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|  | Abilene Police Department Operating Procedures | | |
| | Subject: <i>Family Violence Procedures</i> | Issued: 08/01/2020 | TBP: 7.08 |

Domestic Disturbances, Family Violence and Protective Orders (TBP 7.08)

The Department shall treat all reported family violence as alleged criminal conduct. Officers shall strive to protect any victim or potential victim of family violence; restore and maintain order; render emergency assistance; enforce the law and make lawful arrests of any violators.

Officers shall always make reasonable attempts to obtain all the facts by interviewing each disputant individually and by remaining impartial.

Entry and Intervention

Officers may make entry and intervene during domestic disturbances when:

- A. Any involved party of the domestic dispute requests intervention regardless of the objections of any other involved party;
- B. The dispute is occurring in the officer’s presence and causes a breach of the peace; or
- C. They have probable cause to believe immediate entry is necessary to prevent bodily injury or to render emergency aid to any injured person. In this situation, if none of the involved parties in the domestic disturbance requests entry or if they refuse entry, the officers should consider the nature of the refusal and consider all circumstances in assessing whether or not to make immediate entry.

No Intervention when Parties Locked out

Where one disputant locks out another disputant, officers will not assist the displaced party in forcing entry.


Non-Violent Offender Remedies

In order to reduce the tensions between non-violent disputing parties and to minimize the potential for violence, officers should attempt to apply the most appropriate non-arrest remedy involving the least police intervention necessary.

Officers may arrest an individual involved in a domestic disturbance in a public place, or in a private residence, if an offense involving a breach of the peace has occurred.

Family Violence Arrests (TBP 7.08)

An arrest should be a priority if an officer’s investigation establishes probable cause of family violence. Officers will make every effort to identify the aggressor in a family violence situation to avoid arresting both / all parties as mutual combatants. Officers are reminded that self-defense against an aggressor does not constitute mutual combat.

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- A. Where family violence occurs in an officer's presence, the officer shall arrest the assailant for applicable offenses.
- B. It is the intent of this policy that officers are aware of the victim's immediate safety and welfare in family violence situations. Therefore, officers shall arrest when probable cause exists during any of the following circumstances:
 - 1. Family violence resulting in bodily injury has occurred.
 - 2. The use or threatened use of a deadly weapon occurred.
 - 3. Violation of a protective order occurred within an officer's view.
 - 4. If the suspect is no longer on scene, the officer should make an attempt to locate the suspect. If there is a continued threat of violence towards the victim and the suspect can be located within 72 hours, an arrest may be made.

On Scene Assault / Family Violence Investigation

- A. An officer should obtain a statement from the victim. The officer should indicate within the statement the victim's wishes to pursue charges by stating either of the following:
 - 1. I do wish to press charges at this time.
 - 2. I do not wish to press charges at this time. Statements can be taken from victims who do not wish to prosecute. At minimum, for those victims not willing to prosecute, an interview captured on a mobile video recorder (MVR) or body camera should be completed and preserved as evidence. If the victim refuses to provide a statement or cooperate regarding a taped statement, officers should note the circumstances and the refusal in their narrative.
- B. If possible, suspects should be interviewed and the video preserved for evidence.
- C. Identify any witnesses to the assault and obtain a statement relative to the assault.
- D. Photographs should be taken of the victim and the suspect regardless of any visible injuries. If no photos can be taken due to uncooperative parties, officers shall explain why in their narrative.
- E. Photograph the scene where the alleged assault occurred to document any signs of a physical disturbance.
- F. Family violence calls pose a significant risk to all persons. As such, officers should activate their mobile video recorders (MVR) during these responses. If an offense has occurred, video evidence shall be retained.
- G. The fact that the victim has been consuming an alcoholic beverage does not inhibit the investigating officer's ability to obtain a written statement from the victim as long as the victim is reasonably able to communicate what happened.



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Lethality Assessment Definitions

A **lethality assessment protocol (LAP)** is a tool used to identify victims of intimate partner violence who are in danger of homicide. With the use of the LAP, officers will communicate to victims of family violence the likelihood of being killed by an intimate partner.

An **intimate relationship** is one in which heterosexual or homosexual partners have, or have had, a sexual or emotional relationship. Persons involved in an intimate relationship are or were romantic partners who:

- A. Are married, separated, or divorced;
- B. Live or have lived together;
- C. Have children in common; or
- D. Are dating, or have dated.


Criteria for Initiating the Lethality Screen

The officer should initiate the Lethality Screen when he/she responds to a domestic situation between intimate partners, and at least one of the following conditions exist:

- A. There is reason to believe an assault or an act that constitutes domestic violence has occurred, whether or not there is an arrest;
- B. There is a belief or sense on the part of the officer that once the victim is no longer in the presence of the officer the potential for violence or danger is high;
- C. When the officer has responded to a domestic situation involving either partner before; and/or
- D. The officer believes one should be conducted, based on the officer's professional experience, training and instincts.

Victims who are assessed at a high danger will be immediately referred via phone to advocates at the Noah Project. Departmental cellphones have been provided for this program and are not to be used for any other function.

However, officers are permitted to utilize their own phones if they so desire. Upon contacting the Noah Projects officers will identify themselves and inform the Noah Project representative that they are with the victim in need that has completed a LAP who is in danger of intimate partner homicide.

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Noah Project Responsibilities

- A. Will advise the victim of the location of the shelter and what items to bring.
- B. Will determine if transportation needs to be provided.
- C. If a victim needs transportation, Noah Project will ask to speak with the officer and request a standby until staff or taxi services arrive.
- D. If an officer is unable to assist with a standby, then ask the victim to go to a safe public location until Noah Project staff or a taxi arrives (obtain a physical description of the victim).

Destruction of Personal Property

Where a party to a domestic dispute is destroying, removing or attempting to remove property from the domestic dwelling, the primary duty of the officer is to prevent violence and to preserve the peace. It is an offense to destroy property of another (including a spouse) that has a legal interest in the property.


Violation of Protective Orders (TBP 7.08)

When an officer has information a person has violated a protective order, the officer shall first confirm an order is currently in effect. The officer shall then ensure the order includes the person(s) involved in the alleged violation and the conduct violates the terms of the order.

If an officer is presented with a protective order from another jurisdiction and the order appears authentic, the officer shall give the order full faith and credit and shall enforce the foreign order as if it were a Texas order.

The following shall dictate arrest procedures for both Texas and foreign protective orders:

- A. Protective orders can be broad in scope; however, only elements as defined in P.C. 25.07 are criminally enforceable. Officers should note the mere presence of two persons together does not always constitute a crime.
- B. If the violation is committed in the officer's presence, the officer shall arrest the violator.
- C. If the violation occurs out of the presence of the officer, the officer may arrest the violator within 72 hours if the officer has probable cause to believe the violation did occur.

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Completion of Emergency Protective Order (EPO) (TBP 7.08)

When an officer makes an arrest for family violence, he shall, in addition to all other necessary arrest paperwork, complete an application for an Emergency Protective Order, including the Texas Crime Information Center (TCIC) Data Entry Form when:

- A. The victim requests an emergency protective order.
- B. The officer has reason to believe the arrestee may cause further family violence upon release from jail, regardless of the level of offense committed.
- C. The offender is arrested for a felony family violence charge.
- D. Sections B and C shall be enforced regardless of the victim’s willingness to sign the protective order. In these cases the officer will sign their name as the affiant in the “Victim’s Signature” blank on the victim’s behalf.

Family Violence Reporting Requirements

In accordance with Article 5.05 of the Code of Criminal Procedure, any peace officer who investigates a family violence incident or who responds to a disturbance call that may involve family violence shall:

- A. Complete the case report in the required manner.
- B. Additionally, APD policy requires officers provide the victim or potential victim with a copy of the APD Family Violence Notice Form and a verbal explanation of its meaning; and
 - 1. Fill out a request for referral to the Noah Project or Regional Victim Crisis Center.
 - 2. APD Form 349 should be completed when evidence exists that children live in the home and family violence has occurred.

Military Personnel

If the suspect is a member of the state military forces or is serving in the armed forces of the United States in an active-duty status the Department shall provide written notice of the incident or disturbance call to the staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which the suspect is assigned.



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Foster Homes

A peace officer who investigates a family violence incident shall make a report to the Department of Family and Protective Services if the location of the incident or call, or the known address of a person involved in the incident or call, matches the address of a current licensed foster home or a verified agency foster home as listed in the Texas Crime Information Center. This report shall be filed within 24 hours of the incident with the Department of Family and Protective Services by either contacting the hotline at 1-800-877-5300 or <https://www.txabusehotline.org>. A list of license and /or verified foster care homes is available through TLETS.