



# Peoria Police Department

Policy Manual

## Domestic Violence

### 320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

### 320.2 POLICY

The Peoria Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

### 320.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

### 320.4 INVESTIGATIONS

Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

- Marital status of suspect and victim.
- Whether the suspect lives on the premises with the victim.
- Claims by the suspect that the victim provoked or perpetuated the violence.
- The potential financial or child custody consequences of arrest.
- The physical or emotional state of either party.
- Use of drugs or alcohol by either party.
- Denial that the abuse occurred where evidence indicates otherwise.
- A request by the victim not to arrest the suspect.
- Location of the incident (public/private).
- Speculation that the complainant may not follow through with the prosecution.
- The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

#### 320.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

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- Advise the victim that there is no guarantee the suspect will remain in custody.
- Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

#### **320.4.2 IF NO ARREST IS MADE**

If no arrest is made, the officer should:

- Advise the parties of any options, including but not limited to:
  - Voluntary separation of the parties.
  - Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- Document the resolution in a report.

#### **320.5 VICTIM ASSISTANCE**

Victims may be traumatized or confused. Officers should:

- Recognize that a victim's behavior and actions may be affected.
- Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- Alert the victim to any available victim advocates, shelters and community resources.
- Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- Seek or assist the victim in obtaining an emergency order if appropriate.

#### **320.6 DISPATCH ASSISTANCE**

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

#### **320.7 FOREIGN COURT ORDERS**

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the

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order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

#### **320.8 VERIFICATION OF COURT ORDERS**

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- Check available records or databases that may show the status or conditions of the order.
- Contact the issuing court to verify the validity of the order.
- Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

#### **320.9 LEGAL MANDATES AND RELEVANT LAWS**

Arizona law provides for the following:

##### **320.9.1 STANDARDS FOR ARRESTS**

Officers investigating a domestic violence report should consider the following:

- An officer should arrest a person if the officer has probable cause to believe that the person to be arrested has committed an act of domestic violence, whether or not the offense was committed in the presence of the officer (ARS § 13-3601(B)). A decision to not make an arrest requires the review and authorization of a supervisor.
- An arrest shall be made in a domestic violence incident involving the infliction of physical injury or involving the discharge, use or threatened exhibition of a deadly weapon or dangerous instrument unless the officer has reasonable grounds to believe that the circumstances at the time are such that the victim will be protected from further injury (ARS § 13-3601(B)). A decision to not make an arrest in these circumstances requires the review and authorization of a supervisor.
- In order to arrest both parties, an officer must have probable cause to believe that both parties independently have committed an act of domestic violence (ARS § 13-3601(B)).
- Officers should not arrest a person for domestic violence when there is reason to believe the act in question qualifies as self-defense and is justified under Chapter 4 of Title 13 of the Arizona Revised Statutes (ARS § 13-3601(B); ARS 13-401 et seq.).
- A person arrested for domestic violence shall not be released in the field by citation. A physical arrest and booking is required (ARS § 13-3601(B)).
- An officer should arrest a person if there is probable cause to believe the person has disobeyed or resisted an order issued in any jurisdiction in this state pursuant to ARS § 13-3602(M) whether or not such violation occurred in the officer's presence.

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- Emergency Orders of Protection issued under ARS§13-3624 shall be forced (ARS § 13-3624(H)).
- Whenever a defendant arrested for violating a court order is released from the custody of this department, the releasing officer shall make reasonable efforts to contact the victim or others listed in an order of protection who requested notification upon release of the defendant (ARS § 13-3602(N)).

#### **320.9.2 REPORTS AND RECORDS**

Officers shall adhere to the report writing guide and to the Maricopa County Attorney's Office protocol as it applies to domestic violence.

A citation in lieu of detention is not permissible in cases of domestic violence.

If a firearm is seized, the officer shall give the owner or possessor of the firearm a receipt for each seized firearm, which indicates the identification or serial number or other identifying characteristic of each seized firearm (ARS § 13-3601).

- The officer should also ensure notification is made to the Property and Evidence Unit Supervisor to ensure that any firearm seized for safekeeping is held for at least 72 hours.

An officer investigating a violation of a court order shall ensure any report is forwarded to the appropriate prosecuting agency (ARS § 13-3602(M)).

#### **320.9.3 SERVICE OF COURT ORDERS**

An officer should serve orders for protection issued under ARS§13-3602 and give it priority over other calls for service that do not involve an immediate threat to a person's safety (ARS § 13-3602(Q) and AZ ST RPOP Rule 1).

When an officer has reasonable grounds to believe that a victim is in immediate and present danger of domestic violence, the officer should seek and serve an emergency protective order (ARS § 13-3624).