

MERIDIAN TOWNSHIP POLICE DEPARTMENT GENERAL ORDER

Subject: RESPONSE TO DOMESTIC VIOLENCE	General Order: 820
Effective Date: December 1, 1999 Revision Date: March 29, 2016	Distribution: Sworn Personnel

I. PURPOSE

This general order establishes the Department's commitment to and the officer's responsibility in responding to domestic violence incidents.

II. POLICY

Domestic violence is criminal conduct. The Meridian Township Police Department will respond promptly to all reported domestic violence incidents in order to prevent injury or loss of life, to restore order and to ensure that persons needing social assistance are properly informed of the resources available and how to access those resources.

Where probable cause exists to establish that an assaultive crime involving a domestic relationship, as defined by Michigan Law, the preferred enforcement action will be an immediate physical arrest of the primary aggressor. However, assaultive, threatening or other criminal behavior in the presence of the officer shall not be permitted, regardless of the person involved. Enforcement of Personal Protection Orders, foreign protection orders, bond and probation/parole conditions shall also be carried out in accord with legal mandates.

In furtherance of this policy, the goals of this agency's domestic violence response policy are to:

1. Establish arrest as the preferred response to domestic violence
2. Hold assailants accountable
3. Protect victims
4. Reduce domestic homicides
5. Reduce domestic assaults
6. Reduce police callbacks
7. Reduce injuries to officers
8. Reduce liability risks for the department

III. PROCEDURES

RESPONSE AND INVESTIGATION

A. Dispatch Policy

The officer or dispatcher who receives the initial domestic violence call can provide the responding officers with vital information that could save the lives of the officers and persons at the scene.

1. A domestic violence call shall be given the same priority as any other life threatening call. Two officers will be dispatched whenever possible. In cases where two officers are not immediately available, responses will include a mutual aid request.
2. The call shall not be canceled at the request of the caller or any other party. Responding officers shall continue to the scene to verify that assistance is not needed.
3. Recommended Dispatch Procedures
 - a. Domestic violence calls should not be referred to other dispatch numbers or personnel since a victim may be unable to wait or return a call for help due to the possibility of detection by the assailant.
 - b. The call taker should attempt to obtain as much of the following information from the caller as possible:
 - Address/location of the domestic violence scene
 - Call back number
 - Caller's name - is caller the victim?
 - Nature of the current incident
 - Is this incident in progress?
 - Are there injuries? Is an ambulance needed?
 - Are there weapons involved? What kind?
 - Is the suspect present?
 - What is the suspect's name?
 - Are there children present?
 - Are there weapons in the house? What kinds? Where?
 - Is there a history of domestic violence at this location?
 - c. The call taker should keep the caller on the phone as long as possible, reassuring the caller that help is in route and updating responding officers as additional information is received. If contact with the caller is broken, an attempt to reestablish contact shall be made. The call taker should advise responding officers if contact is lost.
 - d. If the call taker is not the 911 emergency center, information obtained shall be immediately conveyed to the 911 system for dispatch.
 - e. Medical assistance should be dispatched as soon as it is determined to be needed.

- f. The call taker should access agency records to determine prior history and the existence of personal protection orders to assist officers in their response whenever possible.

B. Officer Response

Responding officers shall approach the scene as a criminal investigation. Officers should use appropriate precautionary procedures when approaching and entering the scene.

Recommended Procedures

1. Upon arrival, officers shall establish contact with all parties involved, separating the parties while remaining in sight of each other. Officers shall identify and secure weapons and objects that can be used as weapons.
2. Officers should determine the need for medical attention (if not already dispatched).
3. Officers should attempt to create a calm, safe environment in which to conduct the criminal investigation.
4. Officers should attempt to provide for the safety and care of children when necessary (e.g., by other family members, contact with Family Independence Agency, etc.).

C. On-scene Investigation

Officers shall always conduct a thorough criminal investigation. This investigation shall include interviewing all witnesses and collecting evidence of all possible crimes committed.

Recommended Procedures

1. Officers should interview the victim, suspect and other witnesses, including children, separately and as fully as circumstances allow. Officers should be aware that the presence of the assailant may intimidate the victim, children and other witnesses.
2. In order to respond effectively to the present incident, the officer will need to know historical information. The officer should avoid displaying an attitude of disinterest or blame. The officer should ask the victim questions such as the following, using supportive interview techniques:

When was the first time this happened? How often has it happened?
What was the worst incident? When did it occur?
What weapons were used?
Has the suspect ever been arrested for assaulting you or another family member?
When was the last time you were treated by a doctor or hospitalized for injuries inflicted by the suspect?
Has the suspect been following, calling, threatening (stalking) you?

3. Officers should identify and collect all possible evidence, including:

Documentation of excited utterances made by those present;
Statements from the parties and other witnesses;
Documentation of injuries - both visible and complained of;
Description of the victim's general appearance;
Description of the scene;
Photographs of any injuries and of the scene;
Photographs of victim and children at the scene whenever possible; and
Weapons and objects used as weapons.

4. Officers should assess the lethality of the situation by considering indicators of a life threatening attack such as the assailant has:

Threatened to kill;
Threatened to take the victim hostage;
Threatened the children;
Threatened to use or has used a weapon;
Killed or mutilated a pet;
Knowledge that the victim is leaving or filing for divorce;
Access to weapons;
A history of weapons use;
A history of domestic violence;
A history of assaultive behavior;
Engaged in stalking behavior;
Access to the victim and/or the victim's family;
Threatened suicide; or
An alcohol or drug addiction.

When an arrest is made, documentation of lethality factors can provide critical information later when bond is set by a magistrate or as the basis for holding the assailant longer based on a determination that it is unsafe to release the assailant.

If the assailant has access to firearms, officers should request that the court require, as a condition of the assailant's release, the removal of all firearms from the home in accordance with agency policy. (See section F of this policy).

5. Officers should determine what crimes they have probable cause to believe were committed and who committed them, to include violation of Personal Protection Orders (PPO), foreign protection orders (FPO), violation of a Conditional Bond, or a violation of probation or parole conditions.
6. Complaints of child abuse by a parent or guardian

When investigating complaints of child abuse, officers should refer to the Michigan Penal Code, section 750.136b for guidance. It states in part: 'This section shall not be construed to prohibit a parent or guardian, or other person permitted by law or authorized by the parent or guardian, from taking steps to reasonably discipline a child including the use of reasonable force.'

7. Complaints of elder abuse

When investigating complaints of elder abuse, the complaint shall be investigated and treated the same as any other domestic violence complaint. A custodial arrest should be made and all domestic violence response procedures should be followed. If the victim is a "vulnerable adult," a report to the Family Independence Agency may be required. For legal guidance, officers should be directed to MCLA 400.11.

8. Complaints of abuse perpetrated by a minor child

When investigating complaints of abuse by a minor child, the complaint shall be investigated and treated the same as any other domestic violence complaint. A custodial arrest should be made and the usual procedures for lodging a minor will be followed.

D. Post-Scene Investigation and Follow-Up

1. If the assailant has threatened suicide, take the assailant for a psychiatric evaluation, where appropriate.
2. If the assailant has engaged in stalking behavior, the victim should be advised to seek a Personal Protection Order (PPO).
3. Officers should document all conduct that constitutes stalking behavior.

4. Officers should seek a warrant for stalking if the assailant has engaged in two or more acts of unconsented contact.
5. If the assailant has threatened the children, a report to children's protective services may be required.
6. Officers should document the presence of weapons and ask for removal of the weapons from the home as a condition of bond.

PROBABLE CAUSE

- E. Reasonable cause is defined in Michigan law as synonymous with probable cause. The probable cause standard applied to domestic violence crimes is no different than the standard applied to all other crimes. Probable cause means any facts and circumstances that would cause a fair-minded person of average intelligence to believe that the suspect has committed or is committing a crime.

There is no requirement that there be corroborating physical evidence or visible injury to establish probable cause. This means that the word of the victim alone, if believed, is sufficient ground for establishing reasonable cause.

1. Officers should not base a decision not to arrest solely on the absence of visible indications of injury.
2. When determining whether probable cause exists to believe that a crime has been committed, an officer should consider factors such as:
 - Statements made by the victim, assailant, children or other witnesses;
 - Information relayed by the dispatcher;
 - Physical evidence that a crime occurred;
 - Aggressive behavior by the assailant;
 - Information gathered from investigating wounds to determine offensive wounds and defensive wounds;
 - Damaged or broken property in the house;
 - Brandishing a weapon; and
 - Existence of a Personal Protection Order (PPO), or foreign protection order (FPO).
3. When determining whether probable cause exists to believe that a crime has been committed, an officer should not consider any of the following factors:

- The lack of a Personal Protection Order (PPO), or foreign protection order (FPO);
 - The fact that no arrests were made previously;
 - The victim's unwillingness to prosecute;
 - The officer's belief that there will be no prosecution;
 - Verbal assurances by either party that the violence will stop;
 - The possibility of reprisals against the victim;
 - The race, ethnicity, sexual preference, social class and/or occupation of the victim or the assailant;
 - Threats by the assailant to sue the police; or
 - Negative consequences to the assailant's status in the community.
4. Dual arrests should be avoided. Where there are allegations of mutual battering, an officer should conduct a thorough criminal investigation to determine who the assailant is by considering:
- The intent of the law to protect victims of domestic violence;
 - The degree of injury inflicted on the individuals involved;
 - The extent to which the individuals have been put in fear of physical injury to themselves or other members of the household;
 - Any prior history of violence;
 - Offensive and defensive wounds;
 - The size, strength and bulk of the parties;
 - The possibility that one of the parties acted in self-defense;
 - The apparent ability of each party to do what was alleged;
 - Witness statements (including children); and
 - Other evidence (e.g. physical or circumstantial).
5. Officers shall not arrest an individual if the officer has reasonable cause to believe the individual was acting in lawful self defense or in the lawful defense of another individual (MCLA 776.22).

ARREST

- F. Officers responding to the scene of domestic violence should arrest the assailant in all of the following circumstances:
1. A warrant exists;
 2. A felony, misdemeanor, or ordinance violation is committed in the officer's presence (MCLA 764.15 (1)(a)); or
 3. Probable cause exists to believe:
 - a. a felony has been committed;

- b. a misdemeanor assault, assault and battery, or aggravated assault has been or is being committed, or a violation of a substantially corresponding local ordinance occurred or is occurring, and the assailant is the spouse or former spouse of the victim, has had or presently has a dating relationship, has had a child in common with the victim, or is a person who resides or has resided in the same household as the victim;
(Note: a "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context)
 - c. the person is in violation of a personal protection order (PPO), (MLCA 764.15b(1));
 - d. the person is in violation of a foreign protection order (FPO), (MCLA 776.22);
 - e. the person is in violation of a condition of release (MCLA 764.15e); or
 - f. the person is in violation of a condition of probation or parole (MCLA 764.15(1)(g)).
4. Warrantless arrest for violation of a personal protection order (PPO): MCLA 764.15b (1) Grants an officer the authority to make an arrest without a warrant if the officer has probable cause to believe:
- a. a domestic relationship PPO or non-domestic stalking PPO exists;
 - b. the PPO states on its face that violation subjects the violator to immediate arrest and criminal contempt punishable by not more than 93 days and/or a fine of not more than \$500; and
 - c. the individual is in violation of the PPO by engaging in or having engaged in conduct restrained or enjoined by the PPO (MCLA 764.15b(1)).
5. Warrantless arrest for violation of a Foreign Personal Protection Order (FPO): MCLA 764.15b authorizes law enforcement officers to arrest without a warrant on reasonable cause to believe that an individual is violating a valid foreign personal protection order. Persons arrested under this statute are subject to the same procedures as if the order originated in Michigan.
6. Warrantless arrest for violation of a condition of release (conditional bond): MCLA 764.15e(1) grants an officer the authority to make an arrest without a warrant if the officer has probable cause to believe the individual is violating or has violated a condition of release imposed under MCLA 765.6b.

7. Warrantless arrest for violation of a condition of probation or parole: MCLA 764.15(1)(g) grants an officer the authority to make an arrest without a warrant if the officer has probable cause to believe the individual has violated a condition of probation or parole.
8. The decision to arrest resides with the officer and should not be based upon whether or not the victim will consent to participate in any subsequent prosecution (MCLA 776.22).
9. Arrest Procedures
 - a. Officers should tell the victim an arrest is about to be made. Whenever possible, officers should avoid surprising the victim or making a physical arrest of the assailant in the victim's presence.
 - b. Officers should emphasize to the victim and the assailant that the criminal action is being initiated by the officers, not the victim.
 - c. Officers making an arrest for a felony, a misdemeanor, or a local ordinance substantially corresponding to assault or assault and battery shall act as the complainant and shall swear to the complaint and warrant on information and belief as necessary.

MCLA 764.1a provides that a magistrate shall not refuse to accept a complaint alleging an assault, assault and battery, violation of a substantially corresponding local ordinance, or aggravated assault by a spouse or former spouse of the victim, an individual with whom the victim has had a child in common, or an individual residing or having resided in the same household as the victim on grounds that the complaint is signed upon information and belief by an individual other than the victim.
10. When an arrest is made for a violation of a personal protection, foreign protection order, order or a violation of probation/parole conditions, officers should investigate and also arrest for any new violation of any criminal law.
 - a. Arrest for violation of a Personal Protection Order, foreign protection order, or violation of Conditional Bonds, should not affect the decision to arrest for any other crime.
11. If the suspect has left the scene, all reasonable attempts to locate and arrest the suspect shall be made. A description shall be disseminated to other officers and locations known to be frequented by the suspect should be checked.

- a. If the suspect cannot be located within a reasonable period (generally no longer than the end of the officer's tour of duty), a warrant for any crime committed shall be obtained based on information and belief. Information should be passed on to other members of the Department to be on the lookout for the subject. Other members may make an arrest based on probable cause.
12. If probable cause exists to believe that a misdemeanor assault, assault and battery, or aggravated assault has been committed but officers are unable to make a warrantless arrest because the relationship between the assailant and the victim is not a spouse, former spouse, reside or resided together in the same household or has had a child in common, the officer should prepare a request for a warrant in accordance with appropriate procedures and advise the victim of the process.
13. If probable cause exists to believe that a misdemeanor other than an assault, assault and battery or an aggravated assault took place, officers should prepare a request for a warrant in accordance with appropriate procedures and advise the victim of the process.

ENFORCEMENT OF PERSONAL PROTECTION ORDERS (PPOs)

- G. A personal protection order is a court order requiring enforcement. Violation of a personal protection order by the individual restrained or enjoined is criminal contempt of court. It is the officer's responsibility to enforce all personal protection orders.
 1. Officers responding to a call should arrest an individual enjoined by a Personal Protection Order (PPO) in the following circumstances:

If the officers have probable cause to believe:

 - a. A personal protection order has been issued under either MCLA 600.2950 (domestic relationship PPO) or MCLA 600.2950a (non-domestic stalking PPO);
 - b. The personal protection order states on its face that a violation of its terms subjects the individual to immediate arrest and criminal contempt of court and, if found guilty of criminal contempt, the individual shall be imprisoned for not more than 93 days and/or fined not more than \$500; and,
 - c. The individual named in the personal protection order is in violation of the order (MCLA 764.15b).

2. An individual is in violation of a domestic relationship PPO if that individual commits one or more of the following acts which the PPO specifically restrains or enjoins the individual from committing:
 - a. Assaulting, attacking, beating, molesting, or wounding a named individual.
 - b. Removing minor children from the individual having legal custody of the children, except as otherwise authorized by a custody or parenting time order issued by a court of competent jurisdiction.
 - c. Entering onto premises.
 - d. Threatening to kill or physically injure a named individual.
 - e. Purchasing or possessing a firearm.
 - f. Interfering with petitioner's efforts to remove petitioner's children or personal property from premises that are solely owned or leased by the individual to be restrained or enjoined.
 - g. Interfering with petitioner at petitioner's place of employment or engaging in conduct that impairs petitioner's employment relationship or environment (this could include stalking conduct as prohibited by MCLA 750.411h and MCLA 750.411i).
 - h. Any other specific act or conduct that imposes upon or interferes with personal liberty or that causes reasonable apprehension of violence (this could include stalking conduct as prohibited by MCLA 750.411h and MCLA 750.411i).
3. An individual is in violation of a non-domestic stalking PPO if that individual commits one or more of the following acts which the PPO specifically restrains or enjoins the individual from committing:
 - a. Stalking conduct as prohibited by MCLA 750.411h or MCLA 750.411i; OR
 - b. Purchasing or possessing a firearm.
4. Officers responding to a call where the individual enjoined or restrained by a Personal Protection Order has been served shall:
 - a. Verify, via the LEIN or completed proof of service, that the individual restrained or enjoined has been served;
 - b. Conduct a thorough criminal investigation to establish probable cause that a violation of the PPO or a criminal statute has occurred; and
 - c. Arrest the individual for the crimes or violations for which probable cause was established, as provided for by this policy.
5. Officers responding to a call where the individual enjoined or restrained by a personal protection order has not been served shall:

- a. Serve the individual restrained or enjoined with a true copy of the order; OR
- b. Advise the individual restrained or enjoined of the existence of the Personal Protection Order, the specific conduct enjoined, the penalties for violating the order, and where the individual restrained or enjoined may obtain a copy of the order; AND
- c. Enforce the Personal Protection Order;

Note: The individual must be given an opportunity to comply after service or notice at the scene before the law enforcement officer makes a custodial arrest for violation of the order.

However, the failure to immediately comply shall be grounds for an immediate custodial arrest (MCLA 600.2950 and MCLA 600.2950a);

- d. Enter, or cause the immediate entry into the LEIN, confirmation that the individual restrained or enjoined has received actual notice of the Personal Protection Order (the original entering agency should immediately modify the LEIN entry to reflect a yes entry on scan line 69); and
 - e. Document, in the written report,
 - that the individual restrained or enjoined was served or advised,
 - that the entering agency was notified of such service or advisement via LEIN; and
 - attach a copy of the LEIN message to the written report.
6. Arrest for violation of a Personal Protection Order (PPO) does not preclude arrest for the violation of any criminal law.
7. If the suspect has left the scene, a reasonable attempt to locate and arrest the suspect shall be made. A description shall be disseminated to other officers and locations known to be frequented by the suspect should be checked.
8. A person arrested for violation of a Personal Protection Order shall not be released on bond. The arrested person shall be brought before a circuit court where the violation occurred within 24 hours after the arrest.

NOTE: The circuit court shall set a time for a hearing on the alleged violation and shall set bond. If a circuit court judge is not available within 24 hours after arrest, the arrested person shall be brought before the district court within 24 hours after the arrest, at which time the district court shall order the defendant to appear before the circuit court for a hearing on the charge and the district court shall set bond (MCLA 764.15b).

The circuit court of each county has jurisdiction to conduct all contempt hearings for violation of any PPO. The circuit court that issued the personal protection order may request that the defendant be returned to that county for a violation of a PPO. Costs associated with the transportation of subjects from one county to another are covered by the county of the court requesting the transportation (MCLA 764.15b).

9. Officers shall enforce personal protection orders issued by the court of another state or a tribal court consistent with this policy and as if they had been issued by a circuit court of this state.
 - a. The Violence Against Women Act, (VAWA), was passed by the United States Congress in 1994 as Title IV of the Violent Crime Control and Law Enforcement Act of 1994. Sections 2265 and 2266 require states and tribal courts to enforce valid civil and criminal protection orders issued by foreign states and tribal courts as though they were issued in the state doing the enforcement.
 - b. A thorough criminal investigation should be conducted and the assailant should be arrested for any crimes committed even if the officer is unable to enforce a foreign Personal Protection Order.
10. Officers must document their response and investigation.

ENFORCEMENT OF FOREIGN PERSONAL PROTECTION ORDERS (FPOs)

- H. A foreign protection order is defined as an injunction or order issued by a court of another state, an Indian tribe, or a U.S. territory, that prevents a person's violent or threatening acts against, harassment of, contact with, communication with, or physical proximity to another person. A valid foreign protection order is defined as one where the issuing court had jurisdiction over the parties and subject matter under its own laws, and the restrained party had notice and an opportunity to be heard sufficient to protect due process rights.
 1. Law enforcement officers, prosecutors, and courts are to enforce foreign protection orders in the same way they would enforce a Michigan Personal Protection Order.

- a. An officer may rely upon a copy of a foreign protection order that is provided from any source if the foreign protection order appears to contain all of the following:
 - the names of the parties,
 - the date the order was issued, which is prior to the date when enforcement is sought,
 - the terms and conditions against respondent,
 - the name of the issuing court,
 - the signature of or on behalf of a judicial officer, and
 - no obvious indication that the order is invalid (ex. An expiration date that is before enforcement is sought.)
 - b. Entry of the order into L.E.I.N. or NCIC is not required for enforcement.
 - An officer may rely upon the statement of the petitioner that the foreign order that has been shown to the officer remains in effect, and
 - the officer may rely upon the statement of the petitioner or respondent that the respondent has received notice of that order.
2. Verification when the person seeking enforcement of a foreign order does not have a copy of that order.
 - a. Officers shall attempt to verify the existence of a foreign protection order through the following:
 - L.E.I.N. or NCIC protection order file,
 - administrative messaging,
 - contacting the court that issued the foreign protection order,
 - contacting the law enforcement agency in the issuing jurisdiction,
 - contacting the issuing jurisdiction's protection order registry, or
 - any other method the officer believes to be reliable. The officer will also verify the names of the parties, the date the foreign order was issued, which is prior to the date that the enforcement is sought, terms and conditions against the respondent, the name of the issuing court, and no obvious indications that the order is invalid.
 3. When no copy of the foreign protection order is available and the order cannot be verified, the officer is to maintain the peace and take appropriate action with regard to any violation of criminal law.

4. Notification of respondent when officer verifies the existence of a foreign protection order.
 - a. If there is no evidence that the respondent has been served with the notice of the foreign protection order, the officer may notify the respondent in the same manner and procedure provided in the Michigan personal protection orders.
5. Penalties for violating conditional release orders or probation orders issued in the other jurisdictions:
 - a. 93 days and/or a \$500 fine.

ENFORCEMENT OF A CONDITIONAL RELEASE ORDER (CONDITIONAL BOND)

- I. Officers responding to a scene of domestic violence should arrest the assailant when the officers have probable cause to believe the assailant is in violation of a Conditional Release Order (Conditional Bond) imposed under MCLA 765.6b.

Officers should determine whether the assailant has been released on conditional bond via LEIN.

1. When an officer makes an arrest for violation of a Conditional Release Order, the officer shall prepare an incident report for a "Complaint of Violation of Conditional Release" as required by MCLA 764.15e containing:
 - a. The officer's name and badge number;
 - b. A statement of verification of the order;
 - c. A statement of conditions of release; and
 - d. A description of the probable cause established that the assailant violated the conditions.
2. If the arrest occurred within the jurisdiction of the court that imposed the conditions of release, the Department shall:
 - a. Immediately provide the original and one copy of the complaint to that court;
 - b. Immediately provide one copy of the complaint to:
 - the assailant; and
 - the prosecuting attorney for the case in which the conditional release was granted;
 - c. Retain one copy of the complaint; and

- d. Bring the assailant before that court within one business day following the arrest.
3. If the arrest occurred outside the jurisdiction of the court that imposed the conditions of release, the Department shall:
 - a. Immediately provide the original and one copy of the complaint to the district or municipal court where the violation occurred;
 - b. Immediately provide one copy of the complaint to the assailant;
 - c. Retain one copy of the complaint; and
 - d. Bring the assailant before the district or municipal court where the violation occurred within one business day following the assailant's arrest.
4. Officers should document the violation in an incident report and state any reasons why it is not safe to release the assailant on interim bond before the assailant is brought before the court.
5. The arresting agency or officer in charge of the jail shall make a determination whether it is safe to release the assailant before the assailant is brought before the court.
6. If the assailant is held for more than 24 hours without being brought before the court, the officer in charge of the jail shall note in the jail records the reason it was not safe to release the assailant on interim bond.
7. If it is determined that it is safe, the assailant may be released on interim bond of not more than \$500 requiring the assailant to appear at the opening of court the next business day.

NOTICE OF VICTIMS RIGHTS

- J. After conducting a thorough criminal investigation at a domestic violence scene, officers shall immediately provide the victim with a Meridian Township Police Rights and Resources for Victims of Crimes pamphlet.

POLICY IF NO ARREST CAN BE MADE

- K. Officers should not leave any domestic violence scene until the scene has been calmed and the immediate safety of all parties has been provided for.

1. Officers must provide or arrange for emergency assistance to victims including, but not limited to, medical care, transportation to a shelter or remaining at the scene of an alleged incident of domestic violence for a reasonable time until, in the reasonable judgment of the police officer, the likelihood of further imminent violence has been eliminated (MCLA 776.22(3)(f)).
2. Officers should assess the lethality of the situation by considering indicators of a life threatening attack as described in Section III, C 4 of this directive.

When an arrest is made, documentation of these lethality factors can provide critical information for when bond is set by a magistrate or as the basis for holding the assailant longer based on a determination that it is unsafe to release the assailant (MCLA 780.581).

3. Temporary separation can be suggested in these situations. Officers should encourage one party to leave, providing protection while essential property is collected in preparation for leaving, and providing assistance with transportation whenever possible. Officers shall provide the victim with a rights notice as required by MCLA 764.15c (Defined in Section III, J, "Notice of Victim's Rights" of this directive).

Officers should discuss with the victim the factors of lethality identified and the danger he/she may be in. Officers can inform victims that these are factors that have been found to be predictors of future danger and violence. The victim should be advised to consider these in making the decision to remain at the scene or leave.

Officers can assist victims in contacting a domestic violence service program by dialing the number to put them in touch while still at the scene to increase safety.

REPORTING REQUIREMENTS

- L. Officers shall prepare a written incident report whenever there is a domestic violence response (MCLA 764.15c).
 1. The victim shall not be required to write a statement as a condition of filing the report.
 2. The victim should not be asked if prosecution is desired.
 3. When necessary, the officer will act as the complainant based upon information and belief.

- M. The Meridian Township Police Department shall retain the completed domestic violence report in its files. The Department shall also file a copy of the completed domestic violence report with the prosecuting attorney within 48 hours (MCLA 764.15c).
1. A separate incident number shall be assigned to each domestic violence response dispatched.
- N. The report must contain, but is not limited to containing, all of the information requested on the face of the Incident Report Form and in the Domestic Violence Investigation Addendum Form. An alternate telephone number at which the victim can be reached should be obtained. Information about the victim's location is not to be released.
1. Officers should document the factors of lethality identified during the investigation.
 2. If factors related to domestic violence are alleged, reasons for the probable cause determination that was made shall be stated in the report whether or not a crime has been committed or an arrest has been made.
 3. Where probable cause exists but no arrest was made, a written incident report documenting the reasons no arrest was made shall be prepared.
 4. If the victim leaves the scene, the confidentiality of the victim's location shall be maintained.

BONDING POLICY

- O. Persons charged with domestic assault or aggravated domestic assault on a complaint and warrant or those arrested without a warrant under MCLA 764.15a must be held until he or she can be arraigned or have an interim bond set by a judge or a magistrate.
- P. A person arrested for violation of a Personal Protection Order (PPO) under the authority of MCLA 764.15b shall not be released on interim bond or personal recognizance. The suspect shall be brought before the court in accordance with this policy.
- Q. The arresting officer should completely document the incident to ensure that all necessary information is available to the prosecutor and court to ensure appropriate conditions of release are set.

VICTIM ASSISTANCE

Arrest provides immediate safety and takes control of the situation away from the assailant.

R. Victim Assistance When an Arrest Is Made

1. Officers must provide or arrange for emergency assistance to victims including, but not limited to, medical care, transportation to a shelter or remaining at the scene of an alleged incident of domestic violence for a reasonable time until, in the reasonable judgment of the police officer, the likelihood of further imminent violence has been eliminated (MCLA 776.22(3)(f)). Victims may require other assistance to meet their needs; officers should:
 - a. Encourage the victim to seek medical attention, even if it is done later. This can provide evidence of additional injury and/or additional documentation of known injury.
 - b. Explain to the victim and the assailant that the arrest decision was made by the officers in accordance with the requirements of the law.
 - c. Facilitate the placement of children if the victim is hospitalized.
 - d. Provide transportation when safety considerations warrant it. Help arrange transportation in other situations.
 - e. Explain the importance of photographs and evidence to the victim.
 - f. Explain the initial arrest, bonding and arraignment process.
 - g. Attempt to assist the victim in making arrangements for the care of household pets.
2. Officers should not leave any domestic violence scene until the scene has been calmed and the immediate safety of all parties has been reasonably provided for.
3. Officers shall provide all victims of domestic violence with notice of rights information as required (MCLA 764.15c). This information must be provided whether or not an arrest was made. (See Notice of Victim's Rights in Section III, J of this directive).
4. Officers should explain the Notice of Victims Rights information to the victim. Contact should be made with an advocate at the local domestic violence service program whenever possible.
5. Officers shall direct the dispatcher to notify the Capital Area Response Effort (C.A.R.E.) on duty volunteer with response information, consistent with program guidelines.

- a. The officer must also inform the victim about C.A.R.E. and their pending contact with the victim.
- New
- 6. Upon receipt of a conditional bond protecting a person(s), the Department (cadet) will register the arrestee in the Michigan Crime Victim Notification Network (MCVNN). When the Department is notified via MCVNN that the arrested person has been released, the on-duty supervisor shall ensure that protected parties are alerted.

S. Victim Assistance If No Immediate Arrest Could Be Made

- 1. If the assailant is gone when officers arrive, they should discuss a safety plan with the victim for when the assailant returns. Officers should encourage the victim to promptly call the police if the assailant returns.
- 2. Officers should facilitate the victim's immediate contact with a domestic violence service program, whenever possible.
- 3. Officers shall provide all victims of domestic violence with notice of rights information (Rights and Resources for Victims of Crimes pamphlet) as required. This information must be provided even when an arrest was not made (MCLA 764.15c).
 - a. Officers should explain the notice of rights information to the victim.
- 4. If the assailant is still present and an arrest cannot be made, officers should assess the lethality of the situation by considering indicators of a life-threatening situation as described in Sections III, C 4 and III D, 1-6 of this directive.
 - a. Officers should discuss with the victim the factors of lethality identified and the danger she/he may be in. Officers can inform victims that these are factors that have been found to be predictors of future danger and violence. The victim should be advised to consider these in making the decision to remain at the scene or leave.
 - b. Officers should encourage victims to contact their local domestic violence service program by dialing the number and putting them in touch while still at the scene to provide safety.
- 5. Officers should encourage separation when indicators of lethality are identified and provide or arrange for transportation to assist one party in leaving whenever possible.

SUPERVISION

- T. The on duty supervisor shall review all responses to a domestic violence call for compliance with this policy.
1. When the victim or the assailant is a criminal justice system employee or public official, the supervisor shall:
 - a. Respond to and take charge of the scene whenever possible;
 - b. Investigate to ensure that the response is properly documented and the policy has been followed.
 2. When a dual arrest is made, the probable cause for each arrest shall be reviewed by the supervisor to ensure that the intent of the law and this policy was followed.
 3. Supervisors shall provide feedback to officers to reinforce the intent of this policy.
 4. A supervisor finding violations of this policy shall promptly notify the Division Commander (MCLA 776.22) for initiation of the disciplinary process.

TRAINING

- U. All affected agency personnel will be trained to follow this policy.
1. All affected Department personnel will be given a copy of this directive and shall be responsible for knowing, understanding and complying with the provisions of this directive.
 2. Annual review training of this directive and/or domestic violence response procedures will be conducted for all affected Department personnel.
 - a. Additional training will periodically address:
 - the dynamics of domestic violence;
 - laws related to domestic violence; and
 - officer safety and response procedures.

EVALUATION

- V. The Department response to domestic violence will be monitored and reviewed annually to determine compliance and any need for modification.


1. The Investigations Unit Supervisor will be responsible for completion of this review.
2. Appropriate data should be recorded to enable:
 - a. Measurement and evaluation of this directive's effectiveness in meeting its goals;
 - b. Determination of organizational and individual compliance;
 - c. Identification of training needs.
3. Summary information from this evaluation procedure will be included in the Department's Annual Report.
4. The Chief of Police or his designee shall report annually to the state police the following information related to domestic violence incidents:(MCLA 28.257)
 - a. The number of assaults reported that involve an adult and a minor and the disposition of the offenses.
 - b. The number of assaults reported that involve either 2 male adults or 2 female adults and the disposition of those offenses.
 - c. The number of assaults reported that involve 1 male adult and 1 female adult and the disposition of those offenses.
 - d. The number of crimes reported that involve an individual and his or her spouse or former spouse, individuals that have a child in common, individuals who have or who have had a "dating relationship," or individuals who reside or have resided in the same household; and the disposition of those offenses.

W. This directive shall be available to the public upon request to the Records Division during established business hours, subject to the provision of MCLA 776.22.

IV. CANCELLATION

None

Authorized by:



David Hall, Chief of Police

Index as: Domestic Violence

PPO
Stalking
Bond Conditions; Domestic Violence
Bond Conditions; PPO & Bond Condition Violations
C.A.R.E.