

A Study of Domestic Violence Policies in Virginia's Law Enforcement Agencies

**Commonwealth of Virginia
Department of Criminal Justice Services
Victims Services Section**

June 2004

ACKNOWLEDGEMENTS

We gratefully acknowledge the assistance of the following organizations and individuals, without whose dedication, assistance, and cooperation, this project could not have been completed.

Organizations and Agencies

The Virginia Association of Chiefs of Police

The Virginia Sheriffs' Association

The Virginia State Crime Commission

Virginians Against Domestic Violence

Virginia law enforcement agencies

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Executive Summary

The Victims Services Section of the Virginia Department of Criminal Justice Services conducted this project with a grant from the United States Department of Justice, Office on Violence Against Women. The purpose of this project was to study the effectiveness of Virginia's Family Violence Arrest Laws, implemented in 1997, use the information gathered to revise the domestic violence curriculum for law enforcement in Virginia, and update the Sample Directives Manual General Order 2-32 (the model domestic violence policy for Virginia law enforcement agencies).

Three methods were used to determine the scope and the effectiveness of Family Violence Arrest Laws in Virginia.

- 1) In 2002, project staff surveyed local law enforcement agencies to determine their compliance with domestic violence laws.
- 2) These survey results were compared with those of an earlier survey. The Victims Services Section conducted a similar survey in 1991, which assessed domestic violence policies in Virginia law enforcement agencies and the use of arrest in domestic violence cases. In comparing the results of the 2002 survey with those of the survey conducted in 1991, project staff examined the impact of mandatory arrest laws implemented in 1997.
- 3) In 2002, law enforcement agencies were asked to submit a copy of their policy, as well as complete the survey. Project staff reviewed these policies for critical elements such as statutory compliance, victim safety measures, guidance on determining primary aggressor, the use of dual arrest, and enforcement of out-of-state protective orders.

A substantial amount of relevant information was gleaned from this project and used to update Virginia's sample domestic violence directive, a model domestic violence policy which was distributed to all law enforcement agencies in the Commonwealth. The information was also used to revise the domestic violence curriculum for law enforcement trainers. A three-day instructor school for law enforcement officers to obtain advanced skills in domestic violence intervention was held in September 2003. Each agency which submitted a policy to DCJS will also receive an individual report, with recommendations, concerning the review of the agency's domestic violence policy.

Implications for community intervention programs as well as further policy development are discussed in the recommendations section. These include:

- 1) Virginia law enforcement agencies need to develop and implement written mandatory arrest policies pursuant to the Code of Virginia.
- 2) Law enforcement agencies are encouraged to review their domestic violence policies annually and revise these policies accordingly.
- 3) Virginia communities must develop the programs that are needed for the treatment of domestic violence offenders and victims.
- 4) Virginia localities are strongly encouraged to develop a coordinated community response to domestic violence.
- 5) Criminal justice system personnel and allied professionals who work with domestic violence victims and offenders need to remain current on domestic violence issues.
- 6) The Department of Criminal Justice Services needs to offer training and technical assistance to improve law enforcement's ability to respond to domestic violence crimes.

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Introduction

In the fall of 1990, the Virginia Department of Criminal Justice Services (DCJS) received a grant from the United States Department of Justice, Office for Victims of Crime, to:

- study mandatory arrest as an intervention strategy in domestic violence cases;
- use the information gleaned from the study to revise the sample domestic violence directive for Virginia law enforcement agencies (i.e., DCJS Sample Directives Manual General Order 2-32);
- use the study findings to update the domestic violence curriculum used to train Virginia law enforcement officers; and
- conduct a series of training events across the Commonwealth, using the revised curriculum.

At that time, mandatory arrest was not required by law, but significant legislation had been passed in 1984, which authorized warrantless arrest in domestic disputes, if probable cause was present. The primary objective of the research in the early 1990s was to determine the efficacy of mandatory arrest in deterring domestic violence, particularly when used in a community intervention effort.

This study was distributed in December 1993. Survey results included the following findings.

- There was a lack of written domestic violence policies in Virginia law enforcement agencies.
- In jurisdictions where services were available to victims and offenders of domestic violence, law enforcement agencies were found to have written policies.
- Law enforcement officials were more supportive of mandatory arrest policies than anticipated.

As a result of this project, DCJS designed a training curriculum, conducted a series of training programs, and revised its sample directive to promote a consistent response to domestic violence.

In 1996, Virginia adopted a wide-ranging set of initiatives under the title of the “Family Violence Arrest Laws.” The laws included a mandatory arrest policy, mandates for policy development and training within law enforcement agencies, and significant revisions to Virginia’s provisions for protective orders. To provide adequate time for policy and protocol development, as well as training, the laws were passed with a one-year delay in their implementation dates. In the five years since the 1997 implementation of the Family Violence Arrest Laws, there have been significant changes in both the policy and practice in Virginia related to apprehension, prosecution, and adjudication of perpetrators of domestic violence.

In the fall of 2001, the Virginia Department of Criminal Justice Services received a grant from the United States Department of Justice, Office on Violence Against Women. The activities supported by the grant involved:

- studying the 1997 implementation of the Family Violence Arrest Laws;
- using the information gleaned from the study to revise the sample domestic violence directive for Virginia law enforcement agencies (i.e., DCJS Sample Directives Manual General Order 2-32);
- using the study findings to update the domestic violence curriculum used to train Virginia law enforcement officers; and
- conducting an instructors’ school using the revised curriculum.

The goal of this project was to assess the implementation of the Family Violence Arrest Laws and its effectiveness in deterring domestic violence, particularly when used in a community intervention effort.

To assess the effectiveness of the Family Violence Arrest Laws at the local and state levels, the DCJS Victims Services Section (VSS) gathered information from law enforcement agencies across the Commonwealth.

The survey was designed to determine how many law enforcement agencies had developed statutorily required domestic violence policies, how many of these were mandatory arrest policies, what the critical elements of these policies were, what type of training officers received regarding Family Arrest Laws, and what services were provided to victims and offenders of domestic violence. The VSS staff, in cooperation with the DCJS research unit, conducted an in-depth analysis of the survey results. In addition, agencies were asked to provide copies of their domestic violence policies. The VSS staff reviewed these policies for critical elements such as statutory compliance, victim safety measures, guidance on primary aggressor, the use of dual arrest, and enforcement of out-of-state protective orders. DCJS will distribute reports, with recommendations, concerning this review to each law enforcement agency which submitted a policy to DCJS.

With this information, DCJS

- modified the existing model domestic violence policy to promote a more consistent, updated response to domestic disputes, which includes the latest legislative changes;
- developed a separate model domestic violence policy for use by those sheriffs' offices which do not have primary investigative responsibilities; and
- revised its training curriculum and produced a three-day instructor school for law enforcement trainers to gain advanced skills in domestic violence intervention.

The information gathered in the project is organized in the report as follows:

- **Literature Review**
- **Survey of Domestic Violence Policies in Virginia Law Enforcement Agencies**
- **Bibliography**
- **Appendix**

Literature Review

Overview

Nationwide, in the year 2001, 34% of all female homicide victims and 4% of all male homicide victims were killed by intimate partners (Bureau of Justice Statistics, 2002). In the same year in Virginia, 55% of all female homicide victims and 7% of all male homicide victims were killed by intimate partners (Virginia Department of Health, 2003). Thirty-eight percent of female victims of fatal domestic violence were killed in homicide/suicide events (Virginia Department of Health, 2003). Sixty-five children witnessed homicides related to family or intimate partner violence, and two children were killed in a homicide/suicide event where their mother was also killed (Virginia Department of Health, 2003).

In these 68 fatality situations, there were 44 reports of previous violence. Thirteen of the homicide victims had protective orders, and 17 of the alleged offenders had previously been arrested for crimes against the victims (Virginia Department of Health, 2003). Research also revealed that an additional 18 adults died as a result of a violent relationship between intimate partners, where victims included friends, co-workers, neighbors, and relatives caught in the crossfire, as well as alleged abusers killed by law enforcement or others who intervened (Virginia Department of Health, 2003).

Most recently, the Virginians Against Domestic Violence (VADV) Media Watch identified 91 family violence related fatalities in Virginia in 2002, where 32 women, 39 men, and 20 children were killed. Twenty-five women and eight men were allegedly killed by a partner or estranged partner. Seventeen men and three women allegedly committed suicide after killing or attempting to kill their partner, estranged partner, and/or another person. Furthermore, previous abuse had been reported in the deaths of 13 of these adults (VADV Media Watch, 2002).

The Virginia State Police Uniform Crime Report (2000) reveals that of the 20,017 violent crimes reported in Virginia, 44.8% occurred in the home. In the 2001 report, Virginia Domestic and Sexual Violence Data Collection System (VAdat) documented the following information from Virginia's domestic violence and sexual assault programs:

- 92% of domestic violence victims are female.
- 55% percent of perpetrators are the spouses of the victims, 27% are cohabitating partners, 9% are dating partners, and other family or household members and parents each account for 3%.
- Of the victims whose perpetrators were spouses or partners, 47% were former, rather than current, relationships, and 2% were the same gender.
- 77% of perpetrators inflicted personal injury.
- The majority of sentences imposed by judges were fines and incarceration (36%), with 64% having had some (33%) or all time (31%) suspended.
- 60% of domestic violence cases, 56% of sexual assault cases and 76% of stalking cases resulted in criminal convictions.

Nationwide, there is approximately one domestic violence program for every 2,170 battered women, and one shelter bed for every 160 battered women (Plichta, 1997). In 1997, 57 participating domestic violence and sexual assault agencies provided at least 120,946 hours of group and individual counseling to adult victims of domestic violence, sexual assault and stalking, 48,896 hours of counseling and advocacy to children, and 121,529 nights of shelter to women, children and men (Plichta, 1997).

In 2002, 51,637 individuals received domestic violence services in Virginia (Virginia Department of Social Services, 2003). Of that number, 44,500 were women, 3,803 were children, and 3,334 were abused men

(Virginia Department of Social Services, 2003). Furthermore, in 2002, 3053 people received domestic violence shelter services, and 4,295, or 58.5% were denied shelter (Virginia Department of Social Services, 2003).

During Calendar Year (CY) 2001, Virginia's domestic violence hotlines responded to 28,075 (82%) calls from family violence victims and 2,253 (7%) calls from victims reporting a combination of family violence, sexual assault, and stalking (VAdata, 2001). Virginia advocacy services were provided to 6,877 (76%) of these family violence victims, with each victim receiving an average of 15 hours of service (VAdata, 2001).

Victims who visited Virginia's domestic violence programs and sexual assault crisis centers reported an array of experiences with the judicial system:

- 85% percent reported that the perpetrator inflicted personal harm, 49% reported the perpetrator destroyed property, 47% reported the perpetrator threatened homicide, and 20% reported the perpetrator threatened suicide.
- 80% of the victims were issued emergency protective orders, with 19% of the victims being denied protective orders; 92% of the victims were issued preliminary protective orders with 8% of the victims being denied the orders; and 89% of the victims were issued protective orders, with 11% of the victims being denied.
- 90% of the family violence victims were satisfied with the magistrate response, 81% were satisfied with the law enforcement response, 86% were satisfied with the prosecutor, 83% were satisfied with the court, and 80% of the family violence victims who visited Virginia's domestic violence programs and sexual assault crisis centers, were satisfied with the outcome of their criminal cases (VAdata, 2001).

In 2001, domestic violence hotlines throughout the Commonwealth responded to 45,934 calls from family violence, sexual assault, or stalking victims, and an additional 24,642 calls from individuals with other types of issues (VAdata, 2001). On average, advocates responded to 193 Hotline calls daily (VAdata, 2001).

Ninety-four programs statewide received STOP (Services, Training, Officers, Prosecutors) funding for the grant period January 1, 2002 to December 31, 2002 (Virginia Department of Criminal Justice Services, 2002). The STOP Violence Against Women Formula Grants Program promotes the development and implementation of effective, victim-centered law enforcement, prosecution, and court strategies to address violent crimes against women and the enhancement of victim services in cases involving violent crimes against women. During 2002, V-STOP funded 21 law enforcement agencies in Virginia. Positions supported by grant funds included 13 full-time and three part-time sworn officers, and six full-time civilian liaisons. 42 victims services programs were also supported by V-STOP in 2002. Specifically, grant funds supported 9 full-time and 11 part-time court advocates, nine full-time and 10 part-time victims services coordinators, and one full-time and 10 part-time attorneys. As of the publication of the V-STOP Annual Report in July 2002, V-STOP services were provided to 172,625 victims of domestic violence (Virginia Department of Criminal Justice Services, 2002). Additionally, 39 programs supported with V-STOP funds provided staff support to local coordinating councils which address domestic violence, sexual assault, stalking, and protective orders (Virginia Department of Criminal Justice Services, 2002).

Definition of Domestic Violence

"Domestic violence" refers to any criminal offense involving the use or threatened use of physical force, in which the offender and the victim have a familial or household relationship (Virginia Department of Criminal Justice Services, 1993). Depending on the state laws, the domestic relationship may include:

- Persons who are spouses or were spouses;
- Persons who are related by blood or marriage;
- Persons who share a permanent residence or who have shared one in the past; and,
- Persons who have a child in common (natural or adopted).

However, violence is also used by persons involved in an intimate relationship, who have never cohabited, married or had a child together. Policy developers and legislators may wish to refer to research on the increasing amount of violence in dating relationships (Rennison and Welchans, 2000).

While domestic violence is also perpetrated on men, the research strongly indicates that most domestic violence occurs against women (Dobash et al., 1992). Therefore, throughout this literature review, the abuser is generally referred to as a man and the victim as a woman. It is not the intent of this report to discount same-sex abuse or woman-on-man abuse. The more frequent man-on-woman abuse scenario is being referenced to simplify this discussion.

Statistics and Facts about Battering

It is estimated that three to four million females are battered each year in the United States by an intimate male partner (Russo, Koss, & Goodman, 1995). One in four wives is physically battered sometime during her marriage (Hampton & Coner-Edwards, 1993; Russo et al., 1995), and 20% to 30% of all annual emergency department visits are made by battered women. Women disproportionately experience intimate partner violence, including physical and sexual abuse committed by current and former spouses, boyfriends, and girlfriends (Coukos, 1998). Violence against women largely occurs at the hands of someone they know, and usually someone with whom they have a relationship (Coukos, 1998). Approximately 37% of women seeking injury-related treatment in hospital emergency rooms are there because of injuries inflicted by a current or former spouse or intimate partner (Rand, 1997). The homicide rate for intimate partner violence has declined dramatically since 1976, but the majority of the decline can be attributed to a reduction in the number of men killed by current or former wives or intimate female partners. The percentage of female homicide victims killed by intimate partners has held steady at 30% since 1976 (Rennison and Welchans, 2000).

The Dynamics of Battering

“Battering” is a sociological term coined by the battered women’s movement to describe a pattern of physical violence, intimidation, coercion, and other forms of abuse committed by a person (the batterer) to establish or maintain control of his or her partner (Frederick, 2000). This pattern of abuse is best described with the “Power and Control Wheel,” developed by the Domestic Abuse Intervention Project in Duluth, Minnesota. Examples in the “Wheel” of behaviors used by batterers to gain power and control over victims are (1) coercion and threats, (2) intimidation, (3) emotional abuse, (4) isolation, (5) minimizing, denying and blaming the victim for any abuse, (6) using the children as pawns, (7) using male privilege by treating her as a servant, and finally, (8) using economic abuse by controlling access to finances. The majority of domestic violence cases occur within the context of battering, but some acts of domestic violence occur within a different context, such as an isolated single assault or an assault due to impairment (Frederick, 2000).

The use of psychological abuse exacerbates the battering relationship. Batterers often isolate their victims from their friends, family, and activities, even employment. They verbally abuse their victims with derogatory and demeaning comments, including name-calling and humiliating criticism, sometimes in the presence of others (Mather, 1988). Batterers also control their victims economically. He may give her only enough money to do the shopping he tells her to do. He might also keep track of the amounts of money expended, and chastise her for not returning the “proper” amount of change. He might monitor her whereabouts at all times. If it takes longer than he thinks it should take to run an errand, he might interrogate her or accuse her of infidelity. The impetus behind the battering relationship stems from a strong need for control of both a physical and psychological nature.

Batterers are found in all socioeconomic, educational, religious, ethnic, racial and age groups. They typically use a combination of psychological, verbal, physical, and sexual abuse (Boyd and Klingbeil, 1984). Domestic violence exists in all countries and classes. Many take the position that it naturally evolved from when men held property rights over women. For example, courts used to apply the “Rule of Thumb,” which

allowed a husband to discipline his wife with beatings, but only with a stick that did not exceed the diameter of his own thumb (Mather, 1988; Micklow, 1988). Only in the late 1800s did the courts begin to criminalize battering, rather than regulate its practice. In the 1970s, women's advocates organized to help end the plight of battered women by providing shelter, counseling and legal alternatives. Such activism led to a wealth of research and greater understanding of the dynamics of domestic violence.

Most researchers have found that abusers experienced or witnessed abuse in their childhood, have low self-esteem, adhere to traditional gender roles, have substance abuse problems, are underemployed, unemployed or job dissatisfied, and repress emotions with outbursts of anger, jealousy and destructiveness (Mather, 1988; Pagelow, 1984).

Victims tend to have low self-esteem, adhere to traditional views about gender roles, and feel psychologically and economically dependent on their husbands. Victims find some self-worth by believing that their partners need their help, and therefore remain in the relationship despite their frustration with, and abhorrence of, the physical abuse (Mather, 1988).

The victim lives in fear of the abuser. She fears that if she leaves, the abuser will find her and beat her more severely, perhaps even kill her. Gentemann (1980) and Stark et al., (1981, 1979) showed that violence increases after the victim attempts to leave or actually leaves the abuser. Women who leave are 75% more likely to be killed by their batterer than victims who remain in the abusive relationship (Wilson, Margo, Daly, Martin, 1993). She also may fear that he will take the children, or he may threaten that the court will take the children, since she did not protect them.

Another widely accepted theory about domestic abuse suggests that the couple goes through three phases called the Cycle of Violence (Walker, 1979). The Tension Building stage has a number of small battering incidents which escalate over a period of time. During this stage, the victim expends a great amount of energy to anticipate and meet every whim, need and desire of the abuser. She remains passive, but at the same time tries to control the amount, degree, and onset of abuse. As the abuse escalates, the tension explodes into the Acute Battering incident. The batterer physically assaults the victim. The abuse during both of these stages can also include psychological and sexual abuse, and physical destruction of valued personal property. Following this phase, the couple moves into the Loving-Contrition, or reward, stage. During this period, the abuser begs the victim's forgiveness, acts lovingly and kindly, and often promises that the beatings will stop and that he will seek help. The couple experiences a "honeymoon" period. Eventually, the honeymoon deteriorates. Over time the tension-building phase becomes more entrenched and the contrite phase becomes abbreviated or disappears altogether.

Early in the cycle, the victim learns that battering will lead to loving behavior. Sometimes the victim will abandon behaviors that delay the assault and provoke an incident to relieve the stress and tension of the first phase so they can proceed to the honeymoon phase. This allows the victim to exercise some control in an otherwise uncontrollable situation. This also may reduce the amount and degree of anxiety and anxiety symptoms (depression, persistent headaches, backache, and stomach problems) that she experiences, anticipating the next beating (Follingstad et al., 1991).

Psychological theories suggest that other dynamics work in the abusive relationship. Albert Bandura's (1975) theory of "Intermittent Reinforcement" dictates that when a behavior receives reinforcement, the behavior becomes very difficult to change or stop. One can see this phenomenon in the abusive relationship where the loving-contrition stage positively reinforces the victim's staying, despite the negative reinforcement of abuse. The love experienced after a beating gives the victim renewed hope that the batterer and the relationship will change, making it psychologically difficult for the victim to leave (Webster, 1991).

Martin Seligman (1972) proposed in his theory of "Learned Helplessness" that an animal or a human who consistently receives negative reinforcement for whatever action they take, will abandon all attempts to change the situation and resign himself or herself to helplessness. They come to expect that they cannot exercise

any control over the situation, and that expectation prevents them from taking control even when an opportunity presents itself. Researchers have documented this phenomenon in prisoners of war who become so passive and withdrawn, that they cannot seize an opportunity to escape. This is often an accurate picture of the battered woman who has the physical opportunity to leave but stays even though she knows her partner will abuse her again. Dependency, fear, and societal pressure to “make the marriage work” present formidable obstacles to her escape.

Despite all the research and new insights into domestic violence, there still remain many unknowns. Still, at this juncture, legislators could develop effective and sound policies. Reform can begin in the criminal justice system with laws that reflect the waning acceptance of the philosophy that men have property rights to their partners, and the burgeoning awareness that domestic abuse does great harm to individuals, families, and society. The system should acknowledge and respond to the dynamics of the domestic violence relationship, intervene before the battering begins, hold the batterer accountable for his crimes, take the onus off the victim to press charges, and provide her with support services.

The Criminal Justice System Response

Prior to the late 1970s, the statutory structure for handling domestic violence consisted of “benevolent neglect” (Buzawa and Buzawa, 1996). The state treated domestic violence as a family problem and provided assistance through social welfare institutions. In the early 1970s the institutional responses to domestic violence were ineffective at protecting victims and holding offenders accountable. Laws required law enforcement officers to either witness a misdemeanor assault, or to obtain a warrant in order to arrest. As a result, women were required to initiate proceedings by citizen’s arrest or by imploring the prosecutor to bring charges days after an assault (Frederick, 2000). Few arrests were made, even in fairly serious assault cases. Calls to police resulted in inconsistent and mixed responses, and men of color were over-represented in the group of men arrested for domestic violence-related crimes. Specifically, police response was to either mediate or separate the parties, and successful prosecution depended solely upon credible victim testimony (Frederick, 2000). Additionally, no civil relief was available unless it was through divorce court. This lack of relief meant that no remedy existed for women who did not want a divorce, or for women who were not married to their abusers. Therefore, there was no clear legal or practical process for getting the abuser removed from the victim’s home (Frederick, 2000).

By the late 1970s, grassroots activists, advocates and a few practitioners began to collaborate to make institutional changes that began with legislation. For example, warrantless probable cause arrest laws were passed, as well as civil protection order laws that survived legal challenges to their constitutionality. In the mid-1980s, these civil protection order laws were amended to respond to problems with implementation and enforcement of protective orders. Additionally, civil suits against police departments were filed to force reluctant law enforcement agencies to eliminate practices that treated domestic violence crime as less than criminal. And, state legislatures began passing laws to require law enforcement agencies to adopt policies on response to domestic violence (Frederick, 2000).

By the early 1990s, prevention became the focus of lawmakers, and firearms laws were passed in many states and Congress, which allowed courts to prohibit batterers from possessing guns and permitted criminal courts to order firearms forfeitures, even pending trial. Other federal laws were passed making it a crime to cross state lines or tribal lands to commit a crime of violence against a family member, to violate a protection order, or to stalk. Additionally, the federal government made it illegal to possess a gun while subject to a restraining order, or if convicted of a misdemeanor domestic violence crime.

In 1995, Congress passed the Violence Against Women Act (VAWA), which increased the federal funding to victims services and criminal justice intervention efforts. States receive money through VAWA if they ensure full faith and credit is accorded to valid protection orders issued by other states, and if no fees are charged to the victims for service.

In the last five years, the criminal justice system changed both structurally and operationally in response to political and societal pressures, giving rise to a more active role in handling domestic violence. Still, the criminal justice response to domestic violence has been criticized for not taking advantage of opportunities to deter future acts of violence, and for a general failure to respond to urgent requests for assistance by victims (Buzawa and Buzawa, 1996).

Three research studies and one court case have had a strong impact on the increase in family crisis intervention projects. Bard (1973) found that changes in police response could dramatically affect future violence and decrease injuries and other costs to police departments. Wilt and Bannon (1977) showed a direct relationship between domestic homicides and repeated calls to the same scene for help with on-going domestic violence. This research concluded that ineffective, early police response contributed to the excessive rates of death and injury to victims and the high costs of intervention to police departments. The Minneapolis Experiment (Sherman & Berk, 1984) galvanized the movement toward increasing police use of arrest powers, by pointing out that arrested batterers had lower recidivism rates. Finally, the growing administrative realization that failure to respond to these crimes potentially exposes officers and their departments to liability claims, fines, and injunctions (see *Thurman et al. v. City of Torrington*, 1984), has changed the police response to domestic violence.

Studies and cases such as these have prompted legislative reform and community intervention efforts (See *Nearing v. Weaver*, Oregon, 1983; *Sorichetti v. City of New York*; *Baker v. City of New York*). Legislators, at the local and state levels, have adopted warrantless arrest provisions, which direct that an officer can, should, or must, arrest a suspected abuser, if probable cause exists to show that he committed an assault or battery against the alleged victim. Legislators and advocates maintain that this policy sends a message to the community that domestic assault is not acceptable and warns the abuser that his behavior constitutes a punishable crime (Micklton, 1988). New laws also strengthen protective orders, which may require the abuser to desist from future abuse, to stay away from the family home, to not take the children from the family home, or to continue to provide financial support to the family. Some states and localities allow for arrest if the abuser violates the order. Additionally, many statutes have been passed making arrest mandatory, when probable cause exists (Davis, Smith, and Davies, 2001).

As noted above, the courts also now recognize causes of action for the failure of police, probation officials, and other criminal justice personnel to properly intervene and provide equal access to the protection of the laws. In *Thurman v. City of Torrington* (1984), an abuse victim received a judgment against the responding police department for violating her constitutional right to equal protection. The officers in the *Thurman* case watched a beating occur, failed to intervene effectively, and failed to prevent further abuse. A duty to protect arises when the actions of the police actually increase the danger to the victim (Scofield, 1991). If the police have notice of the attacks on a victim and fail to act in accordance with their duty to protect, the individual police officers and the police agency violate the victim's constitutional right to equal protection.

Furthermore, the changes in police practices related to domestic violence incidents paralleled changes in the prosecution of these cases. Many jurisdictions in the United States have changed their prosecution policies to assure that all legally sufficient domestic cases would be prosecuted, whether or not victims were fully cooperative. Jurisdictions usually accomplished this goal by either eliminating the requirement that victims sign a complaint, or forbidding victims from dropping charges once filed (Davis, Smith, and Davies, 2001). Additionally, some jurisdictions in the United States facilitated the process of obtaining restraining orders, and established special domestic violence courts staffed with personnel specially trained in handling domestic cases (Goldkamp, 1996). Some prosecutors adopted a policy called "no-drop" prosecution that paralleled mandatory arrest policies of the police. Previously, most prosecutors and judges dismissed domestic violence cases in which the victim was unwilling to come to court to testify against the batterer. By 1996, 66% of 142 large prosecutors' offices surveyed throughout the nation had adopted no-drop policies (Davis, Smith, and Davies, 2001).

Studies of no-drop prosecution strategies indicate victims who chose to file charges are less likely to experience future violence. However, victims who chose to drop charges against their batterers were also more likely to experience abuse again. These results indicate that victim empowerment is key to effective intervention. Women can derive this power by using prosecution as a bargaining chip, enlisting the support of law enforcement, and having input in determining sanctions (Mills, 1998).

Pro, Presumptive, and Mandatory Arrest Policies

Some states and localities have implemented pro, presumptive, or mandatory arrest policies. Mandatory arrest policies completely remove police discretion (Han, 2002). Under these policies, the dispatched officer must determine whether probable cause exists to believe that a suspect committed assault or battery so that the officer can (pro), should (presumptive), or must (mandatory) arrest the alleged abuser for domestic assault and battery. Regardless of the type of policy a state has, all statutes look to probable cause to determine whether an arrest should occur.

Early studies showed mandatory arrest to be the most effective policy in deterring batterers from future violence (Mills, 1998). Research found that the policy's success is tied to whether an offender is a "good risk" or "bad risk." Good risk batterers have ties to the community. Bad risk offenders have fewer community attachments and are therefore less likely to be embarrassed by detainment. Overall, mandatory arrest studies indicate a need to individualize intervention strategies based on local demographics (Mills, 1998).

Enactment of mandatory arrest laws for domestic violence brought with it unintended consequences. Not only did batterer arrests increase, but victim arrests also increased (Klein, 2002). This rise in dual arrests resulted in part from an increase in assertions of victim-violence made by perpetrators, and a widely shared belief that civil liability would be imposed, if both arrests were not made (Klein, 2002). Consequently, many states amended their mandatory arrest laws to discourage dual arrests, and enacted primary aggressor laws.

Primary aggressor laws remove liability from police for not arresting both parties, and they define which party to arrest. Thirty states have enacted various forms of primary aggressor laws as of 2001. In 1994, the National Council of Juvenile and Family Court Judges' Model State Code for Family Violence recommended a primary aggressor statute. This model statute provides that if police receive complaints of domestic violence from two or more opposing persons, the officers are to evaluate each complaint separately to determine the primary physical aggressor, and need not arrest the other person believed to have committed domestic violence. In determining the primary aggressor, the officer shall consider four factors:

- 1) prior complaints of domestic violence,
- 2) the relative severity of injuries,
- 3) the likelihood of future injury to each person, and
- 4) whether one person acted in self-defense.

Most of the states that have adopted primary aggressor laws use the same language as the Model Code, including Virginia (*Code of Virginia*, §19.2-81.4) (Klein, 2002). Virginia includes primary aggressor training in its law enforcement training standards.

Virginia's Laws

Virginia's Family Violence Arrest Laws were enacted in 1996, with a one-year delay in their implementation. The laws included a mandatory arrest policy, mandates for policy development and training within law enforcement agencies, and significant revisions to Virginia's provisions for protective orders. Effective July 1, 1997, the Virginia State Police and each local police department and sheriffs' offices were required to develop a written policy on domestic violence (*Code of Virginia*, §19.2-81.4). At a minimum, the *Code of Virginia* required these agencies' policies to contain five elements:

- 1) Law enforcement agencies were mandated to have an arrest policy (*Code of Virginia*, §19.2-81.4).
- 2) Such an arrest policy should include standards for determining primary physical aggressor, which were to be based on the intent of the law to protect the health and safety of family and household members, prior complaints of family abuse, the relative severity of injuries, and whether injuries were inflicted in self-defense (*Code of Virginia*, §19.2-81.4).
- 3) The domestic violence policy must provide standards for completing incident reports, which require officers to report any special circumstances dictating another course of action other than arrest (*Code of Virginia*, §§19.2-81.3, 19.2-81.4).
- 4) The policy must also include a policy on transportation for victims of domestic violence (*Code of Virginia*, §19.2-81.4).
- 5) The policy must require officers to provide victims with information concerning legal and community resources available (*Code of Virginia*, §§19.2-81.4, 19.2-81.3).

One could argue that Virginia has a presumptive arrest statute, as officers are given the discretion not to arrest in domestic violence disputes, if they can articulate special circumstances that dictate another course of action. This study and report identifies the Virginia statute as a mandatory arrest statute, as officers are required to determine primary physical aggressor and to arrest a suspected abuser, without a warrant, when the officer has probable cause to believe that person committed an assault against a family or household member (*Code of Virginia*, §19.2-81.3). The *Code of Virginia* (§16.1-228) defines a family or household member as a spouse or ex-spouse (regardless of living arrangements), blood and marital relatives residing in the same home, and any person sharing a child in common with the accused, regardless of marital status or living arrangements. The definition of family or household member also includes stepchildren and couples who have cohabited within the previous 12 months. Recent amendments added the person's half-brothers and half-sisters, as part of the definition.

The *Code of Virginia* (§18.2-57.2) provides that upon a third conviction of assault and battery of a family or household member, the crime rises to a class 6 felony. A Class 1 misdemeanor is punishable by a maximum of 12 months in jail and/or \$2,500 fine. A Class 6 felony is punishable by a maximum of five years in prison and/or \$2,500 fine. All cases involving assault and battery of a family or household member are heard in the Juvenile and Domestic Relations Court.

The *Code of Virginia* (§§16.1-253.2, 16.1-252.3, and 16.1-279.1) provides for protective orders. Victims can obtain emergency, preliminary, or permanent orders of protection. These orders can prohibit future acts of violence, and/or prohibit the abuser from contacting the victim, and/or remaining on the victim's premises. They can also provide for housing accommodations and/or require participation in treatment programs. Victims can obtain an emergency protective order through a law enforcement officer, who can personally or telephonically request such an order from a judge or magistrate. This order lasts up to 72 hours or until 5:00 p.m. of the next business day, by which time the victim can appear and request a permanent (up to two years) or preliminary (up to 15 days) order to ensure that the abuser stays away. Violations of orders that prohibit a person from contacting the victim, entering onto premises occupied by the victim, or further acts of abuse can result in charges of a Class 1 misdemeanor.

Other laws that may help a domestic violence victim include penalties for marital rape (*Code of Virginia*, §18.2-61), marital sexual assault (*Code of Virginia*, §18.2-67.2:1), and stalking (*Code of Virginia*, §18.2-60.3). Stalking is a Class 1 misdemeanor. A third or subsequent conviction will result in a Class 6 felony charge. The *Code of Virginia* (§ 18.2-60.3) defines "stalking" as "conduct directed at another person, on more than one occasion, with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member."

Virginia enacted new laws recently that provide more protection for the state's domestic violence victims. Now, upon conviction for the violation of the provisions of any protective order, a new protective order shall be issued that does not exceed two years. Additionally, the General Assembly expanded the class of people protected by emergency protective orders. Any person who has been subjected to any criminal offense resulting in serious bodily injury can receive an emergency protective order. As with an emergency protective order issued for stalking, a warrant for the arrest of the respondent must have been issued. This now makes it possible for same-sex and dating partners to have access to these legal remedies.

Legal tools are now available in Virginia to address the problem of domestic violence. Full implementation of these procedures will be necessary to realize the potential of the criminal justice system, as a serious deterrent to domestic violence, which destroys individuals and families.

Survey of Domestic Violence Policies in Virginia's Law Enforcement Agencies

As indicated previously, the Family Violence Arrest Laws were enacted in Virginia in 1996, with a one-year delay in their implementation. The laws included a mandatory arrest policy, mandates for policy development and training within law enforcement agencies, and significant revisions to Virginia's provisions for protective orders. This study of Virginia law enforcement agencies' domestic violence policies conducted in 2002 included a survey of Virginia's law enforcement agencies, designed to analyze the implementation and effectiveness of the current Family Violence Arrest laws. With this study, the Virginia Department of Criminal Justice Services sought to determine how many law enforcement agencies complied with the laws, the critical elements of these agencies' policies, and their effectiveness. To better assess the impact of the Family Violence Arrest Laws at the local and state levels, the study results were compared with the corresponding results, when available, of the 1991 survey of law enforcement agencies. However, it should be noted that the 1991 survey allowed respondents with unwritten domestic violence policies to comment on their policy elements. The 2002 survey allowed respondents to address policy elements, only if their policies were written.

Methodology

2002 Survey

A survey of 27 questions was developed to determine the number of law enforcement agencies with statutorily required domestic violence policies and what these policies addressed (*Code of Virginia*, §19.2-81.4). Information from each question was analyzed, and then cross-tabulated by agency type, population size, law enforcement role, and written policy. Findings from localities with a written domestic violence policy and those without a policy were compared. (A copy of the 2002 survey and the raw data can be found in the appendix.) Information from each question was analyzed then cross-tabulated by agency type, population size, and law enforcement role. The survey was distributed to 385 law enforcement agencies. Two hundred and thirty nine agencies responded, yielding a response rate of 62%.

Comparison with the 1991 Survey

In the 1991 survey, information from each question was analyzed, and then cross-tabulated by type of policy (written, unwritten, and no policy). Given the change in law and the fact that unwritten policy is the same as no policy in a civil liability suit, respondents in the 2002 survey were not provided the opportunity to report that they had an unwritten policy. The 1991 survey was distributed to 234 law enforcement agencies and 94 agencies responded, yielding a response rate of 40%.

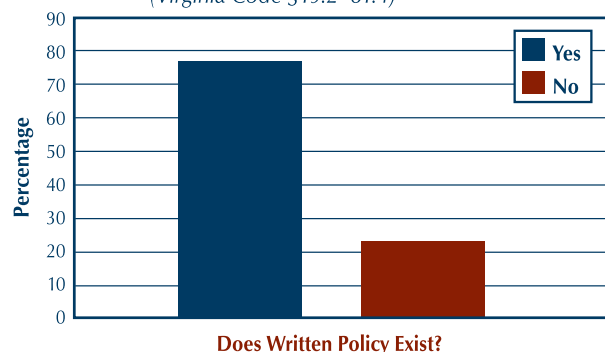
Results from Individual Questions

The 2002 study results from individual questions are listed below. These results are compared with those of the 1991 survey, when corresponding information is available. Please note that percentages are computed on the basis of actual responses, unless otherwise indicated.

Question #1: Does your department have a written policy on responding to domestic violence incidents?

In the 2002 survey, slightly more than three-fourths (77.0%; 184) of the 239 agencies responding had a written domestic violence policy. Nearly one-fourth (23.0%; 55) of respondents did not have the statutorily required policy (see Figure 1).

Figure 1: Do Respondents have Written Policies?
(Virginia Code §19.2-81.4)



Comparison with the 1991 Survey

The results available from the 1991 survey indicate that only 34% (32) of the 94 responding law enforcement agencies had a written policy. Almost one-fourth (24.5%; 23) of responding agencies had an unwritten policy on domestic violence. Thirty-nine agencies (41.5%) had no policy, either written or unwritten, on domestic violence.

QUESTIONS #2-14:

Respondents with Written Policies Only

In the 2002 survey, the agencies which reported that they did not have a written domestic violence policy were asked to skip to question #15. Results from questions #2-14, concerning policy elements, are only from those agencies with written policies (184 agencies). In contrast, the 1991 survey respondents were given an option of answering questions concerning policy development if they reported having “unwritten” policy. Unless otherwise indicated, only the results from 1991 survey respondents with written policies (32 agencies) are provided as comparison with the 2002 survey respondents with written policies.

Question #2: When did your department adopt this written policy?

Of the responding agencies with a written domestic violence policy in the 2002 survey, 62.9% (112) had adopted a policy on or before July 1997, the date that law enforcement agencies were mandated by law to adopt a policy on domestic violence. More than one-third of the responding agencies (37.1%; 66) that had adopted a written policy did not do so until after July 1997. Fourteen percent (25) of these agencies adopting written policies after July 1997 had not done so until January 2001 or a later date. Of these, 3.9% (7) had adopted their written policy between April and November 2002, the period in which these agencies submitted their completed surveys. A total of six agencies did not provide an adoption date.

Question #3: When was the department’s written domestic violence policy last revised?

Of the responding agencies with a written domestic violence policy in the 2002 survey, less than half (40.8%; 69) had revised their policy within the year prior to the survey solicitation (April 2001–April 2002). Of the respondents (59.2%; 101) who had not revised their policy since May 2001 or earlier, 17.2% (29) had not revised their written policy, since on, or before July 1997.

Question #4: Have you recently changed or are you planning to change your department’s written policy with respect to domestic violence?

More than two-thirds (67.8%; 122) of law enforcement agencies with a written domestic violence policy in the 2002 survey stated that they have not recently changed nor do they plan to make changes to their policy. Of the 58 (32.2%) responding agencies that had changed or planned to change their written policy, 20 agencies (40.0%) stated that the revision(s) were made to update their policy, per changes to the *Code of Virginia*.

Comparison with the 1991 Survey

The 1991 survey results indicate that 83.3% (75) of agencies with written and unwritten policies had not recently revised those policies. Only 16.7% (15) therefore had recently changed their domestic violence policies. Almost three-fourths (73.9%; 65) were not planning any changes in their agencies’ written and unwritten policies. Approximately 26% (23) of agencies had planned to make revisions or changes in the near future. “Recently” was not a defined time period in either survey.

Question #5: How often do you formally review your written policy on domestic violence?

In the 2002 survey, over 85% (85.5%: 157) of responding agencies with a written domestic violence policy stated that they review their policy every three years or more frequently. Of these 157 agencies, over half

(52.5%; 96) stated that they review that policy at least annually. The remaining 33.2% (61) of these agencies stated that they review their written policy between one and three years. Thirteen agencies (7.1%) reported that their review period was over three years. The same number of agencies selected 'other,' explaining that they review their policy, as needed or as the legislative changes require.

Question #6: What types of domestic relationships are covered by the written domestic violence policy?

In the 2002 survey, the domestic relationships most often covered by written policy are spouses (98.9%; 180). A significant majority includes cohabitants (98.4%; 179), former spouses (97.3%; 177), persons who have a child(ren) in common (97.3%; 177), in-laws (93.4%; 170), and biological and step-relatives (92.9%; 169). Only 35.2% (64) of the law enforcement agencies stated that a same-sex couple was considered a domestic relationship covered by written policy. Four agencies responded that same-sex couples are covered by written policy, if the partners cohabit.

Comparison with the 1991 Survey

In the 1991 survey, the domestic relationships most often covered in written policies were spouses and ex-spouses (84.4%; 27). A significant majority included cohabitants (81.3%; 26), biological and step-relatives (78.1%; 25), and persons with a child(ren) in common (75.0%; 24). Same-sex couples were not addressed in the 1991 survey.

Question #7: What policy elements are included in your department's written domestic violence policy?

In 2002, the **most common** policy elements found in written domestic violence policies reflected the changes to the *Code of Virginia* since the enactment of the Family Violence Arrest Laws in 1997. Pursuant to the *Code of Virginia* (§19.2-81.4), the most popular policy elements were mandating arrest if probable cause exists (98.4%; 180), requiring officers to petition for an emergency protective order when making arrests or in cases of family abuse (92.9%; 170), transporting victims to safe shelter, hospital, or magistrate (91.3%; 167), outlining standards for completing an incident report (89.6; 163), providing standards for determining primary physical aggressor (89.1%; 163), and requiring provision of legal and community resources to victims (87.4%; 160).

Comparison with the 1991 Survey

In the 1991 survey, the most common policy elements found in written domestic violence policies were explaining legal options to victims (84.4%; 27), explaining legal rights to victims (81.3%; 26), and securing medical treatment for victims (81.3%; 26).

In comparing the results of both surveys, more policy elements are included in a greater percentage of agencies' written domestic violence policies in 2002 than in 1991 (see Table 1).

Table 1: Most Common Policy Elements (75%–100% of policies)

1991 Survey	2002 Survey
Explaining victims' legal options (84.4%; 27)	Mandating arrest, if probable cause exists (98.4%; 180)
Explaining victims' legal rights (81.3%; 26)	Requiring officers to petition for an Emergency Protective Order (EPO) when making arrests or in cases of family abuse (92.9%; 170)
Securing medical treatment for victims (81.3%; 26)	Transporting victims to safe shelter, hospital, or magistrate (91.3%; 167)
Ensuring safety of victims' children (78.1%; 25)	Outlining standards for completing an incident report (89.6; 163)
Including statements of victims and witnesses in incident report (78.1%; 25)	Providing standards for determining primary physical aggressor (89.1%; 163)
Explaining to victim how to obtain a Protective Order (PO) (78.1%; 25)	Requiring provision of legal and community resources to victims (87.4%; 160)
	Including intent of the policy to protect the health and safety of family/household members (86.9% 159)
	Securing medical treatment for victims (86.3%; 158)
	Ensuring safety of victims' children (85.8%; 157)
	Treating domestic violence crime scene as any other crime scene (85.2%; 156)
	Providing guidance on circumstances that dictate another course of action, other than arrest (84.7%; 155)
	Taking statements of victims and witnesses in incident report (84.6%; 154)
	Explaining to victim how to obtain Protective Order (PO) (84.2%; 154)
	Checking if Protective Order (PO) already exists (80.8%; 147)
	Defining key terms—mandatory arrest, primary physical aggressor, stalking, family/household member (80.3%; 147)
	Separately interviewing parties involved (80.3%; 147)
	Initiating a warrant when unable to apprehend the suspect (78.7%; 144)
	Remaining at scene to preserve peace if the victim or offender is removing personal property (77.0%; 141)

In 2002, the **least common** policy elements found in written domestic violence policies were directing referral of the matter to the investigating unit (55.2%; 101), giving the victim a copy of the incident report (57.9%; 106), and providing guidance on defensive versus offensive injuries (59.6%; 109). The Code of Virginia mandates that law enforcement agencies' policies address guidance on defensive versus abusive injuries, as one of the main standards for determining primary physical aggressor. Furthermore, Virginia law provides directives for officer conduct concerning many of the least common policy elements. In other words, many of the elements that responding law enforcement agencies reported as missing from their policies are either required by law to be addressed in policy or Virginia law specifically requires that element to be a part of officers' response to domestic violence incidents. And if the law requires a certain officer response, it is recommended that law enforcement agencies include that directive in their written policies.

Comparison with the 1991 Survey

In the 1991 survey, the **least common** policy elements found in written domestic violence policies were giving the victim a copy of the police report (28.1%; 9), conducting a search of the immediate area for the suspect if the suspect has left the scene (53.1%; 17), and soliciting information as to the possible whereabouts of the suspect from relatives, friends, employers, etc., if the suspect has left the scene (56.3%; 18).

In comparing the results of both studies, survey respondents in 1991 and 2002 were unlikely to have domestic violence policies that directed officers to provide the victim with a copy of the incident report. However, a higher percentage of agencies' policies in 1991 did not include this and other policy elements than those in 2002 (see Table 2). In 1991, one-fourth (25%; 8) to almost three-fourths (71.9%; 23) of the 32 responding agencies with written domestic violence policies did not have the above policy elements addressed in their policies. In 2002, nearly one-fourth (23.5%; 39) to almost one-half (44.8%; 82) of the 184 responding agencies with written domestic violence policies do not have the above policy elements addressed in their policies.

Table 2: Least Common Policy Elements (24% - 72%)

1991 Survey	2002 Survey
Giving victim a copy of report (28.1%; 9)	Directing referral of matter to investigating unit (55.2%; 101)
Conducting search of immediate area for suspect (53.1%; 17)	Giving victim a copy of report (57.9%; 106)
Soliciting information as to possible whereabouts of the suspect (56.3%; 18)	Providing guidance on defensive versus offensive injuries (59.6%; 109)
Drawing diagrams of, and taking notes about, the crime scene (59.4%; 19)	Requiring the solicitation of information regarding the possible whereabouts of the suspect (59.6%; 109)
Taking photographs of property damage (59.4%; 19)	Conducting search of immediate area for suspect (63.4%; 116)
Remaining at scene until officer satisfied no further threat of injury (62.5%; 20)	Providing guidance and procedures for stalking investigations (63.4%; 116)
Separately interviewing parties (62.5%; 20)	Remaining at scene until officer satisfied no further threat of injury (68.9%; 126)
Checking if a Protective Order (PO) exists (68.8%; 22)	Providing specific procedures on how to investigate domestic violence perpetrated by law enforcement officers (69.4%; 127)
Remaining on scene to preserve the peace, if victim or offender is removing personal property (68.8%; 22)	Requiring officers to obtain information regarding prior complaints (70.5%; 129)
Stressing criminal nature of domestic violence to offender and victim (71.9%; 23);	Providing guidance and procedures on officer-involved domestic violence (73.1%; 133)
Referring matter to investigating unit, or initiating a warrant when unable to apprehend suspect (75.0%; 24)	Taking notes about crime scene (74.3%; 136)
Treating domestic violence crime scene as any other crime scene (75.0%; 24)	Stressing criminal nature of domestic violence to offender and victim (75.4%; 138)
Taking photographs of personal injuries (75.0%; 24)	Drawing diagrams or taking photographs of the crime scene, personal injuries, property damage (76.5%; 140)

Question #8: Does your department's written policy require arrest based on probable cause unless circumstances dictate another course of action?

Of the responding agencies with a written domestic violence policy in the 2002 survey, 95.1% (173) have a mandatory arrest policy, in which arrest is required based on probable cause, unless special circumstances dictate another course of action.

Comparison with the 1991 Survey

The 1991 survey results indicate that 47.3% (26) of the agencies with a domestic violence policy (written and unwritten) had mandatory arrest policy. Four of these agencies had unwritten mandatory arrest policies. Among agencies that did not have any type of mandatory arrest policy, only 22.4% (15) indicated that they would like to implement one; 31.3% (21) did not want one, and 46.3% (31) were undecided.

Question #9: When did your department adopt this written mandatory arrest policy?

In 2002, over half (58.4%; 101) of the responding agencies with a written mandatory arrest policy stated that they adopted this policy on or before July 1997, when the *Code of Virginia* mandated such a policy. Over

one-third (41.6%; 72) of these agencies implemented their written mandatory arrest policy after the statutorily required date. Of these agencies, 12.7% (21) had adopted this policy within the year prior to the survey, and 7.8% (13) had done so during the study period.

Comparison with the 1991 Survey

In the 1991 survey, approximately 65% (36) of the agencies with written and unwritten mandatory arrest policies had adopted their policy since 1990.

Question #10: What were the reasons for adopting the mandatory arrest policy?

A significant majority (89.9%; 151) of responding agencies in 2002 cited changes in Virginia law as the reason for adopting their written mandatory arrest policy. Over one-third (36.9%; 62) indicated that their reason for adopting a written mandatory arrest policy was due to DCJS training.

Comparison with the 1991 Survey

The 1991 survey results indicated that agencies with written and unwritten mandatory arrest policies had adopted these policies between 1987 and 1991.

Question #11: What is your department's written policy on dual arrest?

Almost half (45.6%; 77) of responding agencies in 2002 stated that dual arrest was not addressed in their written domestic violence policy. Nearly one-fourth (23.1%; 39) of responding agencies reported that dual arrest is discouraged in their written policy. Thirty-one agencies (18.3%) stated that dual arrest is permitted in their written policy. Of the 13.0% (22) who chose other, 43% (9) stated that dual arrest is based on probable cause and officer's discretion, and 33% (7) stated that dual arrest is permitted, but discouraged in the written policy.

Question #12: What is your department's written policy on officers obtaining emergency protective orders for the victim?

In the 2002 survey, nearly three-fourths (72.8%; 131) of agencies with a written domestic violence policy reported that their officers were required to petition for emergency protective orders for victims, when an arrest is made. Over one-fourth (27.2%; 49) of agencies with written policies did not include this procedure, despite the fact that Virginia law requires it. Also contradicting legal mandates, almost half (46.7%; 84) of agencies did not inform the victim of his/her legal options, and, if the victim is interested in obtaining an emergency protective order, direct the victim to go to the local magistrate or juvenile and domestic relations court. Although the study failed to list this option, eleven agencies noted in 'other' that they petition for emergency protective orders, if family abuse exists and there is probable danger of further abuse, as required by law. Less than half (42.2%; 76) of agencies direct officers to petition for the order if the victim is unable to obtain one for him/herself.

Question #13: Have you reviewed or used General Order 2-32 of the Sample Directives Manual for Virginia Law Enforcement (formerly known as the Model Manual of Policies and Procedures for Virginia Law Enforcement Agencies) to help develop your own policy?

More than half (57.9%; 103) of responding law enforcement agencies in 2002 reported that they have reviewed Sample Directives General Order 2-32, the model domestic violence policy for Virginia law enforcement agencies. Over 40% (42.1%; 75) of agencies have not reviewed the model policy. Twelve (6.7%) of these agencies stated that they did not feel the model policy was applicable to them.

Comparison with the 1991 Survey

In the 1991 survey, over one-third (35.1%; 33) of responding law enforcement agencies had reviewed the Sample Directives General Order 2-32. Almost two-thirds (64.9%; 61) had not reviewed the model policy. Two (2.1%) of these agencies did not feel that the model policy was applicable to them.

Question #14: Has the Sample Directives Manual for Virginia Law Enforcement been helpful in developing your own policy?

In 2002, a significant majority (96.1%; 98) of the law enforcement agencies, which had reviewed the Sample Directives General Order 2-32, reported that the model policy was helpful to them in the development of their own written policy. Sixty-eight of these agencies provided comments regarding how the model policy was helpful to them. Over half (56%; 38) of these agencies stated that the model policy was helpful, because it provided a good example or guide in developing their own written policy. Four agencies (3.9%) reported that the model policy review was not helpful. It is interesting to note, however, that two of these agencies had submitted, as their own written policy, a copy of General Order 2-32.

Comparison with the 1991 Survey

The 1991 survey results indicate that slightly more than one-third (35.1%; 33) of agencies with both written and unwritten policies had reviewed and used General Order 2-32 in the development of their own policy.

QUESTIONS #15-27:

Respondents include Agencies with Written Policy and Agencies Without Written Policy

The following questions pertained to service, training and agency demographics. The results provided for the 2002 and 1991 surveys therefore included all respondents (i.e., those with and those without a written domestic violence policy). In the 2002 study, there were a total of 239 respondents; in the 1991 survey, there were a total of 94 respondents. Please note that percentages are computed on the basis of actual responses, unless otherwise indicated.

Question #15: What community services are available for domestic violence victims and offenders in your area?

2002 survey respondents reported that the services most available for domestic violence victims and offenders include shelter for victims (96.9%; 217) and victim/witness assistance programs (95.1%; 213). Batterer intervention programs for offenders were reported as the least available service, with 44.6% (100) of agencies reporting that their areas did not have this service. Support groups for victims were also reported as lacking in over one-fourth (28.6; 64) of the areas responding to this survey.

Comparison with the 1991 Survey

In the 1991 survey, services reported as most available for victims and offenders were mental health counseling for victims (85.1%; 80) and shelter for victims (81.9%; 77). Anger management for offenders was reported as the least available service (35.1%; 33). Batterer intervention services were not included in this survey.

Question #16: What assistance do your officers provide victims of domestic violence?

In the 2002 survey, officers most often directly gave assistance in providing information about domestic violence protective orders (90.1%; 200), taking or arranging for photographs of injuries (87.4%; 194), and petitioning for a protective order for the victim (86.9%; 193). Although these services were prevalent, approximately one-third of agencies did not address these provisions in their written policies.

Approximately 82% (182) to 86% (189) of agencies reported that their officers provided assistance with transportation. Transport to shelters represented both the most provided service, and the most often addressed in written policy.

Referrals to victim/witness assistance programs (71.5%; 158) and arranging for temporary housing (74.2%; 164) were the least provided services and the least addressed in written policy (48.9%; 108 and 43.0%; 95, respectively). However, it is encouraging to note that almost three-fourths of agencies had officers who provided these services and policies which addressed this assistance.

Comparison with the 1991 Survey

The 1991 survey results indicate that providing assistance with taking or arranging for photographs of injuries (90.4%; 85) and transportation to a friend's or family member's residence (88.3%; 83) were the

most provided services. However, in nearly two-third of these agencies, no written policy addressed these services. Approximately three-fourths (74.5%; 70) of responding agencies reported that their officers provided information about domestic violence protective orders; only one-fourth (25.5%; 24) had addressed this service in written policy.

The 1991 survey did not inquire whether officers provided assistance in petitioning for protective orders. At that time, the Code of Virginia did not mandate officers to petition for orders when making an arrest or when family abuse existed. However, in 1991, Code of Virginia §16.1-253.4 was amended to authorize the issuance of emergency protective orders. When asked, nearly three-fourths (72.3%; 68) of the agencies stated that they were aware of the new provisions in the Code. Less than one-third (27.7%; 26) of the agencies planned to change their policy to incorporate the revision.

In the 1991 survey, arranging for temporary housing (61.7%; 58) and referrals to victim/witness assistance programs (62.8%; 59) were the least provided services. Yet, these provisions were among the most likely to be addressed in written policy. Officers gave assistance with transportation to shelter less often than any other transportation assistance (except for housing arrangements) (69.1%; 65). However, assistance with transportation to shelter was the transport issue most often addressed in written policy (26.2%; 17).

Question #17: How often do you have in-house trainings on domestic violence policies?

In 2002, almost 70% (69.0%; 151) of the responding law enforcement agencies have in-house training on domestic violence at least every three years. Over one-fourth (28.8%; 63) of these agencies have in-house training at least annually, while 40.2% (88) have in-house training between one and three years. Thirty agencies (13.7%) reported the frequency of their in-house training as over three years. Thirty-eight (15.9%) agencies selected 'other' and provided comments. Fourteen of these agencies (38%) stated that they do not provide in-house training on domestic violence. An additional 6 agencies (16%) stated that such trainings are not applicable to their agency function.

Question #18: Have any of your current officers received training on domestic violence and/or changes in domestic violence laws since 1997?

Since the implementation of Family Violence Arrest laws in 1997, 82.5% (189) of responding agencies' current officers have received training in these laws. Survey results indicated a strong, direct relationship between the number of sworn officers and the number of officers trained (0.964 correlation coefficient), such that the higher the number of sworn officers, the higher the number of officers trained in domestic violence. Sixty-nine agencies did not report the number of officers trained. Forty (17.5%) agencies responded that their officers had not received training on domestic violence laws since 1997.

Comparison with the 1991 Survey

The 1991 survey asked law enforcement agencies if any of their officers had received training since 1988, as significant legislation had passed in 1984, which authorized warrantless arrest in domestic disputes, if probable cause was present. At the time of that survey, less than one-half (47.9%; 45) of responding agencies' officers had received such training.

Question #19: Who sponsored the training?

Regional or local academies were the most common sponsors (69.0%; 129) of training on domestic violence laws since 1997. DCJS sponsored trainings accounted for 27.8% (52) of agencies' trainings on these laws. Eighty agencies (42.8%) also indicated other training sponsors, identifying victims service providers (43.0%; 34) and in-house persons (i.e., agency employees) (29%; 23) as common, additional sponsors of such training.

Question #20: Did an outside professional (i.e., not a law enforcement professional) come to the academy to provide the training?

In the 2002 survey, victim advocates were the most common outside professional (52.0%; 93) to provide training on domestic violence laws. Victims of domestic violence were the least common outside trainer

(7.3%; 13). Approximately 30% (53) of agencies reported that they did not use an outside professional (i.e., not a law enforcement officer) to provide the training.

Question #21: Do your communication officers (i.e., dispatch) receive training on domestic violence?

In the 2002 survey, approximately 62% (139) of responding agencies operate dispatch or communications centers and 38.2% (86) do not. Of the agencies that operate dispatch centers, 85 agencies (37.8%) reported that their communications officers had received training in domestic violence. Almost one-fourth (24.0%; 54) of these agencies stated that their communications officers had not received such training. Survey results indicated a strong, direct relationship (0.920 correlation coefficient) between the number of sworn officers and the number of communications officers trained. The higher the number of sworn officers, the higher the number of communications officers trained in domestic violence. Forty-nine agencies did not report the number of communications officers trained.

Question #22: Who sponsored the training?

The most common sponsor (68.2%; 58) of domestic violence training for dispatch or communications officers in the 2002 survey was also the regional or local academy. DCJS sponsored training for 18.8% (16) of responding agencies. Thirty-two (37.6%) agencies also indicated other training sponsors, identifying in-house persons as the most common, additional sponsor (36%; 12).

Question #23: Did an outside professional (i.e., not a law enforcement professional) come to the academy to sponsor the training for communications officers?

In 2002, victim advocates were also the most common outside professional (29.9%; 20) to provide domestic violence training for communications officers at the academy. Half (34) of the responding agencies stated that an outside professional (i.e., not a law enforcement officer) was not used to provide the training for their communications officers.

Question #24: Has your agency and/or an officer been subject to any litigation or citizen complaints in the last three years alleging that domestic violence laws were not enforced and/or that an officer failed to take the right action?

In the 2002 survey, the majority (96.4%; 213) of responding law enforcement agencies reported that their agencies or officers had not been subject to litigation or citizen complaints in the last three years. Only 3.6% (8) of those responding stated that there had been allegations that domestic violence laws were not enforced and/or that an officer failed to take the right action. Eighteen agencies did not respond to this question.

Question #25: Number of sworn officers on your force

In the 2002 survey, the number of sworn officers in the responding law enforcement agencies ranged from 1 to 1,865. The average was 83.47.

Question #26: Would you like the Virginia Department of Criminal Justice Services' assistance in providing training on domestic violence policies or assistance in creating or updating your domestic violence policy?

In the 2002 survey, slightly less than half (48.5%; 96) of the responding agencies requested DCJS assistance in providing training on domestic violence policies or in creating, or updating, their domestic violence policies. One hundred and two agencies (51.5%) declined such assistance. Forty-one agencies did not respond to this question.

Question #27: Additional Comments

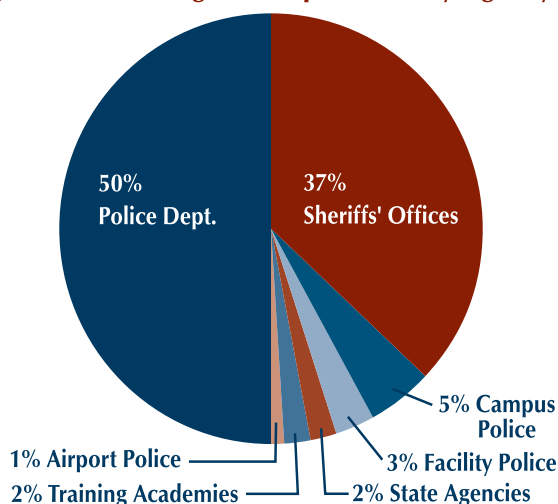
Of the 52 agencies that provided comments in the 2002 survey, nearly one-third (32.0%; 18) stated that they viewed the survey on domestic violence policies as irrelevant to their law enforcement agency. Almost one-fourth (23.0%; 13) commented that they would like DCJS to provide technical assistance to their agency.

Results from Cross Tabs and T-Test

Policy Status and Agency Type

Of the total number of respondents (239), 48.5% (116) were police departments, 37.7% (90) were sheriffs' offices, 5.4% (13) were campus police, 2.9% (7) were facility police, 2.1% (5) were state agencies, 1.7% (4) were training academies, 1.3% (3) were airport police, and 0.4% (1) were other (see Figure 2). The 'other' category was comprised of one law enforcement agency, which provided no identifying information.

Figure 2: Percentage of Respondents by Agency Type



NOTE: Aside from Police Departments and Sheriffs' Offices, all of the agency types comprised 5% or less of the respondent sample.

The percentages of agency type with written policies were fairly consistent with the percentages of agency type of response. Of the 77.0% of respondents with written policies, 56.5% were police departments, 34.5% were sheriffs' offices, 6.5% were campus police, 1.6% were facility police, 0.5% were state agencies, and 0.5% were airport police (see Table 3). Training academies did not have and were not expected to have written domestic violence policies; the academies were solicited for training and service information.

Of the 23.0% of respondents that did not have a written policy, almost half (49.1%; 27) were sheriffs' offices. For other agency types without written domestic violence policies, police departments constituted 21.8%, campus police 1.8%, facility police 7.3%, state agencies 7.3%, training academies 7.3%, airport police 3.6%, and other 1.8%.

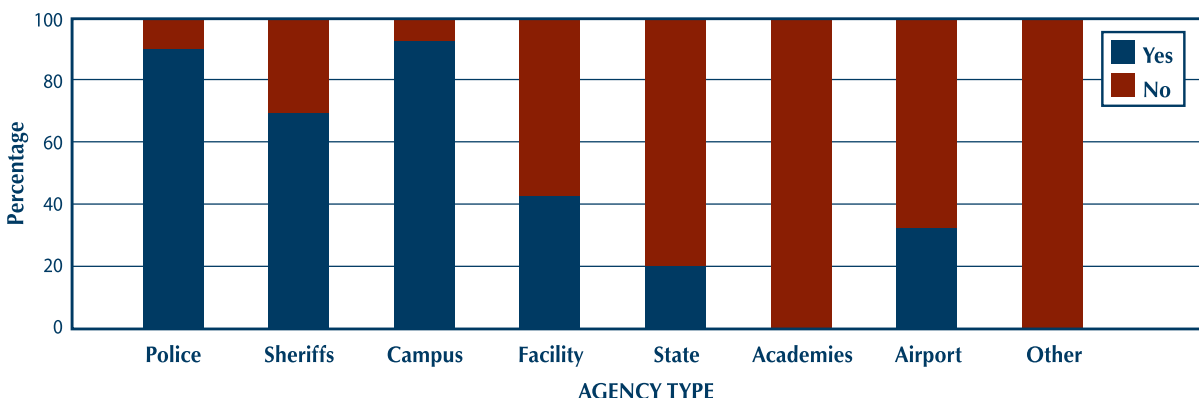
Table 3: Policy Status by Agency Type: Cross Tab

Policy Status by Agency Type				
Agency Type	Does Written Policy Exist?			
	Yes		No	
	Number	Percentage	Number	Percentage
Police Departments	104	56.5%	12	21.8%
Sheriffs' Offices	63	34.5%	27	49.1%
Campus Police	12	6.5%	1	1.8%
Facility Police	3	1.6%	4	7.3%
State Agencies	1	0.5%	4	7.3%
Training Academies	0	0.0%	4	7.3%
Airport Police	1	0.5%	2	3.6%
Other	0	0.0%	1	1.8%
Total	184	100.0%	55	100.0%

Within agency type, 89.7% (104) of the 116 police departments responding had a written policy, whereas 10.3% (12) did not. Of the 90 sheriffs' offices that responded, 70.0% (63) of the sheriffs' offices had a written policy, whereas 30% (27) did not. Twelve of the 13 responding campus police agencies had a written policy. Three of seven responding facility police had a written policy. One of five responding state agencies had a written policy. One of three responding airport law enforcement agencies had a written policy (see Figure 3).

A breakdown of agency type is not available from the 1991 survey.

Figure 3: Policy Status Within Agency Type



Policy Status and Law Enforcement Role

That almost half of the agencies without written policies were sheriffs’ offices indicates the relationship between law enforcement’s role and the perceived need for a written domestic violence policy. In localities where the police department assumes primary law enforcement responsibility and sheriffs’ offices have court and/or jail security and/or civil process functions, these sheriffs’ offices do not see the need to adopt a written domestic violence policy. Of the sheriffs’ offices that do not have primary investigative responsibilities, 25.9% (7) have a written policy and 74.1% (20) do not. Of the sheriffs’ offices which do have primary investigative responsibilities, 88.9% (56) have a written domestic violence policy and 11.1% (7) do not (see Table 4). In comparing police departments and sheriffs’ offices with law enforcement responsibilities, the percentage of agencies with written policies is almost identical.

Table 4: Policy Status by Law Enforcement Role: Cross-Tab

Sheriffs’ Offices: Policy Status by Law Enforcement Responsibilities				
Does Office have Primary Investigative Responsibilities?	Does Written Policy Exist?			
	Yes		No	
	Number	Percentage	Number	Percentage
Yes	56	88.9%	7	11.1%
No	7	25.9%	20	74.1%

Policy Status and Population Size

In the 1991 study, localities with larger populations were more likely to have written domestic violence policies. In the 2002 study, there no longer appears to be a clear relationship between population size and whether or not an agency has a written policy (see Table 5). Within communities with populations of 12,000 or less, 78.6% (77) agencies had written policies, while 21.4% (21) did not. Surprisingly, within communities with populations of 100,000 or more, 75.0% (18) had a written policy, whereas 25.0% (6) did not. It is interesting to note that localities with larger populations would be more likely to have sheriffs’ offices that do not have primary law enforcement responsibilities and therefore are less likely to have a written domestic violence policy. For example, the Cities of Virginia Beach, Alexandria, and Fairfax have larger population sizes and their primary law enforcement agencies are their police departments.

Table 5: Policy Status by Population Size: Cross-Tab

Policy Status by Population Size				
Population Size	Does Written Policy Exist?			
	Yes		No	
	Number	Percentage	Number	Percentage
12,000 or less	77	78.6%	21	24.1%
12,000-24,999	39	86.7%	6	13.3%
25,000-99,999	33	84.6%	6	15.4%
100,000 or more	18	75.0%	6	25.0%

Policy Status and Geographical Type

Using the United States Census data (2000), localities in Virginia were designated in one of five geographic types: central city, suburban city, suburban county, rural, and other city. Based on this information, each responding law enforcement agency was subsequently assigned a geographical designation concerning the agency's jurisdiction. Agencies located in suburban counties (85.1%; 40) and rural localities (83.2%; 89) were more likely to have written domestic violence policies. Agencies which had jurisdiction in central cities had the lowest percentage of written policies (66.7%; 14) (see Table 6).

Table 6: Policy Status within Geographical Type: Cross-Tab

Policy Status within Geographical Type				
Agency Type	Does Written Policy Exist?			
	Yes		No	
	Number	Percentage	Number	Percentage
Central City	14	66.7%	7	33.3%
Suburban City	9	75.0%	3	25.0%
Suburban County	40	85.1%	7	14.9%
Rural	89	83.2%	18	16.8%
Other City	15	78.9%	4	21.1%

Use of Sample Directives Manual General Order 2-32 and Type of Agency

Over half (57.9%; 103) of the responding agencies with written domestic violence policies had reviewed the Sample Directives Manual General Order 2-32, the model policy on domestic violence for Virginia law enforcement officers. Over one-third (35.4%; 63) of responding law enforcement agencies had not reviewed it (see Table 7). Twelve agencies (6.7%) did not feel that the model policy was applicable to them. Six of these agencies were local police departments, three were campus police, and three were sheriffs' offices.

Table 7: Use of General Order 2-32 by Agency Type: Cross-Tab

Review of General Order 2-32 by Agency Type				
Agency Type	Reviewed General Order 2-32?			
	Yes		No	
	Number	Percentage	Number	Percentage
Police Departments	61	61.0%	33	33.0%
Sheriffs' Offices	34	55.7%	24	39.3%
Campus Police	7	58.3%	2	16.7%

Use of Sample Directives Manual General Order 2-32 and Population Size

In 2002, agencies with higher populations were less likely to review General Order 2-32 than agencies with smaller populations (see Table 8). In 1991, agencies with higher populations were more likely to use the model policy to review their own policies than those agencies with smaller populations.

Table 8: Use of General Order 2-32 by Population Size: Cross-Tab

Review of General Order 2-32 by Population Size				
Population Size	Reviewed General Order 2-32?			
	Yes		No	
	Number	Percentage	Number	Percentage
12,000 or less	56	75.7%	15	20.3%
12,000-24,999	22	56.4%	15	38.5%
25,000-99,999	14	45.2%	13	41.9%
100,000 or more	3	17.6%	14	82.4%

Use of Sample Directives Manual General Order 2-32 and Geographical Type

Law enforcement agencies located in rural localities (70.9%; 61) were more likely to review Sample Directives Manual General Order 2-32 and use the model domestic violence policy in developing their own policy. Agencies in central city jurisdictions (14.3%; 2) were least likely to have reviewed and used the sample directive as a guide (see Table 9).

Table 9: Use of Sample Directives Manual General Order 2-32 by Geographical Type: Cross-Tab

Review of General Order 2-32 by Geographical Type				
Agency Type	Reviewed General Order 2-32?			
	Yes		No	
	Number	Percentage	Number	Percentage
Central City	2	14.3%	12	85.7%
Suburban City	4	44.4%	3	33.3%
Suburban County	20	52.6%	14	36.8%
Rural	61	70.9%	23	26.7%
Other City	8	57.1%	5	35.7%

Community Services Available and Policy Status

Communities with law enforcement agencies which have written domestic violence policies were more likely to provide services to victims and offenders than communities with law enforcement agencies which do not have written policies. In communities where agencies had written domestic violence policies, shelter, victim/witness assistance programs, victim support groups, anger management and batterer intervention services were more likely to be available. Interestingly, substance abuse services for victims and offenders were slightly more prevalent in communities where law enforcement agencies did not have a written domestic violence policy. For example, of the agencies that have a written policy, 97.2% (175) of their communities provide shelter for domestic violence victims. Of the agencies that do not have a written policy, 95.5% (42) of their communities provide this service. Although the percentage difference is only 1.7%, the difference in community services remains consistent, with agencies that have a written policy providing more community services (with the exception of substance abuse services) than those that do not have a policy.

Conversely, communities that had services for victims and offenders were more likely to have law enforcement agencies with written domestic violence policies. Communities with shelter, victim/witness assistance programs, victim support groups, anger management and batterer intervention services were more likely to have law enforcement agencies with written policies (see Table 10a). For example, of the law enforcement agencies whose community provides shelter for domestic violence victims, 80.6% (175) have a written domestic violence policy, and 19.4% (42) do not have a written policy (see Table 10a). Of the agencies whose communities did not provide this service, 71.4% (5) have a written policy and 28.6% (2) do not have a written policy (see Table 10b). Communities with substance abuse services for victims and offenders were more likely to have law enforcement agencies which did not have written policies.

In the 1991 survey, when comparing agencies without written policy (unwritten and none) with agencies having written policy, agencies without written policy appear to be located in jurisdictions with fewer services available.

Table 10a: Community Services Available by Policy Status – Batterer Intervention Programs: Cross-Tab

Availability of Batterer Intervention Programs by Policy Status				
Does Area Provide Batterer Intervention Programs?	Does Agency Have Written Policy?			
	Yes		No	
	Number	Percentage	Number	Percentage
Yes	103	83.1%	21	16.9%
No	77	77.0%	23	23.0%

Table 10b: Community Services Available by Policy Status – Shelter for Domestic Violence Victims: Cross-Tab

Availability of Shelter for Domestic Violence Victims by Policy Status				
Does Area Provide Shelter for Domestic Violence Victims?	Does Agency Have Written Policy?			
	Yes		No	
	Number	Percentage	Number	Percentage
Yes	175	80.6%	42	19.4%
No	5	71.4%	2	28.6%

Community Services Available and Geographical Type

In examining the relationship between geographic type and the availability of community services, responding law enforcement agencies did not differ significantly in the availability of shelter, victim/witness assistance programs, substance abuse, or mental health counseling services for victims (see Table 11). However, rural localities had fewer support groups for victims (56.6%; 60) and batterer intervention program services (41.5%). Other cities had fewer support groups for victims (68.8%; 60), anger management counseling services available for offenders (62.5%; 10), substance abuse services for victims (68.8%; 11), and mental health counseling for offenders (75%; 12). Central cities were also lacking in substance abuse services, with only 68% (13) offering that service to the victims of domestic violence.

Table 11: Community Services Available by Geographical Type: Cross-Tab

Types of Community Services Available by Geographical Type					
Type of Service	Percentage of Localities where Service is Available				
	Central City	Suburban City	Suburban County	Rural County	Other City
Shelter for victims of domestic violence	100.0%	100.0%	97.8%	94.3%	100.0%
Victim/witness assistance program	100.0%	100.0%	100.0%	92.5%	100.0%
Support groups for victims	89.5%	100.0%	84.8%	56.6%	68.8%
Anger management counseling for offenders	78.9%	100.0%	89.1%	74.5%	62.5%
Batterer intervention programs for offenders	52.6%	75.0%	76.1%	41.5%	56.3%
Substance abuse services for victims	68.4%	91.7%	84.8%	82.1%	68.8%
Substance abuse services for offenders	89.5%	91.7%	89.1%	81.1%	75.0%
Mental health counseling for victims	78.9%	100.0%	93.5%	89.6%	81.3%
Mental health counseling for offenders	84.2%	100.0%	93.5%	86.8%	75.0%
Other services	15.8%	8.3%	21.7%	8.5%	0.0%

Officer Assistance and Policy Status: T-Test

Results from a t-test indicate that, in agencies with written domestic violence policies, officers provide a significantly larger number of services to victims than those which do not have written policies. The mean for services provided by the 184 agencies with written policies is 11.62, while the mean for the 55 agencies without policies is 5.16 (significance 0.00).

Officer Assistance and Policy Status

Cross-tabulation results also demonstrate that law enforcement officers whose agencies have written domestic violence policies are much more likely to provide assistance to victims of domestic violence than those who do not have policies. Agencies with written domestic violence policies are agencies whose officers are more likely to provide assistance with transport, petition for protective orders, obtain warrants, arrange for photographs, provide protection during retrieval of personal property, and provide information about protective orders, counseling, and community services. For example, 92.9% (171) of the law enforcement agencies with written domestic violence policies petition for protective orders for the victim, while 7.1% (13) do not. Of

the agencies without written policies, 40.0% (22) provide this service, while 60.0% (33) do not (see Table 12 a). It is important to note, however, that agencies with written policies whose officers provided services to victims did not always address these services in their policies (see Table 12b).

Table 12a: Officer Assistance by Policy Status: Cross-Tab and T-test

Types of Officer Assistance Provided by Policy Status				
Type of Officer Assistance	Does Agency Have Written Policy and Provide Service?			
	Has Policy		No Policy	
	Service Provided	Service Not Provided	Service Provided	Service Not Provided
Transportation to medical care	91.3%	8.7%	38.2%	61.8%
Transportation to shelter	92.4%	7.6%	36.4%	63.6%
Transportation to magistrate	90.8%	9.2%	38.2%	61.8%
Transportation to friend's or family member's residence	88.0%	12.0%	36.4%	63.6%
Information about domestic violence protective order	95.1%	4.9%	45.5%	54.5%
Petitioning for protective order	92.9%	7.1%	40.0%	60.0%
Obtaining a warrant for victim	90.2%	9.8%	43.6%	56.4%
Taking or arranging for photographs of injuries	93.5%	6.5%	40.0%	60.0%
Protection while one party retrieves personal belongings	89.1%	10.9%	43.6%	56.4%
Providing information on counseling and support services	90.8%	9.2%	45.5%	54.5%
Providing information about services available in the area	92.4%	7.6%	43.6%	56.4%
Assistance in arranging for temporary housing (other than friend or family member)	80.4%	19.6%	29.1%	70.9%
Referral to victim/witness assistance program	75.0%	25.0%	36.4%	63.6%
<i>Average total number of types of assistance provided</i>	<i>11.6</i>		<i>5.1</i>	

(T-test —Included in Table 12a above)

Table 12b: Officer Assistance by Policy Status: Cross-Tab

Types of Officer Assistance: Agencies with Written Policies Only			
Type of Officer Assistance	Status of Assistance		
	Provided and included in written policy	Provided, but not included in written policy	Not provided
Transportation to medical care	70.9%	22.9%	6.1%
Transportation to shelter	75.4%	19.6%	5.0%
Transportation to magistrate	68.7%	24.6%	6.7%
Transportation to friend's or family member's residence	54.7%	35.8%	9.5%
Information about domestic violence protective order	84.9%	12.8%	2.2%
Petitioning for protective order	85.5%	10.1%	4.5%
Obtaining a warrant on behalf of victim	80.9%	12.4%	6.7%
Taking or arranging for photographs of injuries	79.9%	16.2%	3.9%
Protection while one party retrieves personal belongings	67.0%	24.6%	8.4%
Providing information on counseling and support services	82.7%	10.6%	6.7%
Providing information about services available in the area	80.4%	14.5%	5.0%
Assistance in arranging for temporary housing (other than friend or family member)	53.4%	29.8%	16.9%
Referral to victim/witness assistance program	60.7%	16.9%	22.5%

Law enforcement agencies whose officers provide assistance to victims of domestic violence are more likely to have a written domestic violence policy. Agencies whose officers provide assistance with transport, petitioning for a protective order, obtaining a warrant, taking or arranging for photographs, protection during retrieval of personal property, and information about protective orders, counseling, and community services were more likely to have written policies than those whose officers do not provide these services. For example, of the law enforcement agencies whose officers petition for protective orders for victims, 88.6% (171) have a written domestic violence policy, while 11.4% (22) do not. Of those who do not provide this service, 28.3% (13) have a written policy, while 71.1% (33) do not.

Officer Assistance and Law Enforcement Agency Role

It should be noted that law enforcement role does impact the number of agencies whose officers provide services to victims. Sheriffs' offices which do not have primary investigative responsibilities are not likely or expected to provide services to victims on a routine basis. For example, of the 29 (13.1%) agencies whose officers did not petition for protective orders for the victim, three-fourths (75.9%; 22) were sheriffs' offices without primary investigative responsibilities. Of the 193 (86.9%) agencies that did provide this service, 5 (3.1%) were sheriffs' offices without a primary law enforcement role (see Table 13).

Table 13: Officer Assistance by Law Enforcement Agency Role: Cross-Tab

Types of Officer Assistance Provided by Law Enforcement Responsibility: Sheriffs' Offices Only				
Type of Officer Assistance	Does Sheriff's Office Have Law Enforcement Responsibility and Provide Service?			
	Has Law Enforcement Responsibility		No Law Enforcement Responsibility	
	Service Provided	Service Not Provided	Service Provided	Service Not Provided
Transportation to medical care	88.9%	11.1%	29.6%	70.4%
Transportation to shelter	87.3%	12.7%	25.9%	74.1%
Transportation to magistrate	87.3%	12.7%	25.9%	74.1%
Transportation to friend's or family member's residence	85.7%	14.3%	25.9%	74.1%
Information about domestic violence protective order	93.7%	6.3%	33.3%	66.7%
Petitioning for protective order	92.1%	7.9%	18.5%	81.5%
Obtaining a warrant on behalf of victim	88.9%	11.1%	18.5%	81.5%
Taking or arranging for photographs of injuries	92.1%	7.9%	14.8%	85.2%
Protection while one party retrieves personal belongings	87.3%	12.7%	37.0%	63.0%
Providing information on counseling and support services	88.9%	11.1%	29.6%	70.4%
Providing information about services available in the area	90.5%	9.5%	29.6%	70.4%
Assistance in arranging for temporary housing (other than friend or family member)	81.0%	19.0%	18.5%	81.5%
Referral to victim/witness assistance program	66.7%	33.3%	25.9%	74.1%

Officer Assistance and Geographical Type

Officers were more likely to provide assistance to victims if the law enforcement agency was located in a rural locality or a suburban county. Responding agencies which had jurisdictions in central or other cities were least likely to report that their officers provided assistance to victims (see Table 14).

Table 14: Officer Assistance Provided by Geographical Type: Cross-Tab

Types of Officer Assistance Provided by Geographical Type					
Type of Service	Percentage of Localities where this Assistance is Provided				
	Central City	Suburban City	Suburban County	Rural County	Other City
Transportation to medical care	66.7%	81.8%	88.9%	91.1%	76.5%
Transportation to shelter	77.8%	81.8%	93.5%	90.2%	76.5%
Transportation to magistrate	72.2%	81.8%	86.4%	87.3%	76.5%
Transportation to friend's or family member's residence	72.2%	81.9%	89.2%	85.3%	76.5%
Information about domestic violence protective order	83.4%	81.8%	95.6%	97.1%	76.5%
Petitioning for protective order	77.8%	81.8%	91.3%	95.1%	70.6%
Obtaining a warrant on behalf of victim	77.8%	81.8%	86.9%	92.1%	70.6%
Taking or arranging for photographs of injuries	77.8%	81.8%	89.1%	95.1%	70.6%
Protection while one party retrieves personal belongings	72.2%	81.9%	95.7%	89.2%	82.3%
Providing information on counseling and support services	83.4%	81.8%	91.3%	92.2%	76.5%
Providing information about services available in the area	83.3%	81.8%	93.5%	93.1%	76.4%
Assistance in arranging for temporary housing (other than friend or family member)	61.1%	72.8%	78.2%	80.2%	76.4%
Referral to victim/witness assistance program	66.6%	72.8%	76.1%	76.2%	64.7%

Frequency of In-House Training and Policy Status

Agencies which provide in-house domestic violence trainings at least annually, are more likely to have written policies. Of the agencies with written domestic violence policies, 33.3% (59) have in-house domestic violence trainings at least annually. Of agencies with no policy, 9.5% (4) have in-house training at least annually. Agencies with a frequency of in-house training on domestic violence of over three years were more likely to be those without written policy (21.4%) than those with written policy (11.9%). Agencies, which reported their frequency as ‘other,’ were also more likely to be those that lacked written policy (40.5%) than those with written policy (11.9%) (see Table 15).

Table 15: In-House Trainings by Policy Status: Cross-Tab

Frequency of In-House Trainings by Policy Status				
Frequency of In-House Trainings	Does Written Policy Exist?			
	Yes		No	
	Number	Percentage	Number	Percentage
At least annually	59	33.3%	4	9.5%
Between 1 and 3 years	76	42.9%	12	28.6%
Over 3 years	21	11.9%	9	21.4%
Other	21	11.9%	17	40.5%
Total	177	100.0%	42	100.0%

Frequency of In-House Training and Law Enforcement Agency Role

Sheriffs’ offices with primary investigative responsibilities were more likely to provide in-house training on domestic violence than sheriffs’ offices without these duties. Of the sheriffs’ offices which provide in-house training annually, 28.6% (18) were agencies with investigative responsibilities and 15% (3) were agencies without a primary law enforcement role. Of the sheriffs’ offices which provide in-house training between one and three years, 46% (29) were those with investigative responsibilities and 25% (5) were those without a primary law enforcement role. Of the sheriffs’ offices that reported their frequency as over three years, however, 14.3% (9) were agencies with investigative responsibilities, while 10% (2) were agencies that did not have these duties. It appears that differences between sheriffs’ offices with and without investigative responsibilities are less pronounced when in-housing training is provided more infrequently (see Table 16).

Table 16: In-House Trainings by Law Enforcement Role: Cross-Tab

Sheriffs’ Offices: Frequency of In-House Trainings by Law Enforcement Responsibilities				
Frequency of In-House Trainings	Does Sheriff’s Office have Law Enforcement Responsibility?			
	Yes		No	
	Number	Percentage	Number	Percentage
At least annually	18	28.6%	3	15.0%
Between 1 and 3 years	29	46.0%	5	25.0%
Over 3 years	9	14.3%	2	10.0%
Other	7	11.1%	10	50.0%

Officer Training on Domestic Violence Laws and Policy Status

Law enforcement agencies with written domestic violence policies are more likely to have trained their officers on Family Violence Arrest Laws implemented in 1997. Of those agencies that have written domestic violence policies, 86.9% (159) have officers who have received training on domestic violence laws since 1997 and 13.1% (24) do not. Of those agencies that do not have written domestic violence policies, 65.2% (30) have officers who have received training since 1997 and 34.8% (16) do not (see Table 17).

The 1991 survey results also indicated that agencies that have written policy are more likely to have had officers trained in domestic violence than agencies that have unwritten policy or no policy at all.

Table 17: Training on Domestic Violence Laws by Policy Status: Cross-Tab

Officer Training on Domestic Violence Laws by Policy Status				
Have officers received domestic violence training since 1997?	Does Written Policy Exist?			
	Yes		No	
	Number	Percentage	Number	Percentage
Yes	159	86.9%	30	65.2%
No	24	13.1%	16	34.8%

Officer Training on Domestic Violence Laws and Law Enforcement Agency Role

Sheriffs' offices without primary investigative responsibilities were less likely to have received training since the implementation of the Family Violence Arrest Laws. Of the 189 (82.5%) agencies that have trained their officers on domestic violence laws since 1997, 66 (34.9%) were sheriffs' offices. Fifty-eight (87.9%) were sheriffs' offices with a primary law enforcement role and eight (12.1%) were sheriffs' offices without that role. Of the 40 (17.5%) agencies that have not trained their officers on domestic violence laws, 19 (47.5%) were sheriffs' offices. Five (26.3%) were sheriffs' offices with investigative responsibilities and 14 (73.7%) were sheriffs' offices without those duties. Thus, approximately one-third (35.0%; 14) of the 40 agencies that have not trained their officers on domestic violence laws were sheriffs' offices without a primary law enforcement role (see Table 18).

Table 18: Training on Domestic Violence Laws by Law Enforcement Agency Role: Cross-Tab

Officer Training on Domestic Violence Laws Within Agency Type				
Agency Type	Have current officers received training on domestic violence laws since 1997?			
	Yes		No	
	Number	Percentage	Number	Percentage
Police Departments	102	54.0%	13	32.5%
Sheriffs' Offices	66	34.9%	19	47.5%
Campus Police	11	5.8%	2	5.0%
Facility Police	3	1.6%	3	7.5%
State Agencies	3	1.6%	2	5.0%
Training Academies	2	1.1%	0	0.0%
Airport Police	1	<1%	1	2.5%
Other	1	<1%	0	0.0%
Total	189	100.0%	40	100.0%

Training Sponsor and Policy Status

Agencies without written policies were more likely to have had domestic violence training sponsored by the local or regional academy (73.3%; 22) than those with written policies (68.2%; 107). Agencies with written policies were more likely to have had training sponsored by DCJS (30.6%; 48) and other sponsors (46.5%; 73) than those without policies (13.3%; 4 and 23.3%; 7, respectively) (see Table 19).

Table 19: Training Sponsor by Policy Status: Cross-Tab

Officer Training Sponsor by Policy Status				
Training Sponsor	Does Written Policy Exist?			
	Yes		No	
	Number	Percentage	Number	Percentage
Regional or local academy	107	68.2%	22	73.3%
DCJS	48	30.6%	4	13.3%
Other	73	46.5%	7	23.3%

Non-Law Enforcement Trainers and Policy Status

Law enforcement agencies with written policies were more likely to have outside professionals (72.9%; 105) come to the academy to provide domestic violence training than those agencies without policies (60.0%; 21). Outside trainers such as victim advocates, prosecutors, and DCJS employees, were more prevalent for agencies that have written policy. Interestingly, agencies without written policy (8.6%; 3) were slightly more likely than those with written policy (6.9%; 10) to have a victim come to the academy to provide training (see Table 20).

Table 20: Non-Law Enforcement Trainers by Policy Status: Cross-Tab

Use of Non-Law Enforcement Trainers by Policy Status				
Trainer Type	Does Written Policy Exist?			
	Yes		No	
	Number	Percentage	Number	Percentage
Victim Advocate	78	54.2%	15	42.9%
Prosecutor	55	38.2%	6	17.1%
DCJS Employee	31	21.5%	2	5.7%
Victim	10	6.9%	3	8.6%
Other	7	4.9%	1	2.9%

Communications Officers Training and Policy Status

Agencies with written policies were more likely to train their communications officers on domestic violence issues (44.4%; 80) than those without written policies (11.1%; 5). Approximately 31% (14) of agencies without a written policy did not train these officers while 22.2% (40) of agencies that have written policy did not train communications officers (see Table 21).

Table 21: Communications Officers Training by Policy Status: Cross-Tab

Communications Officer Training on Domestic Violence Laws by Policy Status				
Have communication officers received domestic violence training?	Does Written Policy Exist?			
	Yes		No	
	Number	Percentage	Number	Percentage
Yes	80	44.4%	5	11.1%
No	40	22.2%	14	31.1%

NOTE: Some agencies did not respond to this question because they do not operate a dispatch center.

Training Sponsor for Communications Officers and Policy Status

Regional/local academies (68.8%; 55) and DCJS (20.0%; 16) were more common training sponsors for law enforcement agencies that had written policy than those without written policy (60.0%; 3 and 0.0%; 0) (see Table 22). Only three of the responding agencies without written policy had communications officers trained by the local or regional academy. Responding agencies without written policy did not have DCJS provide any training for the communications officers.

Table 22: Training Sponsor for Communications Officers by Policy Status: Cross-Tab

Communications Officer Training Sponsor by Policy Status				
Training Sponsor	Does Written Policy Exist?			
	Yes		No	
	Number	Percentage	Number	Percentage
Regional or local academy	55	68.8%	3	60.0%
DCJS	16	20.0%	0	0.0%
Other	30	37.5%	2	40.0%

Non-Law Enforcement Trainers for Communications Officers and Policy Status

Approximately half of agencies with policies, and half of agencies without policies, had never had an outside professional come to the academy to train their communications officers. Of the responding agencies without written policy, victim advocates were the only outside professional to train them at the academy. Outside trainers such as prosecutors, DCJS employees, and victims, were more prevalent among agencies with written policies (see Table 23).

Table 23: Non-Law Enforcement Trainers for Communications Officers by Policy Status: Cross-Tab

Use of Non-Law Enforcement Trainers for Communications Officers by Policy Status				
Trainer Type	Does Written Policy Exist?			
	Yes		No	
	Number	Percentage	Number	Percentage
Victim Advocate	18	28.6%	2	50.0%
Prosecutor	11	17.2%	0	0.0%
DCJS Employee	13	20.6%	0	0.0%
Victim	1	1.6%	0	0.0%
Other	6	9.5%	0	0.0%

Litigation and/or Citizen Complaints and Written Policy

Only 8 of 221 cases registered a “yes” here. There is not enough variation in the responses here to glean a meaningful distinction by policy status. Surprisingly, the eight agencies, which reported that they had been subject to litigation and/or citizen complaints in the last three years, all had written domestic violence policies. None of the agencies without written policies had reported that they had been subject to litigation or complaints. “Social desirability” may have played a role in this response, as agencies may not have been willing to report that they had been subject to citizen complaint or litigation. This factor particularly applies to agencies without written policy, as they tend to believe that if they do not have a policy, they will be less liable for an inadequate or inappropriate response to domestic violence. In actuality, agencies without written policy are more liable in situations involving citizen complaints or litigation. The simple fact that these agencies fail to have a policy on domestic violence is in direct violation of the *Code of Virginia* §19.2-81.4, which requires all police departments, sheriffs’ offices, and the Virginia State Police to have a written domestic violence policy.

Discussion

The results from the individual questions and cross-tabulations from the 2002 survey and the 1991 study lend some insight into encouraging trends and developments in the response of Virginia law enforcement to domestic violence. These results also have brought to light some obstacles and difficulties in the implementation of Virginia's Family Violence Arrest Laws. In comparing the two studies, the improved response rate in the 2002 survey indicates that law enforcement agencies are increasingly recognizing the value of written policy in guiding officer conduct in domestic violence situations. The increase in the number of agencies with written policy from 34% in 1991 to 77% in 2002 demonstrates the impact of Virginia law in mandating guidance by policy. Over 60% of agencies had adopted a policy on or before July 1997, the date that law enforcement agencies were mandated by law to adopt a policy on domestic violence. Of the remaining agencies which developed written policy after July 1997, approximately four percent had adopted their policy during the survey period, indicating that the survey served the purpose of reminding some agencies of their statutory obligations. The fact that almost one-fourth of responding law enforcement agencies still have not developed written domestic violence policies, despite statutory requirements, suggests that many agencies may be resistant to formal guidance.

Role of the Law Enforcement Agency

That nearly one-half of the agencies without written policy are sheriffs' offices (27) indicates the relationship between the law enforcement role and the perceived need for policy. Many of these sheriffs' offices do not have primary law enforcement responsibilities in their jurisdictions and therefore do not see the need for written domestic violence policies. Of the 27 sheriffs' offices without written policies, 20 (74.1%) do not have primary investigative responsibilities. Although these officers are not responding to domestic violence calls on a routine basis, they must be prepared to respond to domestic violence, if and when it occurs in courtrooms, jails, and during process of serving civil papers, in particular protective orders. As a part of a recent study, DCJS researched court security at the National Center for State Courts and reviewed every study on the topic from across the country. Every single study on file was precipitated by a domestic violence incident on courthouse grounds. For the sake of safety as well as statutory compliance, sheriffs' offices without primary investigative responsibilities are required to develop written domestic violence policies.

It is important to note that of the responding sheriffs' offices that do have primary investigative responsibilities, 88.9% (56) do have written policies. When comparing agencies with primary law enforcement responsibilities, the percentage of sheriffs' offices closely corresponds with the percentage of responding police departments (89.7%; 104) that have written policies.

It is also important to note that the *Code of Virginia* does not provide an exception based on law enforcement role concerning the requirement for a written domestic violence policy. Written policy guiding officer response is particularly needed for officers who do not handle domestic violence on a regular basis. In addition, having an officer-involved domestic violence policy is recommended for all law enforcement agencies, regardless of their role.

Policy Review and Revision

Law enforcement agencies appear to be revising and reviewing their written domestic violence policies more frequently than they did in 1991. The impact of the Family Violence Arrest Laws on domestic violence policy and response, plays a significant role in the improved frequency of review and revisions. Since the Family Violence Arrest Laws were enacted in 1997, changes have been made to the statutes each year. Many of these legislative changes impact the law enforcement response to domestic violence, and their written policies must be revised to reflect these changes. At the time of the survey, three legislative changes which affected law enforcement domestic violence policies had been enacted by the Virginia General Assembly.

Over half of the responding law enforcement agencies with written domestic violence policies indicated that they review their policies at least annually. An additional one-third stated that they review their policies between one and three years. However, when asked if they had changed their policies recently, or had planned to make any changes to their policy, more than two-thirds of law enforcement agencies said no. This is cause for concern, given the history of annual legislative changes since 1997 with respect to domestic violence. Results indicate a lack of awareness and/or responsiveness to legislative updates, which impact domestic violence policy and response.

Types of Relationships

Survey results in 2002 show an increase from 1991, in the types of domestic relationships covered by Virginia law enforcement agencies' written domestic violence policies. There was an increase in the percentage of written domestic violence policies which covered family or household members, as defined by Virginia law. Although percentage increases were found in all types of family/household members (i.e., spouses, former spouses, cohabitants, persons related by blood or marriage, and persons with children in common), the greatest increase occurred in the number of written policies that included cohabitants. The relationship, which agencies most failed to identify as a domestic relationship in their policies, was same-sex partners. Slightly more than one-third of agencies' domestic violence policies included same-sex partners as a domestic relationship. Four additional agencies did comment that they include same-sex partners if these persons cohabitate.

It appears that Virginia law has been purposefully vague concerning the inclusion of same-sex partners as family or household members. When the *Code of Virginia* was amended to include cohabitants, heterosexual couples were not specified. The original intent of the statute was to include same-sex couples who cohabitated in a domestic relationship. When asked to clarify this point of law in 1997, the former Attorney General of Virginia, James S. Gilmore, issued an opinion that same-sex cohabitants were not family or household members. Many law enforcement agencies appear to have deferred to this interpretation, but such an opinion does not carry the force of law.

Written Policy Elements

The 2002 survey included questions concerning policy elements, which the 1991 study had also addressed. In comparing these results, the percentage of agencies' written policies which addressed these elements either remained fairly consistent or increased in 2002. The increase in the number of agencies' policies which addressed these issues can be attributed to the legislative changes, which mandate that law enforcement agencies provide guidance on procedures to officers via written policy.

Policy Elements Mandated by the Code of Virginia

As previously stated, the *Code of Virginia* §19.2-81.4 mandates that Virginia law enforcement agencies' domestic violence policies, at a minimum, provide guidance to law enforcement officers on the following issues:

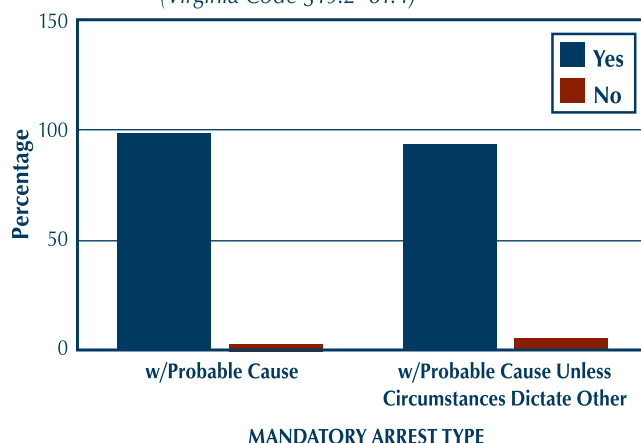
- (1) the department's arrest policy;
- (2) the standards for determining who is the primary physical aggressor including
 - (i) the intent of the law to protect the health and safety of family and household members,
 - (ii) prior complaints of family abuse by the allegedly abusing person involving the family or household members, and
 - (iii) the relative severity of the injuries inflicted on persons involved in the incident and whether any injuries were inflicted in self-defense;

- (3) the standards for completion of a required incident report to be filed with the department, including the existence of any special circumstances which would dictate a course of action other than arrest;
- (4) the department’s policy on providing transportation to an allegedly abused person; and
- (5) the legal and community resources available to victims of domestic violence in the department’s jurisdiction.

Arrest Policy

Several 2002 survey questions were designed to assess if law enforcement agencies had included these statutorily required elements. A significant majority (98.4%; 180) of responding agencies reported that their policy mandated arrest, if probable cause exists (see Figure 4). Slightly fewer agencies (95.1%; 173) stated that their written policies included more specific, but less restrictive, presumptive language from the *Code of Virginia*, which requires arrest based on probable cause, unless circumstances dictate another course of action. Even fewer agencies (84.7%; 155) provided guidance on those circumstances that dictate an action, other than mandatory arrest, when probable cause exists. Of one hundred and seventy-three agencies that mandated arrest unless circumstances dictated another course of action, 89.9% (151) had adopted their mandatory arrest policies as a result of changes to Virginia law. It is interesting to note, however, that only 58.4% (101) had adopted their mandatory arrest policy on or before July 1997, when Virginia law required implementation.

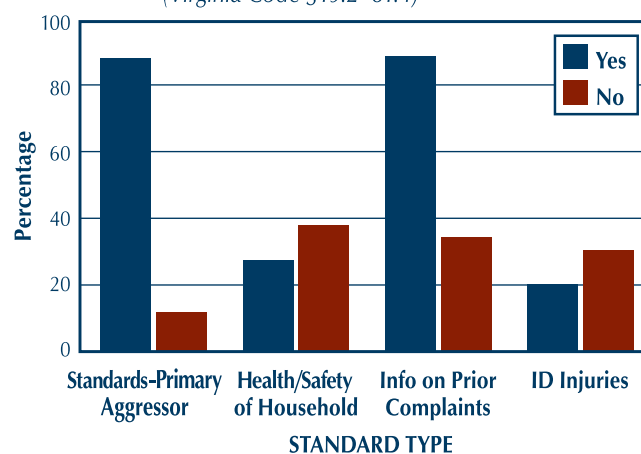
Figure 4: Agencies with Mandatory Arrest Policies
(Virginia Code §19.2-81.4)



Standards for Determining Primary Physical Aggressor

Approximately 90% (163) of responding agencies reported that their policies provide standards for determining who is the primary physical aggressor. However, a smaller number of agencies reported that their policies address the three standards outlined in the *Code of Virginia* (see Figure 5). One hundred and fifty-nine agencies (86.9%) provided in their policies descriptions concerning the intent of the law to protect the health and safety of family and household members. Approximately 70% (129) of agencies require officers to obtain information concerning prior complaints of family abuse against the allegedly abusing person. Only 59.6% (109) of agencies have policies that provide guidance on identifying defensive and abusive injuries. Almost half (45.6%; 77) of the agencies do not address dual arrest in their written policy. These standards are commonly addressed in officer training, but the *Code of Virginia* does mandate that these elements be included in written policy.

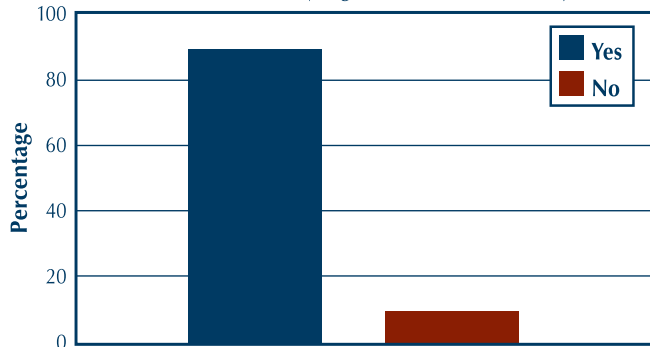
Figure 5: Agencies with Standards for Determining Primary Physical Aggressor
(Virginia Code §19.2-81.4)



Standards for Completing Incident Reports

Approximately 90% (163) of law enforcement agencies' domestic violence policies outline standards for completing incident reports (see Figure 6).

Figure 6: Do Policies Include Incident Report Standards? (Virginia Code §19.2-81.4)



Transportation Policy

One hundred and sixty-seven agencies (91.3%) reported that their written policies address transportation for victims to safe shelter, hospital or a magistrate (see Figure 7a). However, when asked about transportation to these key locations separately, a smaller percentage of agencies reported that their policies address and officers provide transportation to shelter (75.4%), to medical care (70.9%), or to a magistrate (68.7%) (see Figure 7b). The *Code of Virginia* has required agencies to include guidance on transport of victims since 1997. At the time of the survey, more specific legislation was introduced and passed, requiring officers to transport or arrange for transport of victims to these locations, upon request (*Code of Virginia*, §19.2-81.3).

Figure 7a: Policies with Transportation Directives to Shelters, Hospitals & Magistrates

(Virginia Code §19.2-81.3-4)

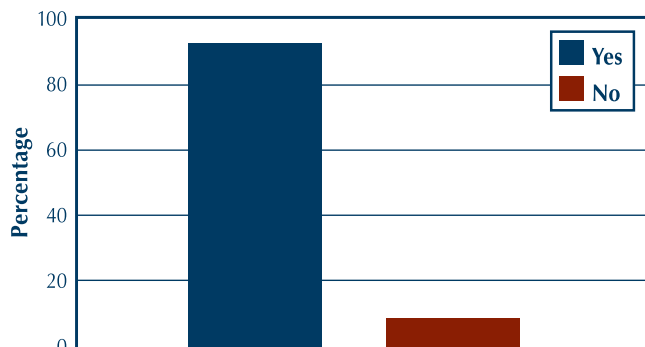
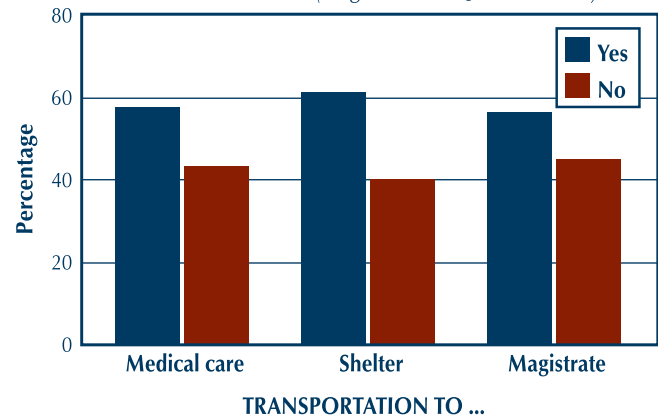


Figure 7b: Policies with Specific Transportation Directives (Virginia Code §19.2-81.3-4)



Legal and Community Resources

Approximately 87% (160) of responding agencies reportedly require officers to provide information concerning the legal and community resources available to victims (see Figure 8a). However, when asked about specific referral information provided, a smaller percentage of agencies have policies which direct officers to provide victims with information concerning domestic violence protective orders (84.9%), counseling and support services (82.7%), community services available (80.4%), or referral to victim/witness assistance programs (60.7%) (see Figure 8b).

Figure 8a: Policies with Referral Directives to Legal/Community Resources
(Virginia Code §19.2-81.4)

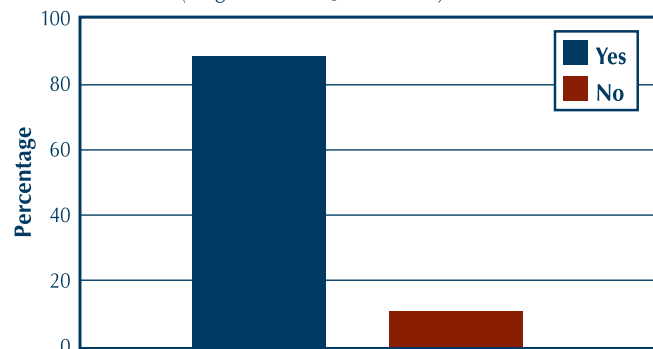
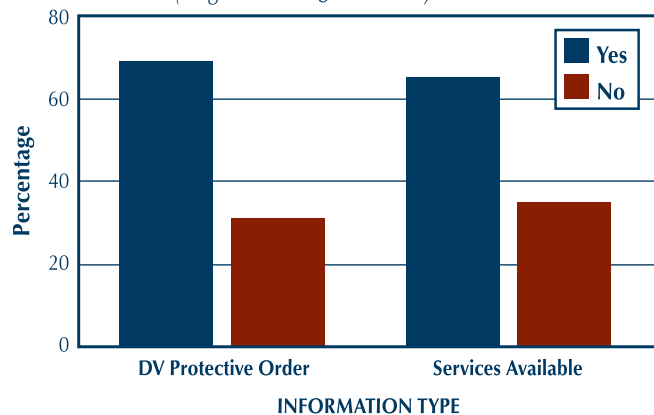


Figure 8b: Policies with Specific Referral Directives
(Virginia Code §19.2-81.4)



Officer Directives Provided by the Code of Virginia

The 2002 survey also inquired about other policy elements, which are not required by law to be included in the policy, but which the *Code of Virginia* requires of officers responding to domestic violence incidents. These include officer directives concerning protective orders and stalking investigations.

Protective Orders

Ninety-three percent (170) of agencies reported that their policies required officers to petition for an emergency protective order when making an arrest, or in cases of family abuse, pursuant to the *Code of Virginia* §§16.1-253.4 and 19.2-81.3. However, less than three-fourths (72.8; 131) of agencies reported that their policies require officers to always petition for emergency protective orders for victims when an arrest is made. Only 42.2% (76) of agencies have written policies which direct the officer to petition for the victims, if the victims are unable to obtain orders for themselves.

Another inconsistency between results on similar questions also concerns protective orders. Ninety-three percent (170) of agencies stated that they explain to victims how to obtain protective orders. However, only 53.3% (96) of agencies reported that they inform victims of their legal options, and, if interested, direct them to go to the local magistrate or juvenile and domestic relations court.

Stalking Investigations

Only 63.4% (116) of agencies with written policies provided guidance and procedures on stalking investigations (*Code of Virginia*, §§18.2-60.3, 19.2-81.3, 19.2-152.8-152.10). The *Code of Virginia* does provide directives

concerning officer response to stalking, but many of the responding agencies failed to address these procedures. Victims of domestic violence are often stalked by their abusers. Law enforcement officers could benefit from written guidance concerning this issue.

Sound Written Guidance

Policy elements, which constitute sound written guidance, if not Virginia law, were also addressed in the survey. Approximately 80% (80.3%; 147) of agencies' policies define key terms such as mandatory arrest, primary physical aggressor, stalking, and family/household member. Fewer than 70% (68.9%; 126) of agencies' policies require officers to remain at the scene until they are satisfied that there is no further threat of injury to the victim. Approximately 86% (157) of responding agencies addressed ensuring the safety of victims' children in their written policy.

Officer-Involved Domestic Violence

Less than three-fourths of agencies provided guidance on responding to officer-involved domestic violence (73.1%; 133). When asked about specific procedures, little over two-thirds of agencies included information in their written policies regarding how to investigate domestic violence perpetrated by a law enforcement officer (69.4%; 127). All agencies, regardless of their law enforcement role, would benefit from including an officer-involved domestic violence policy in their written directives. Early intervention may save the officer's job. It shortens the duration of violence, thereby decreasing the chances of injury, murder, and suicide. The International Association of Chiefs of Police and the Virginia Department of Criminal Justice Services each offer model, officer-involved, domestic violence policies, and both agencies encourage local law enforcement agencies to adopt written policies which provide guidance on response to officer-involved domestic violence.

Population Size

In 1991, agencies located in communities with larger populations were more likely, than those in less populated areas, to have a written domestic violence policy and to use the model domestic violence policy for their own policy development. At the time, project staff postulated that smaller communities may have been more conservative, more resistant to change due to geographic isolation, and more in need of a policy specifically tailored to meet the needs of their rural community.

In 2002, there no longer appears to be a strong relationship between population size and the existence of written policy, which reflects the change in Virginia law. Agencies located in less populated areas were more likely to review the model policy than those in more populated communities. This may be due to the lack of resources in smaller communities when compared with larger populations. Agencies which used the model policy for their own policy review most commonly stated that they used the model policy as a guide for developing their own policy, saving time and resources. Agencies within more populated areas likely had greater resources to devote to their own policy development and chose not to use the model policy as a guide.

Geographical Type

Overall, rural localities and suburban counties were most likely to have written domestic violence policies, to have reviewed and used General Order 2-32 in developing that policy, to have had officers providing victim assistance, and to have had greater community services available in their jurisdictions to victims and offenders. It is not surprising that responding law enforcement agencies in suburban counties performed well on these issues, as they are generally located in more affluent areas.

The prevalence of policy, use of model directives, assistance, and services in rural agencies warrant some discussion, as one might not expect such a high performance in these areas given the lack of resources generally available in these areas. However, agencies in rural localities were the most likely to have reviewed and used General Order 2-32 to develop their own policy, perhaps because of the lack of resources

available. The model policy assists law enforcement agencies in developing sound written guidance without investing a great deal of time and money. Given their use of the model policy, it is therefore not surprising that these agencies are more likely to have their own written policy.

Rural law enforcement agencies also may be more likely to provide officer assistance to victims, both despite of and because of the lack of resources in their areas. For example, officers may be more likely to assist victims with transportation to shelter, magistrate, or hospital, due to the lack of public transportation in their areas. It is surprising that responding law enforcement agencies in rural localities reported more community services available than central or other cities. Agencies may have included services in surrounding jurisdictions when responding to questions concerning community services, as the survey did not specify services within the jurisdiction but rather services in the area. It should be noted that two exceptions did arise in the area of community services available, as rural localities were the least likely to offer support groups for victims and batterer intervention programs for offenders.

Law enforcement agencies located in central and other cities generally were the least inclined to have written policy, use the model policy to develop that policy, provide victim assistance, and have community services available in their localities. Agencies in central and other cities may be less likely to have written domestic violence policies, because resources are strained with the typically higher volume of crime in cities. In addition, they did not use General Order 2-32 to develop their own policy. The lack of officer assistance to victims may also be due to strained resources and the perception that their assistance is not needed, as other services, such as public transportation, are prevalent in cities. Yet, survey results indicate many services to victims and offenders are lacking in central and other cities, again due perhaps to resources strained by high demand for services.

Community Services Availability

Both the 1991 study and 2002 survey results indicate that in jurisdictions where services are available for victims and offenders, law enforcement agencies have written policies. Further research is needed to determine if this is a result of pressure applied by victim service providers (i.e., victim advocates), factors endemic to the law enforcement agency, or some combination of both. It does not appear, however, that community services for victims and offenders is necessary for successful implementation of a written domestic violence policy.

In comparing the 2002 survey results with the 1991 study findings, there has been an overall increase in the number of community services available to victims and offenders. Services for offenders remains, however, the least available community service. In 1991, that service was anger management. In 2002, the community service least provided was batterer intervention programs for offenders. The 2002 survey results indicate that anger management services have become more available. Batterer intervention was not provided as a community service choice in the 1991 survey. Although the increase in anger management services availability is encouraging, batterer intervention programs are primarily considered by domestic violence experts to be the more appropriate form of treatment for perpetrators of domestic violence. There continues to be confusion between the two terms, however, so responding agencies may have indicated anger management when in fact they may have been referring to batterer intervention programs. Anger management services address behavior issues, providing program participants with ways they can “control” their anger. Perpetrators of domestic violence do not typically lose control of their anger, but rather over-control their partners. Using a more didactic and psychological approach, batterer intervention programs address the issues of power and control, which are central to the batterer’s psychology.

Officer Assistance

The number of agencies whose written policies addressed officer assistance ranged between only 54.1% (120) and 68.9% (153). Transport to shelter was the most provided service and the most often addressed in

written policy. Referrals to victim/witness assistance programs, and arranging for temporary housing, were the least provided services and the least addressed in policy. Interestingly, victim/witness assistance programs was one of the most available community services, but referrals to these programs are one of the services least provided by officers or addressed by policy.

Regardless of whether or not agencies had written policies, some did not provide the assistance to domestic violence victims required by the *Code of Virginia* (§19.2-81.3). Approximately 15% of agencies did not provide transport to shelter, hospital or magistrate. Approximately 13% of agencies reported that their officers did not petition for protective orders and 10% failed to provide information concerning such orders. Fourteen percent of agencies did not obtain warrants on behalf of victims. Approximately 13% of agencies failed to provide information concerning counseling, support, and other community services. Although many of the agencies that failed to provide information to victims did not possess investigative responsibilities, some of these agencies did have a primary law enforcement role.

In agencies with written domestic violence policies, officers provide a significantly larger number of services to victims than those which do not have written policies. This finding suggests that written guidance concerning officer assistance is needed, to ensure that victims receive the help that they need and that is required by law.

Officer Training

In-house training is often the means by which law enforcement agencies receive updated information concerning changes in response to domestic violence incidents. As domestic violence-related statutes have changed each year since the Family Violence Arrest Laws were enacted, the frequency of in-house training on this issue warrants consideration. A majority (69%; 151) of the responding agencies have in-house training on domestic violence at least every three years. Over one-fourth (28.8%; 63) of these agencies have in-house training at least annually, while 40.2% (88) have in-house training between one and three years. Thirty agencies (13.7%) reported the frequency of their in-house training as over three years. Thirty-eight (15.9%) agencies selected 'other' and provided comments. Many of these agencies stated that they do not provide in-house training on domestic violence. Agencies with written domestic violence policies were more likely to provide in-house training at least every three years. Agencies without written policies were more likely to have a frequency of in-house training at over three years or other.

Law enforcement agencies with written domestic violence policies are more likely to have trained their officers on domestic violence laws since 1997. Of the 189 agencies which reported that their officers had received such training, 150 had a written policy and 30 did not. The higher the number of investigating officers in an agency, the higher the percentage of officers trained. Forty responding agencies (17.5%) have not had their officers trained on domestic violence laws since 1997. Sheriffs' offices without primary investigative responsibilities account for only 35% (14) of these agencies. Regardless of their law enforcement role, most officers encounter domestic violence in the performance of their duties and need training to adequately deal with the issue. Given the considerable change in the laws since the implementation of the Family Violence Arrest Laws, the importance of training on domestic violence laws cannot be over-emphasized. Since 1997, the laws governing officer response to domestic violence have changed dramatically. Without proper training on these laws, agencies are vulnerable to civil complaints and litigation concerning officers' inadequate or inappropriate handling of domestic violence cases.

Regional or local academies were the most common sponsors of training on domestic violence laws. Agencies with written policies were more likely to have had DCJS or other sponsored training on domestic violence laws, as well as to have used non-law enforcement trainers. Whether the greater variety of training sponsors and professional trainers for agencies with written policies is due to a greater interest in learning these laws, a greater number of resources, or a combination of these factors, is a matter for further research.

Communications Officers' Training

Of the 62% (139) of responding agencies operating dispatch or communications centers, eighty-five agencies (37.8%) reported that their communications officers had received training in domestic violence and fifty-four agencies (24%) reported that their officers had not. Agencies with written policies were more likely to have trained communications officers. The higher the number of communications officers in the agency, the higher the percentage of officers trained. That almost one-fourth (24%; 54) of agencies had communications officers who were not trained on domestic violence is cause for concern. Communications officers are often the first responders to domestic violence crimes. The information they obtain governs how investigating officers will respond. Communications officers without training in domestic violence will, at best, be unhelpful to the victim and the responding officer. At worst, untrained dispatch officers may fail to assist the victim and fail to provide the officer with important information in handling a possibly life-threatening situation.

The most common sponsor of training for communications officers on domestic violence was the regional or local academies. Agencies with written domestic violence policies were more likely to have DCJS or other sponsors provide training. These agencies were also more likely to use outside professionals to provide the training. Communications officers in agencies without written policies did not have DCJS-sponsored training and had no outside trainer other than a victim advocate.

Conclusions and Recommendations

Conclusions

Tremendous strides have been made in law enforcement response to domestic violence since 1991. A significantly greater number of Virginia's law enforcement agencies have written domestic violence policies. These policies provide clearer and more specific guidance to law enforcement officers, indicating increased recognition of the value of written guidance. The study results indicate that in jurisdictions where law enforcement agencies have written policies, more community services are available, greater officer assistance is provided to the victim, and more officers are trained in domestic violence issues and laws. Despite the encouraging results of this study, it is clear that full implementation of the Family Violence Arrest Laws passed in 1997 has not been achieved. The following recommendations are offered in response to the study findings and the discussion of these findings by criminal justice professionals and domestic violence advocates. It is hoped that these recommendations will be instituted to fully realize the potential, both in prevention and intervention, of the Family Violence Arrest Laws.

Recommendations

1. Law enforcement agencies need to develop and implement written mandatory arrest policies pursuant to the *Code of Virginia*

Virginia law requires that all law enforcement agencies have a written domestic violence policy, regardless of the law enforcement agency's role. Some agencies, however, still allow their officers to respond to potentially dangerous domestic violence situations with no written guidance. Without written policy, agencies are not in compliance with state law, and increase their vulnerability to civil liability. If the chief executive has not adopted a written policy, the policy is whatever the responding officer claims it is.

Written policy is good management practice. It is inseparable from supervision, training, and on-going evaluation of performance. In written policy, law enforcement officers should be able to find what is expected of them, and what standards of law enforcement are set by their particular agency. Domestic violence policies should clearly outline the types of relationships covered and specific procedures to be used. The *Code of Virginia* (§19.2-81.4) requires law enforcement agencies to have a written domestic violence policy, which, at a minimum, includes a mandatory arrest policy, standards for determining the primary physical aggressor, legal and community referrals for victims, a transport policy, and standards for completing incident reports. Other crucial elements that need to be addressed in written policy include procedures concerning emergency protective orders, officer-involved domestic violence, and stalking.

Sheriffs' offices which do not have primary investigative responsibilities should develop policies which are relevant to their particular responsibilities. The same mandatory elements must be included, but other crucial policy elements can be addressed in a more limited way. For example, a sheriff's office without primary law enforcement responsibilities could create written guidance for providing court security when domestic violence and stalking cases are heard and procedures for serving protective orders in cases of family abuse and stalking. All law enforcement agencies, regardless of their roles, should have an officer-involved domestic violence policy. Procedures guiding such an investigation lead to early intervention, which can save officers' careers, and shorten the duration of abuse, decreasing the chances of injury, murder, and suicide. The DCJS model domestic violence policies General Orders 2-32 and 2-32a, included in this report, address all of the aforementioned issues. General Order 2-32a was created as a result of this study, to help those sheriffs' offices, without investigative responsibilities, to comply with the law and to address domestic violence in a manner which is compatible with their law enforcement roles.

2. Domestic violence policies must be reviewed annually and revised accordingly.

Given the annual changes in domestic violence laws since 1997, all law enforcement agencies are strongly encouraged to review their policies annually. Lack of specific notification concerning domestic violence-related legislative updates has been a problem for Virginia law enforcement agencies. Without notification, agencies search the Virginia General Assembly web site, sifting through bills to find relevant information. Many law enforcement agencies do not have the time or resources to conduct such a search. As a result of this study and requests from many law enforcement agencies, DCJS has committed to providing Virginia law enforcement agencies with domestic violence related legislative changes each year. Law enforcement agencies are strongly encouraged to keep abreast of these statutory changes and to revise their policies accordingly.

3. Virginia communities must develop the programs that are needed for the treatment of domestic violence offenders and victims.

There appears to be a connection between services for victims and offenders and the existence of written domestic violence policies in local law enforcement agencies. It is unclear whether this is due to advocacy by local victim services providers or professional evolution of the law enforcement agency. In any case, it does appear that services for victims and offenders may be necessary for the successful implementation of the Family Violence Arrest laws and effective intervention with affected families. Yet, even in communities which do offer a variety of counseling and support services, offender treatment services are often lacking. Communities must offer the shelter and support services for the victim, but must also make the provision of offender treatment a priority.

The kind of offender treatment provided must be carefully considered to adequately address the problem of domestic violence. A large number of variables contributes to the problem of abuse. Treatment focusing solely on one problem will not adequately address this complex issue; a multi-disciplinary, multi-dimensional approach is needed, which involves the issues of power and control, attitudes toward women, substance abuse, communication, as well as anger management. Communities should develop batterer intervention programs, following standards to obtain certification through the Virginia Certification Board. Professionals should stay current on the literature, as this field is developing.

To find out more about certification for batterer intervention programs in Virginia contact Monica Leisey, MSW, at 9513 Gregory's Charter Drive, Richmond, Virginia 23236 or at mrvl5@yahoo.com.

4. Virginia communities must develop coordinated community response teams.

Coordinated community response teams should involve all levels of the criminal justice system and social service providers. Community intervention efforts, which include all professionals involved with families affected by domestic violence, eliminate duplication of effort and create effective responses. The development of regular interagency communication, written policy, and self-evaluation should insure a consistent and comprehensive approach.

Many communities have already formed domestic violence intervention teams. The following are examples of successful collaborative efforts at the local level: the Alexandria Domestic Violence Intervention Project (urban), Chesterfield County Domestic Violence Task Force, Incorporated (suburban), Floyd County Coordinating Council on Domestic Violence and Sexual Assault (rural), and Montgomery County Coordinating Council on Domestic Violence and Sexual Assault (rural). Communities which are looking to form their own multi-disciplinary teams are encouraged to look to these community intervention efforts already in place.

5. Criminal justice system personnel and allied professionals who work with domestic violence victims and abusers need to receive training and must remain current on domestic violence issues.

The *Code of Virginia* §9.1-102 requires that DCJS establish training standards and publish a model policy for law enforcement personnel in the handling of family abuse and domestic violence cases. In the Crimi-

nal Justice Training Reference Manual (2001), DCJS requires that law enforcement officers receive domestic violence training as a part of compulsory minimum training standards for officers (also see *The Virginia Administrative Code*, 6VAC20-20). Training on written domestic violence policies is essential. If officers are not trained on these policies, effective officer response to domestic violence is limited to the individual officers who read their policy manuals. Officers must be familiar with their department's protocols and procedures to help them make quick decisions under pressure. Responding to a domestic violence call is a duty, which can be very dangerous for law enforcement officers. Training on such a response is essential for their safety as well as the safety of victims.

Research indicates that criminal justice personnel and helping professionals still experience great frustration working with victims and perpetrators of domestic violence. Studies suggest that a bias still exists against "relationship cases" and victim-blaming behaviors still hinder them from seeing abuse as a crime and holding the perpetrator accountable. Research shows that training is still desperately needed for magistrates, judges, prosecutors, and law enforcement officers. Conducting trainings at professional conferences or meetings may increase acceptance of the information. Domestic violence training should be offered and required during the course of both criminal justice and helping professionals' education and careers. Attendance at training sponsored and facilitated by outside professionals improves a coordinated community response. Continuing education credit hours can be offered, which are consistent with their respective professional standards. Training is also essential for domestic violence advocates, teachers, guidance counselors, students, employers, employees, medical professionals and the faith community. The problem of domestic violence is widespread and deserves widespread training.

6. The Department of Criminal Justice Services needs to offer training and technical assistance to improve law enforcement's ability to respond to domestic violence crimes.

DCJS used the results of this study to revise their basic domestic violence curriculum for law enforcement trainers concerning advanced skills in the area of domestic violence investigation. DCJS conducts a three-day instructor school biannually for officer/advocate teams who are responsible for the basic and/or in-service training of Virginia law enforcement personnel. Participants in the instructor school must apply as a team and must document training expertise as well as a basic understanding of domestic violence and Virginia's Family Violence Arrest Laws. DCJS provides the basic domestic violence curriculum to the participants as a tool to use at the local level. The instructor school addresses the causes of domestic violence, characteristics of batterers and victims, investigative procedures, domestic violence related legislation, the model domestic violence policy, and the importance of a coordinated community response.

The study's findings were also used to update the Sample Directives Manual General Order 2-32 and create General Order 2-32a. The training and related materials will continue to be available to law enforcement officers and advocates throughout the Commonwealth.

DCJS has presented the study results to criminal justice system and allied professionals. Project staff presented the study results to the Virginia Association of Chiefs of Police and the Virginia Sheriffs' Institute at their spring conferences in April 2003. The Virginia State Crime Commission Family Violence Subcommittee also invited DCJS to present the study findings to its members in August 2003. Project staff plan to pursue opportunities to conduct workshops on the findings of this study and recommendations to Virginians Against Domestic Violence, Virginians Aligned Against Sexual Assault, and the Virginia Network for Victims and Witnesses of Crime. This training will facilitate greater awareness of the issue and an examination of the implementation and effectiveness of the current laws.

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Appendix

Survey of Domestic Violence Policies In Virginia's Law Enforcement Agencies

Domestic Violence Policy Checklist

Sample Directives Manual General Order 2-32

Sample Directives Manual General Order 2-32a

Survey of Domestic Violence Policies In Virginia's Law Enforcement Agencies and Results

Date: April 10, 2002

To: State Police, Chiefs of Police, Sheriffs, Directors of Law Enforcement Training Academies

From: Elizabeth Mancano, Acting Director, Department of Criminal Justice Services

RE: Submission of statutorily required domestic violence policy; Completion of survey on domestic violence policy elements and implementation

The U.S. Department of Justice Violence Against Women Office recently awarded a grant to the Virginia Department of Criminal Justice Services (DCJS) to conduct activities to assure the effective implementation of the comprehensive domestic violence arrest laws which became effective July 1, 1997. Activities supported by the grant are as follows:

1. Collect copies of statutorily required domestic violence policies from Virginia law enforcement agencies. Review for statutory compliance, victim safety measures, guidance on primary aggressor and the use of dual arrest, as well as enforcement of out-of-state protective orders.
2. Survey law enforcement agencies on effectiveness of mandatory arrest laws implemented in 1997. Collate and analyze results.
3. Provide technical assistance in developing, revising, and updating local domestic violence policies for law enforcement.

Your participation in this project is crucial to the ongoing efforts of criminal justice professionals across the state who are working to improve the response to domestic violence. **We are asking you to submit a copy of your statutorily required domestic violence policy to DCJS and to respond to a set of questions regarding your policy and its implementation in your locality.** The survey should take approximately twenty minutes to complete.

The Virginia Sheriffs' Association and the Virginia Association of Chiefs of Police have reviewed (and endorsed) this survey and encourage your participation. Please seal your policy and your completed questionnaire in the enclosed self-addressed, stamped envelope and mail it to DCJS by **April 30, 2002.**

If you have any questions about this project or would like a copy of the results, please contact Eleanore Kantzer, Domestic Violence Policy Analyst, at (804) 225-4060 or ekantzer@dcjs.state.va.us. Thank you.

Instructions: Please respond to the following questions and provide additional information where requested. Please note that terms such as domestic violence, mandatory arrest, primary aggressor, stalking, and family or household member are defined according to the *Code of Virginia*.

Results through 11/02

N= 239 (62.0% Response Rate) (385 mailed)

1. Does your department have a written policy on responding to domestic violence incidents?

(Circle one)

N for analysis = 239	%	#
a. Yes (please attach copy)	77.0	184
b. No (skip to question #15).....	23.0	55

2. When did your department adopt this written policy?

N for analysis = 184	%	#
On or before July 1997		
Month____ Year_____	62.9	112

3. When was the department's written domestic violence policy last revised?

N for analysis = 184	%	#
Within year of survey		
Month____ Year_____	40.8	69

4. Have you recently changed or are you planning to change your department's written policy with respect to domestic violence? (Circle one)

N for analysis = 184*	%	#
a. Yes (Explain the changes or planned changes and why they were or are being implemented)_____	32.2	58
b. No	67.8	122

*NOTE: N for analysis includes missing cases, whereas % do not, unless otherwise indicated.

5. How often do you formally review your written policy on domestic violence? (Circle one)

N for analysis = 184	%	#
a. At least annually	52.5	96
b. Between one and three years	33.3	61
c. Over three years	7.1	13
d. Other (please explain)_____	7.1	13

6. What types of domestic relationships are covered by the written domestic violence policy? (Circle as many as apply)

N for analysis = 184	%	#
a. Spouse, regardless of residence	98.9	180
b. Former spouse, regardless of residence	97.3	177
c. Parents, stepparents, children, stepchildren, siblings, grandparents and grandchildren, regardless of residence	92.9	169
d. In-laws, who reside in the same home	93.4	170
e. Persons who have a child in common, regardless of whether or not the persons have been married or have resided together at any time	97.3	177
f. Cohabitants or those who have cohabitated within the past year	98.4	179
g. Any children of either cohabitant	90.7	165
h. Same-sex intimate partners	35.2	64
i. Other (please specify)_____	3.8	7

7. Does your department's written policy: (Check all that apply)

	%	#
N for analysis = 184		
<input type="checkbox"/> Mandate arrest if probable cause exists?	98.4	180
<input type="checkbox"/> Provide guidance on circumstances that dictate an action, other than mandatory arrest, when probable cause exists?	84.7	155
<input type="checkbox"/> Provide standards for determining the primary aggressor?	89.1	163
<input type="checkbox"/> Include a description of the intent of policy to protect health and safety of family and household members?	86.9	159
<input type="checkbox"/> Require obtaining information on prior complaints against the alleged abuser? ..	70.5	129
<input type="checkbox"/> Provide guidance on identifying defensive and abusive injuries?	59.6	109
<input type="checkbox"/> Outline standards for completing incident reports?	89.6	163
<input type="checkbox"/> Address transportation for victims to safe shelter, hospital or magistrate?	91.3	167
<input type="checkbox"/> Require providing legal and community resources to victims?	87.4	160
<input type="checkbox"/> Treat the domestic violence crime scene as any other crime scene?	85.2	156
<input type="checkbox"/> Stress the criminal nature of domestic violence to the offender and the victim? ..	75.4	138
<input type="checkbox"/> Address separately interviewing the parties?	80.3	147
<input type="checkbox"/> Include taking the statements of victims and witnesses in the police report?	84.6	154
<input type="checkbox"/> Address taking notes about the crime scene?	74.3	136
<input type="checkbox"/> Include drawing diagrams or taking photographs of the crime scene, personal injuries, and personal property damage?	76.5	140
<input type="checkbox"/> Address giving the victim a copy of the police report?	57.9	106
<input type="checkbox"/> Require soliciting information as to the possible whereabouts of the suspect from persons other than the victim?	59.6	109
<input type="checkbox"/> Address conducting a search of the immediate area for the suspect if the suspect has left the scene?	63.4	116
<input type="checkbox"/> Include initiating a warrant when unable to apprehend suspect, if suspect has left the scene?	78.7	144
<input type="checkbox"/> Address securing medical treatment for victims?	86.3	158
<input type="checkbox"/> Require ensuring the safety of the children of victims?	85.8	157
<input type="checkbox"/> Require remaining at the scene until officer is satisfied that there is no further threat of injury to the victim?	68.9	126
<input type="checkbox"/> Include remaining at the scene to preserve the peace, if victim or offender is removing personal property?	77.0	141
<input type="checkbox"/> Require explaining to the victim how to obtain a protective order?	84.2	154
<input type="checkbox"/> Require petitioning for an emergency protective order when making an arrest or in cases of family abuse?	92.9	170
<input type="checkbox"/> Require checking to see if a protective order already exists?	80.8	147
<input type="checkbox"/> Direct referral of the matter to the investigating unit?	55.2	101
<input type="checkbox"/> Define key terms including mandatory arrest, primary aggressor, stalking and family or household member?	80.3	147
<input type="checkbox"/> Provide guidance and procedures for stalking investigations?	63.4	116
<input type="checkbox"/> Provide guidance on responding to officer-involved domestic violence?	73.1	133
<input type="checkbox"/> Provide specific procedures regarding how to investigate domestic violence perpetrated by a law enforcement officer?	69.4	127

8. Does your department's written policy require arrest based on probable cause unless circumstances dictate another course of action? (Circle one)		
N for analysis = 184	%	#
a. Yes	95.1	173
b. No (Skip to question #12)	4.9	9
9. When did your department adopt this written mandatory arrest policy?		
N for analysis = 173	%	#
On or before July 1997		
Month_____ Year_____	58.4	101
10. What were the reasons for adopting the mandatory arrest policy? (Circle as many as apply)		
N for analysis = 173	%	#
a. Due to the recommendation of the Commonwealth's Attorney	27.4	46
b. Due to training we had received at a training academy	33.9	57
c. Due to Department of Criminal Justice Services' training	36.9	62
d. As a result of changes to Virginia's law	89.9	151
e. Other (please specify)_____	13.1	22
11. What is your department's written policy on dual arrest? (Circle one)		
N for analysis = 184	%	#
a. Dual arrest is not addressed in written policy.	45.6	77
b. Dual arrest is discouraged in the written policy.	23.1	39
c. Dual arrest is permitted in the written policy.	18.3	31
d. Other (please specify)_____	13.0	22
12. What is your department's written policy on officers obtaining emergency protective orders for the victim? (Circle as many as apply)		
N for analysis = 184	%	#
a. Officers always petition for emergency protective orders for victims when an arrest is made.	72.8	131
b. Officers usually petition for emergency protective orders for victims when an arrest is made.	19.4	35
c. Officers usually petition for emergency protective orders for victims when they do not make an arrest	21.7	39
d. Officers petition for emergency protective orders for victims when the victim is unable to obtain one for him/herself.	42.2	76
e. Officers inform victims of his/her legal options and, if the victim is interested in obtaining an emergency protective order, then the officer directs the victim to go to the local magistrate or juvenile and domestic relations court.	53.3	96
f. Other (please specify)_____	7.8	14
13. Have you reviewed or used General Order 2-32 of the Sample Directives Manual for Virginia Law Enforcement (formerly known as the Model Manual of Policies and Procedures for Virginia Law Enforcement Agencies) to help develop your own policy? (Circle one)		
N for analysis = 184	%	#
a. Yes	57.9	103
b. No (Skip to question #15)	35.4	63
c. N/A	6.7	12

14. Has the Sample Directives Manual for Virginia Law Enforcement been helpful in developing your own policy? (Circle one)

N for analysis = 103	%	#
a. Yes (please explain how)_____	96.1	98
b. No (please explain why)_____	3.9	4

c. N/A*

*NOTE: N/A was not used in computing %; % computed on basis of actual responses, unless otherwise noted.

15. What community services are available for domestic violence victims and offenders in your area? (Circle as many as apply)

N for analysis = 184 + 55 = 239	%	#
a. Shelter for victims of domestic violence	96.9	217
b. Victim/witness program	95.1	213
c. Support groups for victims	71.4	160
d. Anger management counseling for offenders	78.6	176
e. Batterer intervention programs for offenders	55.4	124
f. Substance abuse services for victims	81.7	183
g. Substance abuse services for offenders	83.5	187
h. Mental health counseling for victims	89.3	200
i. Mental health counseling for offenders	87.9	197
j. Other services (Please list them)_____	12.5	28

16. What assistance do your officers provide victims of domestic violence? (For each service you provide, check the appropriate column)

N for analysis = 239	Yes, written in policy		Yes, but not written policy		Not provided	
	%	#	%	#	%	#
a. Transportation to medical care	57.5	127	28.1	62	14.5	32
b. Transportation to shelter	60.8	135	24.8	55	14.4	32
c. Transportation to magistrate	55.4	123	29.3	65	15.3	34
d. Transportation to a friend's or family member's residence	44.1	98	37.8	84	18.0	40
e. Information about Domestic Violence Protective Order	68.5	152	21.6	48	9.9	22
f. Petitioning for a protective order	68.9	153	18.0	40	13.1	29
g. Obtaining a warrant for victim	65.2	144	20.8	46	14.0	31
h. Taking or arranging for photographs of injuries	64.4	143	23.0	51	12.6	28
i. Protection while one party retrieves personal belongings	54.1	120	30.6	68	15.3	34
j. Providing information on counseling and support services	66.7	148	19.8	44	13.5	30
k. Providing information about services available in the area	64.9	144	22.5	50	12.6	28
l. Assistance in arranging for temporary housing (other than with a friend or family member	43.0	95	31.2	69	25.8	57
m. Referral to victim/witness program	48.9	108	22.6	50	28.5	63
n. Other assistance (please specify)_____	10 cases *					

*Not included in %; not specified as written or unwritten.

17. How often do you have in-house training on domestic violence policies? (Circle one)

N for analysis = 239	%	#
a. At least annually	28.8	63
b. Between one and three years	40.2	88
c. Over three years	13.7	30
d. Other (please explain)_____	17.4	38

18. Have any of your current officers received training on domestic violence and/or changes in domestic violence laws since 1997? (Circle one)

N for analysis = 239	%	#
a. Yes, How many____	82.5	189
b. No (Skip to question # 20)	17.5	40

19. Who sponsored the training? (Circle as many as apply)

N for analysis = 189	%	#
a. The regional or local academy	69.0	129
b. The Virginia Department of Criminal Justice Services	27.8	52
c. Other (please explain)_____	42.8	80

20. Did an outside professional (i.e., not a law enforcement professional) come to the academy to provide the training? (Circle as many as apply)

N for analysis = 239	%	#
a. Yes, a victim advocate	52.0	93
b. Yes, a prosecutor	34.1	61
c. Yes, a Department of Criminal Justice Services' employee	18.4	33
d. Yes, a victim	7.3	13
e. Yes, Other (please explain)_____	4.5	8
f. No	29.6	53

21. Do your communications officers (i.e., dispatch) receive training on domestic violence? (Circle one)

N for analysis = 239	%	#
a. Yes, How many____	37.8	85
b. No (Skip to question # 23)	24.0	54
c. N/A- we do not operate a dispatch center (Skip to question # 23)	38.2	86

22. Who sponsored the training? (Circle as many as apply)

N for analysis = 139	%	#
a. Training through the regional or local academy	68.2	58
b. A Department of Criminal Justice Services' Training	18.8	16
c. Other (please explain)_____	37.6	32

23. Did an outside professional (i.e., not a law enforcement professional) come to the academy to sponsor the training for communications officers? (Circle as many as apply)

N for analysis = 139	%	#
a. Yes, a victim advocate	29.9	20
b. Yes, a prosecutor	16.2	11
c. Yes, a Virginia Department of Criminal Justice Services' employee	19.4	13
d. Yes, a victim	1.5	1
e. Yes, Other (please explain)_____	9.0	6
f. No	50.7	34

24. Has your agency and/or an officer been subject to any litigation or citizen complaints in the last three years alleging that domestic violence laws were not enforced and/or that an officer failed to take the right action? (Circle one)

N for analysis = 239	%	#
a. Yes (Please explain) _____	3.6	8
b. No	96.4	213

25. Your name and title (please print)

_____ (name) _____ (title)

Your phone number (____) _____

Your jurisdiction _____

Number of sworn officers on your force _____ Range 1- 1,865; Average 83.47

26. Would you like the Virginia Department of Criminal Justice Services' assistance providing training on domestic violence policies or assistance in creating or updating your domestic violence policy? (Circle one)

N for analysis = 239	%	#
a. Yes, please contact _____	48.5	96
b. No	51.5	102

27. Use this space to make any additional comments

Thank you for your cooperation. Please return the completed survey to:

**Department of Criminal Justice Services
 Victim Services Section
 805 East Broad Street, 10th Floor
 Richmond, VA 23219
 Attention: Eleanore Kantzer**

Domestic Violence Policy Checklist

Law enforcement agencies surveyed were asked to submit a copy of their domestic violence policy. Using the checklist which follows, Department of Criminal Justice Services' Victims Services Section project staff reviewed these policies for statutory requirements, Virginia Law Enforcement Professional Standards Commission's administrative and operational standards, correct citations of the *Code of Virginia*, and sound written guidance in responding to domestic violence. DCJS will distribute to each agency a report, which will include their completed policy review checklist and provide recommendations for policy revisions. Project staff contact information will also be provided for further technical assistance needs.

Four Approaches Used to Analyze the Domestic Violence Policy

I. Do they meet the requirements of the *Code of Virginia* § 19.2-81.4**?

1. Arrest policy and procedures mandated: at a minimum shall have an arrest policy, standard for determining primary physical aggressor
2. A statement that the intent is to protect health and safety of family and household members
3. Standards for determining primary physical aggressor
 - 3.1 Prior complaints of family abuse
 - 3.2 Relative severity of injuries
 - 3.3 Whether injuries were inflicted in self-defense
4. Standards for completing an incident report
 - 4.1 Requirement to write a report of any incident where probable cause exists to believe that family abuse has occurred (*VA Code*, §§19.2-81.3, 19.2-81.4)
 - 4.2 Document any special circumstances dictating another course of action other than arrest (*VA Code*, §§19.2-81.3, 19.2-81.4)
5. Policy on transportation
6. Legal and community resources for referral (*VA Code*, §§19.2-81.3, 19.2-81.4)

II. Do they meet the requirements of Virginia Law Enforcement's Professional Standards Commission—Administrative (ADM) and Operational Standards (OPR)?

III. Did they cite the *Code of Virginia* correctly?

IV. Sound written guidance (Checklist questions as a whole, #1-19)

NOTE: Only the elements in **red bold are required by the *Code of Virginia* §19.2-81.4. The review included other elements, which are not required by law as a part of written policy, but are required by law of officers responding to domestic violence (see citations). The elements not bolded in the checklist are not required by law, but are recommended practices and constitute sound written guidance.

Domestic Violence Policy Checklist

Name of Agency: _____ Type of Agency: _____

Address: _____

Jurisdiction (locality, campus, airport, etc.): _____

Contact Person: _____ Title: _____

Telephone Number: _____

For each check space below, reviewer shall indicate YES, NO, INCORRECT, OR INCOMPLETE

1. Policy Statement

- 1.1 Recognizes high priority assigned domestic calls
- 1.2 Agency's leadership role within the community
- 1.3 Family Abuse arrests to be made based on probable cause (VA Code, §§19.2-81.3, 19.2-81.4)* (OPR.13.01)****
- 1.4 Stalking arrests to be made based on probable cause (VA Code, §19.2-81.3) (OPR.13.01)
- 1.5 Goal: Reduce incidence of domestic violence
- 1.6 Goal: Promote officer safety
- 1.7 Goal: Protect health and safety of family/household members (VA Code, §19.2-81.4)**

2. Definitions

- 2.1 Specify the acts which constitute domestic violence (VA Code, §16.1-228)
- 2.2 Family or household member (VA Code, §16.1-228)
- 2.3 Family Abuse Protective Order (VA Code, §§16.1-253.1, 16.1-253.4, 16.1-279.1, 16.1-278.14, 19.2-81.3)
- 2.4 Stalking (VA Code, §18.2-60.3)
- 2.5 Stalking Protective Order (VA Code, §§19.2-81.3, 19.2-152.8, 19.2-152.9, 19.2-152.10)
- 2.6 Primary physical aggressor (VA Code, § 19.2-81.4) (OPR.13.01)**

3. Dispatchers'/Communications Officers' Duties

- 3.1 Ascertain call history
- 3.2 Ascertain outstanding warrants/protective orders

4. Responding Officers' General Duties

- 4.1 Respond in pairs
- 4.2 Restore order/gain control
- 4.3 Assess need for medical attention
- 4.4 Entry refused; warrantless entries
- 4.5 Interview parties, witnesses, recording statements (OPR.02.01)

5. Responding Officers' Duties: Obtaining Family Abuse Protective Orders for Victims (VA Code, §§16.1-253.4, 19.2-81.3)

- 5.1 SHALL when a warrant has been issued for assault and battery (VA Code, §§16.1-253.4, 19.2-81.3) (OPR.13.01)
- 5.2 SHALL when reasonable grounds exist to believe that family abuse has occurred and probable cause to believe there is future danger (VA Code, §§16.1-253.4, 19.2-81.3) (ADM.23.02, OPR.13.01)
- 5.3 MAY when the victim is mentally or physically incapable (VA Code, §16.1-253.4)
- 5.4 MAY issue orally (VA Code, §§16.1-253.4, 19.2-81.3) (OPR.13.01)
- 5.5 Not affected by lack of victim's presence (VA Code, §16.1-253.4)
- 5.6 Not affected by lack of respondent's presence (VA Code, §16.1-253.4)
- 5.7 Service on respondent (VA Code, §§16.1-253.1, 16.1-253.4, 16.1-279.1)

6. Responding Officers' Duties: Handling Violations Family Abuse Protective Orders
 - ___ 6.1 Arrest (*VA Code*, §19.2-81.3)
 - ___ 6.2 Confiscation of Firearm (*VA Code*, §18.2-308.1:4)
7. Responding Officers' Duties: Obtaining Stalking Protective Orders for Victims (*VA Code*, §§19.2-81.3, 19.2-152.8, 19.2-152.9)
 - ___ 7.1 SHALL when a warrant has been issued for stalking (*VA Code*, §19.2-81.3) (*OPR.13.01*)
 - ___ 7.2 SHALL when reasonable grounds exist to believe that stalking has occurred and probable cause to believe there is future danger (*VA Code*, §19.2-81.3) (*OPR.13.01*)
 - ___ 7.3 MAY when the victim is mentally or physically incapable
 - ___ 7.4 MAY issue orally (*VA Code*, §§19.2-81.3, 19.2-152.8) (*OPR.13.01*)
 - ___ 7.5 Not affected by lack of victim's presence
 - ___ 7.6 Not affected by lack of respondent's presence
 - ___ 7.7 Service on respondent (*VA Code*, §§19.2-152.8, 19.2-152.9, 19.2-152.10)
8. Responding Officers' Duties: Handling Violations of Stalking Protective Orders
 - ___ 8.1 Arrest (*VA Code*, §19.2-81.3)
 - ___ 8.2 Confiscation of Firearm (*VA Code*, §18.2-308.1:4)
9. Responding Officers' Duties: Protective Orders and Full Faith and Credit
 - ___ 9.1 Family Abuse Protective Orders: Full Faith and Credit (*VA Code*, §16.1-279)
 - ___ 9.2 Stalking Protective Orders: Full Faith and Credit (*VA Code*, §§19.2-152.8, 19.2-152.9, 19.2-152.10)
10. VCIN Entry
 - ___ 10.1 Family Abuse Protective Orders (PO) (*VA Code*, §§16.1-253.1, 16.1-253.4, 16.1-279.1)
 - ___ 10.2 Stalking Protective Orders (PO) (*VA Code*, §§19.2-152.8, 19.2-152.9, 19.2-152.10)
11. Policy Deals with Unique Code Requirements for Stalking vs. Domestic Violence
 - ___ 11.1 Notice to victim upon release (*VA Code*, §18.2-60.3)
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12. Responding Officers' Duties: Decision to Arrest
 - ___ 12.1 Discussion of probable cause (*VA Code*, §§19.2-81.3, 19.2-81.4) (*ADM.02.04, OPR.13.01*)
 - ___ 12.2 Examples of circumstances that most necessitate an arrest (*OPR.13.01*)
 - ___ **12.3 Standards for determining primary aggressor including prior complaints, intent of the law, and the relative severity of injuries and whether injuries inflicted in self-defense (*VA Code*, §19.2-81.4) (*OPR.13.01*)**
 - ___ 12.4 Policy on avoiding dual arrests (*OPR.13.01*)
 - ___ 12.5 Warrantless arrest for family abuse based on probable cause, personal observations, reasonable complaint, or personal investigation (*VA Code*, §§19.2-81, 19.2-81.3) (*OPR.13.01*)
 - ___ 12.6 Warrantless arrest for stalking based on probable cause, personal observations, reasonable complaint, or personal investigation (*VA Code*, §§19.2-81, 19.2-81.3) (*OPR.13.01*)
13. Responding Officers' Duties: Responsibilities to Victim
 - ___ **13.1 Provide legal and community resources to family abuse victims (*VA Code*, §§19.2-81.3, 19.2-81.4) (*ADM.23.02, OPR.13.01*)**
 - ___ 13.2 Provide legal and community resources to stalking victims (*VA Code*, §19.2-81.3) (*ADM.23.02*)
 - ___ **13.3 Policy on transport for victims of family abuse (*VA Code*, §§19.2-81.3, 19.2-81.4) (*ADM.23.02, OPR.13.01*)**
 - ___ 13.4 Policy on transport for victims of stalking (*VA Code*, §19.2-81.3) (*ADM.23.02, OPR.13.01*)
 - ___ 13.5 Provide summary of report to family abuse victim upon request (*VA Code*, §19.2-81.3)
 - ___ 13.6 Provide summary of report to stalking victim upon request (*VA Code*, §19.2-81.3)
 - ___ 13.7 Provide copy of Family Abuse PO (*VA Code*, §§16.1-253.1, 16.1-253.4, 16.1-279.1)

- ___13.8 Provide copy of Stalking PO (*VA Code*, §§19.2-152.8, 19.2-152.9, 19.2-152.10)
- 14. Responding Officers' Duties: Follow-up Victim Assistance Measures
 - ___14.1 Coordinating appearances at line-ups, court (*ADM.23.03*)
 - ___14.2 Return evidentiary property to victim (*ADM.23.03*)
 - ___14.3 Provide referrals to victim/witness authorities (*ADM.23.02*)
- 15. Responding Officers' Duties: Evidence Gathering
 - ___15.1 Photographs/Diagrams of crime scene (*ADM.25.08, OPR.02.01, OPR.02.03*)
- 16. Documentation Requirements
 - ___ **16.1 Re. Probable cause for arrest (*VA Code*, §19.2-81.4)** (*ADM.25.01, OPR.13.01*)
 - ___ **16.2 Re. Special circumstances which dictate another course of action (*VA Code*, §19.2-81.4)** (*ADM 02.05, OPR.13.01*)
- 17. Officer-Involved Domestic Violence
 - ___17.1 Procedures if victims or assailants are members of the agency or are law enforcement officers (*VA Code*, §19.2-151)
- 18. Policy Approval and Adoption
 - ___ 18.1 Chief or Sheriff's Signature
 - ___ 18.2 Issue Date (and, if stated, when _____)
 - ___ 18.3 Review Date (and, if stated, when _____)

Reviewer's Comments _____

***RED BOLD: Requirements of *Code of Virginia* § 19.2-81.4**

****BLUE ITALICS: Requirements of *Virginia Law Enforcement's Professional Standards Commission* (i.e., *Administrative and Operational Standards*)**

Sample Directives Manual General Order 2-32

The Sample Directives Manual for Virginia Law-Enforcement Agencies is a collection of approximately sixty model orders on important administrative and operational topics. The manual is intended to help local agencies develop their own comprehensive, written guidance. The administrative component of the manual is oriented towards small law enforcement agencies with little specialization beyond patrol personnel and a few investigators. The operational component consists of orders on common law enforcement responsibilities. The most recent version of the manual was produced in July 1999. The Sample Directives Manual is available on the DCJS website (www.dcjs.virginia.gov).

As a result of this study, DCJS updated the model domestic violence policy (General Order 2-32). The policy was reviewed and updated to reflect legislative changes since 1999 and to address other important issues, such as stalking, in greater depth. Virginia law enforcement agencies with primary investigative responsibilities are encouraged to use this model policy in their own policy development and review. A copy of this revised order can be found in the appendix and on the DCJS website.

NOTE CONCERNING GENERAL ORDER 2-32, DOMESTIC VIOLENCE

Domestic or family violence (including spouse abuse) has received widespread public attention as a serious social problem affecting people in all economic, social, and ethnic groups. Many law enforcement agencies consider violence within the family to be the most frequent and under-reported crime in the United States. Further, law enforcement officers have found spouse abuse to be a difficult problem for the criminal justice system to handle effectively. Some have become frustrated, indifferent or even hostile after encountering victims who are repeatedly abused and do not press charges or return to the battering relationship. Still others hold onto faulty beliefs that victims really provoke the attack or masochistically enjoy beatings.

Persons who resort to violence **do not** always lack self-control: most try to dominate their partners. Stress, isolation, and family circumstances usually contribute to violence. Many researchers have described a cycle of violence involving three phases:

1. During the **tension-building** phase, the victim tries to keep the peace, but is subjected to increasing verbal threats.
2. The **acute battering phase** occurs when the perpetrator violently assaults the victim.
3. In the **loving respite** phase (which may not always be evident), the abuser changes behavior and acts remorseful and loving. Both abuser and victim may believe the abuse will never recur. As the cycle continues, this phase becomes shorter and may entirely disappear.

The patrol officer who responds may find the disputants in any one of these phases. The officer must be aware of this cycle in order to respond appropriately and effectively. Alcohol and drug abuse frequently figure in cases reported to law enforcement agencies.

Policy-makers should know that recent studies of police responses to domestic violence do not necessarily agree on the appropriate guidance to communicate to officers through written policy. For example, one recent study has concluded that victims of domestic violence are less likely to be repeat victims if they seek help through the legal system. Law enforcement officers must know that abuse often begins as a threat or a shove, but escalates into repeated beatings causing serious physical injury. If effective intervention does not occur, the abuse continues and, in some cases, it may lead to homicide.

Yet the precise nature of law enforcement intervention is not easy to gauge. Different approaches, whether mediation, arrest, or some other solution all appear to have different outcomes depending on the particular suspects, communities, and other characteristics. Some studies have revealed that the deterrent effect of arrest is **least** among the unemployed. Although the current trend supports mandatory arrest policies, law enforcement executives should know that research remains inconclusive. Whatever policy guidance executives provide for their personnel, they should regard as subject to change.

The best basis upon which to devise policy is to analyze past domestic violence cases. Field officers are best served by accurate information. Officers dispatched to domestic violence incidents, therefore, should know if they are dealing with chronically violent people. They should respond fully aware of a violent household's history so that they can adjust their behavior accordingly.

The DCJS sample directive promotes arrest when the legal elements of the offense are present. Officers are not precluded from making additional decisions concerning the victim or future incidents involving the same people. **In developing policy, law enforcement administrators must consult with social service agencies and prosecutors to develop a unified approach to local problems.** Those who wish to learn more about the major domestic violence research projects around the country, or who wish to examine other policy-related materials on the topic should contact the Law Enforcement Services Section or the Victims Services Section, DCJS. Among other requirements, Virginia law requires **mandatory** arrest upon probable cause for specified violent acts, and mandates law enforcement agencies to adopt written policies (to include specified components). Take particular note of the mandatory issuance of emergency protective orders,

and the role of deputies in obtaining them. The law further requires agencies to specify written guidance on providing victims with information on legal and community services, and to transport victims to medical facilities or safe shelters. Note that many of the requirements placed on law enforcement for handling domestic violence incidents also apply to stalking.

The Victims Services Section has also developed a domestic violence curriculum for law enforcement which is updated periodically. This curriculum, the training staff, and other instructional resources are available through the Victims Services Section. Further, grants to support the implementation of domestic violence arrest policies are available at both the state and federal level. Contact the Victims Services Section for more information. Visit the DCJS website for further information at www.dcjs.virginia.gov

Rev. 7/03

POLICE/SHERIFF'S DEPARTMENT	GENERAL ORDERS
SUBJECT: Domestic Violence	NUMBER: 2-32
EFFECTIVE DATE: July 1, 2003	REVIEW DATE: <i>(annually)</i>
AMENDS/SUPERSEDES: GO 2-32, <i>Issued 7/99</i>	APPROVED: _____ <i>Chief of Police/Sheriff</i>
VLEPSC STANDARDS: ADM.02.04-.05; ADM.23; OPR.02.03	

NOTE

This order is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial setting.

INDEX WORDS

- Arrests; in domestic disputes
- Dispatcher responsibilities (re: domestic violence) Domestic violence
- Family violence
- Firearm; purchase or transport while subject to a protective order
- Interviewing (participants of domestic disputes)
- Patrol officer's responsibilities (re: domestic violence)
- Primary physical aggressor
- Protective orders
- Search of premises
- Stalking
- Victims; of domestic violence

I. POLICY

The department assigns domestic or family violence (domestic disturbance) calls a high priority. The nature and seriousness of crimes committed between family or household members are not mitigated because of the relationships or living arrangements of those involved. Therefore, law enforcement must exercise leadership in the community in responding to domestic violence. An immediate criminal justice response can make a major difference in the disputants' lives. With all due consideration for their own safety, department personnel responding to a domestic disturbance call shall (1) restore order; (2) arrest persons when probable cause exists that a crime has occurred; (3) provide safety and security for the crime victim(s); and, (4) help participants contact appropriate agencies to help prevent future occurrences.

II. PURPOSE

To define domestic violence and related offenses, outline a safe procedure for handling violent incidents and calls, describe measures to end violence and protect victims.

III. DEFINITIONS

A. Assault

See *Virginia Code* §§ 18.2-57 and 18.2-57.2 ("Assault and Battery Against a Family or Household Member," which upon a third or subsequent conviction of the same or similar offense of any jurisdiction within a ten-year period shall be treated as a Class 6 felony).

1. A related matter, § 18.2-60 criminalizes the sending of letters to anyone threatening death or injury (Class 6 felony).
2. A magistrate issuing a warrant for violation of § 18.2-57.2 shall also issue an emergency protective order.

B. Domestic violence shelters/programs

Services that are provided (usually 24 hours a day) for women and their children who have been physically or emotionally abused, or who have been threatened with abuse by their spouses or partners. Services include crisis intervention, counseling, shelter, escort to court, food, clothing, and transportation.

C. Family abuse

Any threat or act of violence, including forceful detention, which results in physical injury or places one in reasonable apprehension of bodily injury and which is committed by a person against such person's family or household member (§ 16.1-228). **[Note: This paragraph revised July 2003.]**

D. Family or household member

Per §§ 18.2-57.2, 16.1-228, and 19.2-81.3, includes:

1. Spouses, whether or not residing in the same home.
2. Former spouses, whether or not residing in the same home.
3. Persons who have a child in common, whether or not they have ever been married or resided together.
4. Parents, children, stepparents, stepchildren, grandparents, grandchildren, brothers and sisters regardless of whether they reside in the same home with the suspect. **[Note: This provision revised July 2003.]**
5. Parents-in-law, children-in-law, brothers- and sisters-in-law who reside in the same home with the suspect.
6. Persons who cohabit or who, within the previous 12 months cohabited with the suspect, and any children of either who then resided in the same home as the suspect.

[Warrants against family/household members are heard by Juvenile and Domestic Relations Court.]

E. Primary physical aggressor

(See § 19.2-81.4) The party that poses the greatest threat. The primary aggressor **is not necessarily the first** disputant to engage in assaultive behavior, but the one with the most ability and inclination to inflict physical injury. Officers shall identify a primary physical aggressor based on the **totality of the circumstances**. Some or all of these characteristics may be present:

1. Evidence that any of the parties acted in self-defense.
2. A history of violence (prior assault convictions) of the parties involved, including history of calls for service.
3. The relative severity of injuries inflicted on all parties, plus consideration whether the injuries were offensive or defensive.
4. The relative size, bulk, and strength of the parties involved.
5. Evidence from persons involved in or witnesses to the incident.
6. The likelihood of future injury to any party.
7. Current or previous protection orders filed against either party.

[Note: This sample directive strongly discourages officers from making dual arrests. Agencies are reminded that they may need special procedures for handling small children where the primary caregiver has been arrested or injured. An agency's policy should address the custody and care of children.]

F. Protective order [**Note: This section revised July 2003.**]

A court order of protection on behalf of an abused family/household member that restrains the abuser from further acts of violence, may order the abuser to refrain from further contact, vacate the residence, relinquish custody of a vehicle, plus other measures (see § 16.1-279.1). A protective order may be valid up to two years. Types of protective orders:

1. Emergency protective order
2. Preliminary protective order
3. Full protective order

Statutes relevant to protective orders include §§ 16.1-251, -253.1, -253.2, -253.4, -279.1, 18.2-60.4, 19.2-81.3, 152.8 through -152.10). For further discussion of protective orders, see section VI.

G. Stalking [**Note: This section revised July 2003.**]

Any person who on more than one occasion engages in conduct directed at another person with the intent to place, or with the knowledge that the conduct places, that other person or the person's family or household member in reasonable fear of death, criminal sexual assault, or bodily injury (a Class 1 misdemeanor, § 18.2-60.3).

[Note: In 1996, the Commission on Family Violence Prevention published an outline curriculum on stalking which analyzes the behaviors that constitute stalking and offers preventive measures and investigative suggestions.]

1. Stalking behaviors include following a person to home, work, and other places, parking outside home or office, threatening notes or telephone calls, threats, or computer-based, on-line threats.
2. A person who violates any provision of a protective order related to stalking is guilty of a Class 1 misdemeanor (§ 18.2-60.4).

IV. PROCEDURES—General responsibilities

- A. Department personnel shall refer victims of domestic violence and stalking to appropriate community resources (mental health agencies, medical doctors, legal assistance agencies, victim/witness assistance programs, and domestic violence shelters/programs). Where possible, officers shall help victims directly access referral agencies. (See also VII.G.5.) Referrals help prevent future disturbances. [**Note: This paragraph revised July 2003.**]
- B. Department personnel shall be trained about domestic violence and its impact. Personnel must be well trained to confront unexpected violence. Disturbance calls can be dangerous to responding officers. Officers are encouraged to consult community resources such as the local domestic violence shelter and the local victim/witness advocacy program.
- C. Dispatcher (communications center) responsibilities
 1. Because the dispatcher is likely to be the first person to receive the call, he or she is instrumental in determining the type of response.
 2. The dispatcher is responsible for deciding whether an officer is needed at the scene. To make that decision, the dispatcher shall determine the following, if possible:
 - a. Who is complaining? Phone number? Whereabouts and identity of the assailant/aggressor?
 - b. Name of caller and location of incident? Location of caller and complainant, if different? Phone numbers?
 - c. Is the crime (incident) in progress or when did it occur?
 - d. Is a weapon involved?
 - e. Have people at the scene been injured? Is an ambulance needed?
 - f. Presence of children? Witnesses?

3. At this point, if evidence of injury or a weapon exists, someone has threatened violence, or the complainant requests an officer, dispatch one immediately (two officers preferred) and an ambulance, if needed. The dispatcher shall perform a VCIN inquiry and give the results to the responding officer(s) before their arrival at the scene. Keep the caller on the telephone, if possible, and obtain additional information:
 - a. Assailant's whereabouts? If not known, obtain vehicle description, direction of travel, and elapsed time and access to weapons.
 - b. Were alcohol or drugs involved?
 - c. A history of calls to this address? Outstanding warrants on disputants? Probation/parole status of assailant/aggressor?
 - d. A history of previous arrests?
 - e. A protective order in effect?
4. The dispatcher shall maintain telephone contact until the officers arrive in order to monitor the incident and provide support to the victim. The dispatcher shall advise the victim of the intended department response. Use crisis intervention skills. (See Appendix to GO 2-28.)
5. The dispatcher shall provide the responding officer with as much information as possible to identify risks at the scene.
6. See Victim Services, GO 2-28, dispatcher responsibilities.

V. PROCEDURES—Patrol responsibilities

A. Arrival at the scene

1. Obtain all available information from the dispatcher before arrival.
2. Approaching the scene.
 - a. When possible, officers should wait for back-up help, discuss a strategy, and approach the dispute scene in pairs.
 - b. Avoid the use of sirens and other alarms in the vicinity of the scene. The assailant might be dangerous and could turn a weapon upon arriving officers.
 - c. Observe the location of the dispute before contacting the complainant. Consider the surroundings. Park the marked car a short distance away. Each officer should follow a separate approach to the scene of the dispute, maintaining maximum cover and an escape route. From this point on, officers should remain within sight of one another, if possible.
 - d. Before knocking on the door, listen and look in any nearby window to obtain additional information about the situation (e.g., layout of the house, number of people, weapons, evidence of violence or damage).
 - e. Officers must be concerned for their own safety as well as the disputants'. To minimize the possibility of injury, stand to the side of the door and not in front of windows when knocking. The unexpected may occur when the door opens.
3. Initial contact with occupant(s).
 - a. Identify selves as law enforcement officers by name, give an explanation of your presence, and request entry into the home (when conditions permit). Ascertain identity of complainant, and ask to see him or her and any other person at the home.
 - (1) Officers shall not accept statements from any disputant or witness that the call was a mistake without investigating further. Officers shall not leave without interviewing the complainant.

- b. If entry is refused, officers must explain that they must make sure there are no injured persons inside. If no one responds to knocking, officers shall try to establish voice contact by shouting for an answer.
- c. Refusal of entry or no response to a knock at the door may require a forced entrance **only** if officers have a reasonable suspicion that the safety of people inside may be in jeopardy.
 - (1) In deciding to make a forced warrantless entry, officers shall evaluate the following elements:
 - (a) The degree of urgency involved and the time required to get a warrant.
 - (b) The possibility of danger to others, including officers left to guard the site.
 - (c) Whether the suspected offense involved violence.
 - (d) Whether officers reasonably believe that persons may be armed.
- d. Officers may conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership or possession of a place or thing, **either one** may give a valid consent.
 - (1) A spouse can consent to the search of premises used jointly by both husband and wife. This also applies if the man and woman are unmarried cohabitants. If one of them exercises sole control over part of the premises, the other cannot give valid consent to search that part.
 - (2) If the complainant has asked for law enforcement assistance in retrieving personal property from his or her residence, the officer must first determine if the complainant has lawful authority to do so. If so, the officer shall stand by to preserve the peace, but may advise the disputants that rights to any disputed property can only be determined by the courts.
- e. Officers may also make a warrantless entry to conduct a search if an emergency exists. Officers must have a reasonable belief that such an emergency does exist (example: officers believe that someone, perhaps children, is in need of emergency assistance).
 - (1) Officers shall evaluate the following elements when considering a warrantless entry:
 - (a) The degree of urgency involved and the time required to get a warrant.
 - (b) The possibility of danger to others, including officers left to guard the site.
 - (c) Whether the suspected offense is serious or involves violence.
 - (d) Whether officers reasonably believe that persons may be armed.
 - (2) Finally, officers are reminded that they have a lawful right to investigate any situation which they reasonably believe to be an emergency.
- f. Once inside, establish control by:
 - (1) Inquiring about the nature of the dispute.
 - (2) Identifying disputants.
 - (3) Being aware of potential weapons in surroundings.
 - (4) Determining if persons are in other rooms, whether children or adults, and the extent of any injuries (these persons should be separated from the parties involved and kept out of hearing range so their status as possible witnesses won't be compromised).
- g. Protect the victim from further abuse. Separate the victim from the assailant and arrange for medical attention if victim is hurt. If the victim appears injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment. Photograph the victim's injuries.

- h. Ascertain whether a protective order has been violated.
 - i. If weapons (whether firearms, knives, or any other object which could be used as a weapon) are present, secure them away from the disputants, if practicable, while the disputants are being interviewed. If officers determine that weapons should be removed from the premises, contact the field supervisor. Refer to II.A.7 regarding § 18.2-308.1:4 which prohibits persons under protective orders from purchasing or transporting firearms.
4. Transporting family/household members to the hospital, safe shelter, or magistrate. See § 16.1-253.2 and GO 2-28 (concerning transportation services for victims).
 - a. Officers shall transport victims to a safe location as they wish or as the circumstances require. (See §§ 19.2-81.3, -81.4.) **[Note: The law requires officers either to transport or arrange for transportation to a hospital, safe shelter, or a magistrate.] [Note: This provision revised July 2003.]**
 - b. If a complainant seeks officers' help in entering his or her residence to obtain personal property, the officers must determine that the complainant has lawful authority to do so; must advise all parties that they are accompanying the complainant to obtain items for immediate personal (or children's) use; that the officers' function is to maintain order; that any dispute over property is a matter for the courts to decide.
- B. Interviewing all disputants
1. Ensure safety and privacy by interviewing the victim in a place separate from the assailant, if identifiable.
 2. Critical to the success of the interview is the officer's manner. Officers must listen, show interest in the disputants and their problem, and remain aware of nonverbal communications signals (see appendices to GO 2-28).
 3. Officers shall attempt a low-key approach in domestic violence cases. Maintain good eye contact through natural, spontaneous glances. (Fixed gazes or staring increase fear and hostility.) A relaxed stance and appropriate facial and head movements demonstrate interest and encourage the victim to continue speaking.
 4. If possible, separate the parties so that they can individually describe the incident without interruption. (This may help the parties relieve emotional tension.) Although the disputants may be separated, officers shall remain within sight and hearing of each other.
 5. After the parties have given their statements, the officers should ask about details for clarification, and summarize the stated accounts (which allows the parties to point out anything that might be misrepresented).
 6. Be aware that parties may make excited utterances which may have evidentiary value. Record these utterances when practicable and note them in your report. **[Note: This provision added July 2003.]**
- C. Interviewing the victim
- Ascertain the following information from the victim:
1. What happened.
 2. Any injuries, who caused them, and what weapons or objects were used.
 3. Relationship to assailant.
 4. Any threats made against victim or others.
 5. Forced sexual contact against victim's will.
 6. Any court cases pending against assailant or any protective orders in effect.
 7. Is assailant on probation or parole.
 8. Did assailant threaten others, particularly children, damage property, or hurt pets.

D. Interviewing witnesses

1. Interview any witnesses to the incident—children, other family members, neighbors—as soon as possible. See “Gathering Evidence” under section VII.F.8 (witness statements). [**This provision corrected July 2003.**]
2. Remember that witnesses may be experiencing significant emotional crises that might influence the accuracy of their accounts.
3. If witnesses provide information about prior assaults, document them to help establish a pattern.
4. Children of disputants should be interviewed with care and kindness. Sit, kneel, or otherwise be at their level when speaking to them. Signs of trauma or abuse should be noted.

VI. PROCEDURES—Issuing an emergency protective order

[Note: Section VI revised July 2003.]

A. Emergency protective orders (EPO) (domestic violence)

1. The EPO aims to protect the health or safety of **any person**. **Regardless of a decision to arrest**, if an officer has at least a reasonable belief that family abuse has occurred and there exists probable danger of further abuse, the officer shall petition a judge or magistrate to issue an EPO. (See § 16.1-253.4.)
 - a. If circumstances make it impossible or inappropriate for an officer to obtain the EPO, the officer shall advise the victim that he or she can request an EPO directly from a magistrate or the Juvenile and Domestic Relations Court.
 - b. The victim does not need to press charges or swear a warrant. The presence of the victim or suspect is immaterial to obtaining an EPO.
 - c. An EPO may order a stop to abusive behavior, prohibit contact between parties, order the abuser out of a shared home, and provide other relief.
2. An officer can petition for an EPO by telephone or in person.
3. The EPO expires 72 hours after issuance. If the expiration would occur when court is not in session, then the EPO expiration is delayed unto 5 p.m. of the next business day. Note that a law enforcement officer may request an extension of an EPO if the person in need of protection is mentally or physically incapable of doing so. The victim can petition for a preliminary protective order before the expiration of an EPO.
4. The officer shall complete form DC-626 and serve a copy to the respondent as soon as possible. **The order cannot be enforced until the abuser has been served.** The clerk/dispatcher shall enter the relevant information into VCIN upon receipt and update the entry upon service of the order.
5. The officer shall submit the original order to the issuing judge or magistrate, provide a copy to the victim, and attach a copy to the incident report.

B. Emergency protective order (EPO) (stalking)

1. The victim of stalking may obtain an EPO once he or she has sworn an arrest warrant for the offense under § 18.2-60.3 (see also § 19.2-152.9-10). The abuser can be anyone, not necessarily a family or household member. **The EPO cannot be issued until an arrest warrant has been obtained.**
 - a. An EPO for stalking may order the stalker to stop the threatening behavior, prohibit the stalking from contacting the victim in any way, and provide other relief.
2. An officer can request a warrant and an EPO by telephone or in person under a reasonable belief that stalking has occurred and will occur in the future. Further, the victim can request an EPO in person at the office of a magistrate or the General District Court Clerk’s Office.
3. Provisions A.3-5 above apply.

C. Preliminary protective order (PPO) (domestic violence)

1. An abused/family household member may petition the Juvenile and Domestic Relations Court for a PPO (see § 16.1-253.1). After an ex parte hearing and based on immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred, the court may issue a PPO (protecting the petitioner or his or her family, or both). At the hearing where the PPO is issued, a hearing date for a permanent or full protective order will be set. The PPO is valid for 15 days.
 - a. The PPO may order the suspect to stop the abusive behavior, prohibit contact between parties, order the abuser out of a shared home, grant exclusive possession over a home or car, and award temporary custody of children.
 - b. A victim does not have to have an EPO in order to obtain a PPO.
 - c. **The victim** must petition the Juvenile and Domestic Relations Court for a PPO.
2. The police/sheriff's records clerk shall enter the order into VCIN upon receipt, which record shall be updated upon service of the order.

[Note: A law enforcement agency shall serve the PPO on the abuser as soon as possible.]

D. Preliminary protective order (PPO) (stalking)

1. Generally, the provisions of C above apply in stalking cases. The victim must go to the General District Court of the jurisdiction where the stalking occurred to petition for the PPO.
2. A PPO may order the abuser to stop stalking behavior, prohibit contact between parties, and provide other relief as necessary.

E. Full protective orders (domestic violence and stalking)

1. Domestic violence: In addition to the restrictions and prohibitions placed in a PPO, the full protective order may require an abuser to pay for the victim and children to live elsewhere, and for the abuser to receive treatment or counseling.
 - a. The victim and the abuser must attend a protective order hearing at the Juvenile and Domestic Relations Court.
 - b. The full order is valid for up to two years.
2. Stalking: The full protective order observes the same general restrictions and prohibitions of a protective order for domestic violence.
 - a. The victim and the abuser must attend a protective order hearing at the General District Court.
 - b. The full order is valid for up to two years.

F. Full faith and credit **[Note: This section revised July 2003.]**

Officers shall enforce **all** protective orders from other states or possessions of the United States as if they were issued in Virginia. Enforcement of out-of-state protective orders **does not** require that they be registered in Virginia. If officers are unable to verify an outstanding protective order, they must nevertheless honor it. Officers cannot arrest for violation of the order, however, if the violator has not been served with it.

[Note: Some agencies allow officers an extra measure if they cannot validate a foreign protective order. If they are not satisfied that the order is valid, then they may ask victims to sign a statement specifying what court, jurisdiction, conditions, and expiration apply.]

G. Purchase or transportation of a firearm by a person subject to protective orders

§ 18.2-308.1:4 prohibits any person subject to a protective order for domestic violence or stalking (as defined in the statutes cited in this order) from purchasing or transporting a firearm while the order is in effect, punishable as a Class 1 misdemeanor. Firearms transported or purchased in violation of this law shall be confiscated and subject to forfeiture.

VII. PROCEDURES—Arrests

A. Officers may make an arrest without a warrant if they have probable cause to believe that a felony has been committed in or out of his or her presence (§ 19.2-81, -81.3). The Code specifies the misdemeanors for which officers can arrest for offenses not committed in their presence. Further, **the department promotes a policy of arrest when the elements of an appropriate offense are present.** Officers are reminded that they cannot release the abuser on a summons, but must take the abuser before a magistrate. See GO 2-1 for a discussion of probable cause to arrest and GO 2-4 for guidelines on arrests.

B. Officers who develop probable cause that a person was the primary physical aggressor in a violation of § 18.2-57.2 (assault/battery against a family/household member), § 16.1-253.2 (violation of a protective order), shall arrest and take him or her into custody (§ 19.2-81.3). Officers who develop probable cause that a person has committed stalking (§ 18.2-60.4 or -603) shall arrest and take him or her into custody. (If the “no contact,” “no trespass,” or “no further abuse” provision of a protective order is violated, then it is treated as its own Class 1 misdemeanor offense.) **[Note: This paragraph revised July 2003.]**

1. Knowing that the safety of the complainant or victim probably will be compromised by an arrest, and recognizing that circumstances may preclude physical arrest, the officer must decide, within his or her discretion, whether to arrest. Officers shall not instruct victims to obtain warrants for applicable offenses; officers themselves shall obtain the warrants if circumstances so require. If circumstances nevertheless dictate no arrests, see VII.E below. **[Note: Paragraph corrected July 2003.]**

a. If an arrest is made, advise the victim that the case **may** be prosecuted even if the victim later declines to testify.

b. If officers cannot identify a primary physical aggressor and do not make an arrest, they shall nevertheless thoroughly document the incident. Further, officers shall not threaten to arrest all parties involved for the purpose of discouraging future requests for law enforcement intervention.

2. In cases where the conditions of a protective order have been violated (§ 18.2-119, or protective order/stalking, § 19.2-152.8, § 18.2-60.4), officers shall review the victim’s copy of the order, checking it for validity. If a protective order exists and its terms (“no contact,” “no trespass,” or “no further abuse”) are violated then the officer shall arrest the violator if probable cause exists. **[Note: This paragraph revised July 2003.]**

3. Officers making arrests under § 19.2-81.3 (and § 18.2-60.3, stalking) shall petition for an emergency protective order (§ 16.1-253.4, and § 19.2-152.8 for stalking). If the officer does not arrest but a danger of family abuse still exists, the officer shall petition for an emergency protective order. **[Note: This paragraph revised July 2003.]**

a. If children are involved in the incident, officers shall contact the on-call Child Protective Services worker if a child is abused or neither parent can reasonably look after the child’s safety and well-being (neglect is a separate, reportable offense).

[Note: If a child has not been abused but neither parent can reasonably look after the child's safety (possible neglect), Child Protective Services may be the best contact. If neither abuse nor neglect seem evident but a child is present at the scene of a domestic disturbance, document the child's presence in the report. Devise a protocol appropriate to the resources in your jurisdiction.]

- b. If the abuser is not present, officers shall try to serve the protective order as soon as possible and shall so advise the victim once service has been made (and officers shall arrange to have the order entered into VCIN upon receipt).
 4. In determining probable cause, the officer **shall not** consider:
 - a. Whether the parties are married or living together, or their race, sex, ethnicity, social class, or sexual orientation.
 - b. Whether the complainant has not sought or obtained a protective order.
 - c. The officer's own preference to reconcile the parties despite the complainant's insistence that an arrest be made.
 - d. That the complainant has called for law enforcement protection previously and has not pursued or has withdrawn the criminal complaint against the abuser.
 - e. That the complainant has not begun divorce proceedings.
 - f. Assurances of either disputant that violence will stop.
 - g. The lack of visible bruises or injuries.
 - h. Denial by either disputant that violence occurred.
 5. Officers shall be alert to the elements of a stalking arrest. Ask victims:
 - a. Is the assailant following you or did he or she follow you?
 - b. Is the assailant harassing you or did he or she harass you?
 - c. Is the assailant threatening you or did he or she threaten you?
 6. The possibility of other offenses shall not be overlooked. Other related offenses include:
 - a. Marital sexual assault (§ 18.2-67.2:1).
 - b. Violation of a stalking protective order (§§ 18.2-60.4, 19.2-152.8, -152.9, 152.10). **[Note: This provision revised July 2003.]**
- C. Factors favoring the decision to arrest
- Arrest is the most appropriate response when these factors are present:
1. Serious, intense conflict.
 2. Use of a weapon.
 3. Previous injury or damage.
 4. Previous court appearance against the offending party.
 5. Previous attempt to sever the relationship.
 6. Previous calls for law enforcement help. **[Revised July 2003.]**
 7. When a felony has occurred.
 8. Evidence of drugs or alcohol use at the assault.
 9. Offenses committed with the officer present.
 10. Valid warrants on file for other crimes.
 11. A protective order has been violated. Charge as a Class 1 misdemeanor under § 16.1-253.2.
 12. Aggressive behavior toward anyone, pets, anything, or threatening behavior.

D. Making the arrest

1. Arrest the assailant if he or she is present, apply handcuffs, inform him or her that the decision to arrest is a law enforcement one, and transport securely to the jail/magistrate.
2. If the assailant is absent or has been arrested, transport (or arrange transportation for) the victim to a safe shelter or other appropriate place. Circulate a “be-on-the-lookout” message describing the assailant and arrange for an arrest warrant.
3. If an arrest must be made because a protective order has been violated, verify its validity by:
 - a. Examining the victim’s copy, if available.
 - b. Having communications search VCIN or contact the jurisdiction that issued the order to confirm its currency (see V.B.2).

[Note: As noted under VII.B.2, if officers cannot validate a foreign protective order, then they may ask victims to sign a statement specifying what court, jurisdiction, conditions, and expiration apply.]

[The note above added July 2003.]

E. If the abusive person is not arrested

1. Complete an incident report and give a copy or arrange to have a copy given to the victim (§ 19.2-81.3 applies). This procedure applies both for domestic violence and stalking. **[Note: This provision revised July 2003.]**
2. Inform the victim that he or she can begin criminal proceedings at a later time. Provide information about how to file a criminal charge, including time, location, and case number, if available, and offer to help in filing charges at a later time.
3. Advise the victim of the importance of preserving evidence.
4. Explain to the victim about protective orders and how to obtain them and offer to help the victim obtain them later. **[Note: This provision revised July 2003.]**

[Note: Consult with the Commonwealth’s Attorney to determine what advice or guidance to give victims about protective orders.]

5. If the victim wants to leave the premises to ensure safety, remain at the scene while the victim packs essentials. Advise the victim to take only personal items plus important papers (see V.A.4). **[Note: This provision revised July 2003.]**
6. Give the victim telephone numbers of emergency shelters in the area and the police/sheriff emergency number.
7. Assure the victim that [your agency] will assist in future emergencies and explain measures for enhancing his or her own safety.

F. Gathering evidence:

1. Physical evidence takes three forms in domestic violence cases: the injuries of the victim, evidentiary articles that substantiate an attack, and the crime scene itself.
2. The victim’s account of injuries sustained should be corroborated by a physician.
3. When feasible, take photographs of injuries.
4. Photograph the crime scene to show that a struggle occurred; if photography is not possible, write a description of it.
5. Collect evidence according to the same principles as applied to any crime scene (see the appendix to GO 2-14).

6. If the assailant is under a domestic violence or stalking protective order and appears to have purchased or transported a firearm, confiscate it as evidence of § 18.2-308.1:4 (see also V.H.4.c below). **[Note: This provision revised July 2003.]**
 7. Seize any weapons that the primary physical aggressor used or threatened to use in the commission of any crime.
 8. Obtain statements from all witnesses, particularly noting any excited utterances that bear on the incident.
- G. Documenting the incident
1. All incident reports on domestic violence and stalking shall follow general reporting procedures with special attention to the victims services crime report procedure in GO 2-28. **[Note: This provision revised July 2003.]**
 2. Include in all reports of domestic violence:
 - a. Facts and circumstances of domestic violence including a description of why one disputant was deemed the primary physical aggressor.
 - b. Victim's statements as to the frequency and severity of prior incidents of abuse by the same family or household member.
 - c. The victim's statements as to the number of prior calls for law enforcement assistance.
 - d. The disposition of the investigation.
 3. In any case involving domestic violence, stalking, or related crimes, thoroughly document probable cause to arrest. **[Note: Provision added July 2003.]**
 4. If an arrest is not made for domestic violence or stalking, the incident must still be documented, where either no probable cause existed, or circumstances dictated another course of action. In such cases, in addition to the above considerations, officers shall note:
 - a. What referral information was given.
 - b. The name of any counselor contacted.
 - c. Why no arrest was made, nor any warrant issued.**[Note: First paragraph revised July 2003.]**
 5. If children were present, make a report of abuse or neglect, if appropriate, and forward it to Child Protective Services (see VII.B.3.a above). **[Note: Corrected July 2003.]**
 6. Regardless of whether an arrest is made, the officer shall provide appropriate information to the victim, both orally and in writing, about legal and community resources available.
 7. At the conclusion of the investigation, return evidentiary property to the victim. Coordinate the victim's appearances in court or for line-ups. **[Note: This provision and the below note added July 2003.]**
- [Note: Describe your local victims advocacy program here.]***
- H. Arrests of law enforcement personnel
1. If the primary physical aggressor or abuser is an employee of this agency, the responding officer shall summon the field supervisor, who shall in turn notify his or her chain of command.
 2. The scene shall be secured and medical attention summoned, if required. The employee shall be disarmed or removed from access to weapons. The possibility exists that the employee's departmental weapon may be evidence of an offense.
 3. The on-call investigator shall be summoned who shall begin an internal criminal investigation (see RR 1-9 for guidelines on internal criminal and administrative investigations).

- a. If probable cause to arrest exists, the investigator shall arrest and gather evidence (including taking photographs) consistent with this general order.
 - b. The assigned investigator shall work with the responding patrol officer to ensure that the victim receives medical attention, if necessary, is transported to a hospital or safe shelter, and that all reports are completed, evidence gathered, and photographs taken. The responding patrol officer shall assist in obtaining an emergency protective order.
[Note: The order should make clear whether the investigator or patrol officer is responsible for obtaining an emergency protective order and confiscating weapons. In any case, both measures must be undertaken.]
[Note above added July 2003.]
 - c. The investigator shall speedily present the case to the commonwealth's attorney.
4. Upon termination of the criminal investigation, the chief/sheriff may assign an officer to undertake an internal administrative investigation into the incident consistent with RR 1-9. The chief/sheriff may suspend the employee pending the outcome of the investigation.
- a. Suspended employees shall immediately turn in all agency-issued weapons, vehicles, badges, and identification to the property officer.
 - b. If the internal administrative investigation supports a violation of agency policy, the sheriff/chief shall take appropriate action consistent with personnel rules outlined in RR 1-7. Further, if the investigation confirms that domestic violence occurred, the sheriff/chief may require counseling, psychological evaluation, demotion, or termination of employment.
 - c. Recently enacted federal law states that any person (including a law enforcement officer) convicted under any state or federal law for a misdemeanor involving the use, attempted use of physical force, or the threatened use of a deadly weapon when committed by a current or former spouse, parent or guardian of the victim, a person sharing a child in common, or a cohabitant of the victim (past or present), is prohibited from shipping, transporting, possessing, or receiving firearms or ammunition. The offense may have occurred at any time. Law enforcement officers convicted of offenses involving weapons or threats of force may therefore be unable to maintain their certification.
 - (1) Note that officers who are the subject of a protective order shall not carry firearms. Officers who are the subject of a protective order shall turn in all agency-issued weapons.
 - d. Refer to RR 1-02.V.Z for guidance on arresting officers of other jurisdictions, and RR 1-02.V.P for requirements that employees report court actions to which they have been a party.
5. The sheriff/chief will shall ensure that any court orders or injunctions are served on the employee at the agency. The sheriff/chief shall ensure that legal papers are served in a private setting so that supervisory personnel can coordinate process service with counseling or psychological services.
- a. The employee's supervisor shall monitor the employee's behavior. Upon service of any court papers, the supervisor shall be present to review any affidavits supporting such papers. The supervisor shall stay alert to behavior that may be unseemly or indicative of problems requiring professional intervention.
- 6. Officers are reminded that RR 1-02.V.P requires notification of the chief/sheriff of any civil or criminal action pending against them.**

Sample Directives Manual General Order 2-32a

As a result of this study, DCJS identified the need to develop a model domestic violence policy for sheriffs' offices without primary law enforcement roles in their communities (General Order 2-32a). General Order 2-32 is primarily relevant for law enforcement agencies with investigative responsibilities. General Order 2-32a is tailored to sheriffs' offices whose functions involve courthouse security, jailhouse operations, and process of civil papers. Virginia law requires all sheriffs' offices to adopt a written domestic violence policy, and does not provide an exception on the basis of law enforcement role. DCJS developed General Order 2-32a to assist sheriffs' offices, which do not have investigative responsibilities, to comply with the law in a way which is meaningful in the context of their particular duties. A copy of this order is available in the appendix and on the DCJS website (www.dcjs.virginia.gov).

NOTE CONCERNING GENERAL ORDER 2-32A, DOMESTIC VIOLENCE

For Sheriffs with Court Security/Civil Process Functions

What follows is an abbreviated version of General Order 2-32 on domestic violence. This abbreviated version is directed to city sheriffs who perform civil process and court security functions but not law enforcement. Domestic violence can occur at any time and in any context. Domestic violence has occurred in courthouses; deputies serving civil papers or preserving the peace at evictions may witness acts of domestic violence or develop probable cause that they have occurred. Deputies must be aware of the dynamics of family violence and the legal requirements to protect victims and separate them from abusers, and to make arrests upon probable cause. Even if deputies are not expected to make arrests, they may be the key witnesses in prosecutions and need to understand the elements of appropriate crimes.

Deputies must know that abuse often begins as a threat or a shove, but escalates into repeated beatings causing serious physical injury. If effective intervention does not occur, the abuse continues and, in some cases, it may lead to homicide. *Deputies who witness family abuse incidents should know if they are dealing with chronically violent people. Danger exists not only for the people involved but also for deputies.* Based on a national study of court security incidents, the National Sheriffs' Association found that the most common ones include disorderly conduct; physical assault with a firearm; physical assault with no weapon used; hostage situation; or physical assault with weapon other than firearm (from *Court Security: A Manual of Guidelines and Procedures*, p. 7). In a recent study of courthouse security, DCJS surveyed similar studies across the country and noted that the most common reason why security upgrades have been introduced was as a consequence of violent domestic incidents, particularly homicides committed on courthouse properties.

This order and the more extensive one, General Order 2-32, promote arrest when the legal elements of the offenses are present. Among other requirements, Virginia law requires **mandatory** arrest upon probable cause for specified violent acts, and mandates law enforcement agencies to adopt written policies (to include specified components). Take particular note of the mandatory issuance of emergency protective orders, and the role of deputies in obtaining them. The law further requires agencies to specify written guidance on providing victims with information on legal and community services, and to transport victims to medical facilities or safe shelters. Note that many of the requirements placed on law enforcement for handling domestic violence incidents also apply to stalking.

The DCJS Victims Services Section has also developed a domestic violence curriculum for law enforcement which is updated periodically. This curriculum, the training staff, and other instructional resources are available through the Victims Services Section. Contact the Victims Services Section for more information. Visit the DCJS website for further information at www.dcjs.virginia.gov

July 2003

SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Domestic Violence	NUMBER: 2-32A
EFFECTIVE DATE:	REVIEW DATE: <i>(annually)</i>
AMENDS/SUPERSEDES:	APPROVED: _____ <i>Sheriff</i>
VLEPSC STANDARDS: ADM.02.04-.05; ADM.23; OPR.02.03	

NOTE

This order is for internal use only and does not enlarge an officer’s civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial setting.

INDEX WORDS

- Arrests; in domestic disputes
- Domestic violence
- Family violence
- Firearm; purchase or transport while subject to a protective order
- Interviewing (participants of domestic disputes)
- Primary physical aggressor
- Protective orders
- Search of premises
- Stalking
- Victims; of domestic violence

I. POLICY

The security of the courthouse and the safe service of civil process are priorities of the sheriff. To ensure a high security awareness, deputies must understand that they may witness or receive information or reports about violent acts which occur on courthouse property, or which involve persons on whom civil papers are served. Law enforcement agencies are now required to arrest abusers in family abuse cases where probable cause exists. While deputies are not encouraged to pursue enforcement activities that are the responsibility of local police, deputies are expected to intervene where necessary to protect life and property. This office views domestic or family violence (domestic disturbance) incidents as a high priority for intervention. Further, the nature and seriousness of crimes committed between family or household members are not mitigated because of the relationships or living arrangements of those involved. With all due consideration for their own safety, deputies intervening to stop violence due to family abuse or stalking shall (1) restore order; (2) arrest persons when probable cause exists that a crime has occurred (or hold suspects in custody until a law enforcement officer arrives); (3) provide safety and security for the crime victim(s); and, (4) help victims obtain protective orders where necessary.

II. PURPOSE

To define domestic violence and related offenses, outline a safe procedure for handling violent incidents, and protect victims.

III. DEFINITIONS

A. Assault

See *Virginia Code* §§ 18.2-57 and 18.2-57.2 (“Assault and Battery Against a Family or Household Member,” which upon a third or subsequent conviction of the same or similar offense of any jurisdiction within a ten-year period shall be treated as a Class 6 felony).

1. A related matter, § 18.2-60 criminalizes the sending of letters to anyone threatening death or injury (Class 6 felony).
2. A magistrate issuing a warrant for violation of § 18.2-57.2 shall also issue an emergency protective order.

B. Domestic violence shelters/programs

Services that are provided (usually 24 hours a day) for women and their children who have been physically or emotionally abused, or who have been threatened with abuse by their spouses or partners. Services include crisis intervention, counseling, shelter, escort to court, food, clothing, and transportation.

C. Family abuse

Any threat or act of violence, including forceful detention, which results in physical injury or places one in reasonable apprehension of bodily injury and which is committed by a person against such person’s family or household member (§ 16.1-228).

D. Family or household member

Per §§ 18.2-57.2, 16.1-228, and 19.2-81.3, includes:

1. Spouses, whether or not residing in the same home.
2. Former spouses, whether or not residing in the same home.
3. Persons who have a child in common, whether or not they have ever been married or resided together.
4. Parents, children, stepparents, stepchildren, grandparents, grandchildren, brothers and sisters regardless of whether they reside in the same home with the suspect.
5. Parents-in-law, children-in-law, brothers- and sisters-in-law who reside in the same home with the suspect.
6. Persons who cohabit or who, within the previous 12 months cohabited with the suspect, and any children of either who then resided in the same home as the suspect.

[Warrants against family/household members are heard by Juvenile and Domestic Relations Court.]

E. Primary physical aggressor

(See § 19.2-81.4) The party that poses the greatest threat. The primary aggressor **is not necessarily the first** disputant to engage in assaultive behavior, but the one with the most ability and inclination to inflict physical injury. Deputies shall identify a primary physical aggressor based on the **totality of the circumstances**. Some or all of these characteristics may be present:

1. Evidence that any of the parties acted in self defense.
2. A history of violence (prior assault convictions) of the parties involved, including history of calls for service.
3. The relative severity of injuries inflicted on all parties, plus consideration whether the injuries were offensive or defensive.
4. The relative size, bulk, and strength of the parties involved.
5. Evidence from persons involved in or witnesses to the incident.

6. The likelihood of future injury to any party.
7. Current or previous protection orders filed against either party.

[Note: This sample directive strongly discourages deputies from making dual arrests. Agencies are reminded that they may need special procedures for handling small children where the primary caregiver has been arrested or injured. An agency's policy should address the custody and care of children.]

F. Protective order

A court order of protection on behalf of an abused family/household member that restrains the abuser from further acts of violence, may order the abuser to refrain from further contact, vacate the residence, relinquish custody of a vehicle, plus other measures (see § 16.1-279.1). A protective order may be valid up to two years. Types of protective orders:

1. Emergency protective order
2. Preliminary protective order
3. Full protective order

Statutes relevant to protective orders include §§ 16.1-251, -253.1, -253.2, -253.4, -279.1, 18.2-60.4, 19.2-81.3, 152.8 through -152.10). For further discussion of protective orders, see section VI.

G. Stalking

Any person who on more than one occasion engages in conduct directed at another person with the intent to place, or with the knowledge that the conduct places, that other person or the person's family or household member in reasonable fear of death, criminal sexual assault, or bodily injury (a Class 1 misdemeanor, § 18.2-60.3).

1. Stalking behaviors include following a person to home, work, and other places, parking outside home or office, threatening notes or telephone calls, threats, or computer-based, on-line threats.
2. A person who violates any provision of a protective order related to stalking is guilty of a Class 1 misdemeanor (§ 18.2-60.4).

IV. PROCEDURES—General responsibilities

- A. Deputies shall refer victims of domestic violence and stalking to appropriate community resources (mental health agencies, medical doctors, legal assistance agencies, victim/witness assistance programs, and domestic violence shelters/programs). See Section VII.E.4 of this order. Where possible, deputies shall help victims directly access referral agencies. Referrals help prevent future disturbances.
- B. Department personnel shall be trained about domestic violence, stalking, and their impact. Personnel must be well trained to confront unexpected violence.

V. PROCEDURES—Intervention techniques

- A. Confronting a violent scene
 1. When possible, deputies should obtain back-up help, discuss a strategy, and approach the dispute scene in pairs.
 2. Avoid the use of alarms in the vicinity of the scene. The assailant might be dangerous and could turn a weapon upon deputies.
 3. If serving civil papers at a residence and deputies observe a violent episode, they must be concerned for their own safety as well as the disputants'. To minimize the possibility of injury, stand to the side of the door and not in front of windows when knocking. The unexpected may occur when the door opens.
 4. Initial contact with occupant(s).

- a. Deputies shall not accept statements from any disputant or witness that the a violent episode has not occurred when they have some evidence that it has. Deputies shall not leave without ascertaining the safety and condition of all disputants.
 - b. If entry is refused into a residence where violence may be occurring, deputies must explain that they must make sure there are no injured persons inside. If no one responds to knocking, deputies shall try to establish voice contact by shouting for an answer. Deputies should stand by and observe pending the arrival of the police.
[Note: Local procedures may require deputies to call the police for back-up assistance. Refer to an interagency agreement if one exists.]
 - c. Refusal of entry or no response to a knock at the door may require a forced entrance only if deputies have a reasonable suspicion that the safety of people inside may be in jeopardy.
[Note: Deputies in some jurisdictions may be under absolute orders not to enter a residence if entry has been refused. Give appropriate policy guidance for your jurisdiction.]
 - d. Deputies may conduct a search of the premises to ensure the safety of all parties if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership or possession of a place or thing, **either one** may give a valid consent.
 - e. Deputies may also make a warrantless entry to conduct a search if an emergency exists. Deputies must have a reasonable belief that such an emergency does exist (example: deputies believe that someone, perhaps children, is in need of emergency assistance).
[Note: If deputies are permitted to make a warrantless entry to ensure the safety of persons at a domestic dispute, provide guidance on how to make the decision to conduct a warrantless entry.]
 - f. Deputies are reminded that they have a lawful right to investigate any situation which they reasonably believe to be an emergency.
 - g. Protect the victim from further abuse. Separate the victim from the assailant and arrange for medical attention if victim is hurt. If the victim appears injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment. Convey information about the victim's injuries to the investigating police officer.
 - h. Ascertain whether a protective order has been violated. (See section VI.)
 - i. If weapons (whether firearms, knives, or any other object which could be used as a weapon) are present, secure them away from the disputants, if practicable, while the disputants are being interviewed. Be aware that § 18.2-308.1:4 prohibits persons under protective orders from purchasing or transporting firearms.
- B. If possible, transport family/household members to the hospital, safe shelter, or magistrate. Escort the victim to the magistrate if the magistrate's office is in the courthouse. See § 16.1-253.2 and GO 2-28 (concerning transportation services for victims). If transportation by a deputy is not possible, deputies shall arrange transportation to a hospital, safe shelter, or magistrate.
1. Deputies shall ensure that victims are transported to a safe location as they wish or as the circumstances require. (See §§ 19.2-81.3, -81.4.)
[Note: Sheriffs may not be able to have deputies transport victims. At a minimum, deputies should ask local law enforcement officers for assistance in this regard.]
 2. At a residence where deputies are present regarding a civil issue, if a complainant seeks deputies' help in entering his or her residence to obtain personal property, deputies must determine

that the complainant has lawful authority to do so; must advise all parties that they are accompanying the complainant to obtain items for immediate personal (or children's) use; that the deputies' function is to maintain order; that any dispute over property is a matter for the courts to decide.

3. If possible, separate the parties so that the situation does not worsen. Although the disputants may be separated, deputies shall remain within sight and hearing of each other.
4. Be aware that parties may make excited utterances which may have evidentiary value. Record these utterances when practicable and note them in your report.

[Note: At this point, the sheriff may relinquish further investigation to local police. If the sheriff desires deputies to conduct an investigation and prepare reports, the following instruction applies.]

C. Interviewing the victim

Ascertain the following information from the victim:

1. What happened.
2. Any injuries, who caused them, and what weapons or objects were used.
3. Relationship to assailant.
4. Any threats made against victim or others.
5. Forced sexual contact against victim's will.
6. Any court cases pending against assailant or any protective orders in effect.
7. Is assailant on probation or parole.
8. Did assailant threaten others, particularly children, damage property, or hurt pets.

D. Interviewing witnesses

1. Interview any witnesses to the incident—children, other family members, neighbors—as soon as possible.
2. Remember that witnesses may be experiencing significant emotional crises that might influence the accuracy of their accounts.
3. If witnesses provide information about prior assaults, document them to help establish a pattern.
4. Children of disputants should be interviewed with care and kindness. Sit, kneel, or otherwise be at their level when speaking to them. Signs of trauma or abuse should be noted.

VI. PROCEDURES—Issuing an emergency protective order

A. Emergency protective orders (EPO) (domestic violence)

1. The EPO aims to protect the health or safety of **any person**. **Regardless of the decision to arrest**, if a deputy has at least a reasonable belief that family abuse has occurred and there exists probable danger of further abuse, the deputy shall petition a judge or magistrate to issue an EPO. (See § 16.1-253.4.)
 - a. If circumstances make it impossible or inappropriate for an officer to obtain the EPO, the officer shall advise the victim that he or she can request an EPO directly from a magistrate or the Juvenile and Domestic Relations Court.
 - b. The victim does not need to press charges or swear a warrant. The presence of the victim or suspect is immaterial to obtaining an EPO.
 - c. An EPO may order a stop to abusive behavior, prohibit contact between parties, order the abuser out of a shared home, and provide other relief.

2. A deputy can petition for an EPO by telephone or in person.
 3. The EPO expires 72 hours after issuance. If the expiration would occur when court is not in session, then the EPO expiration is delayed unto 5 p.m. of the next business day. Note that a law enforcement officer may request an extension of an EPO if the person in need of protection is mentally or physically incapable of doing so. The victim can petition for a preliminary protective order before the expiration of an EPO.
 4. The deputy shall complete form DC-626 and serve a copy to the respondent as soon as possible. **The order cannot be enforced until the abuser has been served.** The clerk/dispatcher shall enter the relevant information into VCIN upon receipt and update the entry upon service of the order.
 5. The deputy shall submit the original order to the issuing judge or magistrate, provide a copy to the victim, and attach a copy to the incident report.
- B. Emergency protective order (EPO) (stalking)
1. The victim of stalking may obtain an EPO once he or she has sworn an arrest warrant for the offense under § 18.2-60.3 (see also § 19.2-152.9-10). The abuser can be anyone, not necessarily a family or household member. **The EPO cannot be issued until an arrest warrant has been obtained.**
 - a. An EPO for stalking may order the stalker to stop the threatening behavior, prohibit the stalking from contacting the victim in any way, and provide other relief.
 2. A deputy can request a warrant and an EPO by telephone or in person under a reasonable belief that stalking has occurred and will occur in the future. Further, the victim can request an EPO in person at the office of a magistrate or the General District Court Clerk's Office.
 3. Provisions A.3-5 above apply.
- C. Preliminary protective order (PPO) (domestic violence)
1. An abused/family household member may petition the Juvenile and Domestic Relations Court for a PPO (see § 16.1-253.1). After an ex parte hearing and based on immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred, the court may issue a PPO (protecting the petitioner or his or her family, or both). At the hearing where the PPO is issued, a hearing date for a permanent or full protective order will be set. The PPO is valid for 15 days.
 - a. The PPO may order the suspect to stop the abusive behavior, prohibit contact between parties, order the abuser out of a shared home, grant exclusive possession over a home or car, and award temporary custody of children.
 - b. A victim does not have to have an EPO in order to obtain a PPO.
 - c. The victim must petition the Juvenile and Domestic Relations Court for a PPO.
 2. The police/sheriff's records clerk shall enter the order into VCIN upon receipt, which record shall be updated upon service of the order.
[Note: A law enforcement agency shall serve the PPO on the abuser as soon as possible.]
- D. Preliminary protective order (PPO) (stalking)
1. Generally, the provisions of C above apply in stalking cases. The victim must go to the General District Court of the jurisdiction where the stalking occurred to petition for the PPO.
 2. A PPO may order the abuser to stop stalking behavior, prohibit contact between parties, and provide other relief as necessary.

- E. Full protective orders (domestic violence and stalking)
 - 1. Domestic violence: In addition to the restrictions and prohibitions placed in a PPO, the full protective order may require an abuser to pay for the victim and children to live elsewhere, and for the abuser to receive treatment or counseling.
 - a. The victim and the abuser must attend a protective order hearing at the Juvenile and Domestic Relations Court.
 - b. The full order is valid for up to two years.
 - 2. Stalking: The full protective order observes the same general restrictions and prohibitions of a protective order for domestic violence.
 - a. The victim and the abuser must attend a protective order hearing at the General District Court.
 - b. The full order is valid for up to two years.

F. Full faith and credit

Deputies shall enforce **all** protective orders from other states or possessions of the United States as if they were issued in Virginia. Enforcement of out-of-state protective orders **does not** require that they be registered in Virginia. If deputies are unable to verify an outstanding protective order, they must nevertheless honor it. Deputies cannot arrest for violation of the order, however, if the violator has not been served with it.

[Note: Some agencies allow officers an extra measure if they cannot validate a foreign protective order. If they are not satisfied that the order is valid, then they may ask victims to sign a statement specifying what court, jurisdiction, conditions, and expiration apply.]

G. Purchase or transportation of a firearm by a person subject to protective orders

§ 18.2-308.1:4 prohibits any person subject to a protective order for domestic violence or stalking (as defined in the statutes cited in this order) from purchasing or transporting a firearm while the order is in effect, punishable as a Class 1 misdemeanor. Firearms transported or purchased in violation of this law shall be confiscated and subject to forfeiture.

VII. PROCEDURES—Arrests

- A. Deputies may make an arrest without a warrant if they have probable cause to believe that a felony has been committed in or out of his or her presence (§ 19.2-81, -81.3). Deputies are reminded that they cannot release the abuser on a summons, but must take the abuser before a magistrate. See GO 2-1 for a discussion of probable cause to arrest and GO 2-4 for guidelines on arrests.
- B. Deputies who develop probable cause that a person was the primary physical aggressor in a violation of § 18.2-57.2 (assault/battery against a family/household member), § 16.1-253.2 (violation of a protective order), shall arrest and take him or her into custody (§ 19.2-81.3). Deputies who develop probable cause that a person has committed stalking (§ 18.2-60.4 or -603) shall arrest and take him or her into custody. (If the “no contact,” “no trespass,” or “no further abuse” provision of a protective order is violated, then it is treated as its own Class 1 misdemeanor offense.)
 - 1. Knowing that the safety of the complainant or victim probably will be compromised by an arrest, and recognizing that circumstances may preclude physical arrest, the deputy must decide, within his or her discretion, whether to arrest. Deputies shall not instruct victims to obtain warrants for applicable offenses; deputies themselves shall obtain the warrants if circumstances so require.
 - a. If an arrest is made, advise the victim that the case **may** be prosecuted even if the victim later declines to testify.

- b. If deputies cannot identify a primary physical aggressor and do not make an arrest, they shall nevertheless thoroughly document the incident. Further, deputies shall not threaten to arrest all parties involved for the purpose of discouraging future requests for law enforcement intervention.
 2. In cases where the conditions of a protective order have been violated (§ 18.2-119, or protective order/stalking, § 19.2-152.8, § 18.2-60.4), deputies shall review the victim's copy of the order, checking it for validity. If a protective order exists and its terms ("no contact," "no trespass," or "no further abuse") are violated then the deputy shall arrest the violator if probable cause exists.
 3. Deputies making arrests under § 19.2-81.3 (and § 18.2-60.3, stalking) shall petition for an emergency protective order (§ 16.1-253.4, and § 19.2-152.8 for stalking). If the deputy does not arrest but a danger of family abuse still exists, the deputy shall petition for an emergency protective order.
 - a. If children are involved in the incident, deputies shall contact the on-call Child Protective Services worker **if** a child is abused **or** neither parent can reasonably look after the child's safety and well-being (neglect is a separate, reportable offense).

[Note: If a child has not been abused but neither parent can reasonably look after the child's safety (possible neglect), Child Protective Services may be the best contact. If neither abuse nor neglect seem evident but a child is present at the scene of a domestic disturbance, document the child's presence in the report. Devise a protocol appropriate to the resources in your jurisdiction.]
 4. In determining probable cause, the deputy **shall not** consider:
 - a. Whether the parties are married or living together, or their race, sex, ethnicity, social class, or sexual orientation.
 - b. Whether the complainant has not sought or obtained a protective order.
 - c. The deputy's own preference to reconcile the parties despite the complainant's insistence that an arrest be made.
 - d. That the complainant has called for law enforcement protection previously and has not pursued or has withdrawn the criminal complaint against the abuser.
 - e. That the complainant has not begun divorce proceedings.
 - f. Assurances of either disputant that violence will stop.
 - g. The lack of visible bruises or injuries.
 - h. Denial by either disputant that violence occurred.
 5. Deputies shall be alert to the elements of a stalking arrest. Ask victims:
 - a. Is the assailant following you or did he or she follow you?
 - b. Is the assailant harassing you or did he or she harass you?
 - c. Is the assailant threatening you or did he or she threaten you?
 6. The possibility of other offenses shall not be overlooked. Other related offenses include:
 - a. Marital sexual assault (§ 18.2-67.2:1).
 - b. Violation of a stalking protective order (§§ 18.2-60.4, 19.2-152.8, -152.9, 152.10).
- C. Making the arrest
1. Arrest the assailant if he or she is present, apply handcuffs, inform him or her that the decision to arrest is a law enforcement one, and transport securely to the jail/magistrate.

2. If the assailant is absent or has been arrested, transport (or arrange transportation for) the victim to a safe shelter or other appropriate place. Circulate a “be-on-the-lookout” message describing the assailant and arrange for an arrest warrant.
3. If an arrest must be made because a protective order has been violated, verify its validity by:
 - a. Examining the victim’s copy, if available.
 - b. Having communications search VCIN or contact the jurisdiction that issued the order to confirm its currency.

[Note: If officers cannot validate a foreign protective order, then they may ask victims to sign a statement specifying what court, jurisdiction, conditions, and expiration apply.]

D. Gathering evidence:

1. Physical evidence takes three forms in domestic violence cases: the injuries of the victim, evidentiary articles that substantiate an attack, and the crime scene itself.
2. The victim’s account of injuries sustained should be corroborated by a physician.
3. When feasible, take photographs of injuries.
4. Photograph the crime scene to show that a struggle occurred; if photography is not possible, write a description of it.
5. Collect evidence according to the same principles as applied to any crime scene (see the appendix to GO 2-14).
6. If the assailant is under a domestic violence or stalking protective order and appears to have purchased or transported a firearm, confiscate it as evidence of § 18.2-308.1:4.
7. Seize any weapons that the primary physical aggressor used or threatened to use in the commission of any crime.
8. Obtain statements from all witnesses, particularly noting any excited utterances that bear on the incident.

E. Documenting the incident

1. Include in all reports of domestic violence:
 - a. Facts and circumstances of domestic violence including a description of why one disputant was deemed the primary physical aggressor.
 - b. Victim’s statements concerning prior violent.
2. In any case involving domestic violence, stalking, or related crimes, thoroughly document probable cause to arrest.
3. If an arrest is not made for domestic violence or stalking, the incident must still be documented, where either no probable cause existed, or circumstances dictated another course of action.
4. If children were present, make a report of abuse or neglect, if appropriate, and forward it to Child Protective Services. See Section IV.A to this order.

[Note: Describe your local victims advocacy program here.]

F. Arrests of law enforcement personnel

1. If the office is notified that a sworn or non-sworn employee has been arrested for stalking or a domestic violence offense, the employee receiving this information shall notify his or her supervisor immediately. The supervisor shall in turn notify his or her chain of command to the sheriff.

2. Any deputy who has been arrested for stalking or a domestic violence offense or who has been subject to a protective order for these offenses shall be disarmed or removed from access to sheriff's office weapons. The possibility exists that the employee's issued weapon may be evidence of an offense.
3. The sheriff shall direct an internal criminal or administrative investigation, as appropriate.
 - a. If the sheriff learns that probable cause to arrest a deputy exists, the sheriff shall either direct an arrest of the deputy and gather evidence (including taking photographs) consistent with this general order, or collaborate fully with another investigating agency.
 - b. The sheriff shall assign an investigator to assist the investigating agency to ensure that the victim receives medical attention, if necessary, is transported to a hospital or safe shelter, and that all reports are completed, evidence gathered, and photographs taken. The sheriff's investigator, if appropriate, shall assist in obtaining an emergency protective order.
 - c. The investigator shall speedily present the case to the commonwealth's attorney, if the case is not handled by another agency.
4. The sheriff may suspend the employee pending the outcome of the investigation.
 - a. Suspended employees shall immediately turn in all agency-issued weapons, vehicles, badges, and identification to the property officer.
 - b. If the internal administrative investigation supports a violation of sheriff's policy, the sheriff shall take appropriate action consistent with personnel rules. Further, if the investigation confirms that domestic violence occurred, the sheriff may require counseling, psychological evaluation, demotion, or termination of employment.
 - c. Recently enacted federal law states that any person (including a law enforcement officer) convicted under any state or federal law for a misdemeanor involving the use, attempted use of physical force, or the threatened use of a deadly weapon when committed by a current or former spouse, parent or guardian of the victim, a person sharing a child in common, or a cohabitant of the victim (past or present), is prohibited from shipping, transporting, possessing, or receiving firearms or ammunition. The offense may have occurred at any time. Law enforcement officers convicted of offenses involving weapons or threats of force may therefore be unable to maintain their certification.
 - (1) Note that deputies who are the subject of a protective order shall not carry firearms. Deputies who are the subject of a protective order shall turn in all agency-issued weapons.
5. The sheriff will shall ensure that any court orders or injunctions are served on the employee at the agency. The sheriff shall ensure that legal papers are served in a private setting so that supervisory personnel can coordinate process service with counseling or psychological services.
 - a. The employee's supervisor shall monitor the employee's behavior. Upon service of any court papers, the supervisor shall be present to review any affidavits supporting such papers. The supervisor shall stay alert to behavior that may be unseemly or indicative of problems requiring professional intervention.
6. **Employees are reminded that the sheriff requires notification of any civil or criminal action pending against them.**



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