



BARRY COUNTY SHERIFF DEPARTMENT

SUBJECT: SPOUSE ABUSE/DOMESTIC VIOLENCE INTERVENTION

FC: 651

1.0 PURPOSE

To establish rules and procedural guidelines concerning the police response to domestic violence.

2.0 POLICY

It is the position of the Barry County Sheriff Department to provide a Pro-Arrest Policy in responding to all reported domestic violence incidents; in order to prevent injury or loss of life, restore peace, and to ensure persons needing assistance or counseling are informed of the methods of obtaining same.

3.0 DEFINITIONS

3.1 SPOUSE ABUSE STATUTE: Refers to Acts 64, 65 and 66 of the Public Acts of 1994 which state that " a peace officer who has reasonable cause to believe that violation of Section 81 or 81A of Act 328 of the Public Acts of 1931, being Section 750.81 and 750.81A of the Michigan Compiled Laws, has taken place or is taking place and the person who commits or is committing the violation is a spouse or former spouse of the victim, or a person residing or having resided in the same household as the victim, may arrest the violator without a warrant for that violation regardless of whether the violation was committed in the presence of the peace officer.

3.2 DOMESTIC VIOLENCE: is a criminal act committed against a person who is a spouse, former spouse, cohabitant, former cohabitant, sibling, parent, or child with whom the suspect has a personal relationship.

3.3 PRO-ARREST POLICY: It is the Barry County Sheriff Department's position to place priority on an actual custodial arrest in each situation where probable/ REASONABLE cause permits a law enforcement officer, pursuant to State statute, to take an individual into custody for a criminal offense involving domestic violence.

3.4 REASONABLE CAUSE: is defined in Michigan law as synonymous with probable cause. The probable cause standard applied to domestic violence crimes is no different than the standard applied to all other crimes. Probable cause means any facts that would induce a fair-minded person of average intelligence to believe that the suspect has committed a crime.

3.5 INFORMATION FOR VICTIMS OF DOMESTIC VIOLENCE: the mandatory information to be given to a victim of domestic violence as required by Act 63 of the Public Acts of 1994 which states: "After investigating or intervening in a Domestic Dispute as described in Section 15a or 15b of this chapter, a peace officer shall provide the victim with a copy of the notice of this section".

This information can be found on the Barry County Sheriff Department Victim's Rights form BCSO.

3.6 MICHIGAN CRIME VICTIM'S ACT: The state law effective October 1, 1985, amended June 1, 1988, that has information for victims of crime regarding medical assistance, possible victim compensation, legal rights, and other information as pertaining to the crime of Domestic Abuse. Police Officers are required by this act to give these rights to victims of crimes. The information for victims of domestic violence is also incorporated into the BCPD form 047.

4.0 RULES

4.1 A domestic violence call will be given the same priority as any other life threatening call. Two Officers will be dispatched to the scene.

4.2 Domestic Violence calls will not be canceled at the request of the caller or any other party. Responding officers will continue to the scene to verify that assistance is not needed.

4.3 Officers responding to the scene of domestic violence should arrest the assailant in all of the following circumstances:

- * Felony committed in the officer's presence;
- * Felony based on probable cause;
- * Misdemeanor committed in the officer's presence
- * Misdemeanor assault, assault and battery, or aggravated assault based on reasonable/ probable cause where a domestic relationship exists: MCL 764.15b.
- * Violation of a domestic assault injunctive order: MCL 764.15b.

4.4 If the suspect cannot be located, a warrant request or juvenile petition for assault, assault and battery, aggravated assault, and/or other appropriate charge(s) will be completed and forwarded to the County Prosecutor.

4.5 In incidents of domestic violence officers WILL provide the victim with a Victims Rights Form, BCPD 047. In exigent circumstances the officer will mail copies of the form to victims. The officer WILL indicate in the police report to whom and how the form was provided.

4.6 Crimes of Domestic Violence require a criminal investigation, and a written police report, including a warrant request or juvenile petition if applicable, to be submitted prior end of shift.

5.0 PROCEDURES

5.1 Communication Center Responsibilities

5.1.1 Communication personnel will attempt to obtain all relevant information about the dispute, its location, the presence of weapons, injuries requiring an emergency response, names of victim and suspect, if children are present, and if there is a history of domestic violence.

5.1.2 Communications personnel will dispatch two officers without delay to each in-progress/just occurred incident of domestic violence and dispatch known information about the presence of suspect(s), weapons or possible injuries, to the responding officers.

5.1.3 If Dispatch has sufficient information, all subjects involved should be file checked via LEIN, before officers arrive on scene. Officers should be advised of warrants, injunctive or court orders as soon as possible.

5.1.4 Dispatch should keep caller on the phone as long as possible. If contact is lost, an attempt to reestablish it shall be made. The responding officers should be advised if contact is lost.

5.2 Police Response and Investigation

5.2.1 The recommended minimum police response for in progress/just occurred domestic violence calls is two officers. Officers will not cancel backup before at least one officer arrives on scene.

5.2.2 Officers will request a medical response if there are visible injuries or a request for emergency medical care.

5.2.3 Officers may impound weapons for evidence, or if the officer has reason to believe the weapon may be involved or used in further domestic violence after the officers

leave.

5.2.4 Photos must be taken on all domestic violence complaints where the victim has a visible injury. Officers will document all injuries or claims of injuries by victims.

Arrangements for photographs will be made. If photos are not taken, the investigative report will reflect why not.

If photos cannot be taken at the scene, officers will make arrangements to have photos taken.

5.2.5 Officers will file check all persons involved in the dispute through LEIN to determine if there are warrants, injunctive or temporary Court orders.

5.2.6 Officers will investigate and document all physical and corroborating evidence that can support the elements of spouse abuse or other criminal offenses. This could be independent witnesses to the assault, excited utterances of the victim and/or suspect, and statements of children present. Photographs of property damage and other evidence that supports or refutes statements will be taken and documented.

5.2.7 Investigating officers shall determine where a victim will be for future follow-up investigation. A second phone number or contact person will be obtained. This information will not be released under any circumstances.

5.2.8 Officers will interview the suspect and witnesses during the investigation. Attempts to interview and any refusal to be interviewed will be documented in the report.

5.2.9 Officers will use their dictation guide to complete the investigation report.

5.3 Arrests

5.3.1 When determining whether probable/reasonable cause exist to believe that a crime has been committed, an officer SHOULD consider any of the following factors:

- * Visible bruises or red marks;
- * Visible damage to property and/or premises;
- * Witness statements;
- * Excited utterances by either party;
- * Statements captured by Mobile Video Recorder;
- * Unsubstantiated statements from either party is NOT PC.

5.3.2 When determining whether probable/reasonable cause exist to believe that a crime has been committed, an officer SHOULD NOT consider any of the following factors:

- * The marital status of the parties;
- * The lack of an injunction;
- * The wishes of either party concerning arrest or prosecution;
- * Assurances that the violence will stop;

- * Financial consequences of arrest;
- * The race, sex, religion, ethnic origin, social class, sexual orientation, education, or occupation of either party.

Dual arrests should be AVOIDED. Those acting in self defense shall not be subject to arrest. A thorough criminal investigation shall always be conducted.

Where there are allegations of mutual battering an officer should attempt to determine who the assailant is by:

- * Considering all facts and evidence available at the scene.
- * Considering other witness statements, including children, and consider other evidence (e.g. physical, circumstantial).

5.3.3 Officers will turn in a complete investigation report, including all witnesses interviewed, prior to the end of their shift.

5.4 Referrals/assistance

5.4.1 In the event that one of the parties in the dispute indicates a desire to leave the premise, officers are authorized to stand-by a reasonable amount of time to allow for the removal of that individual's personal property, of which ownership is undisputed.

5.4.2 Officers may transport persons not arrested to a different location with supervisory approval. The Barry County Victims Services Unit may also be available to arrange transportation services.

5.4.3 S.A.F.E. Green Gables is available and VSU will Assist with contact and transportation if needed.

They will handle referrals and provide counseling. Under no circumstances is the location of Green Gables to be released.

5.4.4 If an officer is uncertain about a course of action or disposition he will consult with his supervisor.

5.5 Domestic Violence Detective

5.5.1 The Department may at times have a Detective or other assigned officers with the responsibility to:

- * Follow up on assigned domestic violence cases
- * Interact with the community by doing presentations, meetings, and other activities
- * To act as a monitor for departmental programs.
- * Participate in the County and/or Coordination Board on Domestic Violence.
- * Review all domestic violence reports and make recommendations regarding policy, training, and changes

in Police actions.

- * Followup photographs and other forensic evidence
- * Annual evaluation of the department policies.
- * Providing upon request local policies developed, adopted, and implemented pursuant to the various State statutes.

6.0 DUTIES AND RESPONSIBILITIES

6.1 Officers

6.1.1 Officers will respond to calls for service of domestic violence WITHOUT delay.

6.1.2 Officers will make arrests under Rules 4.4.

6.2 Dispatchers

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6.2.1 Dispatchers will keep caller on the phone as long as possible. If contact is lost or caller attempts to cancel, responding officers should be informed.

However, dispatch will not cancel call for service.

6.3 Supervisors

6.3.1 Supervisors will be available for the officers should they seek assistance, advice, backup, or answers to questions concerning policy or a course of action.

6.3.2 Supervisors will review reports and warrant requests to ensure the elements of the crime are present, suspects are clearly identified, and policies of the Department are complied with.

6.3.3 Supervisors will reassign cases to officers when further investigation is necessary. Supervisors can also request an investigation be turned over to detectives or to the Domestic Violence Detective.

6.4 Senior Court Officer

6.4.1 Senior Court Officer shall make the appropriate references in book-in forms, bond receipts, and other documents when advised that a person is in custody for domestic violence.

6.4.2 Senior Court Officer shall forward all forms or documents pertaining to domestic violence to the appropriate agency.

6.5 Crime Tech

6.5.1 When requested or assigned, takes photographs and follow up photos of victim of domestic violence and photographs of crime scenes of domestic violence.

6.5.2 Submit follow up reports indicating whether technical processing and/or photographs were or were not taken, what arrangements were made for follow up photos or appointments, and have a copy of their report referred back to the original investigating officer and/or the

Domestic Violence Detective.

7.0 PENALTIES, DISCIPLINE AND ADMINISTRATIVE ACTION

7.1 Officers could receive criminal and administrative sanctions/discipline and/or prosecution for failing to provide victims with the Michigan Victims Rights Information form BCSD 047.

7.2 Administrative action will be initiated at no less than Level II when a rule violation has been sustained. Level II administrative action will be in the form of oral or written reprimand.

8.0 CANCELLATION

8.1 This directive cancels ALL previous directives/memos pertaining to Domestic Violence/Abuse.

Dar Leaf
Sheriff

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EFFECTIVE DATE:
July 1,2009