- The order must contain the name of the issuing court.
- The order must be signed by or on behalf of a judicial officer.
- The order must specify the terms and conditions against the perpetrator.

It is also crucial to note that if the protection order is “ex parte” (i.e., legal proceeding brought by the victim without presence or representation of the accused), the accused must be provided with notice and opportunity to be heard within the time required by the law of the issuing jurisdiction. The protection order is enforceable once it has been served and pending issuance of a final order following a court hearing.

In the United States, jurisdictions must honor and enforce protection orders issued by all 50 states, Indian tribal lands, U.S. territories, and the District of Columbia, referred to as “full faith and credit.” If violation of a protection order requires arrest, then law enforcement in the enforcing jurisdiction must arrest. Under full faith and credit, a protection order issued in another jurisdiction must be enforced even if

- the protected party would not be eligible for a protection order in the enforcing jurisdiction;
- it remains in effect for a longer period than protection orders issued in the enforcing jurisdiction;
- or
- it includes relief that is not available in the enforcing jurisdiction.

The laws of the enforcing jurisdiction also apply to the enforcement of a foreign protection order, regardless of the laws that would apply in the issuing jurisdiction. Verification of foreign orders of protection can be accomplished by contacting any of the following entities:

- National Crime Information Center (NCIC) Protection Order File;
- State or local registries of protection orders in the issuing jurisdiction;
- The issuing court; or
- Designated authorities in the enforcing jurisdiction.

In 2002, the Armed Forces Domestic Security Act (10 U.S.C. 1561a) was signed into law to afford civilian orders of protection “the same force and effect on a military installation as such order has within the jurisdiction of the court that issued such order.”<sup>17</sup>

## G. The Arrest Decision

An agency’s hardline stance against domestic violence is reflected by the implementation of proactive response policies, the discouragement of dual arrest, and the promotion of determining the predominant aggressor and making arrests where probable cause exists. In order to intervene effectively in domestic violence cases, it is important that officers understand the complex issues of violence within intimate relationships, including the (1) intent of the offender, (2) the meaning of the act toward the victim, (3) the effect of the violence on the victim, and (4) the *context* within which any given act of violence occurred.<sup>18</sup>

In cases such as the use of violence in self-defense, the context is relevant to the issue of criminal culpability. Given the facts and circumstances presented, the officer is challenged to establish whether individuals believed they or another household member was in danger when they acted in self-defense. It should also be determined whether the amount of force utilized was reasonable given the facts and circumstances presented. When investigating domestic abuse and considering whether self-defense was used, the officer should consider whether either party had the basis to reasonably believe that:

- They or another were in danger.
- They had to use a reasonable amount of force against another to protect themselves or someone else.
- Death or serious bodily harm was probable at the time based upon reasonable grounds.
- The amount of force utilized was within reason based on the facts given.

If these questions are answered affirmatively, officers should consider that the claim of self-defense is valid when determining whether or not to arrest an individual. If self-defense has been legally utilized under the law, there is an absolution of any guilt or culpability.

As part of the preferred arrest response, officers are required to arrest individuals when there is probable cause to believe that they have committed a crime involving domestic violence or have violated a protection order. When making these arrest decisions, officers should utilize the totality of information gained from a thorough and comprehensive investigation to make a determination of who is the predominant aggressor. Officers must determine the person who poses the most serious ongoing threat to whom in the context within which the incident occurred. Arrests should be limited to only the predominant aggressor whenever possible.<sup>19</sup>

If the officer determines that both parties utilized equal violence, that there was no self-defense involved, and that there was no predominant aggressor, the officer shall notify a supervisor before proceeding with the arrests. If the officer determines probable cause exists to arrest both parties, the arresting officer shall write and file a separate report

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<sup>17</sup> Armed Forces Domestic Security Act, 10 U.S.C. §1561a, <https://www.gpo.gov/fdsys/pkg/PLAW-107publ311/pdf/PLAW-107publ311.pdf>.

<sup>18</sup> Loretta Frederick and Julie Tilley, *Effective Interventions in Domestic Violence Cases: Context Is Everything* (Minneapolis, MN: Battered Women’s Justice Project, 2001).

<sup>19</sup> See Appendix A for information regarding Predominant Aggressor Determination.

for each arrest and include a detailed explanation as to the probable cause for each arrest. The case number for both arrests should be cross-referenced in the individual reports. However, prior to conducting dual arrests, the consequences of removing both individuals from the home should be weighed in regard to the impact on children or others in the home who require care.

Officers must also be aware of the potential negative impact that the arrest of a parent or caregiver may have on a child whether the child is present or not at the time of the arrest. Officers should follow their agency's policy regarding children of arrested parents in order to help minimize potential trauma and support a child's physical safety and well-being following an arrest. This precaution includes, when it is safe to do so, handcuffing and questioning the parent or caregiver in a location away from the child's sight and hearing and not leaving the scene until the child is in the care of a suitable caregiver.<sup>20</sup>

Officers should never put a victim in a position of stating whether or not they want the abusive individual to be arrested. In all situations, the victim should be offered an explanation as to why an arrest is being made. The victim should be informed about any planned follow-up actions by the law enforcement agency and offered information on available resources that may be available to provide assistance and their rights under the law and with respect to the criminal justice system process.

## H. Risk Assessment

There are several factors that have been associated with domestic violence and homicide.<sup>21</sup> Risk is often heightened at certain times, including when victims attempt to leave, at the onset of and during pregnancy, and/or when a victim accesses outside support or resources. However, the best predictor of future violence is past violence.

It is important to note that while there are ways to assess the risk of a particular situation, it cannot be assumed that lack of these conditions ensures low risk or minimal danger. Risk assessment of a domestic violence incident is not an exact science, and lethality and serious injury cannot be absolutely predicted. Interventions must be case specific to each victim, based on the totality of circumstances. What can be considered is risk inherent to a particular situation in an attempt to safeguard against future violence. Information gleaned from the assessment should be incorporated into all aspects of safety planning as well as court and protective order processes. Please refer to Appendix C for an example of a domestic violence risk assessment.

## I. Victim Safety and Protection

In order to augment victim safety, whether or not an arrest is made, officer(s) should take the following actions:

- Conduct a risk assessment to initiate appropriate response and actions. (See Appendix C.)
- Not leave the scene of the incident until the situation is under control.
- Verify and enforce permanent, temporary, or emergency orders of protection.
- Take necessary steps to exercise reasonable care for the safety of the parties involved—including children, pets, and others in need of care in the home.
- Provide the victim with notice of the legal rights and remedies available.
- Facilitate obtaining an emergency order of protection by the victim.

<sup>20</sup> Please refer to the IACP's Safeguarding Children of Arrested Parents project at <https://www.theiacp.org/resources/safeguarding-children-of-arrested-parents-toolkit> for materials including a model policy and training resources.

<sup>21</sup> Jacquelyn C. Campbell, *Assessing Dangerousness* (Newbury Park, CA: Sage 1995); Jacquelyn C. Campbell, et al., "Risk Factors for Femicide in Abusive Relationships; Results from A Multi-Site Case Control Study," *Am. J. Public Health* 93, no. 7 (July 2003): 1089–1097.

- Provide the victim with the incident number, the officer name(s), badge number(s), and contact information.
- Explain the follow-up procedures and ensuing criminal proceedings, should there be an arrest.
- Advise the victim, verbally as well as in writing, of shelter options and other services in the community and help arrange for or offer transportation if available.
- Stand by upon request while the victim gathers necessities for short-term absences from the home, such as
  - clothing, medication, and documents.
- Arrange, if necessary, for translation of any documents and investigative questions. The officer should not use
  - family members, including children, to perform translation services.
- Advise victims that their name and contact information will be provided to a domestic violence counselor before the end of the officer's shift in order that the counselor may contact victims to offer further assistance, clarification, referrals, and services.
- Conduct safety planning or refer victims to a service provider who can do so. Safety planning should include options and information for victims if they choose to stay or choose to leave the relationship, taking into consideration the following: children and other family members or dependents; pets; home, workplace, and personal security measures; visitation issues; monetary and financial situations; and available resources and support systems. Safety plans will be different for every victim of domestic violence. Victims should be encouraged to revisit safety plans often as they will likely change continually.

## J. Incident Documentation

A thorough incident report is critical for a successful, evidence-based prosecution. Officers should complete a thorough, detailed report following a response to or investigation of an allegation of domestic violence whether or not an arrest was made. Whenever possible, a domestic violence supplemental report form should be utilized. See Appendix B for a guide on what should be captured on the form.

## K. Post-Incident

Law enforcement agencies should establish procedures to provide follow-up services and communicate with victims. To reiterate, officers can assist victims with the following:

- Filing an order of protection
- Answering questions about the criminal justice process
- Locating and contacting a shelter
- Referring to support or social service agencies to include help with safety planning, crime victim compensation, and other related resources
- Creating open lines of communication so that the victim feels comfortable contacting the agency in the event of another incident
- Ensuring the victim is provided with information about the local crime victim compensation program
- Ensuring that the victim is provided with victim notification information, to include the availability

of Victim Identification and Notification Everyday (VINE), where applicable and available<sup>22</sup>

In addition, agencies should develop memorandums of understanding (MOUs) with victim service providers, child protection agencies, prosecutors, and other community stakeholders. These MOUs should provide a system for follow-up and ongoing communication with the victim to provide information and services—whether or not a criminal prosecution is pursued. Agencies should also consider working with these partners to develop packets of written information that are regularly updated. By having these packets easily accessible at all times, officers can ensure that they are providing victims with the most comprehensive, up-to-date information on available services.

Agencies should also develop MOUs with other local law enforcement agencies to share information and work together to hold domestic violence perpetrators accountable and keep victims safe across jurisdictions.

If a protection order is in place and the perpetrator contacts the victim or threatens, harasses, or harms the victim in any way, the agency should re-arrest the perpetrator on criminal charges related to these subsequent acts.

### III. DOMESTIC VIOLENCE BY LAW ENFORCEMENT

The law enforcement profession is not immune from having members commit domestic violence against their intimate partners or family or household members. All officers should receive comprehensive mandatory instruction covering the following topics related to response to domestic violence incidents involving law enforcement officers:

- Orientation to agency policy
- Responsibilities of supervisors and officers
- Command notification and reporting procedures
- Cross-jurisdictional policies and protocol
- Officer safety
- Confidentiality issues

#### A. Agency Responsibilities

An intimate partner or family member of an officer may recognize early indicators of an officer's potential for violence, such as issues of power and control. It is critical that supervisors and fellow officers be cognizant of and document any pattern of abusive behavior potentially indicative of domestic violence. These behaviors include, but are not limited to,

- monitoring and controlling behavior toward any intimate partner or family member;
- stalking any intimate partner or family member; and
- discrediting or disparaging an intimate partner or family member.

Victims may communicate their concerns informally at first, such as contacting the officer's supervisor. Informal contacts must be treated carefully, since this is a critical opportunity for an agency to provide referrals and/or intervene using early intervention or prevention strategies.

Agencies should provide officers and their families with nonpunitive avenues of support and assistance *before* an incident of domestic violence is reported, to include an employee assistance program; internal professional counseling, such as that provided by a law enforcement psychologist; external professional counseling through contract or referral;

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<sup>22</sup> For more information, please visit the Office for Victims of Crime's website concerning Crime Victims' Rights – Victim Notification Services. [https://ojp.gov/ovc/rights/notification\\_VNS.html](https://ojp.gov/ovc/rights/notification_VNS.html).

advocacy support from local agencies; and peer support programs with clear reporting and confidentiality guidelines.<sup>23</sup> However, a disclosure that an officer has engaged in domestic violence on the part of any officer, intimate partner, or family member to any member of the agency should be treated as an admission or report of a crime and be investigated both administratively and criminally.

Officers should be required to report to their supervisor if they become the subject of a criminal investigation or protective order proceeding. However, agencies should not rely solely on self-reporting. It is recommended that a mechanism be established, such as annual and periodic checks of protective order databases for names of officers.

As a matter of safety, it is essential that, to the degree possible, confidentiality be extended to any intimate partner or family member who contacts the agency. Agencies should establish procedures for making confidential referrals to internal or external counseling services with expertise in domestic violence. These referrals can be made upon the request of an officer or family members, or by a supervisor through the chief executive or their designee in response to observed warning signs.

Agencies must be alert for officers who interfere with domestic violence cases brought against fellow officers by stalking, intimidating, harassing, or putting under surveillance victims, witnesses, and/or family members of victims or witnesses. If this occurs, the agency should investigate those officers and take disciplinary action, filing criminal charges as warranted.

## B. Supervisor Responsibilities

It is critical that supervisors receive specific training on indicators of violent and controlling behaviors and strategies for effective management of these behaviors. This training should address agency legal considerations, criminal and civil liability, and media and public relations, as well as criminal versus administrative investigations.

An officer may reveal a pattern of abusive behavior potentially indicative of domestic violence while on the job; the supervisor is in the unique position to detect these warning signs. As a supervisor becomes aware of an officer exhibiting these behaviors, the information should be documented and the chief executive or their designee should be notified in accordance with the agency's chain of command. After making proper notification, the supervisor should inform the officer that the behaviors have been documented and must cease immediately.

## C. Post-Hire Intervention

Agencies must clearly explain the zero-tolerance policy regarding domestic violence to all officers and regularly create opportunities to independently share this information with their families. The purpose of providing this information to families is to underscore the agency's zero-tolerance stance and to provide victims with avenues to address potentially problematic behavior or report acts of domestic violence. It must be noted that in families where there is a controlling partner it will be more difficult to provide family members with this information. This underscores the need to develop an ongoing, multifaceted outreach campaign. Such a campaign can help ensure that an agency communicates this information to new intimate partners and families throughout an officer's career. In addition, officers should be provided with information about positive strategies for managing job-related stress.

## D. Responding to a Domestic Violence Call Involving a Law Enforcement Officer

*Communications Personnel.* When a call or report of domestic violence involves a law enforcement officer, communications personnel should be directed to immediately notify and dispatch a supervisor. This ensures that command personnel receive the information and prevents the call from being handled informally.

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<sup>23</sup> See the IACP Policy Center documents on Employee Mental Health Services, <https://www.theiacp.org/resources/policy-center-resource/employ-ee-mental-health>.



**Initial Patrol Response.** When a member of any law enforcement agency is involved, the dynamics between the responding officer and the agency member, such as collegiality or rank differential, have the potential for making on-scene decisions difficult. When an officer is the victim, responding officers should follow standard procedure regarding victims of crime.<sup>24</sup> When the officer is the perpetrator and if not already done so by communications personnel, the responding officer should immediately request that an on-duty supervisor who is of higher rank than the perpetrator report to the scene, regardless of the perpetrator's jurisdiction. If there is no one of higher rank on duty, the shift commander should be notified.

**On-Scene Supervisor Response.** A supervisor should respond to all domestic violence calls involving a law enforcement officer, prominent community member, or public official, regardless of the subjects' jurisdiction, and assume responsibility for all on-scene decision-making, including notifying the chief executive or their designee in the accused officer's jurisdiction.

**Additional Notifications.** Agency policy should also address the possibility that the accused officer is the chief executive. In such a situation, notification should be made to the appropriate prosecutorial entity and the individual with direct oversight over the accused individual.

**Weapon Removal.** When an arrest is made, the on-scene supervisor should relieve the accused officer of all service weapons. Where multiple firearms are present, to include recreational firearms that the officer keeps at home, removing only the service weapons may leave the victim vulnerable to further violence. The on-scene supervisor may suggest that the accused officer voluntarily relinquish all firearms. The supervisor can also ask the victim about the removal of firearms from the home for safekeeping by the agency. In situations where an arrest is not made, the on-scene supervisor may consider removing the accused officer's firearm(s) as a safety consideration and to reduce agency liability, in accordance with applicable law.

Agency policy should address how long removed firearms will or can be held. Where court orders of protection are in place, these orders may affect decisions on the return or seizure of firearms. Victims should be notified prior to the return of firearms.

**United States Law and Weapon Removal.** U.S. federal law prohibits any person subject to a qualifying order of protection from possessing firearms and ammunition.<sup>25</sup> For agencies based in the United States, under the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) interpretation of the Gun Control Act's Official Use Exception, this provision does not apply to persons "performing official duties on behalf of a Federal, State or local law enforcement agency." This exception applies "as long as the officer is authorized or required to receive or possess that firearm in his/her official duties." ATF has clarified that "the authorization must be by statute, regulation, or official department policy" and applies to both agency-issued firearms and those purchased by the officer if authorized or required by the agency. An agency may want to limit the scope of the exception to apply only to the primary service weapon instead of the full range of firearms with which the officer has qualified in order to further minimize liability. An agency may choose to be more restrictive than federal law by prohibiting officers from possessing service weapons when subject to protective orders or under criminal and/or administrative investigations.

However, where there is a criminal conviction for a qualifying misdemeanor crime of domestic violence (MCDV), a 1996 federal law prohibits any person from possessing firearms and ammunition.<sup>26</sup> Unlike the provision for court orders of protection described above, there are no "official use" exceptions allowed under this law, and it is retroactive to convictions prior to 1996.<sup>27</sup> As such, officers are not permitted to carry a service weapon nor are they

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<sup>24</sup> See the IACP Policy Center documents on Responding to Victims of Crime available at <https://www.theiacp.org/resources/policy-center-resource/victims>.

<sup>25</sup> 18 U.S.C. 922(g)(8).

<sup>26</sup> 18 U.S.C. 922(g)(9).

<sup>27</sup> Ibid.

able to possess personal firearms. Responding officers should follow agency policy and applicable law to seize all firearms in these cases.

## E. Special Considerations

Agencies may be faced with a domestic violence incident where the victim is a law enforcement officer or both victim and offender are law enforcement officers. If this occurs, standard domestic violence response and investigative procedures should be followed. Safety of the victim should be the paramount concern. The agency should take steps to protect the privacy of the officer who has been abused. Where the officer is the victim, the reported incident should not impact negatively upon the officer's assignments and evaluation.

In the event that an order of protection has been issued, careful decisions must be made concerning work assignments for accused officers pending administrative and criminal investigations. Firearm removal in this situation becomes additionally complex. In the development of the policy, individual agencies should seek legal guidance to protect the rights of all concerned.

## F. Agency Follow-up

**Debriefing.** Agencies should consider conducting a debriefing of the incident for all involved agency personnel, including responding officers and communications personnel. This debriefing can be used as an opportunity to review the agency's confidentiality guidelines and may include a direct order prohibiting discussion of the incident outside of the official inquiry.

**Designated Principal Contact.** Promptly following the report of the incident, the agency should assign a member of the command staff as the victim's principal contact for case information. This connection is essential for addressing safety and informing victims about all aspects of agency protocols and policies, to include confidentiality policies and their limitations, and applicable laws. As a matter of safety, the victim's whereabouts and any communication with victims must be kept confidential.

## G. Victim Safety

As the consequences of being held responsible for their behavior, such as the potential loss of employment coupled with the loss of control over the intimate partner, become apparent, an abusive officer may escalate behavior. The victim's principal contact should offer the victim the opportunity to create a safety plan and discuss stalking. Information learned through the risk assessment should be incorporated into the development of a safety plan created by the victim and principal contact together or with the assistance of an experienced domestic violence victim advocate.

## H. Administrative Investigations and Decisions

A comprehensive administrative investigation of the accused officer should be conducted, and steps should be taken to reduce the potential for further violence by seizing firearms and using administrative orders of protection.

**Termination Procedures.** U.S. federal law prohibits anyone convicted of an MCDV from possessing firearms or ammunition. Therefore, individuals convicted of these crimes can no longer serve as law enforcement officers. Officers in these situations should either be terminated or demoted to a non-sworn position. The agency should seize all agency-owned firearms, as well as those possessed by the convicted officer as allowable under applicable law. Any officer determined through an administrative investigation or convicted through criminal proceedings of domestic violence to have committed domestic violence should be disciplined up to or including termination.

Once the administrative and/or criminal investigations conclude with the decision to terminate or demote an officer, the chief executive or their designee is responsible for notifying the officer in person and in writing. Due to the heightened risk for violence at the point of termination, the chief executive or their designee should ensure that

the victim is notified in a timely manner and offered available assistance, to include safety planning. However, this notification may be subject to restrictions on information release per collective bargaining agreements.

#### **IV. AGENCY TRAINING**

All agency personnel, both sworn and non-sworn, should receive comprehensive mandatory instruction upon implementation of a domestic violence policy and on a continuing and annual basis. Training should include, but not be limited to, the following:

- Dynamics of domestic violence including physical, emotional, and sexual violence
- Understanding victims and perpetrators of domestic violence
- Understanding trauma and reaction to violence
- Understanding the effects of domestic violence on children
- Assessing risk and lethality
- Utilizing investigation techniques
- Identifying stalking behaviors
- Assessing for strangulation
- Understanding firearm laws and procedures
- Enforcing protection orders and enforcement
- Accessing community resources and referrals
- Properly completing the domestic violence supplemental report form
- Understanding domestic violence in the workplace
- Special considerations for officer-involved domestic violence, both when the officer is the victim and the perpetrator

Additional supplemental training should include bulletins, roll-call information, verbal reminders, supervisory mentoring, and patrol briefings. Agency executives should ensure the review of training annually and make any revisions deemed necessary.

**APPENDIX A: PREDOMINANT AGGRESSOR DETERMINATION**

When determining the predominant aggressor, officers should consider the following questions:

- Who uses threats and intimidation in the relationship?
- Does either individual in the relationship isolate their partner?
- Who is emotionally abusive (uses degrading names, humiliating comments, etc.)?
- How are minimization, blame, and denial being used by the victim or the suspect or both?
- Who utilizes the children to get their way in the relationship?
- Who has forced sexual contact or used sexual acts as a way to control the other?
- Who has control of the money and finances or uses them as a way to control the other?
- Who utilizes coercion and threats?
- Have any threats been carried out or have steps been taken to carry them out?
- Does either party have a history of committing violent crimes?
- Is there a history of domestic violence between the parties?
- Is there a physical size difference between the parties?
- Does either party have a protection order against them or a history of protection orders against them?
- Who appears to be more capable of assaulting the other?
- What is the severity of the injuries to the parties?
- Did either party utilize self-defense?
- Is there potential for violence in the future? If so, by whom?
- Which party has access to firearms or other weapons?
- What types of injuries do the parties have? Are they offensive or defensive in nature?
- Does either party express fear of the other?
- Is there evidence from witnesses?

**APPENDIX B: INCIDENT DOCUMENTATION – SUPPLEMENTAL REPORT FORM**

Officers should document the following on the domestic violence supplemental report form. Note this list is not exhaustive.

- Whether translation or interpretation services were used for communicating with the victim, suspect, and/or witnesses.
- Observations of injuries on both the victim and the suspect, as well as the exact location of those injuries. If a body chart is included in the report form, describe the injuries identified on the chart in detail.
- Notations of any claims of injury where there were no visible signs, along with the exact location and the fact that there were no visible indications at that time.
- Whether medical treatment was offered and received or refused. If treatment was received, ambulance number, hospital, and the name of the attending physician should be provided.
- Apparent emotional states of both the victim and the suspect.
- Incidents of strangulation or attempted strangulation.
- All non-physical violence reported by the victim, including threats and intimidation.
- Any evidence that would establish that a crime was committed and the location from which it was collected.
- Any weapons used or that were threatened to be used.
- Any action taken by law enforcement in regard to firearms present at the scene.
- Statements made by both the suspect and the victim. To facilitate admission of these statements in court, write down the statement verbatim and put all of the victim's and suspect's statements in quotations. If at all possible, the victim should initial or sign at the bottom of the statement.
- Statements about the relationship between the victim and the suspect according to both parties.
- Whether either party acted in self-defense. If so, describe the circumstances.
- Whether an arrest was made. In cases where no arrest was made, explain the basis for that decision. Indicate whether follow-up with the victim is needed or planned.
- Whether a dual arrest was made. If probable cause existed to arrest both parties, write and file a separate report for each arrest and explain the elements of probable cause for arrest.
- Whether or not alcohol and/or drugs were or appear to have been used by either party or both parties, although the use of drugs or alcohol should not determine the arrest decision.
- Whether the 911 tapes for the incident were requested for evidentiary purposes.
- Any photographs that were taken and the subject of those photos.
- Existence of a current or past protection order. Obtain verifications, docket or reference numbers, and the contents of the order.
- Prior history of domestic violence between the parties, including sexual abuse, stalking behaviors, threats, and intimidation. Obtain descriptions of past incidents along with any known case report numbers and outcomes.
- All elements of stalking behaviors, including course of conduct and fear as articulated by the victim.
- The name of a contact person law enforcement may reach to locate the victim should they decide to temporarily relocate for safety reasons.

- The names and ages of any children present in the household—include addresses and phone numbers if children are relocated.
- The names, addresses, and phone numbers of any witnesses present along with an indication as to whether a statement was taken.
- Any additional resources, such as referrals to community advocates that were given to the victim.

**Note:** Officers should be aware of the sensitive nature of the information provided, especially with respect to the location and contact information for the victim or any children. Discretion should be utilized regarding the extent of the information documented, as the report will be made available to the defense and thereby the suspect. In addition, agencies should take precautions to safeguard this information so that it cannot be accessed and will not be disclosed to anyone without a need or right to know.

## APPENDIX C: DOMESTIC VIOLENCE RISK ASSESSMENT

Risk assessments should capture the following information:

### 1. Assessing Threats

- Are the threats believable to the victim?
- How detailed or specific are the threats?
- Are the threats consistent with past behavior?
- Does the victim believe the perpetrator has the means to carry them out?
- Have there been any rehearsals to carry out threats by the perpetrator such as the purchase of a handgun or tracing the victim's movements and whereabouts?
- Do the threats extend to others (children, family, friends, pets)?
- Do the threats involve murder, suicide, or both?

### 2. History of Violence or Use of Force

- Has there been abuse to former partners or family members?
- Has there been a recent increase in the frequency or intensity of violence?
- Is there a history of violence toward children?
- Has the violence involved strangulation or attempted strangulation?
- Has the violence involved head trauma?
- Did the violence start with or occur during pregnancy?
- Has the perpetrator forced the victim to have sex or engage in sexual acts?
- Has there been abuse of pets?
- Was there destruction of the victim's property?
- Have there been previous arrests?
- Have there been protection orders in place in the past?

### 3. Weapons

- Does the perpetrator have access to weapons? If so, describe.
- Does the perpetrator possess a firearm(s) despite federal statutes that would prohibit possession?
- Did past violence involve firearms or other weapons?
- Does the victim possess or have access to weapons?

### 4. Centrality

- Do the victim and perpetrator live together?
- Do the victim and perpetrator have children in common? Do they have children from previous partners?
- Do the victim and perpetrator have legal ties?
- Is the victim financially independent?
- Is the perpetrator possessive (does the perpetrator isolate the victim, control activities, monitor who the victim socializes with, etc.)?

- Does the perpetrator exhibit excessive jealousy?
- Is the perpetrator socially dependent on the relationship or victim?

#### 5. Stalking

- Does the perpetrator check up on the victim? If so, how and how often?
- Has the perpetrator engaged in the surveillance of the victim?
- Does the perpetrator enlist others to monitor the victim?
- Has the perpetrator contacted or threatened the victim's friends, family, or co-workers?
- Have there been unwanted communications (phone calls, emails, written communications, etc.) from the perpetrator (either positive or negative)?
- Has the perpetrator sent the victim unwanted gifts?

#### 6. Control

- Does the perpetrator control the finances?
- Does the perpetrator attempt to control the victim's activities?
- Does the perpetrator attempt to control what the victim is allowed to do?
- Has the perpetrator attempted to physically or emotionally isolate the victim?
- Does the perpetrator feel entitled to be in control of the relationship or victim?
- Does the perpetrator equate compliance with loyalty?

#### 7. Other Concerns

- Does the perpetrator drink alcohol or use drugs regularly or excessively?
- Has alcohol or drug use escalated by the perpetrator or victim?
- Does the perpetrator have a childhood history of domestic violence? Child abuse? Sexual abuse?
- Has the perpetrator recently lost his or her job?
- Is there an upcoming traumatic incident anniversary date from the perpetrator's past?
- Do holidays trigger or increase the violence?
- How does the perpetrator respond to change within and outside the relationship?
- Have the perpetrator and victim recently separated?
- Has the victim recently taken steps to obtain a protection order or other support services?

Upon assessing risk and the potential level of danger, officers or the domestic violence advocate should work with the victim to develop a safety plan, understanding that this plan must be fluid and adaptable to respond to changing situations.



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## Need to Know ...

Updated: April 2019

# Domestic Violence

*Law enforcement calls for service involving domestic violence require a comprehensive approach that factors in the unique dynamics between the victim and perpetrator in these situations, as well as the potential danger to responding officers.*

- **Domestic violence** is defined as abusive behavior in any relationship, as outlined by law, that is used to gain or maintain power and control over an intimate partner or family or household member. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person.
- Law enforcement agencies should develop policies related to domestic violence that provide a **proactive, victim-centered approach**.
- In addition, agencies should take a position of **zero tolerance** on domestic violence, to include thoroughly investigating all domestic violence incidents, including those involving law enforcement officers or individuals in positions of power and influence.
- The **predominant aggressor** is the individual who poses the most serious, ongoing threat. This individual may or may not be the one who initiated the conflict. When making arrest decisions, officers should consider who appears to be the predominant aggressor. Dual arrests for domestic violence are strongly discouraged.
- Memorandums of understanding (MOUs) should be developed with victim service providers, child protection agencies, prosecutors, and other **community stakeholders** as part of a comprehensive response.
- Victims of domestic violence have many reasons why they are reluctant to leave or why they return to **abusive relationships**. These may include, but are not limited to, fear of retribution, financial dependence, and religious or cultural beliefs.
- Officers should **never** make any statement that would **discourage** a victim from reporting an act of domestic violence; **threaten** the arrest of all parties to discourage future calls for service; or **avoid** taking action because the victim does not wish to prosecute.
- Officers should look for signs and symptoms of **strangulation** when responding to domestic violence calls. Many strangulation victims show no visible injuries, so it is incumbent upon officers to include questions regarding strangulation when interviewing the victim.
- Officers should be aware of and fully investigate other crimes that often **co-occur** with domestic violence.
- Domestic violence victims should never be put in the position of stating whether or not they want the perpetrator to be arrested. Instead, as part of the **preferred arrest response**, officers are required to arrest persons committing a crime related to domestic violence whenever probable cause exists and there is no clear and compelling reason not to arrest, such as self-defense.
- **Risk assessments** should be conducted with domestic violence victims.



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