

	TITLE Domestic Violence and Dating Violence Investigations		ACCREDITATION CALEA 55.1.1(a-e), 55.2.1(a-b), 55.2.2, 55.2.3(a-d), 55.2.4(a-f), 55.2.5 PRIOR REVISIONS , 03/23/10, 03/24/14, 04/22/20, 12/09/21 ATTACHMENT: 0
	PROPOSER UNIT Criminal Investigations Division (CID), District 1, District 2		
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I. PURPOSE: The purpose of this order is to provide Department members with a set of procedures for investigating and reporting domestic violence and dating violence. This order includes provisions of **FSS 741.29** and **FSS 784.046**.

II. POLICY: Domestic violence, which includes physical force, the threat of such force, emotional trauma and physical suffering, is a serious societal problem which cuts across racial, ethnic, religious, gender, age, disability, and economic lines. Everyone involved, whether victim, perpetrator, or witness, is affected by it. Domestic/Dating violence abusers, if not punished, may repeat the behavior. Effective policies in this area combining arrest, detention, prosecution, punishment, and viable intervention programs reduce recidivism and domestic homicides.

The Gainesville Police Department shall thoroughly investigate incidents of domestic violence and dating violence to protect its victims and provide them with support services. The Department has a pro-arrest policy and, when probable cause is established during an investigation, arrests shall be made unless exigent circumstances exist, or in instances of sibling violence outlined in Section F.2 of this policy. To promote member safety and to reduce the incidence and severity of these crimes, the Department shall prepare its members to respond to and effectively deal with domestic violence and dating violence calls for service. The Gainesville Police Department shall attempt to identify victims of domestic violence in potentially lethal situations. The Lethality Assessment Program (LAP) shall be used at the scene of a domestic violence incident to assist members in identifying high risk situations and follow the established criteria to place the victim in direct contact at the scene with a domestic violence program counselor. [CALEA 55.1.1.a]

III. DEFINITIONS:

Domestic Violence: (FSS 741.28) Any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. (Child abuse is usually charged separately).

Family or household member includes:

- Spouses,
- Former spouses,

- Persons related by blood or marriage,
- Persons who are presently residing together as if a family or who have resided together in the past as if a family. This includes same-gender relationships.
- Persons who have a child in common regardless of whether they have been married and regardless of whether or not they have resided together as a family.
- With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit. **FSS 741.28**

Dating Violence: FSS 784.046(1)(d): Violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

- A dating relationship must have existed within the past 6 months;
- The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
- The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

Note: The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

Lethality Assessment Program (LAP): A two-pronged intervention process that features a lethality screening tool and an accompanying protocol referral that provides direction for members to initiate appropriate action based on the results of the screening process.

Domestic/Dating Violence Lethality Screen for First Responders (DVL Screen): An eleven question checklist designed to predict danger and lethality to a domestic/dating violence victim. Specific responses trigger the “protocol referral,” which directs the member to place the victim in direct phone contact with a domestic violence program counselor.

IV. PROCEDURE:

A. Investigating Domestic/Dating Violence: Members initially assigned to investigate domestic/dating violence shall thoroughly and properly conduct an investigation, which shall include an initial assessment, an on-scene investigation, and a follow-up.

1. Assessment: Member(s) shall respond promptly to the scene and make an initial assessment to include:

- i. Determining the presence/involvement of actual or potential weapons, and securing them;
- ii. Separating the combatants and/or de-escalating the situation;
- iii. Ensuring the safety of children, the elderly, or other third parties;

- iv.** Providing/summoning medical treatment, when needed;
- v.** Requesting an interpreter, if needed, for foreign language or hearing-impaired citizens;
 - a.** Family, Friends, and Bystanders: In other than exigent circumstances, GPD personnel should only use family, friends, or bystanders for interpreting in very informal, non-confrontational contexts, and only to obtain basic information at the request of the LEP individual.
 - b.** Using family, friends, or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation. Barring exigent circumstances, GDP personnel should not use a minor to provide interpreter services.
 - c.** Department members shall refer to the procedures set forth in General Order 40.38 LEP Guidelines
- vi.** Notifying a Crime Victim Advocate, when applicable.
 - a.** Factors to consider when deciding whether to request a response include:
 - 1).** The presence of/effect on children at the scene;
 - 2).** The presence and extent of injuries;
 - 3).** Whether or not arrests were made;
 - 4).** The degree of trauma the victim(s)/witness(es) may have suffered; level of fear in the home;
 - 5).** The benefit of having a neutral party to assist in calming the scene.
 - 6).** Extraordinary circumstances which may include the presence of a special response group.
 - b.** The Crime Victim Advocate may, when needed, respond to the scene, hospital or other indicated location.

Be sure to advise the Crime Victim Advocate whether you need an immediate response, a delayed response (due to changing locations, or other time considerations), or a follow-up contact.
 - c.** For assistance during regular business hours, members may contact the Department's Victim Advocate in the Investigations Bureau's Domestic Violence Unit. The Domestic Violence Unit will also handle all dating violence investigations.

d. After-hours assistance may be received by having Communications personnel contact the on-call advocate.

vii. Notifying Detectives: The shift commander or designee shall determine the necessity of notifying or calling-out detectives and/or the Investigations Bureau Commander.

2. Initial Investigation Procedures: Member(s) shall collect information by conducting an investigation, which shall (when applicable) include the following tasks:

i. Take verbal and/or written statements of involved parties, keeping in mind the advising of rights, when appropriate;

a. Note anything the suspect says. Excited utterances and/or spontaneous statements may be admissible at trial and may be essential.

b. Members shall obtain written statements from victims and witnesses of domestic/dating violence [FSS 741.29(2)(c)].

1). If the victim refuses to complete a written statement, the member shall document in the report that the victim was given the opportunity to complete a written statement and declined.

2). If there are any other circumstances that lead to the victim not completing a written statement (i.e. incapacitated due to an injury), the member shall document in the report the circumstances and indicate why the victim was unable to complete a written statement.

3). If a victim/witness is unable to write (i.e. illiterate or physically unable), the member shall offer to write the statement for the victim/witness as the victim/witness dictates the statement to the member. If the victim/witness is able to sign his/her name, the member shall have the statement signed by the victim/witness. The member will include a sentence at the end of the written statement indicating that it was written by the member (include name and ID#) for the victim/witness. The member shall also include this information in the Incident/Investigation Report.

c. In cases of mutual violence, determine if there is a primary aggressor (see Section F.3)

ii. Determine the relationship of involved parties;

iii. Write a detailed description of all injuries to the victim and defendant;

a. Note whether injuries appear to be defensive in nature;

- b.** If a female has/reports injuries, determine if she is pregnant, and whether or not the other person knows/should have known.
- iv.** Write a detailed description of any damage or out-of-place items in the crime scene;
- v.** Write a detailed description of the victim's and defendant's demeanor/emotional conditions;
- vi.** Collect and record evidence, including any weapons threatened or used;
- vii.** Photograph the crime scene area;
- viii.** Photograph the victim's injuries;
- ix.** If possible, photograph the suspect/arrestee, whether injured or not;
- x.** Interview all witnesses, including neighbors and/or children who may have heard or witnessed this, or a previous incident(s);
 - a.** All witnesses, including children, are to be named in the report.
 - b.** If children under the age of 16 who are household members are present at the scene during an incident of domestic violence, penalties regarding domestic violence convictions could be enhanced.
 - 1).** Members shall include each child's relationship to the perpetrator and the victim.
 - 2).** Where appropriate, the child should be interviewed and checked for possible injuries.
 - 3).** Members shall call the DCF Abuse Hotline (1-800-962-2873) to report the incident. The date, time, and ID# of the call-taker shall be included in the Investigative Report.
- xi.** Take a taped and/or written statement from the defendant, if possible.
- xii.** Determine and include in the report indicators of repeat / future violence or continued threats, such as:
 - a.** History of abuse,
 - b.** Use/abuse of alcohol and/or drugs,
 - c.** Increase in life-stressors, such as recent marriage, divorce, arrest, financial strain, marital or other relationship problems, etc.,

- d.** Acting-out or other unusual behaviors,
- e.** Perpetrator's basic disposition, if known or indicated (i.e., violent temper).

xiii. Lethality Assessment: The investigating member shall conduct a lethality assessment utilizing the Domestic/Dating Violence Lethality Screen for First Responders (DVL Screen) when below criteria is met:

- a.** There is reason to believe an assault or an act that constitutes domestic violence has occurred, whether or not there is an arrest AND, any or all of the following:
- b.** There is a belief or sense on the part of the investigating member that once the victim is no longer in the care or presence of the member, the potential for assault or danger is high.
- c.** A history exists of repeated calls for domestic complaints at the same location and/or involving the same parties.
- d.** The investigating member believes a DVL Screen should be conducted based on his/her experience, training and instinct.
- e.** Members shall NOT conduct lethality assessments when investigating sibling or parent-child based domestic violence complaints. The Lethality Assessment is designed for use in intimate partner-violence investigations.

xiv. Conducting the Lethality Assessment: The Domestic Violence Lethality Screen for First Responders can be found on the Department Intranet under Forms/Miscellaneous Forms/LAP Form (Domestic Violence). Members shall complete the form electronically and click on "Submit Form".

- a.** Tell the victim you would like to ask some questions to get a better idea of his/her situation.
- b.** Check the indicated box if victim refuses to answer any of the questions. Encourage the victim to answer, but if she/he declines, the administration of the DVL Screen is complete.
- c.** If the victim is cooperative, ask questions 1 through 11 in order, finishing with the follow up question(s). Ask all questions exactly as they are worded on the form. Do not paraphrase or change the language of the questions. Record the victim's responses on the DVL Screen.
- d.** Evaluate the victim's responses according to the "protocol referral" criteria printed on the DVL Screen form:

- 1). A “Yes” response to any of Questions #1, 2 or 3 automatically triggers the protocol referral (i.e., the victim “Screens In”).
- 2). “No” to questions #1-3, but “Yes” to at least four of questions #4 -11 triggers the protocol referral (i.e., the victim “Screens In”).
- 3). “No” responses to all of the questions, does NOT trigger the protocol referral (i.e., victim does not “Screen In”).
- 4). Exception: “No” responses to all of the questions may still trigger the protocol referral if the investigating member believes it appropriate. Members shall ask the unnumbered question(s) on the DVL Screen to help make the determination. The DVL Screen takes into account the investigating member’s instincts and relies on the member to act upon them. If the victim’s responses do not trigger the referral, but the member’s “read” of the situation indicates high danger, the member should trigger the referral.

e. If Victim does not “Screen In”: The investigating member shall:

- 1). Advise the victim:
 - i). That domestic violence situations are dangerous.
 - ii). To watch for the signs of danger listed in GPD’s Domestic Violence brochure and in the DVL Screen.
 - iii). Of the contact information for Peaceful Paths Domestic Violence Hotline (352- 377- 8255). [CALEA 55.2.2]
 - iv). Of the member’s contact information.
- 2). Complete an Incident/Investigation Report.

f. If Victim “Screens In”: The investigating member shall:

- 1). Advise the victim:
 - i). That he/she is in danger, that people in their situation have been killed.
 - ii). That the member will call Peaceful Paths’ Domestic Violence Hotline to get information to help the victim and would like the victim to

consider speaking to a counselor on the Hotline.

2). Call Peaceful Paths' Domestic Violence Hotline: (352-377-8255). If neither the victim nor the investigating member has access to a telephone, the member may request that a supervisor respond to the scene with their department issued cell phone.

i). Give basic information to the hotline including the information gathered in the DVL Screen.

ii). Put victim on the phone if they are willing to speak to the counselor and stand by. [CALEA 55.2.2]

iii). When the victim finishes, conclude the call by speaking with the hotline counselor.

iv). Complete an Incident/Investigation Report.

g. If Victim "Screens In" but declines to speak on the phone:
The investigating member shall:

1). Advise the victim he/she is in danger, that people in his/her situation have been killed.

2). Advise the victim he/she will call the Peaceful Paths' Domestic Violence Hotline (352-377- 8255) to get information to help the victim.

3). Give basic information to the Hotline counselor, including the information gathered in the DVL Screen.

4). Pause in the call and encourage victim to speak to the Hotline counselor.

5). If victim still declines, obtain safety planning information from the counselor.

6). Members will NOT provide the name of the victim to the counselor without the victim's permission.

7). Request a safe phone number from the victim to give to the counselor.

8). Conclude the call.

9). Advise victim of safety planning points provided by the counselor.

h. Members shall complete the LAP form electronically and click on "Submit Form". [CALEA 55.1.1.d] If the victim declines to answer or is incapable of answering, a LAP

should still be submitted. Member(s) shall document in the narrative of the Incident/Investigation Report that LAP protocol was followed during the investigation. Do NOT include information about the victim's responses to the Domestic Violence Lethality Screen Form in the Incident/Investigation Report.

3. Post-Scene Investigative Activities: To obtain additional information/evidence and to facilitate further investigation, the initial investigating member shall (when applicable) conduct the tasks listed below:

- i. Determine if the call came in on 9-1-1. If it did, note it in the report. Identify the call-taker and include his/her perception of what was happening at the scene at the time of the call. The State Attorney's Office will request a copy of the relevant tape, if needed.
- ii. Obtain records of prior history or call-outs, when possible;
- iii. Obtain additional pertinent information that was not secured during the initial investigation;
- iv. Attend to the needs of the children and dependent adults;
- v. Assist in obtaining any necessary medical treatment, inclusive of arranging transportation, by summoning EMS; or by contacting the victim's family or friends, Crime Victim Advocate or other resource;
 - a. Note what kind of medical treatment was offered / received, names of medical personnel, if treatment was received, and any refusals to receive medical review /treatment.
 - b. Note the name of the Crime Victim Advocate, if notified.
- vi. Assist Crime Victim Advocate, as necessary;
- vii. Obtain the address and telephone number where the victim can be reached in the future;
- viii. Obtain the name, address and telephone number of any relatives and/or friends who know how to contact the victim (to provide a means of contacting the victim during the course of the prosecution).

B. Arrests: In cases where crimes of domestic/dating violence occur, the following procedures shall be followed:

- 1. Probable Cause Arrests:** Whenever an member determines upon probable cause that an act of domestic violence or dating violence has been committed within his/her jurisdiction, or that a person has violated a condition of pretrial release and the original arrest was for an act of domestic or dating violence, the member shall arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime(s). (The only exception would involve a sibling

on sibling or juvenile on parent/guardian as referred to in Section F.2). The decision to arrest and charge shall not require consent of the victim or consideration of the type of relationship, once the nature of the relationship has been determined to meet the criteria for domestic/dating violence. The member should base the decision to arrest or not to arrest on that which is legally defensible and not allow the wishes or preferences of the victim to influence the decision.

- 2. Primary Aggressor:** Whenever an member investigates a complaint of domestic/dating violence and develops probable cause to believe that two or more of the persons involved have committed misdemeanor or felony domestic/dating violence offenses, or if two or more of the persons involved make allegations of domestic/dating violence against each other, the member shall try to determine who was the primary aggressor. Arrest is the preferred response only with respect to the primary aggressor and not the preferred response with respect to a person who acts in a reasonable manner to protect or defend himself or herself or another family or household member from domestic/dating violence.

If two or more arrests are made, a statement of the grounds for this action must be included in the report.

- 3. Misdemeanor Arrests:** A member shall arrest a person without a warrant for a misdemeanor related to an act of domestic violence or dating violence, whether or not the act occurred in the member's presence, when there is probable cause to believe the act was committed. Members should check to see if the arrested party has any prior battery convictions that would qualify the misdemeanor offense being raised to a felony as outlined in [FSS 784.03(2)].

- 4. Factors NOT Deterring Arrest:** When probable cause exists, the following factors shall not be used to deter an arrest. (*The purpose of this section is to identify which issues may interfere, either consciously or unconsciously, with a decision to make an arrest. It is intended that nothing outside the establishment of probable cause, including a person's cultural bias, sexual orientation, or religious, social, professional or personal affiliations, (if known) are to influence the arrest decision. If this information did not become apparent as a result of the member's investigation, it is NOT to be asked of any party.*)

- i. Insistence by the victim for no arrest,
- ii. The victim or suspect denies that the abuse occurred,
- iii. Whether the suspect lives on the premises with the victim, as well as property ownership issues,
- iv. Victim's present marital status,
- v. Absence of a court-ordered injunction for protection,
- vi. The potential financial consequences of arrest,
- vii. The presence of children,

- viii. The victim's history of prior complaints,
- ix. Verbal assurances the violence will cease,
- x. The victim's emotional state,
- xi. The absence of visible injuries even though injuries are reported,
- xii. Cultural issues, such as gender roles or tolerance of violence,
- xiii. The suspect having left the premises,
- xiv. Speculation that the arrest may not lead to conviction,
- xv. Speculation that the victim may not follow through with the criminal justice process,
- xvi. Location of incident (e.g., private or public property),
- xvii. Mutual violence,
- xviii. Abatement of threat of future violence,
- xix. Victim's or suspect's sexual orientation,
- xx. Victim's or suspect's social, professional, religious, or personal affiliations.

5. Charges: A person arrested for an act that can be defined as domestic violence or dating violence (e.g., battery, aggravated assault) shall be charged with the particular crime committed, not with "Domestic Violence" Or "Dating Violence." However, after citing the specific crime, write 'domestic' or 'dating' after it to ensure proper tracking and handling.

6. A law enforcement officer is immune from civil liability while making an arrest for domestic/dating violence when acting in good faith and exercising due care based on probable cause.

7. Members shall not use mediation as a substitute for appropriate criminal proceedings in situations where physical violence or the threat of violence has occurred.

8. When probable cause exists and no arrest is made, the report must contain a statement of justification of why no arrest was made.

C. Reports: Results of the investigation shall be documented in a GPD Incident/Investigation Report and any other appropriate investigative reports.

1. The Records Section shall send a copy of the general incident report to Peaceful Paths within 24 hours of the incident.

Reports sent to Peaceful Paths shall not include victim/witness statements and other materials deemed to be part of an active investigation.

2. Copies of incident and supplemental reports are forwarded to the State Attorney's Office upon request via the intake function at the Department. [CALEA 55.2.4.f]

D. Victim Support: The investigating member shall provide the following information/support to the victim: [CALEA 55.1.1.c & 55.2.1.b]

1. Medical: Assist the victim in obtaining any needed medical treatment.

- i. This assistance may include summoning EMS, an ambulance, or a friend to ensure that the victim receives review / treatment.
- ii. If a victim needs to be transported, the mode of transportation will depend upon the nature and extent of the injury(ies), and the availability of assistance.

2. Domestic Violence Shelter: Inform the victim of the availability of a domestic violence shelter, and provide transportation, if needed.

3. Legal Rights: Give the victim a copy of the Domestic/ Dating Violence Brochure and the Department's Rights of Victims/Witnesses in the Criminal Justice System brochure. [CALEA 55.1.1.e] The brochure is available in English and Spanish.

- i. The member shall place his/her name, identification number, date, and case report number on the 'Rights' brochure.
- ii. Verbally summarize the brochure's content to include the applicable services and laws. [CALEA 55.2.3.a]

The brochure has been revised to include information regarding the address of the confidentiality program administered through the Attorney's General's Office at 1-800-226-6667. In addition, victims may request in certain circumstances to have the offender be required to attend a different school than the victim, or sibling of the victim. [CALEA 55.1.1.b]

4. Injunction: Advise the victim how to obtain an injunction (see G.O. 40.7); [CALEA 55.2.2]

5. Report: Advise the victim that the incident report will be sent to the local domestic violence shelter. Provide the victim with a GPD Report Request Form with the assigned case number. [CALEA 55.2.3.c] Department members will also provide a telephone number that the victim/witness may call to report additional information about the case or to receive information about the status of the case. [CALEA 55.2.3.d]

6. Process: Advise the victim what to expect in the near future with regard to the processing of the case by the criminal justice system, including an assessment of the probability that the accused may be in custody for only a short period of time; [CALEA 55.2.3.c]

7. Charging Decision: Tell the victim that the sole responsibility for decisions regarding whether charges are filed is with the state and not the victim.

8. Transportation Services: If necessary, the member should provide additional transportation and re-location assistance, such as: [CALEA 55.2.1.a]

i. Taking the victim and children to a domestic violence shelter.

ii. Assist in contacting family members or friends who can come get the victim/children.

9. Security: Members should remain at the scene of the incident until the situation is under control and the likelihood of further violence has been eliminated. [CALEA 55.2.1.a]

i. If the crime occurred at the victim's residence and he/she is leaving, remain at the scene for a reasonable period of time while the victim gathers necessities for a short-term absence.

ii. If transportation to a shelter is appropriate, arrange for or provide it.

iii. If there are indications of future violence, arrange increased patrol in the victim's area.

iv. Advise the victim/witness to contact the Gainesville Police Department immediately if the suspect or suspect's companions or family threatens or otherwise intimidates him or her. [CALEA 55.2.3.b]

10. Special Needs Victims: Because some domestic/dating violence victims have special needs, members shall treat them with increased sensitivity and ensure that they receive protection, physical assistance, medical treatment, or other services as needed. [CALEA 55.2.1.b]

i. Their special needs may make it extremely difficult for them to report their victimization, call for assistance, or fully participate in the investigation and prosecution of their cases.

Such special needs victims may include, but are not limited to: pregnant women, disabled persons, alcohol or chemically dependent persons, infants, children, adolescents, the elderly, individuals of different cultures, or those with limited physical or mental abilities.

ii. If children are/were present and heard, saw, or otherwise witnessed the abuse, note it in the incident report.

iii. Members shall coordinate victim assistance with the Crime Victim Advocate.

E. Victim/Witness Assistance/Follow-Up Investigations: [CALEA 55.2.4 & 55.2.5].

The Gainesville Police Department is partnered with the Alachua County Victim Services and Rape Crisis Center. Alachua County Victim Services and Rape Crisis Center victim advocates are assigned to the Gainesville Police Department per the MOU.

1. All domestic/dating violence related cases are assigned to a victim advocate for follow-up. [CALEA 55.2.4.e]

- i. **High Lethality Assessment Program (LAP) cases:** Victim Advocates are required to attempt face-to-face contact with the listed victim within forty-eight (48) business hours of receiving the LAP form from the patrol officer.

- ii. **All Other Domestic/ Dating Violence Related cases:** Victim advocates will contact victims by either telephone and/or letter to offer services and to create a safety plan if needed. Witnesses are not generally contacted by victim advocates. However, if a witness was victimized during the crime or is in significant distress, and wishes to have an advocate contact them, they will be contacted. [CALEA 55.2.4.a]

2. During contact with victims/witnesses, department members and/or victim advocates will help prepare the victim for what to expect during the investigation and prosecution (if applicable). [CALEA 55.2.4.b]
3. Assigned investigators (detectives, officers, etc) will schedule line-ups, interviews, and other required investigation related appearances at the convenience of the victim/witness and at the option of the agency providing transportation. Investigators may coordinate with victim advocates to assist with coordinating times, locations, and transportation. A victim advocate may also accompany victims during follow-up to provide emotional support. [CALEA 55.2.4.c]
4. Assigned investigators will return promptly victim/witness property taken as evidence where permitted by law or rules of evidence. [CALEA 55.2.4.d]

F. Special Circumstances:

1. **Offender Departed Scene:** When probable cause exists, members are encouraged to conduct an investigation to locate and arrest domestic and dating violence suspects to fulfill GPD's pro-arrest policy and to ensure timely prosecution. If the member is unable to make an arrest and wishes to obtain an arrest warrant for the suspect, the member shall contact the State Attorney's Office and seek an arrest warrant using the probable cause paperwork and filing a sworn complaint. The Domestic Violence Unit can assist members with obtaining arrest warrants.

2. Juveniles as Offenders or Victims:

- i. Juvenile Offenders:

- a. Juvenile offenders who commit an act of Domestic Violence against a family member can often present a dilemma for

responding officers when a mandatory arrest is required. Because they are domestic in nature, the Gainesville Police Department may refer these cases to the CDS (Family & Behavioral Health Services), in lieu of an arrest. In some cases, for isolated or minor incidents, the introduction of a juvenile into the criminal justice system is not in the best interest of the juvenile or their family. For that reason, officers may use discretion when investigating these cases, as there are other resources available to address the needs of the juvenile and the family.

b. Officers should still arrest juvenile offenders who engage in domestic violence when the following circumstances are present:

- 1).** The harm the abuser caused or threatened would constitute an aggravated battery or any other felony.
- 2).** The victim gives accounts of previous incidents which would lead the officer to believe that the offending juvenile has a pattern of violence against the victim.
- 3).** The juvenile offender has exhibited a significant pattern of violence in the home toward other family members in addition to the victim.
- 4).** Previous efforts to resolve an incident involving the same juvenile offender through CDS referral or Interface were not successful.
- 5).** If a juvenile is under 13 years of age, consult a supervisor prior to arrest.

c. If the officer chooses not to arrest the juvenile offender, the family must be referred to CDS via a CDS referral forms for follow-up counseling. These forms can be found on the GPD Intranet, or in the Operations forms room. A hard copy shall be forwarded to the Records Division.

If necessary, the juvenile offender can be turned over to another family member or guardian if agreed upon by all parties. Additionally, the juvenile offender can be transported to Interface, a non-secure facility located at 1400 NW 29th Road.

d. All investigations of domestic violence, including those with juvenile offenders will be documented, regardless of whether the juvenile is arrested.

e. If the situation indicates that the member should take the juvenile into custody, the member shall follow procedures as outlined by Departmental Policy. Department members can refer families to CDS for follow-up counseling even if the juvenile offender is arrested.

ii. Juvenile Victims: Members shall investigate the circumstances and rule out typical sibling squabbles and incidents of parent/guardian

discipline when investigating domestic violence before making a charge. Florida law gives parents/guardians leeway in applying corporal punishment to children in an effort to discipline them.

Any such 'punishment' which rises to the level of a felony is considered child abuse, and shall be charged as such.

3. Mutual Violence: Incidents of mutual violence can present difficulty in determining the facts of the incident, its initiation, and the primary aggressor, if one can be identified. Members shall use the following, in conjunction with common sense skills, in making arrest decisions:

- i. Evaluation: When members respond to a domestic/dating violence call where there is a report of mutual violence, the members shall attempt to determine if one party was the principal aggressor and arrest that party upon establishment of probable cause.
 - a. Dual arrests (arresting both/all parties) are strongly discouraged, except where clearly necessary. Involved persons should be separated, and probable cause established on the basis of each person's complaint.
 - b. The following criteria can be used to assist in the member's determining the primary aggressor.
 - c. Comparative extent of any injuries inflicted, the nature of the injuries, as well as the use of weapons,
 - d. Actions taken in self-defense, including indications of defensive wounds,
 - e. Disparity in physical size,
 - f. Fear of physical injury because of past or present threats,
 - g. Circumstances of the onset of violence,
 - h. History of domestic/dating abuse perpetrated by one party against the other,
 - i. Existence or previous existence of orders for protection.
- ii. Arrest: If the members determine that one party has acted for self-protection, the members shall arrest the other party and charge that party appropriately. If the above determinations cannot be made, the member should consult with his/her supervisor for appropriate action.

4. Marital Sexual Battery: The spouse of a victim may be charged with a sexual offense as a result of domestic violence.

- i. The responding member(s) should follow all procedures related to the investigation of the specific crime, including:

- a. Securing the scene;
- b. Completing an Incident/Investigation Report.
- c. Contacting a supervisor and/or the Investigations Bureau.
This may include notifying Forensics.
- d. Contacting a Crime Victim Advocate, if applicable.

5. Law Enforcement Officer/GPD Member as a Suspect:

- i. A supervisor shall be dispatched to the scene of a member-involved domestic/dating violence call.
- ii. Members responding to investigate these cases shall maintain neutrality and objectivity throughout the investigation.
- iii. A suspect officer/member shall be processed in the same manner as any other citizen suspect. If probable cause exists, an arrest shall be made in accordance with this policy.
- iv. The shift commander shall be notified as soon as possible and shall respond to the scene of the investigation. The shift commander shall ensure that the Internal Affairs Division and the suspect member's chain of command is notified and the appropriate disciplinary process initiated.
- v. When a GPD member is served with any protective injunction, the member is required to notify a supervisor prior to the beginning of the next shift and to keep Departmental authorities informed of the status of the case.

Members who are the subjects of injunctions may be referred to the Employee Assistance Program when the status of the injunction is changed from temporary to permanent.
- vi. If a member charged with domestic/dating violence is a first responder and/or likely to investigate high stress calls (including domestic/dating violence calls), the Department shall consider a temporary reassignment for the member. This may also include suspension of extra-duty assignment privileges.
- vii. Any member must report to a supervisor a domestic/dating violence incident he/she witnesses or otherwise has firsthand knowledge of involving another Department member.
- viii. If a member investigates a domestic/dating violence incident and the suspect or arrestee is a law enforcement officer from another agency, the suspect officer's agency shall be notified.
 - a. The investigating member shall first notify his/her supervisor.

- b. Notification to the arrestee's agency should be made prior to the end of the shift during which the investigation was conducted.

If at all possible, the notification should be made to an on-duty supervisor, who shall be informed of the specific [potential] charge, time of arrest, if any, and the disposition of the incident.

6. Domestic Violence Homicide: When an incident of domestic violence involves a homicide, the investigating members shall perform the following tasks:

- i. Ensure safety of other persons present,
- ii. Identify, control, and arrest the perpetrator, if present/possible,
- iii. Notify a supervisor,
- iv. Secure the crime scene,
- v. Remove witnesses and family members to an area away from the scene itself,
- vi. Ensure that the appropriate Departmental notifications are made,
- vii. Assist the Investigations Bureau, if requested or as necessary.
- viii. Request a Crisis Care Team as needed.
- ix. Perform other tasks as listed in GO 40.4, entitled 'Death Investigations'.

G. Domestic Battery by Strangulation: Refer to GO 40.30 Strangulation.

H. Stalking: Refer to GO 40.31 Stalking.

I. Training: In order to promote member safety, reduce the incidence and severity of this crime, and ensure that members are kept current on policy, procedural, and/or legislative changes, the Department will provide competency-based training to members regarding domestic/dating violence situations. All training sessions shall be documented to include date, attendance lists, and subject(s) covered.

1. Formal training: Sessions shall be coordinated via the Operational Skills Unit, and shall include, but not be limited to, the following:

- i. Use and application of relevant laws;
- ii. Nature, extent and dynamics of domestic and dating violence, to include diverse populations;

- iii. Duties and responsibilities when responding to domestic/dating violence situations. This includes documentation, report writing, and evidence collection, photographs, etc.;
 - iv. Victim assistance, including those with special needs, and children at-risk;
 - v. Identifying primary aggressors;
 - vi. Indicators of, and intervention to prevent, future violence;
 - vii. Verification, enforcement and service of injunctions.
 - viii. Other relevant issues as deemed timely and appropriate.
- 2. Informal training:** This may occur at the bureau level, and may include roll-call training. However, all content shall be approved by the Training and Education Division prior to presentation.

By Order of

*Signed Original on File in the
Accreditation Unit*

Lonnie Scott
Chief of Police