



# GENERAL ORDER

Loudoun County Sheriff's Office

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<b>Chapter:</b> Operations	<b>Section:</b> 406.4	
<b>Subject:</b> Response to Selected Situations	<b>Topic:</b> Domestic Violence	
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## I. PURPOSE

The purpose of this General Order is to define domestic violence and related offenses, outline a safe procedure for handling violent incidents and calls and describe measures to reduce violence and protect victims.

## II. POLICY

It is the policy of the Loudoun County Sheriff's Office to assign domestic violence/domestic disturbance calls a high priority. The nature and seriousness of crimes committed between family or household members are not mitigated because of the relationships or living arrangements of those involved. Therefore, law enforcement personnel must exercise leadership in the community in responding to domestic violence. An immediate criminal justice response can make a major difference in the disputants' lives. With all due consideration for their own safety, law enforcement personnel responding to a domestic disturbance call shall restore order, arrest persons when probable cause exists that a crime has occurred, provide safety and security for the crime victim(s), and help participants contact appropriate agencies to help prevent future occurrences.

## III. TERMINOLOGY

- A. Assault and battery; penalty. §18.2-57, Code of Virginia. Any person who commits simple assault or assault and battery is guilty of a Class 1 misdemeanor, and if the person intentionally selects the person against whom a simple assault is committed because of his race, religious conviction, color or national origin, the penalty upon conviction shall include a term of confinement of at least six months, 30 days of which shall be a mandatory minimum term of confinement.
- B. Assault and battery against a family or household member; penalty. §18.2-57.2, Code of Virginia - Upon a conviction for assault and battery against a family or household member, where it is alleged in the warrant, petition, information, or indictment on which a person is convicted, that such person has been previously convicted of two offenses against a family or household member of (i) assault and battery against a family or household member in violation of this section, (ii) malicious wounding or unlawful wounding in violation of § 18.2-51, (iii) aggravated malicious wounding in violation of § 18.2-51.2, (iv) malicious bodily injury by means of a substance in violation of § 18.2-52, (v) strangulation in violation of § 18.2-51.6, or (vi) an offense under the law of any other jurisdiction which has the same elements of any of the above offenses, in any combination, all of which occurred within a period of 20 years, and each of which occurred on a different date, such person is guilty of a Class 6 felony.

1. Any person who knowingly communicates in writing, including electronically transmitted communications, a threat to kill or do bodily injury to a person or any member of that person's family and the threat places such person in reasonable apprehension of death or bodily injury to himself or his family is guilty of a Class 6 felony in accordance with §18.2-60 of the Code of Virginia.
  2. A magistrate issuing a warrant for violation of §18.2-57.2 of the Code of Virginia shall also issue an emergency protective order, except where the defendant is a minor.
- C. Domestic violence shelter/programs: Services that are provided (usually 24 hours a day) for women and their children who have been physically or emotionally abused, or who have been threatened with abuse by their spouses or partners. Services may include crisis intervention, counseling, shelter, and escort to court, food, clothing, and transportation.
- D. Family abuse: Defined in §16.1-228, Code of Virginia. Any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.
- E. Family or Household Member: §§18.2-57.2 and 16.1-228, Code of Virginia includes:
1. Spouse, whether or not he or she resides in the same home with the person
  2. Former spouse, whether or not he or she resides in the same home with the person
  3. Any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time
  4. Parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren regardless of whether they reside in the same home with the person
  5. Mothers-in-law, fathers-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person
  6. Any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.
- F. "Intimate Partner Relationships" shall be defined as a person who is or has been in a relationship of a romantic or intimate nature with the victim.

- G. "Non-intimate Partner Relationships" shall be defined as a relationship NOT having any romantic or intimate relationship with the victim. Many of these relationships involve parent-child, sibling-sibling or roommate/housemates.
- H. "Same sex couples" shall be defined as two persons of the same sex residing together in an intimate relationship who cohabit or who, within the previous 12 months cohabited. This excludes roommates or boyfriend/girlfriends who occasionally stay at the partner's residence overnight. If there is evidence of an intimate relationship, these cases are eligible for mandatory arrest pursuant to 18.2-57.2 Virginia Code and all protective orders.
- I. Predominant physical aggressor: §§19.2-81.3, B of the Code of Virginia describe the predominant physical aggressor as not necessarily the first disputant to engage in assaultive behavior. Deputies shall identify a predominant physical aggressor based on the criteria set forth in §19.2-81.3 of the Code of Virginia:
1. Who was the first aggressor
  2. Protection of the health and safety of family and other household members
  3. Prior complaints of family abuse by the allegedly abusing person involving the family and household members
  4. Relative severity of the injuries inflicted on persons involved in the incident
  5. Whether any injuries were inflicted in self-defense
  6. Witness statements and other observations
- J. Protective order: §16.1-279.1 of the Code of Virginia. A court order of protection on behalf of an abused family/household member that prohibits the abuser from further acts of violence, and may order the abuser to refrain from further contact, vacate the residence, provide alternate housing, relinquish custody of a vehicle, plus other measures. After a protective order is issued, the court may order other remedies to the victim to include temporary child support if applicable. There are three (3) types of protective orders:
1. Emergency Protective Order (EPO)
  2. Preliminary Protective Order (PPO)
  3. Full Protective Order (PO).
- K. Purchasing or transportation of a firearm by a person subject to protective orders: §18.2-308.1:4 of the Code of Virginia prohibits any person subject to a protective order from purchasing or transporting a firearm while the order is in effect. Firearms transported or purchased in violation of this law shall be confiscated and subject to forfeiture. Any person with a concealed handgun permit shall be prohibited from carrying any concealed firearm, and shall surrender his permit to the court entering the order, for the duration of any protective order.

- L. Stalking: §18.2-60.3, Code of Virginia. Any person, except a law enforcement officer acting in the performance of his/her official duties or a registered private investigator who is regulated in accordance with §9.1-139 of the Code of Virginia and acting in the course of his/her legitimate business, who on more than one occasion engages in conduct directed at another person with the intent to place, or when he/she knows or should reasonably know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member is guilty of a Class 1 misdemeanor.
1. Types of behaviors which may place a person in reasonable fear of death, criminal sexual assault or bodily injury may include following a person to work, home and other places, parking outside the victim's home or office, sending threatening notes, including those sent through electronic means, placing threatening telephone calls, etc.
  2. The Department of Corrections, sheriff or regional jail director shall give notice prior to the release from a state correctional facility or a local or regional jail of any person incarcerated upon conviction of a violation of this section, to any victim of the offense who, in writing, requests notice, or to any person designated in writing by the victim. The notice shall be given at least 15 days prior to release of a person sentenced to a term of incarceration of more than 30 days or, if the person was sentenced to a term of incarceration of at least 48 hours but no more than 30 days, 24 hours prior to release. If the person escapes, notice shall be given as soon as practicable following the escape. The victim shall keep the Department of Corrections, sheriff or regional jail director informed of the current mailing address and telephone number of the person named in the writing submitted to receive notice. (§18.2-60.3, E).
- M. Loudoun Domestic Abuse Response Team (D.A.R.T.): A coordinated response to domestic violence including representatives from the criminal justice system, victim advocacy and human services. The purpose of D.A.R.T. is to ensure effective protection and services are provided to victims of domestic violence and related offenses, and to hold offenders accountable for their criminal behavior while increasing awareness of domestic violence.
- N. Domestic Violence Sergeant (DV Sgt): A designated Loudoun County Sheriff's Office Sergeant who specializes in the investigation of all domestic violence cases. The DV Sergeant will conduct follow-up investigations on domestic assault cases involving "intimate partner relationships" and violation of protective order cases regarding domestic assault including both "intimate and non-intimate partner relationships", in which deputies obtain warrants.
- O. Domestic Violence Coordinator (DVC): A designated patrol deputy acting as a liaison between a patrol squad and the DV Sgt.
- P. Evidence-Based Prosecution: The handling of a domestic violence case when the victim may not cooperate and/or not appear in court for the trial, but the case is prosecuted to

ensure that offenders are held accountable even without the victim's testimony or cooperation.

#### IV. PROCEDURE

##### A. Emergency Communications Center (ECC) responsibilities:

1. Since the ECC is likely to be the first contact when receiving a report of domestic violence, they are instrumental in determining the type of response needed.
2. The ECC is responsible for assisting a deputy in determining their response to a scene. To make that determination, the ECC shall obtain the following information, if possible:
  - a. Who is complaining? Phone number. Whereabouts and identity of assailant/aggressor
  - b. Name of caller, if different from complainant, and location of incident. Location of caller and complainant, if different
  - c. Is the crime (incident) in progress? When did it occur
  - d. Is a weapon involved
  - e. Have people at the scene been injured? Is an ambulance needed
  - f. Are children or any witnesses present
2. If there is evidence of injury, a weapon exists or someone has threatened violence, a deputy shall be dispatched immediately, along with an ambulance, if needed. If sufficient information is available, the ECC shall perform a VCIN inquiry and check for prior calls of domestic violence or domestic-related activity at the given address. These results should be relayed to the responding deputy(s) prior to his/her arrival on the scene
4. The ECC shall maintain telephone contact with the complainant until the deputies arrive, if possible. This aids in monitoring the incident and providing support to the victim, if applicable. The ECC should advise the victim of the intended agency response and use crisis intervention skills. The ECC should attempt to obtain the following additional information:
  - a. If the suspect's whereabouts are not known, obtain his/her vehicle description, direction of travel, elapsed time since the incident and his/her access to weapons

- b. If alcohol or drugs are present
  - c. Outstanding warrants on disputants. Probation/parole status of assailant/ aggressor
  - d. A history of previous arrests
  - e. Is a protective order in effect
5. The ECC shall provide the responding deputies with as much information as possible to identify any potential risks at the scene.
- B. Patrol Deputy Responsibilities
1. Arrival at the scene
    - a. Obtain all available information from the dispatcher prior to arrival
  2. Approaching the scene
    - a. When possible, deputies should arrive in pairs
    - b. Avoid the use of sirens and other alarms in the vicinity of the scene. The assailant might be dangerous and could turn a weapon against arriving deputies
    - c. Observe the location of the dispute before contacting the complainant. Consider the surroundings. Park their vehicle a short distance away. Each deputy should follow a separate approach to the scene of the dispute, maintaining maximum cover and an escape route. From this point, the deputies should remain within sight of one another if possible.
    - d. Before knocking on the door, listen and look in any nearby windows to obtain additional information about the situation, e.g. layout of the house, number of people, weapons, etc.
    - e. A deputy must be concerned for his/her own safety as well as that of the disputants. To minimize the possibility of injury, stand to the side of the door when knocking.
  3. Initial contact with occupant(s)
    - a. Deputies should identify themselves as deputy sheriffs, provide an explanation of the Sheriff's Office presence and request entry into the home, when conditions permit. Deputies should ascertain the identity

of the complainant and ask to see him/her and any other persons at the home.

1. Deputies shall not accept statements from any disputants or witnesses indicating that the call was a mistake without investigating further. Deputies shall not leave without interviewing the complainant.
- b. If entry is refused, deputies must explain that they need to make sure there are no injured persons inside. If no one responds to knocking, deputies may either request that the ECC attempt to contact the person(s) via telephone or the deputy may attempt to establish voice contact.
- c. Refusal of entry or no response to a knock at the door may require a forced entrance only if deputies have a reasonable suspicion that the safety of persons inside may be in jeopardy. In deciding to make a forced warrantless entry, deputies shall evaluate the following elements:
1. Degree of urgency involved and the time required to obtain a warrant
  2. The possibility of danger to others, including deputies left to guard the scene
  3. Whether the suspected offense involved violence
  4. Whether deputies reasonably believe that persons may be armed.
- d. Deputies may conduct a search of the premises if consent has been given and no one who resides at the premises and is present at the scene objects to the search. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two or more people have joint ownership or possession of a place or thing, a search may not be conducted if one of the owners/occupants is present and objects.
1. A spouse can consent to the search of premises used jointly by both husband and wife provided the other spouse does not voice an objection. This also applies if the parties involved are unmarried cohabitants and both lease or own the premises jointly. If one of them exercises sole control over part of the premises, however, the other cannot give valid consent to search that part.

2. If the complainant has asked for law enforcement assistance in retrieving personal property from his/her residence, the deputy must first determine if the complainant has lawful authority to do so. If such authority exists, the deputy must advise all parties that he/she is accompanying the complainant to obtain items for personal or children's use and shall stand by to preserve the peace. The deputy may advise the disputants that rights to any disputed property can only be determined by a court.
- e. Deputies may also make a warrantless entry to conduct a search if an emergency exists. Deputies must have a reasonable belief that such an emergency does exist, e.g. deputies believe that someone is in distress/immediate danger and in need of assistance.
1. Deputies shall evaluate the following elements when considering a warrantless entry:
    - a. The degree of urgency involved and the time required to obtain a warrant
    - b. The possibility of danger to others, including deputies left to guard the scene
    - c. Whether the suspected offense is serious or involves violence
    - d. Whether deputies reasonably believe that any person may be armed
- f. Once inside, establish control by:
1. Inquiring about the nature of the dispute
  2. Identifying disputants
  3. Being aware of potential weapons in the surroundings
  4. Determining if persons are in other rooms, whether children or adults, and the extent of their injuries, if any. These persons should be separated from the parties involved and kept out of hearing range so their status as possible witnesses won't be compromised
  5. Protecting the victim from further abuse, separating the victim from the suspect and requesting medical attention if the victim is hurt. If the victim appears injured and yet refuses medical



assistance, carefully document any observed injuries, as well as the refusal of medical treatment. Photograph the victim's injuries

6. Ascertaining whether a protective order has been violated
7. Securing weapons or potential weapons from the disputants. If appropriate, weapons should be collected as evidence and placed within the Evidence Section for court appearance.
8. Transporting or arranging transportation for family/household members to the hospital, safe shelter or magistrate, if requested.

C. Interviewing the victim/disputant

1. Ensure the safety and privacy of the victim by conducting the interview in a place separate from the assault. When interviewing the victim, ascertain the following information:
  - a. What happened
  - b. What injuries were sustained, who caused them, and what weapons or objects were used. Ask to see the injuries, if appropriate, and document and/or photograph them
  - c. Relationship to suspect. If possible, have the disputant or arrestee explain the relationship between the victim and disputant. This will establish court jurisdiction, if an arrest is made. Deputies should document the statement made by the disputant/arrestee regarding this relationship in the IBR report
  - d. Any threats made against victim or others
  - e. Forced sexual contact against the victim's will
  - f. Any court cases pending against suspect or any protective orders in effect;
  - g. Is the suspect on probation or parole
  - h. Did the suspect threaten others (particularly children), damage property or hurt pets
2. If possible, separate the parties so that they can individually describe the incident without interruption. This may help the parties relieve emotional tension. Deputies shall remain in sight and hearing of each other

3. Deputies should maintain good eye contact with natural and spontaneous glances toward the person they are interviewing. A relaxed stance along with appropriate facial and head movement demonstrates interest and encourages the victim to continue speaking. Deputies must listen, show interest and remain aware of nonverbal communication signals
4. After the parties have given their statements, deputies should ask about details for clarification and summarize the stated accounts. This will allow the parties to correct any statements that might be misrepresented.
5. Be aware that parties may make excited utterances that may have evidentiary value. The deputy should record these utterances when practicable and note them in the report
6. When dealing with foreign speaking victims/witnesses/disputants, deputies should attempt to first utilize a Loudoun County Sheriff's Office interpreter or an on-duty deputy who speaks the appropriate language. If an on duty interpreter is not available, deputies may use the current contract service provided by the agency for over-the-phone interpretation. The method of interpretation must be documented in the IBR report.

D. Interviewing witnesses

1. Interview any witness to the incident – children, other family members and neighbors
2. Remember that witnesses may be experiencing a significant emotional crisis that might influence the accuracy of their accounts
3. If witnesses provide information about prior assaults, document them to help establish a pattern
4. Children of disputants should be interviewed with care and kindness. When speaking to a child, sit, kneel, or otherwise be at their level. Signs of trauma or abuse should be noted
5. If it is believed that a child, under 18 years of age has witnessed a domestic assault, deputies shall include the child's name as a witness and include his/her address, date of birth and a contact telephone number. Deputies shall notify Child Protective Services (CPS) and document this in the IBR

V. DOCUMENTATION

A. Documenting the incident

1. An IBR report shall be written on all domestic violence and stalking/serious bodily injury complaints regardless of whether an arrest was made. All incident reports on domestic violence and stalking shall follow the general reporting procedures. Reports should be factual, clear, concise and unbiased. The victim's own words and terminology should be used. Avoid personal opinions regarding any comments made by victims or witnesses
  2. Include in all IBR reports of domestic violence
    - a. Facts and circumstances of domestic violence including a description of why one disputant was deemed the predominant physical aggressor
    - b. The victim's statements as to the frequency and severity of prior incidents of abuse by the same family or household member
    - c. The victim's statements as to the number of prior calls for police assistance
    - d. The disposition of the investigation
    - e. The suspect's admission(s)
    - f. If possible, some kind of evidence that corroborates the victim's or suspect's statements
  3. In any case involving domestic violence, stalking, serious bodily injury or related crimes, thoroughly document the elements of probable cause to arrest
- B. If the abusive person is not arrested, the deputy must:
1. Complete an IBR report
  2. Inform the victim that he/she can proceed with criminal proceedings at a later time. Provide information on how to file a criminal charge, including time, location, and case number and offer to help in filing charges
  3. Offer to call LAWS/Loudoun Citizens for Social Justice at 703-777-6552. Document this offer in the IBR report
  4. Offer the use of a "Call to Protect" cell phone. The deputy shall record this in the IBR report, even if the victim refuses this service
  5. Advise the victim of the importance of preserving evidence
  6. Explain to the victim about the procedures regarding protective orders and how to obtain them

7. If the victim wants to leave the premises to ensure safety, the deputy must remain at the scene while the victim packs essentials and assist the victim in obtaining transportation or providing local transportation to a safe location. Advise the victim to take only necessary personal items and important papers. If the victim requires out-of-county transportation, the deputy should consult with the shift supervisor.
  8. Provide the victim with related brochures, pamphlets or cards detailing county resources such as emergency shelters, legal services, community services in the area and the Sheriff's Office emergency number. Provide a Victim Witness Program card that lists the victim's rights and a "You Are Not Alone" brochure that details county resources and descriptions of domestic violence protection orders, in both English and Spanish. Document these services in the IBR
  9. Assure the victim that the Loudoun County Sheriff's Office will assist in future emergencies and explain measures for enhancing his/her own safety
  10. Refer victims to the Domestic Violence Coordinator when they have additional questions or concerns
- C. Where no probable cause existed upon which to base charges of domestic violence, stalking or serious bodily injury, or circumstances dictated another course of action, the incident must still be documented. In such cases, in addition to the above considerations, deputies shall note
1. What referral information was given
  2. The name of any counselor contacted
  3. Why an arrest was not made nor any warrant issued
- D. Regardless of whether an arrest is made, the deputy shall provide appropriate information to the victim, both verbally and in writing, regarding legal and community resources available, including the name, address and telephone number of the office of the Commonwealth's Attorney and the investigating law enforcement agency
- E. If children are involved in the incident and are abused or neglected or neither parent can reasonably look after the child's/children's safety and well-being, deputies shall contact the on-call Child Protective Services (CPS) worker. The deputy shall notify his/her supervisor and the supervisor shall determine if CID should be contacted. The deputy shall document the fact in the IBR report that he/she contacted CPS

## VI. EVIDENCE

A. Gathering evidence

1. Physical evidence takes three forms in domestic violence cases
  - a. The victim's injuries
  - b. Evidentiary articles that substantiate an attack
  - c. The crime scene
2. Take initial photographs of injuries. Keep in mind that injuries, especially bruising, will be more pronounced days after an assault. In these circumstances, a follow-up investigation shall be conducted to photograph injuries that have become visible with the passage of time. This follow-up investigation shall be documented in a supplement report
3. Photograph the crime scene to illustrate that a struggle occurred. If photography is not possible, write a description or draw a sketch
4. All digital imaging shall be in accordance with current policies and procedures
5. Collect evidence according to the same principles as are applied to any crime scene.
  - a. Seize any weapons that the predominant physical aggressor used or threatened to use in the commission of any crime
  - b. If the suspect is under a domestic violence, stalking or serious bodily injury protective order and appears to have purchased or transported a firearm, the weapon may be confiscated as evidence
  - c. If it appears that a firearm has not been transported but is present in the home, there is no legal authority to confiscate firearm(s) without the consent of the firearm's owner. If the couple in conflict are legally married, either party can voluntarily surrender weapon(s) to the Sheriff's Office for safekeeping provided the firearm is marital property. If both parties are present and disagree on the removal of the weapon(s), the Commonwealth Attorney's Office should be consulted. The presence of weapon(s) should be noted in the offense report
7. At the conclusion of all legal proceedings, evidentiary property should be returned or made available to the victim, or if applicable or appropriate, suspect

B. INOVA Forensic Assessment Consultation Team (FACT)

1. Deputies should consider an immediate assessment of the victim by a forensic nurse examiner (FNE) depending on the seriousness and extent of the injuries to the victim

- a. The FNE will only respond to any INOVA hospital (Cornwall, Lansdowne and Fairfax). For safety purposes, they will not respond to the scene where any incident occurred
- b. Deputies requiring a FNE for an incident shall contact their supervisor first for approval. The FNE is available for callout 24 hours a day. Once approved, the ECC will contact the INOVA switchboard and request the on-call FNE. The FNE will be given a contact phone number for the requesting deputy so that they may speak with the deputy directly
- c. Deputies should consider having an advocate accompaniment from LAWS respond to the hospital where the victim will be examined by the FNE. The advocate will be able to stay with the victim during the examination for emotional support and for referral services to include protective order extensions.

(See memorandum #13-126 regarding further details)

## VII. ARRESTS

- A. §19.2-81, Code of Virginia - This agency promotes a policy of arrest when the elements of an appropriate offense are present. Deputies may make an arrest without a warrant if they have probable cause to believe that a felony has been committed in or out of their presence. The Code specifies the misdemeanors for which deputies can arrest for offenses not committed in their presence. The suspect cannot be released on a summons for a misdemeanor assault and battery offense and must be taken before a magistrate. This agency discourages dual arrests in cases where the predominant physical aggressor cannot be determined.
- B. In determining probable cause, the deputy shall not consider:
  1. The parties' race, sex, ethnicity or social class
  2. Whether the complainant has not sought or obtained a protective order
  3. The deputy's own preference to reconcile the parties despite the complainant's insistence that an arrest be made
  4. That the complainant has called for law enforcement protection previously and has not pursued or has withdrawn the criminal complaint against the abuser
  5. That the complainant has or has not begun divorce proceedings
  6. Assurances from either disputant that violence will stop
  7. The lack of visible bruises or injuries

8. Denial by either disputant that violence occurred
- C. Deputies should also be alert to the elements of a stalking/serious bodily injury arrest. Victims should be asked:
1. If the suspect was following them
  2. If the suspect was harassing them
  3. If the suspect was threatening them
  4. If they were fearful of death, sexual assault or bodily injury as a result of the suspect's conduct
- D. The possibility of other offenses shall not be overlooked. Other related offenses include:
1. Marital sexual assault. Patrol supervisors should use discretion and when necessary, contact the Criminal Investigative Division (CID) for guidance/assistance.
  2. §18.2-67.4, Code of Virginia - Sexual assault. Patrol supervisors should use discretion and, when necessary, contact the CID for guidance/assistance.
  3. §16.1-253.2, Code of Virginia – Violation of provisions of protective orders. (family abuse orders)
  4. §§18.2-60.4, Code of Virginia - Violation of protective orders. (General District Court)
  5. §18.2-164, Code of Virginia (Unlawful use of, or injury to, telephone and telegraph lines; copying or obstructing messages) provides as follows:
    - a. If any person commits any of the following acts, he is guilty of a Class 2 misdemeanor:
      1. Maliciously injure, molest, cut down, or destroy any telephone or telegraph line, wire, cable, pole, tower, or the material or property belonging thereto
      2. Maliciously cut, break, tap, or make any connection with any telephone or telegraph line, wire, cable or instrument of any telegraph or telephone company which has legally acquired the right-of-way by purchase, condemnation, or otherwise
      3. Maliciously copy in any unauthorized manner any message, either social, business, or otherwise, passing over any telephone

or telegraph line, wire, cable, or wireless telephone transmission in the Commonwealth

4. Willfully or maliciously prevent, obstruct, or delay by any means or contrivance whatsoever the sending, conveyance, or delivery in the Commonwealth of any authorized communication by or through any telephone or telegraph line, wire, cable, or wireless transmission device under the control of any telephone or telegraph company doing business in the Commonwealth
  5. Maliciously aid, agree with, employ, or conspire with any unauthorized person or persons unlawfully to do or cause to be done any of the acts hereinbefore mentioned
- b. If any person, with the intent to prevent another person from summoning law-enforcement, fire, or rescue services:
1. Commits any act set forth in subsection A
  2. Maliciously prevents or interferes with telephone or telegraph communication by disabling or destroying any device that enables such communication, whether wired or wireless, he is guilty of a Class 1 misdemeanor
- E. Cases involving roommates: These cases are not handled as domestic cases unless the parties involved are having a romantic relationship. Therefore, if no such relationship exists, the crime will be investigated as an assault and battery
- F. Cases involving boyfriends and girlfriends (current or former): These cases are handled as domestic cases if the parties are cohabiting or if within the previous 12 months cohabited. In accordance with §16.2-228, Code of Virginia, these individuals are eligible for mandatory arrest and emergency protective order
- G. Arrest is the most appropriate response when these factors are present:
1. Serious, intense conflict
  2. Use of a weapon
  3. Previous injury or damage
  4. A previous court appearance(s) for the same offense
  5. A previous attempt to sever the relationship
  6. A previous call or calls for law enforcement help



7. A felony has occurred
  8. Evidence of drugs or alcohol at the site of the assault
  9. Offenses committed in the presence of the deputy
  10. Valid warrants are on file for the suspect involving other crimes
  11. A protective order has been violated
  12. Suspect engages in aggressive behavior or threatening behavior toward anyone or anything
- H. Making the arrest
1. If the suspect is present at the scene, affect the arrest, inform the suspect that the decision to arrest is a law enforcement one, and transport the individual to the jail/magistrate
    - a. If the suspect is a juvenile, the Juvenile Court Services Unit must be contacted
    - b. In accordance with §18.2-57.2, Code of Virginia, if the defendant is a minor, an emergency protective order is not required
    - c. If the suspect is a juvenile and the arrest is made after 1700 hours during the week or anytime on a weekend or holiday, the deputy shall contact an intake officer through ECC
  2. If the suspect is absent or has been arrested, transport (or arrange transportation for) the victim to a safe shelter or other appropriate place. Have the ECC broadcast a lookout for the suspect and arrange for an arrest warrant
- I. Deputies who develop probable cause that a person was the predominant physical aggressor shall arrest and take that person into custody. If the “no contact,” “no trespass,” or “no further abuse” provision of a protective order is violated, then that is a separate Class 1 misdemeanor offense
1. Knowing that the safety of the complainant or victim probably will be compromised by an arrest and recognizing that circumstances may preclude physical arrest, the deputy must use his/ her discretion to determine whether to arrest. Deputies shall not instruct victims to obtain a warrant(s) for an applicable offense(s), but rather the deputy shall obtain the warrant(s) if circumstances so require
    - a. If an arrest is made, the victim should be advised that the case might be prosecuted even if the victim later declines to testify

- b. If deputies cannot identify a predominant physical aggressor and do not make an arrest, they shall thoroughly document the incident and give reason why an arrest was not made. Further, deputies shall not threaten to arrest all parties involved for the purpose of discouraging future requests for law enforcement intervention
  - c. If an arrest is made, the victim should be photographed so that his/her photograph may be used for identification purposes in court if the victim is reluctant to testify or does not appear in court
  - d. During the investigation of the incident, the deputy shall ask the suspect to verbally identify the victim by full name and to state their relationship, which must fit within the definition of "family/household member". If the suspect is in custody, the deputy must read the Miranda Warning prior to obtaining statements. The IBR report should include any statements made by the suspect. These statements are important in evidence-based prosecution cases when the victim is not present in court to testify as to the relationship
    1. If the suspect has not been taken into custody at the time an arrest warrant is issued, the assigned deputy shall attempt to locate the suspect for warrant service.
    2. If the suspect cannot be located, the warrant shall be entered into NCIC/VCIN through ECC or the Records Section in accordance with normal procedures.
    3. Once the suspect has been located, the deputy who serves the warrant shall complete a supplemental IBR report.
- J. Determining whether children are present
1. On-scene of domestic assault incidents, deputies shall "check on the welfare" of the occupants in the home, to include children. Deputies shall speak to children present in the home/on-scene and obtain and document the following information;
    - a. Document their name
    - b. Date of birth
    - c. Relationship to the parties involved
    - d. Their location during the occurrence of the incident
    - c. Their statement (age appropriate consideration) of what they heard / what they observed. If children make "excited utterances" about the incident, deputies should document them, in quotes

- d. Their demeanor
  - e. Whether the children have been physically harmed
2. Deputies shall notify CPS if a child witnessed or was a victim of domestic assault and document this in the IBR
  3. If parties involved will not allow or give permission to talk to the children, deputies shall document this in their IBR and shall obtain at least the children's names and date of birth
- K. When deciding whether to look for children, deputies should consider:
1. Whether there is reason to believe that the children are injured, in danger or at risk of substantial harm
  2. The severity of the violence
  3. Willingness of the parties/parent's involved in allowing this
- L. Talking with children about the incident
1. When talking to the children about the incident deputies should consider:
    - a. Safety factors
      1. Whether there are enough deputies present at the scene to do so safely
      2. The potential harm to the children resulting from an interview process
    - b. Comfort of child, parent and deputy
      1. Age and developmental level of children
      2. Emotional state of children
      3. The non-offending parent/guardian's preferences as to whether and how to talk with the children
- M. How to talk to children about the incident
1. Interview outside the presence of the parent/guardian and other parties, or in a manner that minimizes the influence of the parent/guardian over conversations between the deputy and children
  2. If the parent/guardian wishes to be present, effort should be made to interview children in the presence of the non-offending parent
  3. Get down on the child's level

4. When appropriate to do so, build a rapport by talking about something age appropriate first, before asking them open ended questions
  5. Assure the child they are not in trouble and that they are not responsible for the violence or the arrest
  6. Do not ask leading questions
  7. When asking the children about anything seen or heard, follow-up after their answer with "can you tell me more about that?"
- N. Other considerations when interviewing parties
1. When possible, avoid interviewing parties in the presence of the children, so that:
    - a. Parents/parties involved do not withhold information that they fear will be detrimental to children
    - b. Children will not hear potentially traumatizing information
    - c. Children who may be witnesses will not be influenced by other parties' accounts
    - e. Best practice discourages the use of children as interpreters

## VIII. EMERGENCY PROTECTIVE ORDERS

- A. Emergency protective orders (Family Abuse)
1. §16.1-253.4, Code of Virginia provides that an Emergency Protective Order (EPO) aims to protect the health and safety of any person. Regardless of a decision to arrest, if a deputy has at least a reasonable belief that a family abuse/assault has occurred and there exists probable danger of further abuse/assault, the deputy shall petition a judge or magistrate to issue an EPO. A deputy can petition for an EPO by telephone or in person.
    - a. If circumstances make it impossible or inappropriate for a deputy to obtain an EPO, the deputy shall advise the victim that he/she may request an EPO directly from a magistrate or the Juvenile and Domestic Relations District Court.
    - b. The victim does not need to press charges or swear out a warrant. The presence of the victim or suspect is immaterial to obtaining an EPO

The EPO expires at 11:59 p.m. on the third day following issuance. If the expiration occurs on a day that the court is not in session, the EPO shall be extended until 11:59 p.m. on the next day that Juvenile and Domestic Relations District court is in session. Law enforcement may request an extension of an EPO if the person in need of the protection is mentally or physically incapable of making the request. The victim may petition for a preliminary protection order (valid for 15 days) before the expiration of the EPO

3. The deputy shall complete form DC-626 and serve a copy on the respondent and victim as soon as possible. The order cannot be enforced until the respondent has been served
  - a. If the suspect is not present or fled the scene of the domestic violence incident, deputies shall have the protective order entered into VCIN. Upon receipt, the Records Section clerk or ECC shall enter the relevant information into VCIN and update the entry upon service of the order
  - b. If the suspect is not present, deputies shall try to serve the protective order as soon as possible
4. In accordance with 16.1-253.4 (D) and (E), if the issuance of an EPO is approved orally or electronically by legal authority, the deputy shall use a preprinted form provided by the Supreme Court of Virginia and include a statement of the grounds for the order asserted by the deputy or the allegedly abused person. The deputy shall ensure that the order is verified personally, by obtaining a signature of the authorizing magistrate or legal authority on the EPO. The order shall then be forwarded to the Records Section or ECC prior to the conclusion of the deputy's tour of duty
  - a. If the EPO is granted, the deputy shall provide a copy to the victim. The deputy shall also provide a petition for the preliminary protection order, which is issued by the magistrate. The deputy should also provide the victim with the results of the defendant's bond hearing and of any special bond conditions (e.g. no contact with victim)
  - b. If the EPO is not granted, the deputy shall contact the victim and advise him/her of this. The deputy shall also provide to the victim the results of the defendant's bond hearing and of any special bond conditions (e.g. no contact with victim)

**B. Preliminary protective order (Family Abuse)**

1. Section §16.1-253.1, Code of Virginia provides that an abused/family household member may petition the Juvenile and Domestic Relations District Court for a Preliminary Protective Order (PPO). After an ex parte hearing and based on an immediate and present danger of family abuse or evidence

sufficient to establish probable cause that family abuse has recently occurred, the court may issue a PPO. At the hearing where the PPO is issued, a hearing date for a permanent protective order will be set. The PPO is valid for 15 days.

- a. A victim does not have to have an EPO in order to obtain a PPO
  - b. The victim must petition the Juvenile and Domestic Relations District Court for a PPO
2. Upon receipt, the Records Section clerk (during business hours) or ECC (after hours/weekend/holiday) shall enter the order into VCIN and update upon service of the order. The deputy must serve the PPO on the respondent as soon as possible and leave a copy with the victim.
- E. Permanent protective order (PPO) (domestic violence & stalking/serious bodily injury)
1. §§16.1-279.1, Code of Virginia provide that permanent protective orders observe the same general restrictions and prohibitions of a preliminary protective order. In some circumstances, additional restrictions and prohibitions may be placed on a PPO to include requiring an abuser to pay for the victim and the children to live elsewhere and for the abuser to receive treatment or counseling
    - a. The victim and the respondent must attend a protective order hearing at the Juvenile and Domestic Relations District Court. The abuser must have notice and an opportunity to attend the hearing
    - b. The order may be issued for a specific period of time up to a maximum of two years
- D. Protective Orders issued out of General District Relations Court
1. If the parties involved are not included in the "Family or Household Member" definition as defined §16.1-228, a victim or law enforcement asserts that there has been an act of violence, force, or threat and on that assertion, the magistrate finds that there is probable danger or a further such act being committed by the offender against the alleged victim. A petition or warrant for the arrest of the offender has been issued for any criminal offense resulting from the commission of an act of violence, force, or threat.
  2. The deputy shall complete form DC- 382 (Emergency Protective Order-Stalking/Serious Bodily Injury/Sexual Battery) per §19.2-152.8 code of

Virginia. Request for an EPO may be made orally, in person or by electronic means, by law enforcement. A warrant is not required for EPO to be issued.

3. The provisions of Section III, A, #2 through #4 apply to this type of EPO, as well as the EPO-Family Abuse.
  4. §19.2-152.9, Code of Virginia defines Preliminary Protective Orders. To file a petition for this order, the petitioner is or has been, within a reasonable period of time, subjected to an act of violence, force or threat or a petition or warrant has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force or threat. The conditions that can be requested, are equal to the conditions that can be requested on a preliminary protective order-family abuse.
  5. §19.2-152.10 code of Virginia defines Protective Orders. An Order under this section may include any one or more of the following conditions to be imposed on the respondent; prohibiting acts of violence, force or threat or criminal offenses that may result in injury to person or property. Prohibiting contact by the respondent with the petitioner or family members. Any other relief necessary to prevent acts of violence, force or threat, and criminal offenses that may result in injury to person or property, or communication or other contact an any kind by the respondent.
    - a. The provisions of Section “C”, A and B, apply to this type of PO as well.
- F. Violation of the provisions of a protective order. §19.2-81.3 provides that any law enforcement officer may arrest without a warrant for an alleged violation of §18.5-57.2, §18.2-60.4 (GDC orders), or §16.1-253.2 (Family Abuse orders), regardless of whether such violation was committed in his presence, if such arrest is based on reasonable cause or upon personal observations or the alleged offense or upon personal investigation. A law enforcement officer having probable cause to believe that a violation of §18.2-57.2 or §16.1-253.2 has occurred shall arrest and take into custody the person he/she has probable cause to believe has violated the order based on the totality of the circumstances.
1. Deputies shall review the petitioner's copy of the order and check it for validity. If the protective orders exist and its terms (“no contact, “no trespass,” or “no further abuse”) have been violated, then the deputy shall arrest the violator if probable cause exists. Violation of any other type of conditions, the petitioner should be directed to the court that issued the order, for the petitioner to seek a contempt of court charge.
- G. Full faith and credit

§16.1-279.1 E, Code of Virginia requires that deputies shall enforce all protective orders from other states or possessions of the United States as if they were issued in Virginia. This applies to all orders in which the respondent received notice and an opportunity to attend a protective order hearing.

1. Enforcement of out-of-state protective orders does not require that the order be registered in Virginia
2. Deputies shall have dispatch verify through NCIC
3. The court may be contacted during normal business hours, if necessary, in order to verify the validity of a protective order
4. The deputy may rely upon a copy of an out-of-state protective order or other suitable evidence provided to the deputy by any source and he/she may also rely upon the statement of any person protected by the order that the order remains in effect
5. Deputies cannot arrest for violation of the order if the violator has not been served with it

X. PROGRAM MANAGEMENT

A. The duties of the Domestic Violence Sergeant (DV Sgt.) include the following:

1. Attend both the Loudoun Domestic Violence Steering Committee and Domestic Abuse Response Team (D.A.R.T.) meetings
2. Act as the Sheriff's Office point of contact and resource reference for inquiries involving domestic violence
3. Provide training to agency staff and community groups as appropriate
4. Establish and maintain a domestic violence database
5. Submit domestic violence statistics to the D.A.R.T. coordinator as prescribed by the grant
6. Provide liaison between the Sheriff's Office and other county agencies on matters of domestic violence
7. Review all non-violent domestic and domestic assault reports to ensure that necessary information has been included in the reports and that procedures outlined within these General Orders were performed and properly documented. Review all stalking offense reports to ascertain if the stalking victim is related to any active domestic assault investigation. Review all



violation of protective order offense reports. Review all warrant services and petition service reports to update the status of active domestic violence cases

8. Conduct follow-up investigations with the victims on domestic assault arrest cases in which the deputy obtained a warrant for domestic assault and the parties involved are "intimate partners." Conduct follow-up investigations with the victim/petitioners on violation of protective orders, where the deputy obtained a warrant for violation of a domestic assault order and the relationship is either "intimate or non-intimate." When possible, follow-up investigations shall be conducted within 72 hours of the reported incident. The DV Sergeant may conduct follow-up investigations on any other domestic related cases at his/her discretion
  9. Complete a supplemental offense report and forward it to the Records Section. The report shall include additional investigative action, development of leads, discovery of additional evidence and any new information supplied by witnesses and/or the victim. The investigation shall continue until all leads are exhausted and all evidence is gathered
  10. Monitor the "Call to Protect" program
  11. Meet with the Domestic Violence Coordinators to maintain information sharing. These meetings will be on a regular basis, as needed to discuss new information and for training purposes
  12. Train all incoming Domestic Violence Coordinators
- B. The duties of the Domestic Violence Coordinator (DVC) include the following:
1. Maintain communication and information sharing between the patrol squad and the Domestic Violence Sergeant
  2. Attend scheduled meetings with the DV Sgt and disseminate information to his/her assigned squad
  3. Consult with the DV Sgt before providing domestic violence training to assigned squad personnel, to ensure that training will not conflict with sheriff office policy and procedures;
  4. Oversee and assist the primary deputy in investigating all domestic violence incidents and assist in the follow-up investigations on "non-intimate" partner relationship arrest cases
  5. Attend the Loudoun Domestic Violence Steering Committee meeting in the absence of the DV Sgt

6. Following supervisory approval, may assist the primary deputy with photography during the initial incident or follow-up investigation
7. Maintain issued digital cameras and accessories

## XII. ARRESTS OF LAW ENFORCEMENT PERSONNEL

- A. If the predominant physical aggressor or abuser is an employee of the Loudoun County Sheriff's Office, the responding deputy shall request the response of his/her supervisor, who in turn shall notify his/her chain of command
- B. The on scene supervisor shall notify the Sheriff, Bureau Commander or his/her designee in accordance with General Order 300, Internal Investigations.
- D. Recently enacted Federal Law (18 U.S.C. § 922(g)) states that any person (including a law enforcement officer) convicted under any state or federal law for a misdemeanor involving the use or attempted use of physical force, or the threatened use of a deadly weapon when committed by a current or former spouse, parent or guardian of the victim, a person sharing a child in common, or by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, past or present, is prohibited from shipping, transporting, possessing, or receiving firearms or ammunition. Law enforcement officers convicted of offenses involving weapons or threats of force may therefore be unable to maintain their certification
  1. Any deputy who is the subject of a protective order shall not carry firearms. Deputies who are the subject of a protective order shall turn in all agency-issued weapons
- E. The Sheriff, Bureau Commander or their designee will be notified of any court order or injunction that is awaiting service or has been served on any employee of this agency. The Sheriff, Bureau Commander or their designee shall ensure that any such legal papers are served in a private setting
- F. Deputies are reminded that they are required to make notification to the Sheriff of any civil or criminal action pending against them.