



**BURLINGTON POLICE DEPARTMENT
DEPARTMENT DIRECTIVE
DD21.01 Domestic Violence Response**

PURPOSE: To establish a policy to provide all parties involved, most importantly the victim/survivor, the greatest protection available.

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I. GOALS

- A. To reduce family homicides and assaults.
- B. To reduce injuries to Police Officers.
- C. To reduce police callbacks to repeat offenders.
- D. To reduce liability risks for the department.
- E. To improve community

Effective domestic violence crime prevention requires a team approach. The Emergency Communications Specialists (ECS) should gather information to safeguard the lives of the responding officers and the victim. The patrol officers should restore order and conduct thorough on-scene investigations. Supervisors should motivate, teach and direct their personnel, so that officers perform their jobs in a compassionate, professional manner.

II. DEFINITIONS

A. "Household Member" A person who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors who are dating or have dated. Note that this law also provides protection for people age 60 years or older and adults with disabilities, who are being abused or exploited by a family member.

B. "Domestic Violence" occurs when a person causes or attempts to cause to another household member:

1. Domestic Assault - attempting to cause or willfully or recklessly causing bodily injury to a family or household member or willfully causing such a person to fear imminent serious bodily injury. This statute therefore covers threats, which cause a family or household member to fear imminent serious bodily injury.
2. Sexual assault
3. Stalking;
4. A property crime, i.e., unlawful mischief;
5. Unlawful trespass;
6. Unlawful restraint;

- C. “Probable Cause” means the combination of facts which leads a police officer to believe a crime has been committed. The probable cause standard applied to domestic violence crimes is no different from the standard applied to other crimes. The police officers should not consider the following factors when determining probable cause:
1. marital status of the parties;
 2. existence of a relief from abuse order (except if the violation of such order would constitute a crime);
 3. dispositions of previous police calls involving the same victim and offender;
 4. victim’s unwillingness to prosecute the case;
 5. police officer’s belief that the victim will not prosecute;
 6. verbal assurances by either party that the violence will stop;
 7. denials by either party that the violence occurred when there is evidence of domestic violence;
 8. the police officer’s concern about reprisals against the victim by the offender;
 9. the race, ethnicity, sexual orientation, social class, or occupation of the victim and/or the offender;
 10. intoxication of either party.
- D. “Domestic Dispute” means any incident between family/household members where, even though no crime may have occurred, the police have been called to the scene.
- E. “Victim/Complainant” means any person who is the victim of domestic violence. This includes victims who are unwilling to file charges or to prosecute the offender.
- F. “Bodily Injury” means physical pain, illness, or any impairment of the victim's physical condition.
- G. “Self Defense” means a person’s justifiable use of physical force upon another person when the person believes such force is necessary to defend themselves or a third party from what he/she reasonably believes to be the use, or imminent use, of unlawful physical force by the other person.
- H. “Primary Aggressor” means the person that is more likely to perpetuate the physical violence and cause further injury.

III. COMMUNICATIONS PROCEDURE

The Emergency Communications Specialist who receives a domestic violence call can provide the responding officers with vital information that could save the victim's and the officer’s life. The ECS will give a domestic violence call the same priority as any other life threatening call and will, whenever possible, dispatch two officers to the scene.

- A. During the initial call for assistance, the ECS should attempt to ask these questions:
1. Where and what is the emergency? What is the house or apartment number? What is the telephone number?

2. What has happened?
3. To whom am I speaking?
4. Are you the victim? If no, are you a witness?
5. Has anyone been injured? If yes, what are the injuries and is an ambulance needed?
6. Is the suspect present? If not, a description of the suspect, the suspect's vehicle, and the suspect's expected whereabouts?
7. Are weapons involved? If yes, what kind? If no, are there weapons in the house and where?
8. Is the offender or anyone present under the influence of drugs or alcohol? If yes, what substance?
9. Are children present?
10. Is there a TRO or FRO in effect? The ECS shall check the statewide database or holding station within their county to verify the TRO or FRO.
11. Record spontaneous statements/excited utterances.

B. Policy regarding the cancellation of a domestic dispute call.

1. If the ECS receives a subsequent call to cancel the original call, she/he will still send the unit to the location to make sure the family and/or the complainant is safe.
2. The ECS will stay on the telephone with the caller, if possible, to provide updates for the responding officers until they arrive.

IV. PATROL OFFICERS' PROCEDURES

A. On-Scene Investigation.

The purpose of any on-scene investigation is to determine through investigation if there is "probable cause" to believe a crime has been committed. This can be done through conducting interviews, obtaining statements, and examining the crime scene for evidence. The probable cause standard applied to domestic violence crimes is no different from the standard applied to other crimes.

When responding to a domestic violence call, the officer shall:

1. Attempt to restore order by separating the parties and calming them down;
2. Ensure safety of the victim and children
3. Assess the need for medical attention and call for medical backup if needed;
4. Attempt to interview all parties separately (the victim, offender and witnesses) using supportive interviewing techniques (children should be interviewed in a manner appropriate to their age);
5. After each party has been interviewed separately, confer with the supervisor to decide if an arrest should be made and/or other action taken;
6. Attempt to convey to the parties that domestic violence is a crime, that without intervention, often increases in frequency and severity;

7. When appropriate, take color photographs of any injuries or property damage, and schedule follow-up photos if applicable;
8. Collect and record all evidence and attempt to obtain names and addresses of medical and rescue personnel;
9. Prepare a written report even if no crime has been committed, to explain the circumstances of the incident and why no court action was taken.

If the offender has left the scene and a crime has been committed, the officers will also:

10. Conduct a search of the immediate area;
11. Obtain information from the victim and witnesses as to where the offender might be (at his job, a relatives or friend's house);
12. Notify immediately the Probation and Parole Officer of the situation if the offender is on probation, parole, furlough, or supervised community sentence;
13. Contact Adult Protective Services within 48 hours when an incident involves suspected abuse, neglect or exploitation of a person sixty years of age or older, or of a person with disability eighteen or older who has a diagnosed physical or mental impairment;
14. Contact DCF if any suspected child abuse has occurred or if any juveniles are in DCF custody at the time of the incident;
15. Complete the Domestic Violence Checklist.

Reminder: Officers should fully document their response to every domestic violence call regardless of whether or not a crime has been committed or an arrest has been made. In those instances where probable cause exists and no arrest had been made, the officers should document their reason for not making an arrest.

B. Arrest is this Department's preferred response to domestic violence because arrest offers the greatest potential for ending the violence. If there is credible evidence sufficient to establish probable cause that a crime has been committed, the officer shall:

1. Arrest the suspect if there has been an assault against a family/household member or a child of such person, whether the crime was committed in the officer's presence or not (pursuant to Rule 3 VRCP).
2. Arrest the suspect for any violation of any relief from abuse order (Title 13 VSA 1030) issued by a Vermont Family Court or any other state that contains provisions similar to relief provisions authorized under the Abuse Prevention Act, whether it was committed in the officer's presence or not, (see Rule 3 A (2); 15 VSA 1101; 15 VSA 1108). First offense is a misdemeanor. Subsequent offenses are felonies when defendant has a prior misdemeanor conviction.
3. If the officer believes there is any risk of further violence, the suspect should be lodged at the Correctional Center in accordance with Rule 3 (2) (c).

NOTE: The officer shall ask the victim if he/she wishes to be notified of any subsequent change in the custody status of the suspect. If so, the officer shall provide the victim with a release notification form and include victim notification in her/his safety plan that police officer creates.

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4. When officers respond to a domestic violence call and two people are injured, the officers will attempt to determine if one of the parties acted in self-defense by, for example, considering if the amount of force used was consistent with defense. If so only the person who has been the "Primary Aggressor" should be arrested.
5. If there are any extraordinary circumstances, the State's Attorney's Office should be consulted.
6. Arrest for violations of conditions of release relating to a restriction on 1) travel, 2) harassment of a victim or witness, under Rule 3 (c) 2 (A-E).

Officers who discover any evidence of physical, emotional, or sexual abuse of or risk to children, will follow the Department of Children and Families – Family Services Division (DCF/FSD) protocols on child abuse and sexual abuse and will contact DCF/FSD anytime a child's welfare is in question.

The arresting officer should attempt to determine if the victim wants to be notified of any subsequent change in custody status of the offender. If the victim indicates that he/she would like to be notified of the offender's release from custody, officers should complete the Request for Release Notification to Victims/Affected Persons and include victim notification in her/his safety plan that police officer creates.

C. Post-arrest procedure/victim assistance:

Victims of domestic violence may require a variety of assistance to meet their immediate needs for safety, medical treatment and information. Therefore officers should provide the following assistance to victims, offenders and their children:

1. officers should emphasize to the victim and the offender that the criminal action is being initiated by the State, not the victim;
2. inform the parties that domestic violence is a crime;
3. Inform victims and refer them to community based advocacy centers.
4. secure medical treatment for the victim;
5. provide for the safety of the children;
6. complete a risk/lethality assessment and create a safety plan for the victim and their family as appropriate
7. remain on the scene until satisfied that there is no immediate threat to the victim;
8. if one person is removing personal property, remain on the scene to preserve the peace;
9. offer to give the victim an information card with the telephone numbers of shelters, advocacy and batterer's groups and victim's compensation application form;
10. ensure the victim understands English sufficiently, or arrange for an interpreter;
11. provide the victim with the law incident number and explain what, if any, follow-up action will occur;
12. provide the victim with information about obtaining a temporary relief from abuse order and notify the victim as soon as practical if and when the order has been served;
13. arrange for, or provide, transportation to a shelter or safe place;

14. advise the victim to immediately call police if the suspect or the suspect's family or a companion threatens him/her;
15. provide the victim with the phone number of the Victim Advocate for follow-up questions;
16. anytime an officer serves either a temporary or a final relief from abuse order, the officer must fax a copy of the return of service to the Chittenden County holding station.

V. RISK/LETHALITY ASSESSMENT & SAFETY PLANNING

During each domestic violence investigation the investigating officer should perform a risk assessment using a risk assessment tool selected by the Department. At the conclusion of this risk assessment the officer should confer with the on duty supervisor to establish a safety plan for the victim and their family. The outcome of the assessment and subsequent safety plan shall be documented in the officer's report.

VI. SUPERVISORS' ROLE

A. Patrol Supervisor:

1. whenever possible, respond to domestic calls for safety and monitoring purposes;
2. whenever possible, discuss the circumstances of the domestic violence call with the arresting officer and offer support and assistance in making a decision as to whether to lodge, cite or flash cite the defendant;
3. provide periodic training on the topic at roll calls;
4. at the beginning of his/her shift, assign relief from abuse orders to officers and fill out appropriate tracking sheets;
5. review risk/lethality assessments and safety plans as soon as they are completed.

VII. TRAINING

- A. The Training Division shall be responsible for implementing an ongoing training program for members of the department on domestic violence.
- B. The training goals are to inform officers of:
 1. the domestic violence laws;
 2. the department's domestic violence policy and procedures;
 3. the dynamics of domestic violence;
 4. police officer safety techniques;
 5. risk & lethality assessment;
 6. safety planning;
 7. available resources & how to collaborate with them.
- C. ECSs, police officers and supervisors, should be trained on domestic violence on an annual basis.

Reviewed and adopted by the Burlington Police Commission on January 8, 2007.



Michael E. Schirling, Chief of Police

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Effective Date