



CONCORD POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

DOMESTIC VIOLENCE

GENERAL ORDER: 08.08

CREATED: December 1, 2000

ISSUE DATE: September 11, 2024

CALEA STANDARD:

EFFECTIVE DATE: September 11, 2024

ACTION: Amends general order dated October 1, 2022.

08.08.0 **PURPOSE**

The purpose of this general order is to establish procedures for police response to calls of domestic violence.

08.08.1 **POLICY**

The Concord Police Department views domestic violence as a crime that requires direct police intervention and a coordinated community response. In arrest and non-arrest situations, officers shall take appropriate measures to address the needs of victims of domestic violence and to offer help to victims, offenders, and involved children. The primary objectives are to de-escalate violent situations; reduce domestic assaults; reduce police call-backs; reduce injuries to officers, victims and other affected parties; and to reduce the liability risks for the department.

Therefore, it shall be the policy of this department to refer abusers and victims of domestic violence to social service, and to arrest persons found to be responsible for crimes in domestic situations.

08.08.2 **DEFINITIONS**

A. BODILY INJURY

Injury that causes substantial pain to the victim or impairment of the victim's physical condition.

B. CRIMINAL CHARGE

For the limited purposes of this general order, a criminal charge is a formal accusation made by a governmental authority asserting that a person has committed a criminal offense. This includes on-view arrest, citation, criminal summons, warrant for arrest, or indictment.

C. DATING RELATIONSHIP

As defined in [NC GS 50B-1\(b\)\(6\)](#), a dating relationship is one wherein the parties are romantically involved over time and on a continuous basis during the course of the relationship. A casual acquaintance or ordinary fraternization between persons in a business or social context is not a dating relationship.

D. DOMESTIC VIOLENCE

The commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense:

1. Attempting to cause bodily injury, or intentionally causing bodily injury;
2. Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment, as defined in [NC GS 14-277.3A](#), that rises to such a level as to inflict substantial emotional distress;
3. Committing any act defined in [NC GS 14-27.21](#) through [NC GS 14-27.33](#).

E. DOMESTIC VIOLENCE PROTECTIVE ORDER ([AOC CV 306](#))

This order is issued after a court hearing in which the District Court Judge rules that the defendant must stay away from the plaintiff. This order is valid for one year from the date of issue.

F. EX-PARTE DOMESTIC VIOLENCE ORDER ([AOC CV-304](#) AND [AOC CV-305](#))

Emergency Relief Order signed by a District Court Judge stating that the matter has been filed with the Clerk of Court and reviewed by him or her. This order gives the party relief until a hearing can be conducted in District Court. This order is valid until the day of court and may be continued by the Judge to allow the person time to hire an attorney.

G. INTIMATE PARTNER RELATIONSHIP

A spouse or former spouse, persons who share a child in common, a person who lives with a partner as a spouse, or persons in a dating relationship as defined in section 08.08.2(D).

H. PERSONAL RELATIONSHIP

As defined in [NC GS 50B-1\(b\)](#), a relationship wherein the parties involved are current or former spouses; are persons of the opposite sex who live together or have lived together; are related as parents and children, including others in loco parentis to a minor child, or as grandparents and grandchildren; have a child in common; are current or former household members; are persons of the opposite sex who are in a dating relationship or have been in a dating relationship.

I. PROBABLE CAUSE

A standard of proof based on facts that would cause a reasonable person to conclude that it is probably true (more likely than not) that a crime has been committed and that the person to be arrested has committed the crime, or that evidence of the crime exists in the place to be searched.

J. SELF-DEFENSE

Justifiable use of physical force upon another person when he/she believes such force is necessary to defend him/herself or a third party from what is reasonably believed to be the use, or imminent use, of unlawful physical force by that other person.

08.08.3 GENERAL PROCEDURES

A. CUSTOMER SERVICE TEAM PROCEDURES

1. A member of the Customer Service Unit shall be responsible for entering Domestic Violence Protective Orders into the records management system (RMS) after they are received from the Clerk of Court or Cabarrus County Sheriff's Office.
2. The **EX-PARTE DOMESTIC VIOLENCE ORDER** ([AOC CV-304](#) AND [AOC CV-305](#)) shall remain in the files and active until the court date listed on the order.
3. The **DOMESTIC VIOLENCE ORDER** ([AOC CV-306](#)) shall remain in the files and active one year from the date the order was issued.
 - a. A scanned copy received from the Clerk of Court or Cabarrus County Sheriff's Office shall be maintained by the Customer Service Unit after they are entered into RMS.

B. PATROL OFFICER PROCEDURES

1. On-Scene Responsibilities

When responding to domestic violence calls, an investigating officer must remember that the intent of this policy is to protect victims and to enforce the law. Victims of domestic violence may require a variety of assistance types to meet their immediate needs for safety, medical treatment, and information. Arrest, by providing immediate safety to the victim and taking control away from the aggressor, is the most significant assistance that officers can provide. In all calls involving domestic violence, the investigating officer shall:

- a. Restore order by separating and attempt to calm the parties involved.
- b. Assess the need for medical attention and call for medical support if indicated.
- c. Conduct Investigation: The purpose of any on-scene investigation is to determine if probable cause exists that a domestic violence related crime has been committed.
 - i. Interview all parties (victim(s), aggressor(s), and witness(s)) separately. Children shall be interviewed in a manner appropriate for their age.
 - ii. Observe the scene and available evidence.
 - iii. Determine if one of the parties acted in self-defense.
- d. Determine if there are outstanding warrants, court orders, release conditions, civil orders issued under NC GS 50B, or recent trespasses.

- e. Determine if involved parties are in an intimate partner relationship.
- f. If probable cause **DOES NOT** exist for an arrest and a domestic violence intimate partner relationship (as defined by section 08.08.02 D & G) is **NOT verified** then the investigating officer shall advise parties involved of proper legal action.
- g. If probable cause **DOES NOT exist** for an arrest and a domestic violence intimate partner relationship (as defined by general order 08.08.02 D & G) **IS** verified.
 - i. Investigating officer shall complete a field contact in the mobile field reporting system. Using the available pick list, the investigating officer shall complete a field contact for the "aggressor" and for the "victim". In the event the investigating officer is unable to determine who is the "aggressor" or the "victim", the investigating officer shall complete the field contacts using "unable to determine" from the pick list.

All field contacts shall be completely filled out to include name, race, sex, and date of birth. Included in the narrative block, the investigating officer shall give a summary of the call, note any weapons on scene, if any children were present during the alleged assault and the CAD Event ID-

- ii. Prior to giving a clearance code, the investigating officer shall contact communications and have the call reclassified as Domestic Violence Intimate Partner (10-88.4).
- h. If probable cause **DOES** exist for an arrest, the investigating officer shall:
 - i. Arrest the offender ([NCGS 15A-401](#));
 - ii. Attempt to obtain a signed written statement from the victim prior to clearing the call;
 - iii. Attempt to obtain a signed written statement from any available witness(s). Statements obtained from children are not to be signed and shall be conducted in a manner appropriate for their age;
 - iv. Obtain photographs of injuries to the victim;
 - v. Photograph the scene and evidence;
 - vi. Collect available evidence.
- i. As required by [NCGS 15A-831](#) the investigating officer shall deliver to the victim the Victim Information Sheet ([form DV-7](#)) and the Domestic Violence 50B Resource Guide ([form DV-8](#)).
- j. The investigating officer shall complete the Crime Victims' Rights Act Victim Information Sheet (Law Enforcement) ([form AOC-CR-180B](#)). This form shall be completed and submitted to the district attorney's office within 72 hours of the arrest.

2. Arrest Procedures

Arrest is the preferred response to domestic violence because arrest offers the greatest potential for ending the violence. Arrest provides immediate safety to the victim and takes control away from the offender. The following procedure is to be observed concerning arrests.

- a. After each party has been interviewed separately, review the evidence to determine if probable cause exists that a domestic violence act has occurred for which the alleged offender may be arrested under [NC GS 15A-401](#). If so, the investigating officer shall make an arrest.
- b. The probable cause standard applied to domestic violence cases is no different from the standard applied to all other crimes. The investigating officer **shall not consider** the following factors when determining probable cause.
 - i. Marital status of the parties.
 - ii. Existence of a protective order (except if the violation of such order would constitute a crime).
 - iii. History of previous police calls involving the same victim and offender.
 - iv. The victim's willingness to prosecute the case.
 - v. The investigating officer's belief that the victim will not prosecute.
 - vi. Verbal assurance by either party that the violence will stop.
 - vii. Denial by either party that the violence occurred where there is evidence of domestic violence.
 - viii. The investigating officer's concern about reprisals against the victim by the offender.
 - ix. The race, ethnicity, sexual preference, social class, or occupation of the victim and/or the offender.
- c. When the investigating officer responds to a domestic violence call and two people are assaulted, the investigating officer shall attempt to determine if one of the parties has acted in self-defense. The investigating officer shall not arrest a victim for force used in justified self-defense. If the investigating officer cannot determine who was the aggressor, the investigating officer shall contact a field supervisor to respond to the scene and assist with the investigation.
- d. If an assault has occurred, the investigating officer shall make an arrest and transport the alleged offender to the police department for formal questioning and processing. The investigating officer shall document any excited utterances made by the alleged offender and attempt to obtain a written, signed statement. All offenders shall be photographed (to include injuries or lack thereof), and fingerprinted.

- e. If the offender has left the scene and probable cause and conditions for making an arrest under [NC GS 15A-401\(b\)](#) **exist**, all reasonable efforts shall be made to locate and arrest the alleged offender. If conditions under [NC GS 15A-401\(b\)](#) **do not exist**, then the investigating officer shall either transport the victim to the magistrate's office to apply for a warrant or personally apply for a warrant and then attempt to locate the offender. In either case, the investigating officer shall make sure the warrant is issued prior to the end of their tour of duty.
- f. All efforts shall be made to locate the offender and effect the arrest. If the offender is not located prior to the end of the investigating officer's tour of duty, a BOLO shall be given and the on-coming shift supervisor shall be notified that the warrant is outstanding.
- g. If the offender ~~has~~ committed the misdemeanor offense of violation of a valid domestic violence protective order; or violated a pretrial release order entered under NCGS 15A-543 or NCGS 15A-534.1(a)(2) (refrain from harassing or interfering with the other party), the offender shall be physically arrested without a warrant.
- h. When the investigating officer responds to a domestic violence call and the victim or offender is a law enforcement, correction, or probation/parole officer, the investigating officer shall call a supervisor to the scene. The role of the supervisor is to ensure that the department's policy is applied equally to all members of the community.
- i. If, based on available evidence, the investigating officer cannot establish probable cause for making an arrest; the investigating officer shall explain the procedure for obtaining a warrant to the victim and, if necessary, provide transportation to the magistrate's office.
- j. Prior to presenting the arrestee to the magistrate, the investigating officer shall complete a criminal and NC AOC record check to verify a prior arrest record. If arrestee meets the elements for [NC GS 14-33.2](#) then the arrestee shall be criminally charged with this offense. When habitual misdemeanor assault is criminally charged the investigating officer shall notify the district attorney's office via email prior to the end of their tour of duty.

3. Post-Arrest Procedures

Field release and the issuance of a citation shall not be allowed in domestic violence crimes. All persons arrested for domestic violence crimes shall be taken into custody and brought before a magistrate. The investigating officer should emphasize to the victim and the offender that the criminal action is being initiated by the state, not the victim. It is the responsibility of the investigating officer to relate the seriousness of the crime to the magistrate and to request an appropriate bond and release conditions. The investigating officer shall:

- a. Inform the magistrate of all pertinent information concerning defendant's history of violence, threats, the number of previous calls, the potential for further violence if released immediately, and the existence of court orders, release conditions, or civil orders.

- b. Request that the defendant be held in jail as authorized under the guidelines for [NCGS 15A-534.1](#) if the investigating officer believes that there is a potential for further violence.
 - c. Complete a thorough and accurate incident report to include:
 - i. Selecting "YES" in the domestic violence block.
 - ii. If a domestic violence intimate partner relationship exists, then the investigating officer shall select "YES" in the DVIP block.
 - iii. Complete the Domestic Relationship Incident Report in RMS.
 - d. Complete a thorough and accurate arrest report to include:
 - i. If a domestic violence intimate partner relationship exists then the investigating officer shall select "YES" in the DVIP block.
 - e. Obtain 911 call(s), available in-car camera and/or body worn camera footage, and any other available evidence.
 - f. Comply with requirements of [NC GS 15A Article 46](#)
4. Victim Assistance

Whether or not an arrest is made, the investigating officer should determine which services/information should be made available to the victim as provided for in NCGS 50B-5. Police officers responding to domestic disputes are authorized to take steps that are reasonably necessary to protect the complainant from harm, advise the complainant of shelter(s), medical care, counseling, and other services. Upon request by a complainant and where feasible, police officers are authorized to transport the complainant to appropriate facilities such as hospitals, magistrates' offices, or public/private facilities for shelter, and to accompany the complainant to his/her residence within the jurisdiction in order for the complainant and any minor children who are presently in the care of the complainant to remain elsewhere pending further proceedings. The investigating officer shall:

- a. Remain on the scene long enough to determine if the victim feels he/she will be safe after the police leave or if assistance is required in going to another location.
- b. Provide the victim with the Victim Information Sheet (form DV-7) containing basic information about, and the telephone numbers of available services. Encourage the victim to contact the agencies whose services are indicated.
- c. If requests are made by a victim or victim's advocate for police assistance in removing personal belongings at some time after the initial incident, all efforts should be made to assess the potential for further conflict and to respond when the potential for conflict is least likely. The investigating officer should also be aware of the existence of any legal restrictions concerning the property.

5. Disposition from Domestic Violence Calls

- a. When clearing from the scene of a domestic violence call, a disposition shall be given to the Communications Center using the 10.24.Z codes established for this purpose.
- b. Domestic Violence 10.24.Z Codes are as follows:
 - Z.1 Transport victim to other location
 - Z.2 Transport suspect to other location
 - Z.3 Transport victim to magistrate office
 - Z.4 No indication of violence both parties
 - Z.5 Indicates report of assault, no evidence, no witness
 - Z.6 Indicates report of assault, physical evidence, no witness
 - Z.7 Indicates report of assault, no physical evidence, witness name and address
 - Z.8 Indicates report of assault of other person than complainant, no physical evidence
 - Z.9 Indicates report of assault of other person than complainant, physical evidence
 - Z.10 (Not Used)
 - Z.11 Indicates report of assault, physical injury, medical treatment needed
 - Z.12 Indicates report of assault, physical injury, medical treatment not needed
 - Z.13 Indicates violation of 50B order, subject no longer on scene
 - Z.14 Indicates report of assault, transported to facility
 - Z.15 Assisted victim in removing personal items from house

C. SUPERVISOR'S PROCEDURES

1. Patrol Supervisor

- a. The on-duty supervisor shall:
 - i. Whenever possible, respond to domestic violence calls for safety and monitoring purposes.
 - ii. Respond to all domestic violence calls when two parties have received injuries and self-defense cannot be determined.
 - iii. Respond to all domestic violence calls when the victim or offender is a law enforcement, corrections, or parole officer. The supervisor shall complete the arrest or comply with this general order.
 - iv. Carefully review all paperwork and evidence to ensure that a competent on-scene investigation is conducted and that departmental policy and procedures are observed by responding officers.



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CHIEF OF POLICE