

COLUMBIA POLICE DEPARTMENT

Policy and Procedure Manual

DOMESTIC VIOLENCE AND COURT ORDER VIOLATIONS

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CALEA 6th Edition Standard: 55.1.1

320 DOMESTIC VIOLENCE AND COURT ORDER VIOLATIONS

320.1 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 and court order violations.

320.2 POLICY

The Columbia 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 the policy of this department to facilitate victims' access to appropriate civil remedies and community resources whenever feasible. Because domestic violence often involves a history of progressive abuse, employees of the Columbia Police Department shall document, in an offense report, all allegations of domestic abuse observed or reported.

320.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. 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.

320.4 INVESTIGATIVE PROCEDURES- DOMESTIC ASSAULT

The following guidelines should be followed by officers when investigating domestic violence related 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 that are reasonably believed to be domestic in nature.
- b. Contact the First Responder Victim Advocate (FRA)(if the position exists) at the earliest opportunity (for further on FRA procedure see section 320.10).
- c. While in route, obtain as much information regarding prior incidents and prior domestic violence history as possible before approaching the scene.
- d. Upon arrival, assess the scene for injured persons, potential witnesses, evidence and general scene stability.

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- e. Request additional resources as needed to handle the situation. This includes requesting medical assistance if needed, securing crime scene and evidence, personnel for securing statements from an extraordinary number of witnesses, evidence collection.
- f. Obtain full pedigree information and statements from the victim, suspect and witnesses, including children, in or around the household or location of occurrence. Do not forget the reporting person/complainant who may not have been a part of the incident.
- g. Collect the full name, date of birth, address and school if applicable of each child who was present in the household at the time of the offense or resides in the home.
- h. Body worn cameras shall be used to record all statements, observations, and contacts during domestic violence related investigations as outlined in policy 447 Body Worn Cameras. Body worn camera recordings do not take the place of evidentiary photographs of the scene or subjects involved.
- i. Photograph the victim, suspect, and crime scene, when available, in all domestic violence cases where an allegation of a crime is made. All injuries, including those reported but not yet visible, should be photographed, regardless of severity, taking care to preserve the victim's personal privacy if injuries are located in sensitive areas. The purpose of photographs in these cases is to visually document the physical condition of subjects and the scene at the time of the report to include injury and/or the absence of injury. When practicable, photographs of victim injuries located in or around sensitive areas should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident when initial photographs are taken, or whose injuries will likely change in appearance or become visible over time, should be encouraged to contact the Domestic Violence Enforcement Unit so follow-up photographs can be arranged.
- j. Collect physical evidence as needed.
- k. Medical Release Forms-When a victim receives medical attention at the scene or the original officer contacts the victim at a hospital or other medical facility, the officer shall request that the victim complete and sign an authorization for release of medical records related to the incident. Officers are expected to have these forms with them in their vehicle as part of their normal equipment needed for patrol activities. The forms for our local hospitals, as well as a generic form, are located on PowerDMS. If necessary, an officer may ask hospital staff for permission to access and print the forms using their computer.
- l. Officers shall 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.
- m. All efforts to locate the suspect shall be documented in the officer's report to include the exact locations/addresses checked, persons contacted at the locations, and phone numbers called. This information is important for follow-up investigations.
- n. Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping.
- o. When the on-scene investigation is near conclusion, introduce the victim to the FRA if on duty.
- p. The officer at the scene of an alleged incident of abuse shall inform the abused party of available shelters for victims of domestic violence (§ 455.085, RSMo). Providing and explaining the yellow domestic abuse information card will satisfy this requirement and should be documented in the offense report.
- q. If FRA is unavailable, an officer shall explain the process, and offer assistance in obtaining an ex-parte order of protection.
- r. The officer shall offer to provide or arrange transportation for the victim to a medical facility for treatment of injuries or to a shelter or other place of safety (§ 455.085, RSMo).

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- s. If officers are unable to locate the suspect in a reasonable amount of time during the shift, and probable cause exists based on victim/witness statements and available evidence, the reporting officer shall complete and submit a warrant request prior to the end of his/her shift. A BOLO and shift note shall be entered advising of the case number, suspect, charges, and probable cause to arrest. The signed probable cause statement will be left in a specified location for other officers to access should the suspect be apprehended while the reporting officer is off-duty.
- t. Any officer who becomes aware of a warrant request submitted by another officer for domestic violence or court order violations, for a suspect they have detained, shall make and document reasonable efforts to locate evidence of a warrant refusal in our records management system or available court databases. A supervisor should be consulted if questions exist. Absent a warrant refusal or other articulable circumstances approved by a supervisor, the officer should arrest the suspect based on the established probable cause.

320.5 INVESTIGATIVE PROCEDURES-COURT ORDER VIOLATIONS

The same basic investigative procedures and considerations for domestic assaults can apply to the investigation of court order violations. When investigating court order violations additional factors need to be considered as it is important to establish that the respondent/offender is aware of the court order and its conditions. This can be achieved by verifying the following information:

- a. Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- b. Date the offender was served with the court order.
- c. The name of the agency and officer/deputy that served the order.
- d. The provision(s) 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 report.
- e. Check available records or databases that may show the status or conditions of the order.
- f. Contact a law enforcement official from the jurisdiction where the order was issued to verify information.
- g. Any 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. 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).
- h. Officers shall 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.

320.6 STANDARDS FOR ARRESTS-DOMESTIC ASSAULT

The Missouri Adult Abuse Laws were enacted to provide additional protection to victims of domestic assaults. In most instances this policy mirrors the provisions in the Adult Abuse Statutes. However, because the Columbia Police Department's goal is to prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society, in some instances, this

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policy is stricter than the Missouri Adult Abuse Statutes. Officers investigating a domestic violence incident shall use the following guidelines regarding decisions to arrest:

- a. An officer who has probable cause to believe that a domestic violence offense has occurred should make an arrest of the primary physical aggressor. In rare circumstances an arrest may not be practical. Any decision not to arrest and issue a 12-hour rule provided by statute requires supervisor approval, and shall be documented in the offense report. In the rare case that an officer is subsequently called to the same address within a 12-hour period, who has probable cause to believe the same person has again committed a domestic violence offense against the same or any other family or household member, shall arrest the person for this subsequent offense (§ 455.085, RSMo).
- b. An officer is not required to arrest both parties when both parties claim to have been assaulted. The officer shall attempt to identify and should arrest the party he/she believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor (§ 455.085, RSMo). An officer shall consider and document any or all of the following in determining the primary physical aggressor (§ 455.085, RSMo):
 - I. The intent of the law to protect victims of domestic violence from continuing domestic violence
 - II. The comparative extent of injuries inflicted or serious threats creating fear of physical injury
 - III. The history of domestic violence between the persons involved
- c. The physical size and/or ability of the individuals involved may also be considered when making a primary physical aggressor determination.
- d. An officer shall not threaten to arrest all parties for the purpose of discouraging requests for law enforcement intervention. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether he/she has probable cause for an arrest (§ 455.085.1, RSMo).
- e. Officers should make an arrest when probable cause exists that a specific person involved in a domestic disturbance committed a crime for the purpose of instilling fear or control over another family or household member. The definition for "Abuse" used in sections 455.010 to 455.085, RSMo includes **but is not limited to** the occurrence of any of the following:
 - I. Assault
 - II. Battery
 - III. Coercion
 - IV. Harassment
 - V. Unlawful Imprisonment

These types of crimes, and others (i.e. property damage), often accompany domestic related incidents and are often committed for the purpose of instilling fear and exerting control over the victim. Because they are often part of a history of abuse and control they should be handled with the same veracity as a physical assault.

- f. If officers are unable to locate the suspect in a reasonable amount of time during the shift, and probable cause exists based on victim/witness statements and available evidence, the reporting officer shall complete and submit a warrant request prior to the end of his/her shift. A BOLO and shift note shall be entered advising of the case number, suspect, charges, and probable cause to arrest. The signed probable cause statement will be left in a specified location for other officers to access should the suspect be apprehended while the reporting officer is off-duty.

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- g. If the officer has not reached the level of probable cause, the officer must articulate in his/her report the circumstances and need for additional investigation. Absent an articulable reason to question the credibility of the victim's statement, a warrant request should be submitted.
- h. Any officer who becomes aware of a warrant request submitted by another officer for domestic violence or court order violations, for a suspect they have detained, shall make and document reasonable efforts to locate evidence of a warrant refusal in our records management system or available court databases. A supervisor should be consulted if questions exist. Absent a warrant refusal or other articulable circumstances approved by a supervisor, the officer should arrest the suspect based on the established probable cause.

320.7 STANDARDS FOR ARREST-COURT ORDER VIOLATIONS

- a. Officers shall arrest an offending party-respondent based upon probable cause that the respondent has notice of a protective order and has committed an act of abuse in violation of the order. The arrest is required whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to cooperate with prosecution against the violator shall not prevent an arrest.
- b. Officers shall arrest a person against whom an order of protection has been entered if the person fails to surrender custody of minor children to the person to whom custody was awarded in the order and shall also turn the minor children over to the care and custody of the party to whom such care and custody was awarded (§ 455.085.5, RSMo).

320.8 REPORTS AND RECORDS

Domestic assault statutes were enacted to provide additional protection for victims of these crimes. The following guidelines are provided to ensure the consistent and accurate documentation of information:

- a. The Domestic Violence Report Format shall be used when completing domestic violence related reports. The format was developed as a template to ensure that mandated information is properly documented.
- b. Case management entry shall be completed by the reporting officer.
- c. Updated information on all parties involved shall be gathered and transferred to our records management system by the reporting officer(s). Incomplete or outdated information is detrimental to follow-up investigation efforts and can have a negative effect on the outcome of a case. Failure to update this valuable information will be addressed through progressive discipline.
- d. Because domestic assault statutes were enacted to provide additional protection for victims of these crimes, the information used by officers to determine a primary physical aggressor, observations of evidence, spontaneous utterances heard, and history of abuse, among other information, is crucial to successful prosecution of offenders. Additionally the statutes pertaining to domestic abuse mandate by law that officers perform certain tasks when conducting these investigations. To ensure this important information is properly relayed to the courts for consideration, the following factors **shall** be documented in all domestic violence related reports. The factors that are mandated by state statute are followed by the word "mandated":

1. Your observations of the scene and any injuries/physical condition of subjects involved.

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2. Your offers or steps taken to provide medical assistance –MANDATED (§ 455.085, RSMo).
 3. Past history of abuse between the parties-MANDATED (§ 455.085, RSMo).
 4. Full identification of any children present or exposed to the domestic disturbance.
 5. Domestic disturbances in which children are involved, present, exposed to, or in the home at the time of the event, require a phone call to the Child Abuse Hotline. The reporting officer shall document in the report the date and time the call was made and the hotline worker's name and employee number.
 6. Marital/relationship status of suspect and victim.
 7. Whether the suspect lives on the premises with the victim.
 8. Claims by the suspect that the victim provoked or perpetuated the violence.
 9. The physical or emotional state of either party.
 10. Use of drugs or alcohol by either party.
 11. Denial that the domestic violence occurred where evidence indicates otherwise.
 12. A request by the victim not to arrest the suspect.
 13. Location of the incident (public/private).
 14. Description of all evidence collected and location found.
 15. Your offers to provide or arrange transportation of the victim to a shelter or place of safety-MANDATED (§ 455.085, RSMo)
 16. Your efforts to explain the process for obtaining an order of protection and providing the victim a yellow (blue for Spanish) domestic violence services information card.
 17. All efforts to locate the suspect including addresses checked, phone numbers called and people contacted.
- e. Attempts to contact or successful contact with the First Responder Victim Advocate (FRA) (if position is filled). If FRA was not on duty or otherwise not available, document that as well.
 - f. Domestic violence related reports shall be completed prior to the end of the officer's shift unless delayed completion is approved by a supervisor. Approval for delayed completion of domestic violence reports should be rare.
 - g. When an officer declines to make an arrest of a person who has committed a violation of law amounting to abuse or assault, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name and address, the time when the incident occurred, reasons why no arrest was made, and any other pertinent information (RSMo § 455.085). The report should also include reasonably known information regarding prior related incidents of domestic violence, violations of court orders, and related prior convictions as this information may be used for enhancement purposes.

320.9 VICTIM ASSISTANCE INFORMATION

The following information provides specific guidelines for officers responding to domestic violence incidents. Additional information regarding VICTIM ASSISTANCE AND INFORMATION can be found in policy 602. When responding to domestic violence incidents, officers should:

- a. Contact the First Responder Victim Advocate (if the position is filled) according to the procedure outlined in section 320.10.1 of this policy.
- b. Advise the victim that there is no guarantee the suspect will remain in custody.

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- c. Provide the victim with a domestic violence information card. Advise the victim how to obtain a court order including resources to assist in that process.
- d. Provide or arrange transportation for the victim to a medical facility for treatment of injuries or to a place of shelter or safety.
- e. If appropriate, briefly explain the domestic violence shelter services and how to contact them,
- f. If the FRA is not on duty, and circumstances are appropriate (immediate need for advocate services), contact the DOVE Advocate Coordinator.

320.10 PROCEDURE FOR FIRST RESPONDER VICTIM ADVOCATE (FRA) CALL OUT

320.10.1 PURPOSE

The mission/purpose of the FRA is to provide victim services and other resources concurrent with an incident requiring law enforcement response. The services are intended for victims of intimate partner violence (IPV) which includes domestic violence-related offenses and sexual offenses.

320.10.2 PROCEDURE FOR CALL OUT

- a. When an officer has information that the incident to which they are responding involves Intimate Partner Violence (IPV) they are to contact (a) the First Responder Victim Advocate (FRA) directly or (b) contact the Station Master to have a call made to the FRA.
- b. The FRA will be provided with the following information by an officer or the Station Master:
 - 1. The location of the incident
 - 2. Whether the FRA should “stage” (stand by in the area) or respond directly to the scene
 - I. If the FRA is “staging,” an officer at the scene or the Station Master will call the FRA when it is safe to enter the scene
 - 3. The nature and circumstances of the call, the names of the people involved, and the type of offense(s) alleged or suspected
 - 4. Information, if available, about special needs or requirements for the FRA response, such as bringing car seats, transportation for the victim, Limited English Proficiency documents, etc.
 - 5. Any other considerations for how the FRA’s discretionary response would benefit or hinder the ongoing police investigation
- c. The FRA will offer services at the scene under the following conditions:
 - 1. The FRA will begin the interaction with the victim at the discretion of the officer at the scene
 - 2. The FRA will only remain at the scene if an officer is present for security
 - 3. The FRA will not hinder or otherwise obstruct officers’ investigations for the purpose of offering victim services
 - 4. The FRA will offer victim services at True North if it is not feasible to speak with a victim at the scene
- d. Crisis Intervention Duties of the First Responder Advocate (FRA):
 - 1. Perform Safety Assessment with victim
 - 2. Determine if victim meets requirements to stay at the True North Shelter
 - 3. Explain ex-parte orders of protection and the process to obtain them

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4. Exchange contact information with victim for coordination of services with the daytime DOVE Advocate Coordinator

320.11 EX-PARTE ORDER OF PROTECTION REFERRAL PROCEDURE

320.11.1 PURPOSE AND SCOPE

This procedure will provide guidelines for employees assisting citizens in obtaining an Ex-Parte Order of Protection. Citizens should be provided with the following information and, where possible, the employee should assist the citizen as described.

320.11.2 TRUE NORTH

Both men and women can get an ex-parte from the True North Shelter any time of day or night as long as it pertains to intimate partners.

Since True North just started to provide this service to men as well as women, they ask that a male petitioner call True North prior to going to the Shelter because they need to make arrangements and have adequate staff available.

True North will not help a petitioner with ex-parte paperwork if the petitioner is extremely intoxicated. They will provide shelter, when possible, until the petitioner is sober enough to use sound judgment.

True North requests:

- a. The officer should call ahead before bringing anyone to their facility.
 1. The officer should make the call for the victim and provide basic details (The number 573-875-1369 is on the yellow card).
 2. True North personnel will request to speak with the victim after obtaining information from the officer.
- b. If needed and requested, the officer should provide the victim transportation to True North and be available (or make arrangements with his/her supervisor) to provide transportation for the victim after the process.

320.11.3 COUNTY COURTHOUSE

If the petitioner does not wish to utilize the assistance offered by True North, or if the situation involves roommates, blood relatives, or any other relationship that is not intimate in nature, the petitioner must go to the Circuit Clerks Office in the Boone County Courthouse. An application will be provided to him/her and must be completed and returned for the Judge's consideration. If granted, a Deputy will serve the order.