



CHATHAM COUNTY POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES

SOP # OPS-037: DOMESTIC SITUATIONS

EFFECTIVE DATE: 02/01/18

REVISION DATE: 01/25/21

PURPOSE:

The purpose of this General Order is to establish procedures for handling domestic disturbance complaints in accordance with the Official Code of Georgia Annotated (OCGA) 17-4-20, 17-4-20.1, and 19-13-1.

POLICY:

The Chatham County Police Department (CCPD) shall respond promptly to all complaints of domestic disturbances, take immediate action where crimes of family violence have occurred, and assist victims in seeking protection from further acts of family violence.

PROCEDURE:

I. RESPONSIBILITY

- A. Any officer may be required to respond to a domestic disturbance.
- B. Officers may be dispatched to the disturbance, or they may observe an incident while on patrol and deem immediate action a necessity.
- C. Officers shall not attempt to intervene in a domestic disturbance without first advising the Communications Center of the location and nature of the situation or before requesting a backup unit.
- D. The primary officer assigned to any domestic situation shall, at a minimum, complete a preliminary investigation report of the incident.

II. RESPONSE

- A. Two (2) Officers shall be dispatched to every domestic disturbance complaint and shall be provided with all available information at the time of the initial dispatch.
- B. Officers shall approach domestic disturbance complaints with caution and discretion.
- C. A supervisor shall be dispatched when a case involves violence or a threat to life and/or bodily harm, such as when firearms or other weapons are involved.
- D. Officers shall request a supervisor at the scene if, after arriving, they find such conditions.
- E. Officers responding to domestic disturbances shall coordinate their arrival at the scene without delaying the police response.

- F. Upon arrival at the scene, if the location is different than that originally given, the responding Officers shall notify the Communications Center of the new location.
- G. Police vehicles shall be parked in a highly visible and readily accessible position, secured, and locked but not directly in front of the residence.
- H. If the disturbance is at a private residence, Officers shall attempt to contact the complainant before proceeding further.
 - 1. Officers shall not enter a private residence except on the direct invitation of the owner or the resident, except when a confrontation is in progress or when an officer has probable cause to believe that an act of family violence, as defined in Code Section 19-13-1, has been committed. (OCGA 17-4-20[a]).
 - 2. Officers shall leave a copy of the Domestic Violence Referral Form, which is printed on the CRN Pamphlet, with the individuals involved in all domestic disturbance cases, in both arrest and non-arrest cases.

III. HANDLING DISTURBANCE SITUATIONS

- A. Officers shall remember their primary purpose is to restore order as quickly and as peacefully as possible without complicating the situation.
- B. Once the Officers have entered the residence, they shall separate the parties in conflict and attempt to determine the cause of the conflict.
- C. Officers shall assume the role of a "neutral referee."
- D. Under no circumstances shall Officers "take sides" with either party to the dispute.
- E. Officers may suggest compromise solutions to both parties or refer subjects to appropriate agencies (e.g., Safe Shelter).

IV. INCIDENTS WHERE FAMILY VIOLENCE HAS OCCURRED

- A. Anytime an officer responds to a domestic disturbance where any of the criminal acts listed in OCGA 19-13-1 have occurred, and there is sufficient probable cause to identify the perpetrator and substantiate the charge, the predominant aggressor may be arrested and charged.
 - 1. *OCGA 19-13-1. As used in this article, the term 'family violence' means the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household:*
 - (1) *Any felony; or*
 - (2) *Commission of offenses of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass.*

The term 'family violence' shall not be deemed to include reasonable discipline administered by a parent to a child in the form of corporal punishment, restraint, or detention

2. *OCGA 17-4-20.1* (only (a), (b), and (c)(11) are shown here)
- (a) *Whenever a law enforcement officer responds to an incident in which an act of family violence, as defined in Code Section 19-13-1, has been committed, the officer shall not base the decision of whether to arrest and charge a person on the specific consent of the victim or on a request by the victim solely or on consideration of the relationship of the parties. No officer investigating an incident of family violence shall threaten, suggest, or otherwise indicate the arrest of all parties for the purpose of discouraging requests for law enforcement intervention.*
 - (b) (1) As used in this subsection, the term "predominant aggressor" means the individual who poses the most serious, ongoing threat, which may not be the initial aggressor in a specific incident.
 - (2) When complaints of family violence are received from two or more opposing parties, or if both parties have injuries, the officer shall evaluate each complaint separately to attempt to determine who was the predominant aggressor. Such officer shall not threaten, suggest, or otherwise indicate that all parties will be arrested. If such officer determines that one of the parties was the predominant physical aggressor, that person may be arrested. Such officer shall not be required to arrest any other person believed to have committed an act of family violence during the incident. In determining whether a person is a predominant physical aggressor, an officer shall consider all of the following:
 - (A) Prior family violence involving either party;
 - (B) The relative severity of the injuries inflicted on each person, including whether the injuries are offensive versus defensive in nature;
 - (C) Threats that created the fear of physical injury;
 - (D) The potential for future injury;
 - (E) Whether one of the parties acted in self-defense or in defense of a third party;
 - (F) Prior complaints of family violence; and
 - (G) Whether the person had reasonable cause to believe he or she was in *imminent danger of becoming a victim of any act of family violence.*
 - (c) (11) *Type of police action taken in disposition of case, the reasons for the officer's determination that one party was the predominant physical aggressor, and mitigating circumstances for why an arrest was not made;*
- B. The victim shall be subpoenaed to court as a material witness regardless of whether or not they desire a case to be made.
 - C. When an arrest is deemed necessary, the Officers shall affect the arrest as quickly and quietly as possible.
 - D. The perpetrator(s) shall be removed from the scene as soon as possible to reduce the potential of more complications.
 - E. Officers shall attend court on the first court appearance in all domestic violence cases.

- F. In all domestic violence arrest cases, Officers shall telephone Safe Shelter (whether Safe Shelter is utilized or not), either from the incident location or immediately after departing the location, and supply Safe Shelter with the:
1. Name of the victim.
 2. Address of the victim.
 3. Name of the arrested person.
 4. Address of the arrested person.
 5. Criminal charges.
 6. Court date.

V. DOMESTIC DISTURBANCE / DOMESTIC VIOLENCE REPORTS

- A. In all domestic disturbance and domestic violence cases, a CCPD report of the incident shall be made by the primary officer on a CCPD Preliminary Investigation Report identifying as Domestic Disturbance or the Criminal Charge / Domestic such as Simple Assault / Domestic, Simple Battery / Domestic, Battery / Domestic, Aggravated Assault / Domestic, Interference With Custody / Domestic, False Imprisonment / Domestic, Stalking / Domestic, ~~Theft / Domestic~~, etc.
- B. Any incident dispatched as a Domestic Disturbance / Domestic Violence that does not meet the elements for domestic disturbance or domestic violence will be reclassified/changed to the actual crime that has occurred.
1. A sergeant or above must approve any reclassifications/changes prior to the officer informing dispatch to change the call type in C.A.D.
- C. CCPD Form 224 Domestic Violence Lethality Screen form.
1. Officers will complete this form when:
 - a. There is reasonable suspicion that an act of domestic violence has occurred, whether or not an arrest is made.
 - b. The officer believes there is a potential for violence.
 - c. The officer is familiar with past domestic incidents involving either of the participants or based on their training, knowledge, and experience that the form should be completed.
 2. The completed form will be attached or linked to the incident report.

VI. PROTOCOL FOR CCPD PERSONNEL INVOLVED IN DOMESTIC DISTURBANCE / DOMESTIC VIOLENCE INCIDENTS

- A. The primary officer at the scene shall immediately request the on-duty Lieutenant at the scene.
- B. If the participant is a Lieutenant or above, the next higher rank shall be requested at the scene.

- C. The responding Shift Commander (Lieutenant or above) shall immediately respond to the scene and determine if the officer has committed any violent actions or violations of the law.
- D. If so, the officer shall be immediately suspended. Their badge, police identification card, and department issued weapon shall be confiscated.
- E. If the participant is **civilian staff**, a Lieutenant or above shall immediately respond to the scene and determine if the staff member has committed any violent actions or violations of the law.
 - 1. If so, the staff member shall be immediately suspended, and their identification card shall be confiscated.
- F. The Shift Commander shall ensure that the Internal Affairs Unit is notified, and the Internal Affairs Unit shall decide if they need to respond to the scene or conduct a follow-up investigation the following day.
- G. The Shift Commander shall ensure that all procedures are followed and complete a written synopsis of the incident, outlining the situation, the participant's actions, the actions taken by the on-scene Officers and Lieutenant.
 - 1. The report shall be completed and made available to the Chief of Police prior to 0800 hours on the next business day following the incident.
 - 2. This report shall also be made available to the participant's Commanding Officer and Division Commander.
- H. The Commanding Officer, prior to allowing the participant to return to duty, shall ensure that the participant is afforded the opportunity to contact the Employee Assistance Program and/or Peer Counseling; and ensure that the participant is physically, mentally, and emotionally prepared to return to full duty.
- I. The Internal Affairs Unit shall:
 - 1. Conduct a thorough investigation of each incident involving CCPD personnel that shows evidence of violence or domestic violence.
 - 2. Notify the Chief of Police of any incident in which the officer is suspected of being the primary aggressor and with a written report of each investigation of incidents involving violence or domestic violence.

VII. PROTOCOL FOR OTHER LAW ENFORCEMENT AGENCY PERSONNEL INVOLVED IN DOMESTIC DISTURBANCE / DOMESTIC VIOLENCE INCIDENTS

- A. The primary officer at the scene shall immediately request the on-duty Lieutenant to the scene.
- B. The responding Shift Commander (Lieutenant or above) shall immediately respond to the scene and determine if the person has committed any violent actions or violations of the law.

- C. The officer(s) will handle the call in the same manner as they would with any person(s) involved in a domestic disturbance/domestic violence call.
- D. The Shift Commander will make every effort to contact the on-duty supervisor or Shift Commander of the agency for which the person works.
 - a. The CCPD Shift Commander will brief the supervisor or above of the details related to the case.
 - b. The CCPD Shift Commander shall write a detailed report (supplemental) as to their actions taken while handling the call.
 - c. If requested by the responding supervisor (other agency), CCPD officer(s) will remain on scene and await their arrival, if feasible, so that they can collect sensitive items belonging to the department.

This Standard Operating Procedure supersedes all written directives pursuant to Domestic Situations.

BY ORDER OF:

Electronically Signed on PowerDMS on 01/25/2021

Jeffrey M. Hadley
Chief of Police