

## TRAINING TASK: DOMESTIC VIOLENCE

### TASK # 35

#### Purpose

The officer will learn the implementation of consistent enforcement of the Ohio domestic violence laws in Kettering, Ohio and to serve as compliance with section 2935.032 of the ORC.

#### Preceding Task:

Preliminary Investigation  
Interview and Interrogation  
Laws of Arrest  
Search and Handcuffing Prisoner  
Prisoner Handling

#### I. Statute and City Ordinances

- A. ORC 2919.25 Domestic Violence
- B. ORC 2919.26 Motion for Temporary Protection Order
- C. ORC 2919.27 Violating Protection Order

#### II. Policy and Procedure

- A. G.O. 41.4 Domestic Violence
- B. Training Bulletin: The Law #9 Use of Domestic Violence Law
- C. Training Bulletin: The Law #10 Spousal Immunity
- D. Training Bulletin: The Law #39 Domestic Violence Back Up Charges
- E. Training Bulletin: Police Procedures #5 Property Disputes During Divorce and Auto Repossessions

#### III. Operational Procedure

- A. Responding to Domestic/Family trouble calls--Response is without undo delay
  - 1. One of the most dangerous calls you will go on
    - a. 50% of officers killed are on Domestic Violence calls
  - 2. Plan your arrival so that you arrive without tipping off participants
    - a. Do not park in front of location
  - 3. **ALWAYS** wait for back up crew, unless exigent circumstances
  - 4. Take the time to listen and observe if possible
- B. Contact

1. Think **OFFICER SAFETY**
    - a. Make visual check for weapons/potential weapons
    - b. Ask participants if weapons are here
  2. Check for injuries and take appropriate action
  3. Separate participants but stay in sight of other officer
- C. Information on Domestic Violence
1. When elements of Domestic Violence are present, arrest is safest route in regard to liability against officer and department
    - a. There is no mandated arrest either by statute or Departmental procedure unless violation occurs in the officer's presence
    - b. Officers should be aware that the history of increasingly brutal violence will often be noted, as well as a greater frequency of occurrence
    - c. Suspects will usually deny assault occurred, or excuse actions by putting the blame on the victim
    - d. Suspect will usually be calm and portray victim as mentally unstable, or exaggerating incident
    - e. Arrest under this section could be homicide prevention
- D. Investigation
1. Determine if crime occurred (know elements of crimes involved)
    - a. If no crime occurred, use conflict management: try and solve problems
    - b. If crime committed proceed with investigation
  2. Definition of Family or household member means:
    - a. Spouse, person living as a spouse ( person who is living or lived with respondent in a common law marital relationship who is otherwise cohabitating with the respondent within five years prior to the date of the alleged occurrence of the act in question ), or former spouse of respondent
    - b. Parent or child of respondent or another related by consanguinity or affinity to the respondent
    - c. Can be same sex couple if living as spouses
  3. Arrest is the preferred course of action
    - a. Need probable cause to believe offense occurred to affect an arrest
    - b. Decision to arrest officer must follow two guidelines
      1. May **NOT** require that the victim consent to the filing of charges or require victim to sign complaint
      2. May **NOT** consider shortage of jail space
    - c. Arrest of the "Primary Aggressor"
      1. Officers should make a reasonable effort to identify and arrest the primary aggressor
        - a. Prior history of domestic violence

- b. Whether alleged violence was caused by person acting in self-defense
    - c. Each person's fear of physical harm
    - d. Comparative severity of injuries
  - 2. If cannot determine primary aggressor, the law does not mandate the preferred course of action
- d. Law applicable to juvenile offender.
- e. Domestic Violence may have occurred due to provocation on one party's part, the officer would still arrest primary aggressor or party who committed the physical act of domestic violence
- f. Investigatory Procedures
  - 1. Photograph injuries at this time and may want to photograph them again in two days or as the injuries progress. Both victim and suspect
  - 2. Note excited utterances
  - 3. Include condition you found at scene
- 4. Warrantless arrest with probable cause
  - a. Complaint/victim executes a written statement
  - b. No written statement but officer, based on his/her own knowledge and observation of facts and circumstances or other information including but not limited to reasonable or trustworthy from witness or victim that concludes reasonable grounds that offense occurred
  - c. No written statement but officer witness the offense
- 5. Felony Charges--if offense meets this definition officer will file felony charge (prior conviction of DV, not threats section)
- 6. Alternatives to arrest-if officers determine conflict can be resolved through alternatives to arrest, and if all parties agree officer must:
  - a. Support decision by facts and clearly state such in report
  - b. Approval by Watch Supervisor
  - c. Document the incident including completing the "Officer's Report for Domestic Violence Calls"
- 7. Statewide enforcement of TPO
  - a. Officers have the **DUTY** to enforce TPO's issued by any court. Must be confirmed with the entering agency
  - b. Enforce TPO's even if not registered with City's Court
- 8. Officer is required to conduct separate interviews in separate locations and take a written statement from the victim
  - a. Obtain frequency and severity of prior incidents
  - b. Obtain number of times victim has called police and the dispositions of calls if possible
  - c. Remember "excited utterances" are admissible in court
- 9. Information to the victim--give victims Information For Domestic Violence Victims form

- a. Have victim sign Temporary Protection Order (TPO) when applicable. Officer can sign if the victim is unable.
  - b. TPO's issued by Court are kept in Dispatch
  - c. Put all parties involved in incident in touch with Battered Women's Project regardless of sex
10. Reports
- a. Complete a written report whether arrest is made or not
    - 1. Officers observation of victim, suspect, and scene
    - 2. Weapons at the scene
    - 3. Actions of alleged offender
    - 4. Statements by victim or witnesses
    - 5. Any other significant facts or circumstances
    - 6. You must run a CCH on the suspect
  - b. **OFFICER MUST ARTICULATE IN THE REPORT A CLEAR STATEMENT OF HIS/HER REASON FOR NOT ARRESTING AND DETAINING ALLEGED OFFENDER UNTIL A WARRANT CAN BE OBTAINED**
  - c. Officers are not compelled to make an arrest for domestic violence when certain conditions prevail
    - 1. Facts and circumstance do not support reasonable and prudent person to believe a crime has been committed
    - 2. Offender removed to hospital for medical problems
    - 3. Offender is mentally ill and needs admitted to facility to care for this affliction
  - d. If arrest is made, complete BCI Domestic Violence Form
  - e. If an arrest is made complete DV Packet:
    - 1. Formal
    - 2. Witness statements including victim's
    - 3. Arrest Report
    - 4. Affidavit: there are pre-printed forms that should be signed at the scene in front of a Notary Public
    - 5. Written confession if possible
    - 6. TPO form/ pre-trial release form
    - 7. Victim Witness Information
    - 8. DV Lethality screen
  - f. Back Up Charges- If the relationship of involved parties is something other than legally married couple living together in the same household AND the victim is willing to sign than appropriate back up charges will be made.
    - 1. Domestic Violence=Assault
    - 2. Domestic Violence by Threats=Aggravated Menacing, Menacing or Telephone Harassment

3. If Felony DV than all affidavits including back up charges will be completed, but not served

D. Release of Defendant

1. Defendant will be required to sign a domestic violence conditional release form as part of total bond
  - a. If defendant violates this form that person can be brought back to jail for violation of original bond.
  - b. Add additional facts to original report
2. Dispatch will keep copies in the TPO file

E. Immunity--An officer who makes an arrest pursuant to this statute is immune for injury, death, or loss to person or property that arises from or is related to the arrest

F. Parents disciplining children is not DV.

1. Corporal punishment to children is accepted as long as it is not serious, leaving child bruised or requiring immediate medical attention-Per CSB
2. Two children fighting each other is not normally DV as it is considered sibling rivalry

*I acknowledge that I received training in the skills and knowledge necessary to perform in the above Training/Task Topics, and I am able to perform at an acceptable level.*

\_\_\_\_\_  
*Probationary Officer                      Date*

\_\_\_\_\_  
*Supervisor                      Date*

\_\_\_\_\_  
*FTO                      Date*