


# PINE BLUFF POLICE DEPARTMENT POLICY & PROCEDURES MANUAL

	<b>SUBJECT:</b>	<b>POLICY NUMBER</b> 280
	<b>DOMESTIC ABUSE INCIDENTS</b>	<b>ISSUE DATE</b> 02/19/2008
	<b>CHAPTER: PATROL</b>	<b>EFFECTIVE DATE</b> 02/19/2008
	<b>ISSUED By:</b> Chief of Police John E. Howell	<b>TOTAL PAGES</b> 3

## I. POLICY

It is the policy of this agency to reduce the incidence and severity of domestic abuse; protect victims of domestic abuse and provide them with support through a combination of law enforcement and community services; and, promote officer safety by ensuring that officers are fully prepared to respond to and effectively deal with domestic abuse calls for service.

## II. DEFINITIONS

**TITLE 18 USC, 992(G):** Bans individuals convicted on most criminal acts involving domestic violence from owning, shipping, receiving, transporting, or possessing firearm or ammunition. Law enforcement officers are not exempt. The prohibition includes any offense that includes:

- A misdemeanor under federal or state law, and
- Has an element of the offense the use or attempted use of physical force, or
- The threatened use of deadly force, and
- Is committed by a current or former spouse, parent or guardian, or
- By a person cohabitating with or who has cohabitated with the victim.
- This includes assault or battery even when the state statute or ordinance does not specifically define the offense as a domestic violence offense.

**DOMESTIC ABUSE:** Means physical harm, bodily injury, assault, or the infliction of fear or imminent physical harm, bodily injury or assault between family members or household members, or any sexual conduct between family or household members, whether minor or adults, which constitutes a crime under the laws of the state. (ACA 16-81-113(1) (A, B).

**SWORN MEMBERS:** Means any law enforcement officers who are responsible for the prevention and detection of crime and the enforcement of criminal and traffic laws of the City of Pine Bluff and the state of Arkansas.

**FAMILY OR HOUSEHOLD MEMBERS:** Means any spouses, former spouses, parents or children, persons related by blood within the fourth degree of consanguinity, persons who are presently or in the past have resided or cohabited together. Family or household member includes persons who have had a child in common (ACA 16081-113(2)).

**ORDER OF PROTECTION:** Is an order issued by a chancery court which prohibits a person from engaging in certain conduct or contact with another person.

**NO CONTACT ORDER:** Is an order for a defendant to have no contact with the victim and the victim's family. It may be issued by a Circuit or Municipal courts in association with criminal charges, as either a condition or pretrial bond or as a condition of probation.

**RESTRAINING ORDER:** Is an order typically issued in divorce proceedings. The order usually lists the names of persons involved, parameters of protection, and any restrictions, such as sale of property. In order to enforce this order, the party must go back before the Chancery Court.

### **III. PROCEDURES**

The dispatcher who receives a domestic abuse call should provide the responding officers with vital information that could save the victim's and the officer's life. The dispatcher should give a domestic abuse call the same priority as any other life-threatening call and should, whenever possible, dispatch at least two officers to every incident.

- A. In addition to information normally gathered, an effort should be made to determine and relay the following to responding officers:
  - 1. Whether the suspect is present and, if not, the suspect's description and possible whereabouts;
  - 2. Whether weapons are involved;
  - 3. Whether the offender is under the influence of drugs or alcohol;
  - 4. Whether there are children present;
  - 5. Whether a current No Contact Order, Order of Protection or Restraining Order is in effect; or
  - 6. Complaint history at that location
  
- B. Officers shall not be canceled from response to a domestic abuse complaint based solely on a follow-up call from the residence requesting such cancellation. However, the dispatcher shall advise the officers of the complainant's request.

### **IV. RESPONDING OFFICER PROCEDURES**

#### **ON-SCENE INVESTIGATION:**

- A. When responding to a domestic abuse call, the officer shall:
  - 1. Restore order by gaining control of the situation.
  - 2. Determine if the domestic violence incident includes a sworn employee of this department as a suspect or victim or is a sworn law enforcement officer from another agency.
    - a. If it is determined that a sworn employee of this department or a sworn law enforcement officer from another agency is involved Department Policy 279 (DOMESTIC ABUSE INVOLVING SWORN OFFICERS) shall be followed.

3. Take control of all weapons used or threatened to be used in the crime.
4. Assess the need for medical attention and call for medical assistance if indicated.
5. Interview all parties.
6. After each party has been interviewed, responding officers should confer to determine if an arrest should be made or whether other actions should be taken. Pursuant to **ACA 16-81-113**, when a law enforcement officer has probable cause to believe a person has committed acts which constitute a crime under the laws of this state and which constitute domestic abuse, the officer may arrest the person without a warrant if the law enforcement officer has probable cause to believe the person, within the preceding twelve (12) hours, has committed such acts even if the incident did not take place in the presence of the law enforcement officer.
7. The arrest of the person shall be considered the preferred action by a law enforcement officer of this agency when evidence indicates that domestic abuse has occurred.
8. Collect and record evidence and, where appropriate, take color photographs of injuries and property damage. Call shift Sergeant for photographs.
9. Complete appropriate offense or incident reports necessary to fully document the officer's response, whether or not a crime was committed or an arrest made.
10. Advise all the parties about the criminal nature of family violence, its potential for escalation, and that help is available.
11. Remain on the scene until satisfied that there is no threat to the victim.
12. Provide the victim with referral information for legal or social assistance and support.
13. If the offender has left the scene and a crime has been committed, the officers will:
  - a. Conduct a search of the immediate area;
  - b. Obtain information from victims and witnesses as to where the offender might be; and
  - c. Refer the matter to the City Attorney if a misdemeanor or forward to the detective division if a felony offense if unable to locate within 12 hours.