

DOMESTIC ABUSE INVESTIGATIONS

PURPOSE: So that all Jacksonville Police Department employees understand what is expected of them when they investigate a domestic abuse incident.

POLICY: It is the policy of this Department to reduce the incidence and severity of domestic abuse; protect victims of domestic abuse and provide them with support through a combination of law enforcement and community services; and, promote officer safety by ensuring that officers are fully prepared to respond to and effectively deal with domestic abuse calls for service.

DEFINITIONS:

I. DOMESTIC ABUSE:

- A. Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm;
- B. Bodily harm, bodily injury or assault between family or household members; or
- C. Any sexual contact between family or household members whether minors or adults, which constitutes a crime under the laws of this State.

II. FAMILY OR HOUSEHOLD MEMBERS:

- A. Spouses;
- B. Former spouses;
- C. Parents;
- D. Children;
- E. Persons related by blood within the fourth (4th) degree of consanguinity;
- F. Persons who are presently or in the past have resided or cohabited together; or
- G. Persons who are presently or in the past have been in a "dating relationship" together.

III. Dating Relationship means a romantic or intimate social relationship between two (2) individuals which shall be determined by examining the following factors:

- A. The length of the relationship;
- B. The type of the relationship; and
- C. The frequency of interaction between the two (2) individuals involved in the relationship. "Dating relationship" shall not include a casual relationship or ordinary fraternization between two (2) individuals in a business or social context.

PROCEDURES:

I. RESPONDING OFFICER PROCEDURES (7.10)

- A. On-Scene Investigation - When responding to a domestic abuse call, the officers shall:
 - 1. Restore order by gaining control of the situation;
 - 2. Take control of all weapons used or threatened to be used in the crime;
 - 3. Assess the need for medical attention and call for medical assistance, if indicated;

4. An investigation of a complaint or accusation of domestic violence shall be done in a manner that allows the prosecuting attorney to prosecute the offense if the prosecuting attorney has probable cause an offense was committed and achieve a guilty verdict based on evidence independent of the testimony of the victim of the offense.
 - a. Compliance with this section may be achieved through the collection of evidence including without limitation:
 - i. Witness statements;
 - ii. Properly obtained statements from the alleged offender;
 - iii. Medical records;
 - iv. Photographs or other media;
 - v. Other physical evidence; and
 - vi. Statements from the victim that are exclusions or exceptions to Rule 802 of the Arkansas Rules of Evidence.
5. After each party has been interviewed, responding officers should confer to determine if an arrest should be made or whether other actions should be taken. Pursuant to A.C.A. §16-81-113, when a law enforcement officer has probable cause to believe a person has committed acts which constitute a crime under the laws of this State and which constitute domestic abuse, the officer may arrest the person without a warrant if the law enforcement officer has probable cause to believe the person, within the preceding twelve (12) hours, has committed such acts even if the incident did not take place in the presence of the law enforcement officer.
 - B. The arrest of the person shall be considered the preferred action by a law enforcement officer of this Department when evidence indicates that domestic abuse has occurred in addition to a violation of the Arkansas Criminal Code.
 - C. Collect and record evidence and, where appropriate, take color photographs of injuries and property damage.
 - D. Complete appropriate offense or incident reports necessary to fully document the officer's response, whether or not a crime was committed or an arrest made.
 - E. Give the victim an incident report information card.
 - F. Advise the victim that a petition for relief may be filed in the Circuit Court of the county where the petitioner resides, where the alleged incident of abuse occurred, or where the respondent may be served.
 - G. Advise all parties about the criminal nature of family violence, its potential for escalation, and that help is available.
 - H. Remain on the scene until satisfied that there is no threat to the victim.
 - I. Provide the victim with referral information for legal or social assistance and support.
 - J. If the offender has left the scene and a crime has been committed, the officers will:
 1. Conduct a search of the immediate area;
 2. Obtain information from victims and witnesses as to where the offender might be; and
 3. Refer the matter to the Prosecuting Attorney.

II. LAURA'S CARD

- A. In compliance with A.C.A. §16-90-1107 et seq. as amended by ACT 873 of 2015, officers will provide to the victim or, if appropriate, members of the victim's family "Laura's Card" which will provide information on victims' rights, resources, protections, and available assistance.
- B. The card will be presented to the victim in a manner that the suspect/offender is not made aware of the victim's acceptance or possession of the card.
- C. The officer will complete the card with his name, ID number, incident number and any other relevant information.