

Series 200 Operations	Effective Date / /	Review Date Three Years	Directive Number 201.3
Chapter 201 - Patrol Operations			
Reviewing Office Domestic Violence			<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Revised Revisions in <i>italics</i>
References			

DOMESTIC VIOLENCE

201.3 - 1 Purpose

To provide guidelines and procedures regarding the investigation of domestic violence incidents and corresponding state law requirements.

201.3 - 2 Policy

Members shall investigate crimes of domestic violence with the same consideration as other assaultive crimes. Cycles of domestic violence within families and social unions can be complex and involve factors not typically found in other crimes. Members shall ensure that every victim of domestic violence, regardless of gender, is treated with empathy and respect and that information regarding shelters and services is provided.

Members shall arrest an individual where there is probable cause to believe the individual has committed a crime of domestic violence. Any decision not to arrest shall be based only on the absence of probable cause. In making this determination, the fact that the victim does not wish to prosecute must not be considered.

As part of the investigative process, members shall question the victim regarding any safety concerns or fears of retaliation the victim may have. These concerns should guide discussions with the victim about available resources, safety planning, and options for legal protection. Officers should explain the impact of the decision to prosecute and empower the victim to make an informed choice regarding their safety.

201.3 - 3 Definitions

Domestic Violence – *is the occurrence of any of the following acts by an individual that is not an act of self-defense:*

1. *Causing or attempting to cause physical or mental harm to a family or household member.*
2. *Placing a family or household member in fear of physical or mental harm.*

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3. *Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress.*

Engaging in activity toward a family or household member that would cause a reasonable individual to feel terrorized, frightened, intimidated, threatened, harassed, or molested. MCL 400.1501.

Domestic Relationship - *for purposes of this directive and in accordance with MCL 768.27b, a domestic relationship is a spouse or former spouse, an individual with whom the person resides or has resided, an individual with whom the person has a child in common, and an individual with whom the person has or has had a dating relationship. . MCL 400.1501.*

Dating Relationship - *frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. . MCL 400.1501.*

Excited Utterance – *a statement relating to a startling event or condition, made while the declarant was under the stress of excitement that is caused. Example: “He just hit me and then left in his car.” MRE 803.*

Present Sense Impression – *a statement describing or explaining an event or condition, made while or immediately after the declarant perceived it. Ex: “Look. He is running down the alley.” MRE 803.*

201.3 - 4 Procedure

201.3 – 4.1 Responding to Domestic Violence Incidents

Members shall thoroughly investigate all allegations of domestic violence. Allegations that a parent, guardian, or person who cares for or has custody or authority over a child under the age of 18 shall be investigated under the child abuse statute.

Members shall give the complainant an opportunity to describe what happened during the incident being reported. If details remain unclear, members must ask follow up questions to ensure that full account of what transpired can be recorded. Members shall take note of the complainant's initial statement and any other statements made while the complainant is in an excited or emotional state. Members shall question the complainant regarding any injuries sustained during the incident and ask the complainant to thoroughly describe how each injury occurred. Regardless of whether the complainant is injured or not, members shall utilize the body-worn camera (BWC) to obtain images of the complainant's body and garments.

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Absent unusual circumstances, no arrest decision should be made until the suspect is given an opportunity to provide a statement as to what occurred. Members should typically question the suspect with the same consideration as the victim and should draw no conclusions until the BWC situation has been fully investigated. Members shall question the suspect regarding any injuries sustained during the alleged altercation and must utilize the BWC to obtain images of the suspect's body and garments.

Members taking domestic violence reports at the scene shall conduct a canvass of the scene for evidence that tends to corroborate or refute the allegations made. The canvass must include a search for witnesses and video footage. Where appropriate, members shall attempt to talk to neighbors or other individuals near the location, as crimes of domestic violence often involve screaming or yelling. Members should consider contacting the 911 call-taker to obtain information regarding the 911 call made if the notes do not fully describe the incident.

201.3 – 4.2 Collection of Evidence

Members shall ensure that their BWCs are appropriately docked to ensure that any video from their investigation is properly retained. Any physical evidence at the scene shall be collected and processed in accordance with DPD evidence procedures.

201.3 – 4.3 Arrest Determinations

Members shall make an arrest where there is probable cause to believe that a suspect committed an act of domestic violence. Where there are cross-complaints, members shall attempt to ascertain whether one person was acting in self-defense or lawful defense of another. Dual arrests are rarely appropriate and should be avoided.

Members shall request a supervisor to the scene where there is uncertainty as to whether an arrest should be made or who should be arrested. The on-scene supervisor will be responsible for making an arrest determination. Arrests for domestic violence will be processed in accordance with DPD arrest and prisoner processing procedures.

An individual arrested for domestic violence may not be released until the arraignment has occurred or a judge or district court magistrate has set a bond or a warrant recommendation has been denied, except pursuant to a lawful writ of habeas corpus.

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201.3 - 4.4 Investigations at the Precinct

When a victim of domestic violence appears at a precinct to file a domestic violence incident, the reporting member shall complete an incident report and inform the desk supervisor of the circumstance surrounding the incident. The supervisor shall make a determination as to whether a patrol unit shall be dispatched to the incident location for further investigation and/or possible apprehension based on the findings of the investigation. Factors to be considered but are not limited to:

1. The last known location of the suspect or potential for the suspect to return.
2. Whether the victim and suspect reside together.
3. Availability of alternative housing or other safe place.
4. The location of any children in common.

201.3 - 4.5 Stalking Offenses

Stalking consists of two or more separate acts of unconsented contact between the stalker and the victim, where the unconsented act would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and actually causes the victim to feel so. MCL 750.411i(1)(e). The term “unconsented contact” refers to contact that is either initiated or continued without the victim’s consent or in disregard of the victim’s request to refrain from any further unconsented contact. MCL 750.411i(1)(f). The law presumes that the continuation of unconsented contact will cause the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested. Unconsented contact includes, but is not limited to, the following:

- Following or appearing within the sight of the victim;
- Approaching or confronting the victim in a public place or on private property;
- Appearing at the workplace or residence of the victim;
- Entering onto or remaining on property owned, leased, or occupied by the victim;
- Contacting the victim by telephone;
- Sending mail or electronic communications to the victim; and
- Placing an object on, or delivering an object to property owned, leased, or occupied by the victim.

201.3 - 4.6 Aggravated Stalking

Aggravated stalking is stalking which occurs without the victim’s consent under any of the following circumstances:

- a. At least one of the actions constituting the offense is in violation of a restraining order and the individual has received actual notice of that restraining order or at least one of the actions is in violation of an injunction or preliminary injunction.

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- b. At least one of the actions constituting the offense is in violation of a condition of probation, a condition of parole, a condition of pretrial release, or a condition of release on bond pending appeal.
- c. The course of conduct includes the making of one or more credible threats against the victim, a member of the victim's family, or another individual living in the same household as the victim.
- d. The individual has been previously convicted of a violation of stalking or aggravated stalking.

Members confronted with incidents involving stalking or aggravated stalking shall take appropriate enforcement action consistent with the laws of arrest and department policy.

201.3 - 4.7 Persons Arrested Pursuant to Not-In-Custody Warrants

Persons arrested on a domestic assault warrant, or other misdemeanor, or felony crimes committed within the context of a domestic dispute including domestic assault or aggravated domestic assault, shall also be held until arraignment has occurred or a judge or district court magistrate has set bond.

201.3 - 5 Report Writing

MCL 764.15c requires police officers to prepare an incident report after investigating or intervening in a domestic violence incident. The law requires the following information be included in the report:

1. *The address, date, and time of the incident being investigated.*
2. *The victim's name, address, home and work telephone numbers.*
3. *The victim's race, sex, and date of birth.*
4. *The suspect's race, sex, and date of birth.*
5. *Whether an injunction or restraining order covering the suspect exists.*
6. *The name, address, home and work telephone number of any witness, including a child of the victim or suspect, and the relationship of the witness to the suspect or victim.*
7. *The name of the person who called the law enforcement agency.*
8. *The relationship of the victim and suspect.*
9. *Whether alcohol or controlled substance use was involved in the incident and by whom it was used by.*
10. *A brief narrative describing the incident and the circumstances that led to it.*
11. *Whether and how many times the suspect physically assaulted the victim and a description of any weapon or object used.*
12. *A description of all injuries sustained by the victim and an explanation of how the injuries were sustained.*

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13. *If the victim sought medical attention, information concerning where and how the victim was transported, whether the victim was admitted to a hospital or clinic for treatment, and the name and telephone number of the attending physician.*
14. *A description of any property damage reported by the victim or evident at the scene.*
15. *A description of any previous domestic violence incidents between the victim and the suspect.*
16. *The date and time of the report and the name, badge number, and signature of the police officer completing the report.*

Members responding to domestic violence situations shall take care to detail the nature of the relationship by indicating the length, duration, frequency of contacts and other similar information in the incident report to establish the elements of the crime. *Members shall ensure that the fields located under the domestic violence tab in MOBLAN are completed in its entirety for each victim, whether an arrest was made or not. Members shall ensure that all excited utterances and present sense impressions are accurately recorded in the narrative of their reports.*

201.3 - 6 Case Assignments

The Domestic Violence Unit shall handle all investigations when the domestic relationship is comprised of the following:

- Spouse;
- Former spouse;
- Couple residing together;
- A couple that formerly resided together;
- A couple with a child in common;
- Stalking Personal Protection Orders; or
- Personal Protection Order violations involving any of the aforementioned relationship criteria.
- *Threat reports which fit the aforementioned relationship criteria.*

All other domestic violence complaints will be handled by the precinct of occurrence. *Members shall ensure the appropriate investigating entity is notified from the scene.*

201.3 - 7 Notice of Victim Rights

Members shall provide victims of domestic violence with a copy of the *Victims of Crimes Rights and Resources* (DPD 113) and any other pamphlets or materials prescribed by the Domestic Violence Unit. *The DPD 113 provides information required under MCL 764.15c, including information regarding access to police reports and the availability of shelters and counseling services. Members shall ensure to write their names and badge numbers on the form before providing it to the victim.*

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Members shall assist victims by providing or arranging for transportation to a shelter or other safe place. If conveyance from the scene to the shelter is not feasible, victims shall be transported to the precinct station for later conveyance. Members shall follow department procedures regarding sick or injured persons for any injured persons.

At a victim's request, the Domestic Violence Unit or other specialized command responsible for the investigation shall provide the victim with a copy of the incident report prepared on the incident. There shall be no fee collected when providing the victim with a copy of the report.

201.3 - 8 Department Members Arrested

When a sworn member is arrested for a domestic violence related incident, responding *officers* shall *immediately request a supervisor to the scene. The supervisor shall contact Internal Affairs, be guided by their direction, and remain at the scene until the Alert Team arrives.*

Related Forms:

- Victim of Crimes Rights and Resources form (DPD 113)