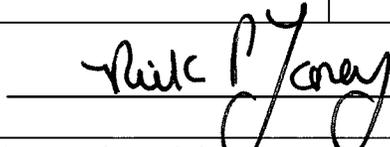


ESSEX POLICE DEPARTMENT
Operational Directive



		Number: 2.11.1
Domestic Violence	<input type="checkbox"/> New <input type="checkbox"/> Amends <input checked="" type="checkbox"/> Rescinds	
Authorized Signature:	 _____	Chief of Police
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>		
Date Implemented: 09-05-2018	Review Date: 01-01-2020	

1.0 PURPOSE

The purpose of this policy is to establish agency priorities, guidelines, and procedures to be followed by Essex Police Department employees in response to calls for service involving domestic violence.

2.0 POLICY

It is the policy of the Essex Police Department to provide a proactive, victim-centered approach when responding to domestic violence.

3.0 DEFINITIONS

- 3.1 *Domestic Violence:* Abusive behavior in any relationship, as defined by Vermont Statute T15 VSA sec 1101 (1), that is used to gain or maintain power and control over an intimate partner or family or household member. This behavior includes:
- 3.1.1 Attempting to cause or causing physical harm.
 - 3.1.2 Placing another in fear of imminent serious physical harm.
 - 3.1.3 Abuse to children as defined in 33 V.S.A. chapter 49, subchapter 2.

- 3.1.4 Stalking as defined in 12 V.S.A. § 5131(6).
- 3.1.5 Sexual assault as defined in 12 V.S.A. § 5131(5).
- 3.2 *Intimate Partners or Family or Household Members:* As defined by Vermont Statute T15 sec 1101 (2), Persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or who have dated. "Dating" means a social relationship of a romantic nature.
- 3.3 *Predominant Aggressor:* The individual who poses the most serious, ongoing threat, who might not necessarily be the initial aggressor in a specific incident.
- 3.4 *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.
- 3.5 *Protection Order:* As defined by Vermont Statute T15 sec 1101 (5), any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil and criminal courts, other than support or child custody orders, whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of a person seeking protection.

4.0 PROCEDURES

- 4.1 **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:

 - 4.1.1 Dispatch a minimum of two officers, whenever possible.
 - 4.1.2 Assign the same response priority as a life-threatening incident, whether or not the suspect is known to be on the premises.
 - 4.1.3 Immediately notify and dispatch a supervisor to any domestic violence call received that involves or appears to involve a law enforcement officer, regardless of the involved individuals' jurisdiction.
 - 4.1.4 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:
 - The immediate safety of the caller and those at the scene
 - Other persons involved or witnesses at the scene, including children

- The suspect's relationship to the victim
 - Whether law enforcement has been called before because of this suspect and the number of times
 - Previous history of domestic violence
 - Presence of firearms or other weapons
- 4.1.5 Ascertain if either the suspect or victim has any outstanding warrants or is on probation or parole.
 - 4.1.6 Determine whether there is a valid protection order against the suspect or whether there have been orders in the past.
 - 4.1.7 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.
 - 4.1.8 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.

4.2 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:

- 4.2.1 Avoid parking law enforcement vehicles in front of the residence or other site of the disturbance when possible.
- 4.2.2 When initially approaching the scene, indicate that they are responding to a call for service, without revealing the name of the caller or his or her whereabouts.
- 4.2.3 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.
- 4.2.4 Make contact with all individuals present, including potential witnesses, victims, or perpetrator(s), and separate all parties, keeping all individuals out of sight and hearing range of one another as safety permits; restrain and remove the suspect, if necessary.
- 4.2.5 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.
- 4.2.6 Summon emergency medical services at the request of the victim or suspect, or if it appears that strangulation has occurred.
- 4.2.7 Inquire about weapons in the area or access to weapons; identify and take temporary custody of firearms or weapons in plain sight.
- 4.2.8 Determine whether there are any potential language barriers and request an interpreter where necessary.

- 4.2.9 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.

4.3 On-scene Investigation

The investigating officer(s) should do the following:

- 4.3.1 Inform the victim in advance of actions to be taken.
- 4.3.2 Conduct victim interviews in a location away from others at the scene.
- 4.3.3 Take photographs of the victim and suspect, whether or not there are any visible injuries.
- 4.3.4 Take photographs of injuries to all parties, including any healing or old injuries.
 - 4.3.4.1 Ideally photographs should also be taken 24, 48, and 72 hours later—in the event the injuries become more visible and pronounced.
 - 4.3.4.2 Descriptive and specific documentation of the injuries should accompany the photos.
 - 4.3.4.3 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.
- 4.3.5 Collect evidence to establish the facts of the crime.
- 4.3.6 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 he or she possesses a copy. If not, verify the order through other means.
- 4.3.7 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 he or she does 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.
- 4.3.8 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 state law, to prevent imminent harm to the children, such as notifying the appropriate child protective agency.
- 4.3.9 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. Officers who discover any evidence of physical, emotional, or sexual abuse or neglect of minors under the age of eighteen shall, without delay, notify the Department for Children and Families. If an incident involves abuse, neglect, or exploitation of a person sixty years of age or older or of a disabled person eighteen years old or

older who has a diagnosed physical or mental impairment, the officer shall notify Adult Protective Services without delay.

4.3.10 Immediately notify the Department of Corrections if the offender is on probation, parole, or furlough. If the offender is on pre-trial conditions of release, appropriate action should be taken if violations have occurred.

4.4 Officer(s) shall not do the following:

4.4.1 Make any statement that would discourage a victim from reporting an act of domestic violence.

4.4.2 Threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage future requests for intervention by law enforcement personnel.

4.4.3 Avoid taking action when probable cause exists because the victim stated prosecution was not desired.

4.5 Lethality Assessment Program

4.5.1 Definition: Lethality Assessment Program (LAP) is a two-pronged intervention process that features a research-based lethality screening questionnaire and an accompanying protocol referral that provides direction for law enforcement to initiate appropriate action based upon the results of the screening process.

4.5.2 Officers should perform a Lethality Assessment Screen with the victim when the domestic violence incident involves an intimate partner relationship and:

4.5.2.1 The officer reasonably believes there has been an assault or other act of domestic violence, and/or

4.5.2.2 The officer reasonably believes that the victim may face danger once the officer leaves, and/or

4.5.2.3 This agency has investigated previous domestic violence incidents at the home or previous incidents involving the family or household members, and/or

4.5.2.4 When the officer's training and experience indicates the situation is dangerous, but the officer may lack probable cause to make an arrest. The officer should remain at the scene for a reasonable time until, in the judgment of the officer, the likelihood of further imminent violence has been eliminated or the officer has helped the victim with a safety plan in conjunction with an advocate after completing the LAP screen.

4.5.3 When conducting the LAP, the investigating officer shall:

4.5.3.1 Advise the victim that he or she will be asked a series of questions to help the officer determine the immediate potential for danger to the victim.

4.5.3.2 Ask the questions in the order that they are listed and as written on the form.

- 4.5.3.3 Ask all the questions in assessing the victim. The more questions the victim responds to positively, the clearer and more immediate the potential for danger is to the victim.
- 4.5.4 Assessing the Responses to the Lethality Questions: After the responding officer asks the questions on the Lethality Screening, the information shall be handled as follows:
 - 4.5.4.1 A single “yes” or positive response by the victim to questions #1, 2 or 3 signifies a high danger situation and automatically triggers the protocol referral.
 - 4.5.4.2 If the victim gives negative responses to questions #1 – 3, but positive responses to four or more of questions #4 through 11, this also signifies a high danger situation and triggers the protocol referral.
 - 4.5.4.3 “No” or negative responses, to all of the assessment questions, or positive responses to less than four of questions #4 through 11, may still trigger the referral if the investigating officer believes it is appropriate.
 - 4.5.4.4 The officer should ask the victim the following clarifying questions: ‘Is there anything else that worries you about your safety?’ If the victim answers, “Yes;” then ask, “What worries you?” The response to this question may aid in the decision.
 - 4.5.4.5 Use of the domestic violence lethality screen takes into account the training and experience of a police officer. It’s flexible and relies on the investigating officer acting on that training and experience. If the victim’s responses don’t trigger the referral, but the officer’s assessment of the situation indicates high danger, the officer should still initiate the referral.
 - 4.5.4.6 Officer should check the appropriate screening box with the result of the assessment and indicate if the victim spoke to an advocate.
- 4.5.5 If the referral is not indicated or the victim does not answer the screening questions, the officer should:
 - 4.5.5.1 Advise the victim that domestic violence is dangerous and sometimes fatal.
 - 4.5.5.2 Inform the victim to be alert to signs listed in the assessment because they may convey to the victim that she or he is at an increased level of danger.
 - 4.5.5.3 Refer the victim to Steps to End Domestic Violence (STEPS)
 - 4.5.5.4 Provide the victim with the Department’s telephone number, the case number and the officer’s contact information should the victim wish to discuss the event further or requires additional assistance. This should be done in a discreet manner to not jeopardize the safety of the victim.
 - 4.5.5.5 Indicate in the Incident Report the circumstances and results of the Lethality Assessment that lead to this conclusion.

- 4.5.6 If a danger assessment is made or the officer believes it is appropriate, the referral will be implemented as follows:
 - 4.5.6.1 Advise the victim that this situation indicates that the victim may be at an increased risk of danger and that others in similar situations have suffered serious injury or death.
 - 4.5.6.2 Advise the victim that you would like to call Steps to End Domestic (STEPS) and have the victim speak with an advocate. If the victim declines to speak with an advocate, the officer should:
 - Tell the victim that the officer will contact the domestic violence hotline to receive guidance on how to proceed further.
 - Tell the victim that they would like the victim to reconsider speaking with the hotline advocate and;
 - Ask the victim again if they have reconsidered and would now like to speak with the advocate.
 - Regardless of whether the victim continues to decline to speak with an advocate, the officer should provide the same service they would perform for a victim when a referral is not indicated.
- 4.5.7 If the victim agrees to speak with an advocate:
 - 4.5.7.1 The officer will advise the advocate that the officer has completed an assessment that indicates danger or that the officer believes that the victim may be in danger and would like the advocate to speak with the victim.
 - 4.5.7.2 Officers should not provide the name of the victim and their contact information to the advocate without the consent of the victim.
 - 4.5.7.3 During the conversation between the victim and the advocate, the advocate may ask to speak with the officer regarding the situation.
 - 4.5.7.4 The officer will then be guided by the discussion with the advocate for further assistance.
 - 4.5.7.5 Officers should provide reasonable assistance to the victim if the victim wants to leave the residence.

4.6 Role of the Supervisor

Supervisors shall do the following:

- 4.6.1 Unless circumstances prevent doing so, respond to assist officers investigating incidents of domestic violence or whenever the incident appears to involve a law enforcement officer, prominent citizen, or public official.
- 4.6.2 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.

- 4.6.3 Encourage officers to look 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.

4.7 Protection Order Enforcement

- 4.7.1 If it has been determined that a protection order or any court mandated restraining order is known to exist, officers shall do the following:
 - 4.7.1.1 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.
 - 4.7.1.2 Enforce the order even if it was issued by another jurisdiction.
 - 4.7.1.3 Determine if the order, or federal, state, or tribal law, prohibits firearm possession by the suspect. If so, officers shall
 - 4.7.1.3.1 Encourage the voluntary relinquishment of firearms and ammunition for safekeeping;
 - 4.7.1.3.1.2 Seize unlawfully possessed firearms and ammunition located in plain view or pursuant to a consensual or other lawful search; or
 - 4.7.1.3.1.3 Request a search warrant.
 - 4.7.1.4 Enforce custody provisions in accordance with Vermont law and language of the order.
 - 4.7.1.5 Document order information in the report including verification and terms of order.
 - 4.7.1.6 Document violations and prepare a report even if the suspect is not on scene. Attempts must be made to locate and arrest the suspect.
 - 4.7.1.7 Never penalize or arrest the petitioner for violation of the restrictions detailed in the order.

4.8 The Arrest Decision

- 4.8.1 Officers shall never ask the victim if he or she wants the suspect to be arrested.
- 4.8.2 Officers shall make a warrantless arrest in accordance with Vermont 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.

- 4.8.3 Officers shall follow this agency's policy on identifying and responding effectively to a child, present or not present, whose parent is arrested in accordance with the Vermont protocol for Law Enforcement Response to Children at the Scene of a Domestic Violence Incident.
- 4.8.4 When making arrest decisions, officers shall consider which individual appears to be the predominant aggressor.
- 4.8.5 If an arrest is not made, the officer must provide an explanation in his or her report as to the reasons why.
- 4.8.6 When an arrest cannot be made due to lack of probable cause, the officer should explain to the victim the reasons that an arrest is not being made, and facilitate contact with Steps against Domestic Violence (STEPS) for information regarding counseling and other services.
- 4.8.7 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 is encouraged to contact his or her 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.

4.9 Victim Safety and Protection

Officers shall do the following:

- 4.9.1 Remain at the scene of the incident until the situation is under control.
- 4.9.2 Provide victims with information about
 - 4.9.2.1 Obtaining an order of protection, if legally permissible;
 - 4.9.2.2 Local domestic violence service providers;
 - 4.9.2.3 Victim compensation;
 - 4.9.2.4 Parole or release dates and notification services that provide this information, such as Victim Information and Notification Everyday (VINE); and
 - 4.9.2.5 Incident report number and officer contact information.
- 4.9.3 Advise the victim what to do if the suspect or others harass or intimidate the victim, witnesses, or others.
- 4.9.4 Assist the victim in establishing a safety plan, whether or not he or she plans to remain with the suspect.

4.10 Incident Documentation

- 4.10.1 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.
- 4.10.2 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:

- 4.10.2.1 Observations upon approach
- 4.10.2.2 Relationship of parties involved
- 4.10.2.3 History of relationship
- 4.10.2.4 Current or past protection orders
- 4.10.2.5 Prior calls to the location involving the suspect
- 4.10.2.6 Probation or parole status of the suspect
- 4.10.2.7 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
- 4.10.2.8 Details of any children present
- 4.10.2.9 All threats and intimidation tactics used by the suspect
- 4.10.2.10 Presence or use of firearms or weapons

4.11 Post-Incident Follow-up

- 4.11.1 An agency representative shall be designated to review and follow up on cases of domestic violence. The agency representative will complete a case review, evidence collection, and assistance with victim resources such as restraining orders and contact with STEPS to end Domestic Violence.
- 4.11.2 Following an arrest, the agency designee shall notify victims of any conditions of bail and advise the victim of his or her right to request revocation of bail from the state, county, or city attorney's office if the conditions are violated.

4.12 Collaboration and Training

- 4.12.1 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.
- 4.12.2 All agency personnel shall receive comprehensive mandatory instruction on this policy on an annual basis. Training shall also include updates of applicable law, safety of officers and the dynamics of domestic violence.