


<b>LEESBURG POLICE DEPARTMENT REGULATIONS AND GENERAL ORDERS MANUAL</b>		
General Order Number: 217	Section: OPERATIONS	Effective Date: SEPTEMBER 2022
Title:  <b>DOMESTIC VIOLENCE</b>		
Accreditation Standards:  OPR.13.01		
Review Date:  MAY 2025	Total Pages:  5	Chief of Police: 

## **I. DOMESTIC VIOLENCE**

- A. The department understands that domestic violence differs from other crimes because of the unique relationship between the victim and the suspect. Officers will be expected to respond to domestic violence calls as they would to any crime and take appropriate action to arrest whenever probable cause exists. The concept of “Evidence Based Prosecution” is the basis for an arrest made involving domestic violence and is described as follows:
  1. Evidence Based Prosecution is the concept of preparing a criminal case without the expected cooperation of the victim.
  2. Evidence Based Prosecution cases are prepared by the officers obtaining/collecting evidence and supporting information to present before a judge at trial.
  3. In preparing the Evidence Based Prosecution case the officer must first establish venue, the criminal violation and the relationship between the parties involved (if the charge is assault and battery against a family member).
  4. The officer then will obtain all pertinent information, as it relates to the criminal act, from the accused and/or witnesses. Any statements gathered from the victim, other than excited utterances, are not admissible at trial.
  5. Victims of this type of violence shall be protected and provided assistance through available community services. The goal of the Department is to reduce the incidence and severity of domestic violence.
- B. Communication Section Responsibility.
  1. The Communications Technician who receives a domestic violence call shall attempt to obtain all available information. A domestic violence call shall have the same priority as any potentially life threatening call, and whenever possible, will have two officers dispatched.
  2. In addition to information normally gathered, communication technicians shall attempt to determine and relay the following to the responding officer:
    - a. Whether the suspect is present
    - b. Whether weapons are involved or are present in the home
    - c. Whether the offender is under the influence of intoxicants
    - d. Whether there are children present
    - e. Whether the victim has a current protective order
    - f. The complaint history at that location
  3. If the event involves a specific weapon, the communication technician shall use the respective weapon event entry classification and describe the apparent relationship between parties in the narrative portion of the event entry.
  4. Communications technicians shall not cancel police response to a domestic call based solely on a follow-up call from the residence. The communication technician shall advise the responding officers of the caller’s request to cancel but the officers shall still investigate to ensure the safety of all concerned.

5. The communications supervisor or designee is responsible for obtaining and securing any items of evidence requested by the officers as it relates to audio recordings and/or CAD notations. The officer will submit, in written form, a request for the items and the communications supervisor or designee will maintain control of those items to ensure the chain of custody.
- C. Responding Officer Responsibility.
1. The responding officers should approach the scene of a domestic violence call as one of high risk. The officers should obtain all available information from the communication technician before arriving on scene and notify the communication technician upon arrival.
  2. The responding officers shall identify themselves as police officers, explain the reason for their presence, request entry into the home, and ask to speak to the person who is the subject of the call. If the person who called the police is someone other than the subject of the call, officers shall not reveal the caller's name.
  3. If refused entry, officers shall be persistent about speaking with the subject of the call. If access is still refused, officers must consider the totality of the circumstances and determine if an exigent circumstance exists which would justify an immediate search of the premises for the subject of the call.
- D. Preliminary Investigative Procedures.
1. Officers must establish control by:
    - a. Identifying potential weapons
    - b. Separating the parties involved
    - c. Restraining the assailant, if necessary, and removing the assailant if an arrest is warranted
    - d. Assessing injuries, administering first aid, and/or summoning emergency medical assistance
    - e. Interviewing and identifying all persons involved and/or present in the home
  2. Officers should interview victims, witnesses, and suspects as thoroughly as circumstances allow. The officer will obtain all pertinent information, as it relates to the criminal act, from the accused and/or witnesses.
  3. The officer must first establish venue, the criminal violation and the relationship between the parties involved. Incidents involving same sex couples who have an intimate relationship are eligible for mandatory arrest pursuant to Code of Virginia 18.2-57.2 and all protective orders and will be heard in Loudoun County Juvenile and Domestic Relations Court.
  4. When interviewing the victim, the officers should not tell the victim what arrest decision has been made until all information and evidence has been collected.
  5. The officer should ascertain if a protective order exists and if a copy is available. If made available, the order should be examined for restrictions imposed so that the officer can determine whether there is probable cause to believe it has been violated. If a copy cannot be produced, the officer must contact either LPD communications or the issuing agency to determine if an order exists, if it has been served, and applicable restrictions.
  6. Children should be interviewed in a manner appropriate to their age. Signs of trauma or wounds on the child shall be noted and photographed. Child Protective Services shall be notified immediately if the child has incurred any injuries or the officer believes the child is in need of services as a result of the domestic situation.
  7. The officer shall collect and preserve all physical evidence reasonably necessary to support Evidence Based Prosecution of a criminal violation. This includes evidence substantiating the victim's injuries, articles such as:
    - a. Weapons
    - b. Other indicators of a struggle, i.e. torn clothing
    - c. Evidence that depicts the crime scene and the involved parties i.e. photographs
    - d. Medical release forms
    - e. Items that support the excited utterances made by the victim, such as the 911 tape and statements made by the victim upon entry into the home or other times when statements were made without the officer eliciting the information. The officer must document such statements as soon as possible.

- f. Areas reported to be injured must be photographed regardless of whether the injury is visible or not. Follow-up photographs should be taken in the days that follow to determine if any injury is now visible.
- 8. The officer should also consider an immediate assessment of the victim by the INOVA Fairfax Hospital Forensic Assessment & Consultation Team (FACT) depending on the seriousness and extent of injuries to the victim.
  - a. The FACT Nurse will respond to a safe location (hospital, LPD Headquarters, etc. – not the scene) and conduct a thorough exam of the victim and fully document any injuries. The FACT Nurse will also be available to testify as an expert witness.
  - b. The FACT Nurse is available for callout 24 hours a day and the on call nurse can be reached via the FACT/Sexual Assault Nurse Examiner (SANE) on call schedule maintained in Dispatch.

E. Arrest Decisions.

- 1. Officers should arrest suspects in domestic violence cases when it is permitted by law and is supported by facts which constitute probable cause to believe that a crime has occurred, and that the suspect committed the crime.
- 2. Assault and battery against a family or household member is a Class 1 misdemeanor, but a third or subsequent conviction arising from at least three incidents in separate dates over a 20 year period under 18.2-57.2 is a class 6 felony. Furthermore, any more serious violent crime committed against a family or household member should be investigated as an incident of domestic violence. Upon placing a suspect under arrest, the officer shall check the suspect's criminal history to determine if there are any prior convictions of domestic violence which would give rise to a felony charge, and notify the magistrate of the same.
- 3. Officers shall decide whether an arrest should be made based solely on the facts and circumstances relevant to a criminal violation. If an arrest is made, it should be explained to all parties that it was at the discretion of the State of Virginia, and was not the victim's. Evidence Based Prosecution should also be explained to both parties and further explained that the case will go forward regardless if the victim cooperates or not.
- 4. Dual Arrests should be avoided if possible. All efforts should be made to determine a predominant aggressor and the following can be used in making that determination:
  - a. Statements of the parties and any witnesses
  - b. Injuries: offensive, defensive, and the severity
  - c. Crime scene evaluation
  - d. Are the statements of the victims, their injuries, and the scene consistent?
  - e. Who was the predominant aggressor?
  - f. Appearance and demeanor of the parties
  - g. History of domestic violence
  - h. Previous Protective Orders
  - i. Comparative height and weight of the parties
  - j. Who called the police?
  - k. Presence or absence of fear
  - l. Who needs protecting?
  - m. If self-defense is suspected, was the response reasonable? Apply same standards for LE use of force.
  - n. The protection of the health and safety of family and household members
  - o. Any other documentable facts or circumstances

F. Victim Assistance.

- 1. Victims will be provided with a Victim/Witness Program brochure and will be advised of legal and community resources available to assist domestic violence victims. The distribution of the Victim/Witness Program brochure shall be documented on the incident report.
- 2. If no arrest is made, the officer shall explain to the parties involved the reasons that an arrest was not made, and provide the victim with an explanation of the procedures for obtaining warrants and protective orders.
- 3. Officers shall not leave the scene of a domestic violence incident until the situation appears to be under control and the reasonable likelihood of further violence has been eliminated. Officers should stand by

- while parties gather necessities for absences from the home, such as clothing, medications, and documents.
4. Upon request of the victim, officers shall provide or help arrange transportation to a medical facility or emergency housing, or to appear before a magistrate. In circumstances where the victim needs to leave their home, officers shall offer assistance in locating lodging with family, friends or shelters.

G. Reporting Procedures.

1. Officers responding to a Verbal Domestic, Domestic Assault or further acts of domestic violence which include: harassing text messages or phone calls, threats, destruction of property, stalking, violation of protective order calls for service will complete an IBR Report and a Domestic Violence Supplement (LPD Form 388) as follows:
2. An IBR (Incident Based Report) and Domestic Violence Supplement must be completed when an arrest is made. The incident shall be classified as a "Domestic Violence."
3. If no arrest is made, an IBR (Incident Based Report) and Domestic Violence Supplement must be completed to record the actual event found at the location of the occurrence. If there is no criminal offense and the persons involved appear to have a covered relationship as outlined in the State Code, the incident shall be classified as a "domestic dispute" and fully documented in CAD.
4. It is the responsibility of the officer on scene to determine the predominant physical aggressor. If the officer is unable to make that determination, no arrest should be made and it should be stated in the report that the predominant physical aggressor could not be determined. For non-violent domestic disputes, the report classification will be UCR code of "90F" and all parties involved will be listed as "other." For child neglect, the report classification will be UCR code of "90F" and parties will be listed as "suspect" and "victim".
5. A domestic violence arrest requires the completion of additional documentation beyond the UCR as applicable, to include the Domestic Violence Supplement, a 911-tape request form, a Medical Release form, Victim/Witness statement, Strangulations Supplement, Intimate Partner Violence Lethality Screen, and documentation detailing that the brochures concerning victim's rights and services have been offered to the victim. The officer is to complete those forms that are appropriate as it pertains to the incident. Forms are available in the Domestic Violence Folder within the document management system.
6. Completed copies of forms should be placed in the CIS mailbox, and all evidence shall be collected and preserved in accordance with General Order 213, Collection and Preservation of Evidence:
  - a. Signed medical release form
  - b. Victim/Witness Statement (LPD form # 387)
  - c. Strangulation Supplement
  - d. Intimate Partner Violence Lethality Screen
  - e. 911 recording if immediately available
  - f. Photographs of the crime scene and of all parties involved
  - g. Any other items of evidence

H. Protective Orders.

1. Officers shall petition for an emergency protective order (EPO) in accordance with Virginia Code Section 19.2-152.8. Emergency protective orders should be obtained at the magistrate's office if the officer deems that an EPO is warranted for the safety of the victim and/or other household members. An EPO can be issued without an arrest being made and may be issued telephonically by the magistrate from the scene. If issued telephonically, the EPO must be taken immediately to the Magistrate's Office for his/her signature.
  - a. EPO's are valid upon service to the suspect and shall expire at 11:59 p.m. on the third day following issuance.
  - b. A copy of the EPO must be served on both the suspect and the victim.
  - c. The EPO must be entered into VCIN immediately upon service.
2. The Juvenile and Domestic Relations Court issues preliminary protective orders and protective orders. Officers shall inform victims of domestic violence of the following procedures for obtaining permanent protective orders:
  - a. The applicant must be the victim of an assault and in fear of repeated assaults.
  - b. The applicant must appear before an intake officer at Loudoun County Juvenile Intake and swear to an affidavit;
  - c. The applicant and intake officer will then appear before a judge, ex parte, on the same day, when the

- judge will then decide whether to issue the protective order.
- d. A full hearing will be conducted within 15 days to determine whether a final protective order is to be issued.
  - e. A preliminary protective order is valid from the date of personal service until the full hearing.
- I. Leesburg Police Department's Domestic Violence Program.
1. The LPD established a Domestic Violence Program in July of 2001. The program is designed to ensure better service for victims of domestic violence. To achieve higher rates of conviction that will likely reduce recidivism and the escalation of violence. This objective will be accomplished through the concept of "Evidence Based Prosecution."
  2. The Domestic Violence Detective will manage the program.
  3. The Domestic Violence Detectives' responsibilities are as follows:
    - a. Compile data for required grant reports.
    - b. Represent LPD on the Domestic Abuse Response Team (DART).
    - c. Maintain liaison with the members of DART and other domestic violence investigators.
    - d. Provide training to LPD personnel in the investigation of domestic violence.
- J. Arrests of Law Enforcement Personnel
1. If the predominant physical aggressor or abuser is an employee of this agency, the responding officer shall summon the duty supervisor who shall in turn notify the Command Duty Officer.
  2. In concurrence with the criminal investigation, the Chief or designee, will assign a Supervisor or Commander to undertake an internal administrative investigation into the incident consistent with G.O. 115. The employee may temporarily be relieved from duty and/or reassigned to administrative duty pending the outcome of the administrative investigation.
    - a. If the predominant physical aggressor or abuser is an employee of another law enforcement agency, the responding officer shall notify the supervisor on duty. The Supervisor is required to notify that employee's law enforcement agency of any domestic violence, stalking, serious bodily injury crimes, or issuance of an emergency protective order. The Supervisor should request to speak with the on duty supervisor of that agency and relay all pertinent information. The responding officer will be responsible for the complete investigation regarding arrests of outside agency law enforcement officers.
  3. The Chief of Police or designee, shall ensure that any court orders or injunctions are served on the employee at the agency. The Chief or designee shall ensure that legal papers are served in a private setting so that supervisory personnel can coordinate process service with counseling or psychological services.
    - a. The employee's supervisor shall monitor the employee's behavior. Upon service of any court papers, the supervisor shall be present to review any affidavits supporting such papers. The supervisor shall stay alert to behavior that may be unseemly or indicative of problems requiring professional intervention.
  4. Officers are reminded that Regulation D-8 requires supervisory notification in the event of arrests or court actions involving personnel. Within 24 hours, the employee shall report via memorandum to the Chief of Police detailing the circumstances initially reported to the supervisor.
- K. Lethality Assessment Program
1. The Leesburg Police Department implemented the Lethality Assessment Program (LAP) in January 2016. The LAP will be administered in accordance with G.O. 133 Lethality Assessment Program.