



WRITTEN DIRECTIVE Subject: DOMESTIC VIOLENCE	No. PD25-2019	Page: 1 of 8
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	Reference:	



I. Purpose

The purpose of this directive is to outline courses of action officers should take in response to domestic violence that will enforce the law while also serving to intervene and prevent future incidents of violence.

II. Policy

It shall be the policy of the Lynchburg Police Department (LPD) to protect victims of domestic violence and provide them with support through a combination of law enforcement and community services.

III. Procedure

A. DEFINITIONS

1. For the purposes of this directive, *domestic violence* situations will involve persons who are family or household members as defined in Code of Virginia Section 18.2-57.2, Paragraph D.
2. *Domestic Violence* occurs where a person commits or attempts to commit the following types of offenses against a family or household member:
 - a. Causing bodily injury or fear of imminent bodily injury;
 - b. Sexual assault;
 - c. Interference with freedom of movement;
 - d. Violation of a court order;
 - e. Stalking (as defined in Code of Virginia Section 18.2-60.3);
 - f. Criminal trespass; and
 - g. Threats.
3. Suspects arrested for assault and battery of family or household members should be charged under Code of Virginia Section 18.2-57.2.

B. Emergency Communications Center (ECC) PROCEDURES

1. Emergency Communications Officers will, whenever possible, dispatch at least two officers to every domestic violence incident.
2. In addition to the information normally gathered, an effort should be made to determine and relay the following to responding officers:
 - a. Whether the offender is present and, if not, the offender's description and possible location;
 - b. Whether weapons are involved;
 - c. Whether the offender is under the influence of drugs or alcohol;
 - d. Whether there are children present;
 - e. Whether the victim has a current protective or restraining order; and
 - f. Complaint history at that location.
3. Emergency Communications Officers will not cancel police response to a domestic violence complaint based solely on a follow-up call from the complainant; however, the Emergency Communications Officer will advise the officers of the complainant's request.

C. RESPONDING OFFICER PROCEDURES

1. When responding to a domestic violence call for service, officers will:
 - a. Restore order by gaining control of the situation;
 - b. Take control of weapons used or threatened to be used in the incident;
 - c. Assess the need for medical attention and call for medical assistance if needed;
 - d. Interview involved parties;
 - e. After each party has been interviewed, confer to determine if probable cause exists to effect an arrest;
 - f. Collect and record evidence and, when appropriate, take photographs of injuries and property damage;
 - g. Complete an incident report, a *Domestic Violence Report*, and any other appropriate reports necessary to properly document the officer's response (see PD-0902 *Criminal and Special Purpose Investigations*,);

- h. If requested, refer the victim to the Records Unit for a copy of the report which will be provided at no cost; and
 - i. Give the victim a completed *Victim/Witness Information Form* (see PD-1504 *Victim/Witness Assistance*); and
 - j. Obtain current and accurate contact information for the victim to facilitate future contact by the Victim/Witness program.
- 2. If the offender has left the scene and a crime has been committed, officers will:
 - a. Conduct a search of the immediate area; and
 - b. Obtain information from victims and witnesses as to where the offender might be.

D. ARREST

- 1. An officer having probable cause to believe that a violation of the Code of Virginia Sections 18.2-57.2 or 16.1-253.2 has occurred shall arrest and take into custody the predominant physical aggressor unless there are special circumstances which would dictate a course of action other than arrest. (see PD-0501 *Alternatives to Arrest*)
- 2. Factors to consider when determining the predominant physical aggressor include:
 - a. The intent of the law to protect the health and safety of family or household members;
 - b. Prior complaints of family abuse by the allegedly abusing person;
 - c. The relative severity of the injuries inflicted on persons involved in the incident and whether any injuries were inflicted in self defense;
 - d. The relative size, bulk, and strength of the parties involved;
 - e. Evidence from persons involved in or witnesses to the incident;
 - f. Current or previous protection orders filed against either party; and
 - g. History of domestic related calls for service to the home.
- 3. Officers should not make mutual assault arrests (arrest both participants) if unable to determine the predominant aggressor *unless* the officer has probable cause to believe:
 - a. That separate incidents of violence constituting separate offenses (not an offense and a response) has occurred; and
 - b. Such arrests are in the best interest of other parties such as children or other family members.

4. If an arrest is made, the officer will:
 - a. Emphasize to the victim and the offender that the criminal action is being initiated by the Commonwealth and not the victim; and
 - b. Petition for an Emergency Protective Order as authorized in Code of Virginia Section 16.1-253.4 when the person arrested and taken into custody is brought before the magistrate.
5. If an arrest is not made, the officer will:
 - a. Petition for an Emergency Protective Order as authorized in Code of Virginia Section 16.1-253.4 if a danger of family abuse still exists; and
 - b. Include in the incident report a statement providing the special circumstances that dictate a course of action other than arrest.

E. VICTIM ASSISTANCE

1. Officers will provide the following assistance to victims, offenders, and when appropriate, children:
 - a. Advise all parties about the criminal nature of domestic violence, its potential for escalation, and that help is available (references: referral card(s), *Victim/Witness Information Form*, and LPD website);
 - b. Secure medical treatment for victims;
 - c. Ensure the safety of children;
 - d. Remain on the scene until the officer is satisfied there is no threat to any victim;
 - e. Remain on the scene to preserve the peace as one person removes limited and necessary personal property;
 - f. Provide the victim with referral information for legal or social assistance and support (references: referral card(s), *Victim/Witness Information Form*, and LPD website); and
 - g. Upon request, transport or arrange for the transportation of an abused person to a hospital, safe shelter, or magistrate.

F. POSSESSION OF A WEAPON BY A PERSON WHO IS SUBJECT TO A PROTECTIVE ORDER OR CONVICTED OF DOMESTIC VIOLENCE

1. *Code of Virginia 18.2-308.1:4* prohibits a person who is subject to a protective order from purchasing or transporting any firearm while the order is in effect.
2. The Federal Gun Control Act of 1968, as amended, prohibits persons convicted of misdemeanor crimes involving domestic violence from owning or possessing a firearm.
3. For the purpose of the Act, misdemeanor crimes of domestic violence mean a misdemeanor involving the use or attempted use of physical force, or the threatened use of a deadly weapon, and was committed by a:
 - a. Current or former spouse, parent, or guardian by a person with whom the victim shares a child in common;
 - b. Person who is cohabiting or has cohabited with the victim as a spouse, parent, or guardian; or
 - c. Person similarly situated to a spouse, parent, or guardian of the victim.
4. Responsibilities of the LPD include:
 - a. Notifying the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) of any violation of the gun control laws that comes to the department's attention;
 - b. Background investigation of police officer candidates to verify that the candidate has not been convicted of a domestic violence misdemeanor;
 - c. Background investigation for concealed weapons permits to verify that the applicant has not been convicted of a domestic violence misdemeanor; and
 - d. Prior to the release of any firearm from department custody, verification that the person to whom the weapon is to be released has not been convicted of a domestic violence misdemeanor.

G. Danger Assessment for Law Enforcement (DA-LE)

1. The DA-LE shall be administered only when the call for service involves intimate partners. Intimate partners are defined as couples (regardless of sexual orientation) who are married, separated, or divorced; live or have lived together; have children in common; and/or are cohabitating. Factors to consider include but are not limited to:
 - a. The potential for injury or death is high;
 - b. An assault has occurred resulting in injury;
 - c. Names of parties or locations are repeat names or locations;
 - d. Threats have been made to the victim and/or their children;

- e. Victim displays noticeable fear;
 - f. The call is to a household where a protective order that is still in effect has been violated, and
 - g. The officer believes the DA-LE should be conducted based on experience, training, and instinct.
2. Officers initiate the DA-LE Assessment when an intimate relationship is involved and there is an injury or violence that has occurred, the threat of injury or violence, or the likelihood of injury or violence to one or more of the parties involved. The officer should make this determination while evaluating the totality of the circumstances.
3. DA-LE Screening Questions
- a. Advise the victim they will be asked a series of questions to help the officer determine the immediate potential for danger to the victim.
 - b. Ask the questions in the order they are listed on the *Danger Assessment for Law Enforcement* form.
 - c. Higher scores on the DA-LE correspond with greater risk. A case is considered high-risk when seven or more questions on the DA-LE are answered affirmatively.
4. The DA-LE shall be administered regardless of the accompanying criminal charges brought, including instances where no accompanying criminal charges are brought. Officers shall administer the DA-LE when the call for service involves violence, threats of violence, violations of a restraining order, and/or actions or statements between intimate partners where one party causes the other party to fear for their safety.
- a. The DA-LE shall not be administered when the call for service is between individuals who are not intimate partners such as child and parent/guardian, or roommates, etc.
5. The outcome of the DA-LE is not a replacement for professional judgment. Officers must use their professional judgment and consider the totality of the circumstances, including but not limited to the severity of the assault, previous DV calls between the parties, and/or the level of fear of harm expressed by the victim.
6. When officers believe a victim is at elevated risk of a lethal or near-lethal assault, even when the DA-LE indicates a low score or the victim has declined to complete the DA-LE, officers can override the outcome of the DA-LE by checking the further review box and documenting their justification on the DA-LE form.
7. Officers shall complete the High-Risk Intervention Protocol, below when a victim scores high-risk on the DA-LE or the officer overrides the score;

8. The officer informs the victim that their situation is dangerous.
 - a. The officer tells the victim that help is available and identifies the agencies that provide domestic violence services in the Lynchburg area. The officer informs the victim that law enforcement, prosecutors, and domestic violence services work together in a coordinated fashion to serve them.
 - b. Advise the victim that the officer will contact the on-call YWCA staff number that is listed on the Danger Assessment for Law Enforcement (DA-LE) form and would like to have the victim speak with a staff member;
 1. The officer speaks with the on-call YWCA staff.
 - a. Information on the incident, involved parties, and the DA-LE risk factors/score is provided.
 - b. Facilitate the connection with YWCA staff.
 2. If the officer calls the on-call YWCA number and there is no answer, the officer will:
 - a. Leave a brief message explaining the situation and leave a callback number; and
 - b. Assist with attempting to locate temporary shelter, if requested.
 3. If the victim initially declines to speak with the on-call YWCA staff member, the officer will:
 - a. Contact the on-call YWCA staff member and discuss the current situation; and
 - b. After the officer concludes the conversation with the on-call YWCA staff member, the officer will ask the victim if they have reconsidered and would now like to speak with them;
9. When the DA-LE is completed and there is not an elevated score or risk the officer will:
 - a. Advise the victim that domestic violence is dangerous and encourage them to call back as needed; and
 - b. Inform the victim to watch for the signs listed in the assessment because they may convey to the victim that they are at an increased level of danger.
10. Provide domestic violence referral information to the victim and encourage the victim, male or female, to contact the appropriate shelter.
11. Officers are required to complete the DA-LE form by the end of each shift and place it in the designated mail routing tray.

12. The DA-LE Assessment Form is considered a supplemental report to the MFR and will be appropriately distributed daily by the designated Field Operations Staff Lieutenant.

Original Signed

Ryan M. Zuidema
Chief of Police

March 17, 2025

Date