



Approved:  
*Chief Marcia Harnden*

Subject:

# 530. Domestic Violence Investigations

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## 530.1: PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

## 530.2: POLICY

**The Albany Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.**

## 530.3: OFFICER SAFETY

No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

## 530.4: INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

- a. Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- b. When practical, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- c. Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

- d. When practical and legally permitted, video or audio record all significant statements and observations.
- e. All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practical, photographs should be taken by a person of the same gender.
- f. Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- g. If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- h. Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- i. When completing an incident report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident report.
- j. Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
  - 1) Marital status of the suspect and victim;
  - 2) Whether the suspect lives on the premises with the victim;
  - 3) Claims by the suspect that the victim provoked or perpetuated the violence;
  - 4) The potential financial or child custody consequences of arrest;
  - 5) The physical or emotional state of either party;
  - 6) Use of drugs or alcohol by either party;
  - 7) Denial that the abuse occurred when evidence indicates otherwise;
  - 8) A request by the victim to not arrest the suspect;
  - 9) Location of the incident (public vs. private);
  - 10) Speculation that the complainant may not follow through with prosecution;
  - 11) The racial, cultural, social, professional position or sexual orientation of the victim or suspect.
- k. If a suspect is arrested, officers should:
  - 1) Advise the victim that there is no guarantee the suspect will remain in custody;

- 2) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail;
  - 3) Advise the victim whether any type of court order will be in effect upon the suspect's release from jail.
- I. If no arrest is made, officers should:
- 1) Advise the parties of any options including, but not limited to:
    - A. Voluntary separation of the parties;
    - B. Appropriate resource referrals (e.g., counseling services, friends, relatives, shelter homes, victim's assistance, CARDV).
  - 2) Document the resolution in a report.

#### 530.4.1: STRANGULATION KIT

When investigating an incident that involves non-sexual-assault-related strangulation, officers may assist with administering an Oregon Strangulation Forensic Evidence Kit (SKIT). The SKIT shall be completed by a medical professional and submitted to the investigating officer for chain of custody and safekeeping. The SKIT shall be submitted into evidence and the documentation attached to the officer's report. SKITs shall be stored at room temperature and kept dry.

Documents for reference include:

- a. [Strangulation Supplemental Form](#)
- b. [SKIT Post-Exam Process](#)

#### 530.5: VICTIM ASSISTANCE

- a. When encountering victims of domestic violence, officers should:
  - 1) Recognize that a victim's behavior and actions may be affected.
  - 2) Provide the victim with the department's [Domestic Violence Card: Form A36](#), even if the incident may not rise to the level of a crime.
  - 3) Alert the victim to any available victim advocates, shelters, and community resources.
  - 4) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
  - 5) Seek medical assistance as soon as practical for the victim if they have sustained injury or complain of pain.

- 6) Ask the victim whether they have a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for their safety or if the officer determines that a need exists.
  - 7) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
  - 8) Seek or assist the victim in obtaining an emergency order if appropriate.
- b. An officer who has probable cause to believe there are circumstances for a mandatory arrest or that a victim is in immediate danger of abuse may apply for an emergency protective order with the consent or permission of the victim ([ORS 133.035](#)).
  - c. Officers encountering victims of domestic violence incidents should also refer to [Victim and Witness Assistance: Policy 0536](#) for additional direction.

#### **530.5.1: RECORDING INJURIES AND STATEMENTS**

- a. All visible injuries should be photographed regardless of severity and all victims shall receive proper medical care prior to being photographed, if needed or desired.
  - 1) Victims whose injuries are not visible at the time of the incident should be advised to contact the police department, in the event the injuries later become visible.
  - 2) An officer may be assigned to ensure the injuries are photographed during the course of preparing the case for court.
- b. When permitted by law, officers may make a video recording of the injuries and victim statements.
- c. Officers shall also obtain a digitally recorded statement from the victim when practical.

#### **530.6: DISPATCH ASSISTANCE**

- a. All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practical.
- b. Dispatchers are not required to verify the validity of a court order before responding to a request for assistance.
  - 1) Officers should request that dispatchers check whether any of the involved persons are subject to terms of a court order.

#### **530.7: FOREIGN COURT ORDERS**

- a. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state.

- b. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued ([18 USC § 2265](#)).
- c. An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

### 530.8: VERIFICATION OF COURT ORDERS

- a. When determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practical:
  - 1) Ask the subject of the order about their notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order;
  - 2) Check available records or databases which may show the status or conditions of the order;
  - 3) Contact the issuing court to verify the validity of the order;
  - 4) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.
- b. Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

#### 530.8.1: SERVICE OF COURT ORDERS

- a. Officers should, if requested and practical, serve any unserved restraining order when called to the scene of a disturbance.
- b. Any officer serving such a restraining order shall ensure that a copy of proof of service is returned to the Sheriff for entry into the Law Enforcement Data System (LEDS) and the National Crime Information Center (NCIC) system ([ORS 107.720](#)).

#### 530.8.2: SERVICE OF EMERGENCY PROTECTIVE ORDERS

- a. An officer who obtains an emergency protective order for a victim shall provide the victim with a certified copy and ensure that a certified copy of the order and the supporting declaration for the order is filed with the court (ORS 133.035).
- b. The officer who obtained the emergency protective order shall serve the respondent personally.
  - 1) Upon completion of the service, the officer shall file a proof of service with the court and ensure that the order is entered into LEDS.

- 2) If service cannot be completed within one day of the order's entry, the officer shall notify the court (ORS 133.035). If the process occurs over a weekend and the order cannot be served, the court shall be notified the following business day.
- c. If an officer receives a termination order from the court, the officer shall ensure that the order is promptly removed from LEDS (ORS 133.035).

### 530.9: STANDARDS FOR ARREST

- a. Officers who respond to an incident of domestic disturbance and have probable cause to believe an assault has occurred between family or household members as defined in [ORS 107.705](#), or who believe that one such person has created in the other a fear of imminent serious physical injury, shall arrest and take into custody the alleged assailant or potential assailant ([ORS 133.055](#)).
- b. Dual arrests are not required (ORS 133.055). Officers shall make reasonable efforts to identify and arrest the primary assailant in any incident. In identifying the primary assailant, an officer shall consider:
  - 1) The comparative extent of the injuries inflicted or the seriousness of threats creating a fear of physical injury;
  - 2) If reasonably ascertainable, the history of domestic violence between the persons involved;
  - 3) Whether any alleged crime was committed in self-defense;
  - 4) The potential for future assaults.
- c. Once a suspect has been arrested under the provisions of ORS 133.055, the suspect shall be taken to jail. Officers have no authority to release the arrested person.
- d. Officers shall arrest and take a suspect into custody when the officer has probable cause to believe that a restraining order or emergency protective order has been issued, a copy of the order and proof of service on the suspect have been filed, and the suspect has violated the terms of the order ([ORS 133.310](#)).

### 530.10: REPORTS AND NOTIFICATIONS

- a. Officers should document in their report that they provided each domestic violence victim with a copy of the department domestic violence victim information handout (ORS 133.055).
- b. Reporting officers should also provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout.
  - 1) If the case number is not immediately available, an explanation should be given about how the victim can obtain the information at a later time.
- c. Officers shall complete a [Domestic Violence Investigation: Form A46](#) for all cases where a domestic violence arrest is made or in cases when an officer is concerned about a domestic violence victim's safety.

- 1) Using the Domestic Violence Investigation Form, officers shall contact CARDV with a referral as appropriate.

#### **530.10.1: EMERGENCY PROTECTIVE ORDERS**

The Police Support Services Manager shall ensure that a system is in place that provides officers at the scene of an alleged violation of an emergency protective order of the terms and existence of the protective order (ORS 133.035).