



<b>WRITTEN DIRECTIVE</b>	No.	PD17-2019	Page:	1 of 7
	Subject:	Effective	08-22-17	
	<b>DOMESTIC VIOLENCE</b>	Date:		
		Supersedes/ Amends:	PD15-2019	
	Reference:			



## I. Purpose

The purpose of this directive is to outline courses of action officers should take in response to domestic violence that will enforce the law while also serving to intervene and prevent future incidents of violence.

## II. Policy

It shall be the policy of the Lynchburg Police Department to protect victims of domestic violence and provide them with support through a combination of law enforcement and community services.

## III. Procedure

### A. DEFINITIONS

1. For the purposes of this directive, *domestic violence* situations will involve persons who are family or household members as defined in Code of Virginia Section 18.2-57.2, Paragraph D.
2. *Domestic Violence* occurs where a person commits or attempts to commit the following types of offenses against a family or household member:
  - a. causing bodily injury or fear of imminent bodily injury,
  - b. sexual assault,
  - c. interference with freedom of movement,
  - d. violation of a court order,
  - e. stalking (as defined in Code of Virginia Section 18.2-60.3),
  - f. criminal trespass, and
  - g. threats.
3. Suspects arrested for assault and battery of family or household members should be charged under Code of Virginia Section 18.2-57.2.

**B. DISPATCH PROCEDURES**

1. LynComm personnel will, whenever possible, dispatch at least two officers to every domestic violence incident.
2. In addition to information normally gathered, an effort should be made to determine and relay the following to responding officers:
  - a. whether the offender is present and, if not, the offender's description and possible location,
  - b. whether weapons are involved,
  - c. whether the offender is under the influence of drugs or alcohol,
  - d. whether there are children present,
  - e. whether the victim has a current protective or restraining order, and
  - f. complaint history at that location.
3. LynComm personnel will not cancel police response to a domestic violence complaint based solely on a follow-up call from the complainant, however, the telecommunicator will advise the officers of the complainant's request.

**C. RESPONDING OFFICER PROCEDURES**

1. When responding to a domestic violence call for service, the officers will:
  - a. restore order by gaining control of the situation,
  - b. take control of weapons used or threatened to be used in the incident,
  - c. assess the need for medical attention and call for medical assistance if needed,
  - d. interview involved parties,
  - e. after each party has been interviewed, responding officers should confer to determine if probable cause exists to determine an arrest will be made,
  - f. collect and record evidence and, when appropriate, take photographs of injuries and property damage,
  - g. complete an incident report, a *Domestic Violence Report*, and any other appropriate reports necessary to properly document the officer's response (see PD-0902 *Criminal and Special Purpose Investigations*),

- h. if requested, refer the victim to the Records Unit for a copy of the report which will be provided at no cost, and
    - i. give the victim a completed *Victim/Witness Information Form* (see PD-1504 *Victim/Witness Assistance*).
  2. If the offender has left the scene and a crime has been committed, the officers will:
    - a. conduct a search of the immediate area, and
    - b. obtain information from victims and witnesses as to where the offender might be.

#### D. ARREST

1. An officer having probable cause to believe that a violation of the Code of Virginia Sections 18.2-57.2 or 16.1-253.2 has occurred shall arrest and take into custody the predominant physical aggressor unless there are special circumstances which would dictate a course of action other than arrest. (see PD-0501 *Alternatives to Arrest*)
2. Factors to consider when determining the predominant physical aggressor include:
  - a. the intent of the law to protect the health and safety of family or household members,
  - b. prior complaints of family abuse by the allegedly abusing person,
  - c. the relative severity of the injuries inflicted on persons involved in the incident and whether any injuries were inflicted in self defense,
  - d. the relative size, bulk, and strength of the parties involved,
  - e. evidence from persons involved in or witnesses to the incident,
  - f. current or previous protection orders filed against either party, and
  - g. history of domestic related calls for service to the home.
3. Officers should not make mutual assault arrests (arrest both participants) if unable to determine the predominant aggressor *unless* the officer has probable cause to believe:
  - a. that separate incidents of violence constituting separate offenses (not an offense and a response) has occurred.
  - b. such arrests are in the best interest of other parties such as children or other family members.

4. If an arrest is made, the officer will:
  - a. emphasize to the victim and the offender that the criminal action is being initiated by the Commonwealth and not the victim,
  - b. petition for an Emergency Protective Order as authorized in Code of Virginia Section 16.1-253.4 when the person arrested and taken into custody is brought before the magistrate.
5. If an arrest is not made, the officer will:
  - a. petition for an Emergency Protective Order as authorized in Code of Virginia Section 16.1-253.4 if a danger of family abuse still exists.
  - b. include in the incident report a statement providing the special circumstances that dictate a course of action other than arrest.

#### E. VICTIM ASSISTANCE

1. Officers will provide the following assistance to victims, batterers, and when appropriate, children:
  - a. advise all parties about the criminal nature of domestic violence, its potential for escalation, and that help is available, (references: referral card(s), *Victim/Witness Information Form*, and LPD website, )
  - b. secure medical treatment for victims,
  - c. ensure the safety of children,
  - d. remain on the scene until the officer is satisfied there is no threat to any victim,
  - e. remain on the scene to preserve the peace as one person removes necessary personal property,
  - f. provide the victim with referral information for legal or social assistance and support (references: referral card(s), *Victim/Witness Information Form*, and LPD website).
  - g. upon request, transport or arrange for the transportation of an abused person to a hospital, safe shelter, or magistrate.

#### F. POSSESSION OF A WEAPON BY A PERSON WHO IS SUBJECT TO A PROTECTIVE ORDER OR CONVICTED OF DOMESTIC VIOLENCE

1. *Code of Virginia 18.2-308.1:4* prohibits a person who is subject to a protective order from purchasing or transporting any firearm while the order is in effect.

2. The Federal Gun Control Act of 1968, as amended, prohibits persons convicted of misdemeanor crimes involving domestic violence from owning or possessing a firearm.
3. For the purpose of the Act, misdemeanor crimes of domestic violence means a misdemeanor involving the use or attempted use of physical force, or the threatened use of a deadly weapon, and was committed by a:
  - a. current or former spouse, parent, or guardian by a person with whom the victim shares a child in common,
  - b. person who is cohabiting or has cohabited with the victim as a spouse, parent or guardian, or
  - c. person similarly situated to a spouse, parent or guardian of the victim
4. Responsibilities of the Lynchburg Police Department include:
  - a. notifying the Bureau of Alcohol, Tobacco, and Firearms (BATF) of any violation of the gun control laws that comes to the department's attention,
  - b. background investigation of police officer candidates to verify that the candidate has not been convicted of a domestic violence misdemeanor,
  - c. background investigation for concealed weapons permits to verify that the applicant has not been convicted of a domestic violence misdemeanor, and
  - d. prior to the release of any firearm from department custody, verification that the person to whom the weapon is to be released has not been convicted of a domestic violence misdemeanor.

#### G. LETHALITY ASSESSMENT

1. Officers are to initiate the Lethality Assessment when an intimate relationship is involved and the officer believes the situation could lead to serious injury or death to one of the parties involved. The officer should make this determination while evaluating the totality of the circumstances. Factors to consider include but are not limited to:
  - a. The potential for serious injury/death is high
  - b. An assault has occurred resulting in serious injury
  - c. Names of parties or location are repeat names or locations
  - d. Serious threats have been made to the victim and/or their children
  - e. Victim displays noticeable fear

- f. The call is to a household where a protective order that is still in effect has been violated
- g. The officer believes one should be conducted based on experience, training and instinct

## 2. Domestic Violence Lethality Screening Questions

- a. Advise the victim they will be asked a series of questions to help the officer determine the immediate potential for danger to the victim.
- b. Ask the questions in the order they are listed on the *Domestic Violence Lethality Screen For Law Enforcement* form LPD-1404-02.
- c. Ask all the questions when assessing the victim. The more questions the victim responds to positively, the clearer and more immediate the potential danger is to the victim.

## 3. Referrals

- a. Not Triggered
  - i. If the referral is not triggered or the victim does not answer the screening questions, the officer will:
    - 1. Advise the victim that domestic violence is dangerous and sometimes fatal.
    - 2. Inform the victim to watch for the signs listed in the assessment because they may convey to the victim that they are at an increased level of danger.
    - 3. Provide Domestic Violence Referral Information to the victim and encourage the victim, male or female, to contact the appropriate shelter.
- b. Triggered
  - i. If a high danger assessment is made or the officer believes it is appropriate, the referral will be implemented as follows:
    - 1. Advise the victim that their situation has shown the victim is at an increased level of danger and that people in the victim's situation have been killed or seriously injured.
    - 2. Advise the victim that the officer would like to call the Hotline number that is listed on the *Domestic Violence Lethality Screen for Law Enforcement* form and have the victim speak with a counselor.

3. If the victim initially declines to speak with the counselor the officer will:
  - a. Tell the victim that the officer will contact the hotline to receive guidance on how to proceed with the situation.
  - b. Tell the victim that the officer would like the victim to reconsider speaking with the hotline counselor.
  - c. After the officer concludes the conversation with the counselor, the officer will ask the victim if the victim has reconsidered and would now like to speak with the counselor.
  - d. During or upon completion of the reporting officer's shift, the officer will place any Domestic Violence Lethality Screen forms used in the designated mail routing tray that will be located in the Field Operations Roll Call Room.
  - e. The detective assigned as the Domestic Violence Review Coordinator or their designee will be responsible for collecting the forms and routing them to the Domestic Violence Prevention Center Coordinator.

*Original Signed*

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Raul M. Diaz  
Chief of Police

August 22, 2017

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Date