

DALTON POLICE DEPARTMENT

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Subject Domestic / Family Violence			
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I. Policy

It is the policy of the Dalton Police Department to reduce the incidence and severity of domestic violence, protect victims of domestic violence and provide them with support through a combination of law enforcement and community services, and promote officer safety by ensuring that Officers are fully prepared to respond to, and effectively deal with, domestic violence calls for service.

II. Definitions

A. *Domestic / Family violence (O.C.G.A. 19-13-1)* – The occurrence of one or more of the following acts between past and present spouses, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living, or formerly living, in the same household.

1. Any felony
2. Commission of offenses of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass

Exclusion: Family violence shall not be deemed to include reasonable discipline administered by a parent to a child in the form of corporal punishment, restraint, or detention.

B. *Protective Order (O.C.G.A. 19-13-4)* – An order, either temporary or permanent, issued by the Superior Court to bring about a cessation of acts of family violence. The order may, among other things, grant possession of a residence, evict a person from a residence, award temporary custody of children, establish temporary visitation rights, establish child support and / or alimony payments, award possession of personal property, and order the respondent to refrain from harassing or interfering with the victim. A violation of a protective order may result in contempt of court or criminal charges as related to O.C.G.A. 16-5-95 (O.C.G.A. 19-13-6).

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- C. *Civil Family Violence Order (O.C.G.A. 16-5-95)* – Any temporary protective order or permanent protective order issued pursuant to Article 1 of Chapter 13 or Title 19. See *Protective Order*. A violation of this order is a misdemeanor, as outlined in O.C.G.A. 16-5-95, *unless the violation of the order constitutes a violation of O.C.G.A. 16-5-91, Aggravated Stalking, which is a felony.*
- D. *Criminal Family Violence Order (O.C.G.A. 16-5-95)* – Any order of pretrial release issued as a result of an arrest for an act of family violence or any order of probation issued as a result of a conviction or plea of guilty, nolo contendere, or first offender to an act of family violence. A violation of this order is a misdemeanor, as outlined in O.C.G.A. 16-5-95, *unless the violation of the order constitutes a violation of O.C.G.A. 16-5-91, Aggravated Stalking, which is a felony.*
- E. *Dating Violence (O.C.G.A. 19-13A-1)* – The occurrence of one or more of the following acts between persons through whom a current pregnancy has developed or persons currently, or within the last six months were, in a dating relationship, which is a committed romantic relationship characterized by a level of intimacy that is not associated with mere friendship or between persons in an ordinary business, social, or educational context (does not require sexual involvement):
 - 1. Any felony
 - 2. Commission of the offenses of simple battery, battery, simple assault, or stalking
- ~~F.~~ *Restraining Order (O.C.G.A. 16-5-94)* – An order issued by the Superior Court in response to alleged conduct constituting stalking, as defined in O.C.G.A. 16-5-90. The order may, among other things, direct a party to refrain from such conduct or order a party to refrain from harassing or interfering with the other party. A violation of a restraining order may result in contempt of court charges.

III. **Responding Officer Procedures**

- A. Arrival
 - 1. Responding to the domestic violence call is extremely risky for the Officer. Officers shall always be on guard for unpredictable behavior and never let down their guard.
 - 2. Officers shall be very cautious and recognize that they are particularly vulnerable.
 - 3. Officers shall never park their police vehicles in front of or in sight of front doors or windows, unless absolutely necessary.
 - 4. Officers shall never stand in front of a door or window when knocking, unless absolutely necessary.
 - 5. If at all possible, wait for backup assistance.
 - 6. Do not use force to enter the dwelling, unless an emergency exists.

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7. Officers shall listen briefly to any sounds coming from inside the dwelling prior to knocking.
8. After knocking, Officers shall identify themselves as Dalton Police Officers.
9. When feasible, Officers shall survey the scene and make mental notes of the position of all subjects inside.
10. Officers shall protect their weapons at all times and be alert for weapons or potential weapons in the dwelling.
11. Officers shall not allow occupants to wander around or go into other rooms unsupervised.

B. On-Scene Investigations

1. When responding to a domestic / family violence call, the Officer shall:
 - a. Restore order by gaining control of the situation.
 - b. Take control of all weapons used, or threatened to be used, in the crime.
 - c. Assess the need for medical attention, and call for medical assistance, if needed.
 - d. Interview all parties separately.
 - (1) Use a calm voice, and only use force when justified.
 - (2) Be patient. Listen to each side individually, and do not let multiple people talk at the same time.
 - (3) Start the interview with non-threatening questions, such as length of marriage, children, etc., keeping in mind the following points:
 - (a) Ethnic and cultural backgrounds
 - (b) Request instead of demand information.
 - (c) Use proper forms of address when speaking.
 - (d) Be calm, sensitive, and establish a personal interest.
 - e. Collect and record evidence of injuries and property damage.
 - f. Complete appropriate incident reports necessary to fully document the Officer's response, whether or not a crime was committed, or an arrest made.

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2. In all cases in which a child under the age of seventeen (17) is present, the Officer shall obtain the name(s) and age(s) of the child(ren) and forward a copy of the report to the Department of Family and Children Services.
3. Determine if any violations of O.C.G.A. 16-5-70, Cruelty to Children, have occurred.
4. Determine if any protective, restraining, or family violence orders have been issued for any of the involved parties and if any violations of the orders have occurred.
5. After each party has been interviewed, responding Officers may confer to determine if an arrest should be made or whether other actions should be taken.
6. If the offender has left the scene and a crime has been committed, the Officers shall:
 - a. Conduct a search of the immediate area for the offender.
 - b. Obtain information from victims and witnesses as to where the offender might be.
 - c. Refer the matter to CID or conduct necessary follow-up investigations.
7. Officers are encouraged to record the interviews on their in-car MVR, body-worn camera, and / or other audio / video recording devices.

C. Arrest

1. Establishing probable cause
 - a. OCGA 17-4-20 provides that an Officer may arrest, with or without a warrant, if the Officer has probable cause to believe that an act of family violence has been committed. The same degree of probable cause is required in a case of family violence to make an arrest without a warrant, as it is in any other criminal case.
 - b. In acts of domestic / family violence, willingness to prosecute is not a necessary criteria for probable cause.
 - c. In acts of domestic / family violence, the Officer shall consider the following, among other things, in establishing probable cause:
 - (1) Previous calls to the location
 - (2) Indication of drug or alcohol abuse
 - (3) Damage or disarray of home furnishings

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- (4) Obvious signs of injury or abuse
 - (5) Emotional state of the victim
 - (6) Statements of the parties involved and of any witnesses
 2. When a felony has been committed and the suspect can be located, the officer shall arrest.
 3. When a felony has been committed and the suspect cannot be located, the Officer shall apply for an arrest warrant, and a supplement to the original report shall be made. If an arrest is not made, the Officer shall document the reasons an arrest was not made in the incident report.
 4. When a misdemeanor has been committed and the victim has been injured or the likelihood exists that more violence will occur, the Officer shall arrest whether or not the victim wants to prosecute. If an arrest is not made, the Officer shall document the reasons an arrest was not made in the incident report.
 5. The Officer shall emphasize to the victim and the offender that the criminal action is being initiated by the State and not the victim.
 6. The victim shall only be advised to schedule a pre-trial or warrant hearing with the Magistrate on cases where probable cause cannot be established.
- D. Responding to Calls Involving Employees of the Dalton Police Department
1. This Department provides unbiased and impartial law enforcement services to all members of the community, including family or household members of Department employees.
 2. If a domestic disturbance call for service **inside the city limits of Dalton** is from a residence, family member, or an employee of this Department, the dispatcher shall:
 - a. Dispatch an on-duty Supervisor and a second Officer to respond to the call.
 - b. Pass all critical information on to the responding Supervisor and Officer.
 3. It is the policy of this Department not to provide any professional courtesy, special consideration, or special treatment to employees of this Department who are alleged suspects in a domestic disturbance incident. In such instances, responding Officers shall follow the procedures outlined in this directive.
- E. Victim Assistance / Crime Prevention

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Many victims of domestic violence feel trapped in violent relationships because they are unaware of the resources available to help them or that domestic violence is a crime. Also, the offender may have threatened further violence if the victim attempts to leave or seek assistance. Officers are therefore required to provide the following assistance to victims:

1. The investigating Officer shall advise the victim / witness about what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates him or her.
2. Advise all parties about the criminal nature of family violence, its potential for escalation, and that help is available.
3. Secure medical treatment for victims.
4. Ensure the safety of any children.
5. Remain on the scene until satisfied that there is no immediate threat to the victim.
6. Remain on the scene to preserve the peace as personal property is being removed.
7. Provide the victim with referral information for legal or social assistance and support, utilizing the Crime Victim's Bill of Rights notification form. Such referrals may include:
 - a. Department of Family and Children Services
 - b. Mental health facilities
 - c. Victim / Witness Assistance Program
 - d. Nearest shelter for battered women
 - e. Other information concerning court-related matters

F. Dating Violence

1. The dating violence statute applies the protections of the Georgia Family Violence Act to dating relationships.
2. Officers shall respond to and investigate reports of dating violence using the same procedures, as outlined in this directive, for reports of domestic violence.

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This policy supersedes any previous policies issued.

BY ORDER OF

CHIEF OF POLICE

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