

	<h1>Garner Police Department</h1> <h2>Written Directive</h2>	
	Chapter: 800 - Operations	
	Directive: 820.04 – Domestic Violence	
Authorized by: Chief Brandon Zuidema		Effective Date: April 1, 2016
CALEA Standards: 55.2.2		Last Revision: October 1, 2015

820.4.1 - Purpose

This document establishes a standardized policy for effective response to domestic violence related calls.

820.4.2 - Policy

The Garner Police Department recognizes that domestic violence differs from other crimes because of the intimate relationship between the victim and the accused. Domestic violence victims may require extra assistance to ensure their safety. Notwithstanding that difference, officers should respond to domestic violence as they would any crime, by pursuing the criminal remedies appropriate to the offense. Physical arrest is the preferred response to every domestic violence situation where an arrest is legally permissible.

820.4.3 - Definitions

- A. Abuse - Patterns of abuse may include: sexual assault; stalking; property crimes; violation of a court order; criminal trespass; intentionally causing or attempting to cause bodily injury; or, placing another person in reasonable fear of imminent bodily injury to him/herself or another.
- B. Domestic Violence (NCGS §50B-1(a)) - The commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense:
 - 1. Attempting to cause bodily injury, or intentionally causing bodily injury;
 - 2. Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment, as defined in NCGS §14-277.3A, that rises to such a level as to inflict substantial emotional distress; or
 - 3. Committing any act defined in NCGS §14-27.2 through 14-27.7 (rape or sex offense).
- C. Personal relationship (NCGS §50B-1(b)) – for the purposes of this directive, a personal relationship exists between:
 - 1. Current or former spouses;
 - 2. Persons of the opposite sex who live together or have lived together;
 - 3. Those related as parents and children, including others acting in loco parentis to a minor child, or as grandparents and grandchildren. (An aggrieved party may not obtain an order of protection against a child or grandchild under the age 16).

4. Persons who have a child in common,
 5. Current or former household member, and
 6. Persons of the opposite sex who are in a dating relationship or have been in a dating relationship. For purposes of this definition, a dating relationship is one wherein the parties are romantically involved over time and on a continuous basis during the course of the relationship. A casual acquaintance between persons in a business or social context is not a dating relationship.
- D. Primary Aggressor - The primary aggressor is the party who is responsible for the perpetuation of the violence, although not necessarily who initiated it in one particular incident.
- E. Probable Cause - whether, at the moment the arrest was made, the facts and circumstances within the officer's knowledge and of which he/she had reasonable trustworthy information were sufficient to warrant a prudent person to believe that the defendant had committed or was committing an offense.
- F. Self-Defense - A person is entitled to use a reasonable amount of force to protect themselves from an assault. A person must have a reasonable fear of bodily injury to justify the use of force. A person may not use more than necessary force nor continue the force once the threat has ceased or been withdrawn. Self-defense is often more difficult to determine in cases of domestic violence and requires careful investigation.

820.4.4 - Training

- A. All officers will receive annual training on domestic violence to inform officers of:
1. Domestic violence laws;
 2. Departmental policy and procedures;
 3. Dynamics of domestic violence; and
 4. Investigative techniques.

820.4.5 - Response Procedure

- A. Officers responding to a domestic violence call should request entry into the home and ask to see the person who is the subject of the call. If the person who called the police is someone other than the victim, the police should not reveal the caller's name or whereabouts. If access to the victim is refused, officers should be persistent about seeing and speaking alone with the victim. The officer should ask the dispatcher to contact the caller by phone, if the caller is the victim. If entry is still refused, a supervisor should be advised of the situation. The officers may decide to do one of the following:
1. If there is any evidence to indicate that a crime has occurred, the officers shall not leave the scene without speaking to the victim. Evidence could include the condition of the scene or the state of the person who is speaking with the officers.
 2. If the officers have reason to believe that serious injury has occurred or may occur if the officers leave, the officers shall not leave the scene.

- B. In some circumstances forced entry, pursuant to NCGS 15A-285, may be necessary and appropriate in order to save a life or prevent bodily harm. Under NCGS 15-43, an officer is authorized to force entry into a house to prevent the commission of a felony therein. If time allows, officers shall contact a supervisor before forced entry is pursued.

820.4.6 - On-Scene Investigation

- A. The responding officer should interview the involved parties separately. The officer should ensure the victim's safety and privacy by interviewing the victim in an area out of sight and hearing range of the assailant, witnesses, and bystanders. In questioning, the officer should:
 - 1. Document the victim's and the suspect's condition, demeanor, relative size, and evidence of injury.
 - 2. If the victim does not speak English, a translator should be located as soon as possible to assist in investigating the incident. Although family members may volunteer to translate for the victim, an outside translator is preferred because the family member may attempt to cover up the suspect's actions and protect the family.
- B. Interview any witnesses as soon as circumstances allow. If the witnesses provide information about prior incidents, document such incidents to establish a pattern. Officers should check with neighbors if no witnesses are at the scene.
- C. Children should be interviewed in an age-appropriate manner, preferably alone. If the child was present during the incident, or the victim was holding the child when the suspect inflicted an injury, possible child abuse charges may be appropriate. If the officer has cause to suspect any child has been abused or neglected, the officer must report the case to the Department of Social Services in the county where the child resides, or was found. Even if the children did not witness the incident but were present in the home, officers should contact Child Protective Services and make a domestic violence referral. At a minimum, the officer should also:
 - 1. Document names and ages;
 - 2. Document signs of trauma and any apparent healing of abuse wounds;
 - 3. Photograph children if possible; and
 - 4. Document their statements.
- D. The officer shall ask the victim whether there is a Domestic Violence Protective Order and, if there is, ask them to produce a copy. If the victim cannot produce a copy of a valid order but maintains that an order is in place, the officer shall verify the existence and effective period of the order.
- E. Officers shall assess the scene of the incident and note the disturbance of furniture, the presence of weapons, broken windows or doors, the presence of bloodstains, etc. to corroborate the statements of the involved parties. Officers are to make every reasonable effort to notify the victim that a weapon has been returned to the abuser
- F. If there is a weapon in the abuser's possession, which in the officer's judgment puts the victim at risk, the officer shall seize the weapon for safekeeping. Weapons shall be seized for safekeeping whether or not an arrest is affected.

820.4.7 - The Arrest Decision

- A. The responding officer should arrest the assailant whenever an arrest is authorized, including warrantless arrest for certain domestic misdemeanors which did not occur in the officer's presence.

- B. According to NCGS §15A-401, arrest is authorized without a warrant if an officer has probable cause to believe that a person has committed any of the following:
1. A felony crime in or outside of the officer's presence;
 2. A misdemeanor crime in the officer's presence, or
 3. A misdemeanor not in the officer's presence, and
 - a. The suspect will not be apprehended unless immediately arrested; or
 - b. The suspect may cause physical injury to himself or others, or damage to property unless immediately arrested; or
 - c. The suspect committed a misdemeanor under the following;
 - 1) NCGS §14-33(a), Simple Assault, Simple Assault & Battery, or Simple Affray,
 - 2) NCGS §14-33(c)(1), Assault Inflicting Serious Injury or Assault with a Deadly Weapon,
 - 3) NCGS §14-33(c)(2) Assault on Female,
 - 4) NCGS §14-34 Assault by Pointing a Gun,
 - 5) NCGS §14-134.3 Domestic Criminal Trespass, or
 - 6) NCGS §50B-4.1(a) Knowingly violating a domestic violence protective order.
- C. The arrest decision is the responsibility of the officer; therefore, the officer should not consider any of the following factors, except as they relate to the elements of the crime:
1. Victim's opposition to arrest or claims of being unwilling to prosecute;
 2. Any speculation that the victim may not follow through with prosecution;
 3. Concerns about the financial consequences of arrest;
 4. Speculation that the arrest may not lead to conviction;
 5. Relationship or marital status of the parties (i.e. not married, separated, pending divorce, etc.);
 6. Denial by either party that the abuse occurred when there is evidence of domestic violence;
 7. Verbal assurances that the violence will cease;
 8. Racial, cultural, social, political or professional background, or the sexual orientation of either the victim or accused;
 9. Location of the incident, i.e. public or private; and
 10. Injuries are not visible.
- D. If visible bodily injury exists on both involved parties, the officer should follow these procedures before making an arrest:

1. Determine if one of the parties was acting in self-defense. If so, arrest only the other party.
 2. If neither party can be determined to have acted in self-defense, decide if one of the parties was the primary aggressor in the incident. If so, the officer should arrest only this party.
 3. Officers should consider the intent of the law to protect victims of domestic violence from continuing abuse. An officer should closely evaluate the following elements to determine who the primary aggressor is:
 - a. Evidence from the involved persons, i.e. injuries, statements, etc.
 - b. Evidence from witnesses of the domestic abuse;
 - c. Self-defense wounds:
 - 1) Aggressor may have scratches on arms and hands or bite marks on the chest or arm, and
 - 2) Victim may have bruises on forearms, scratches on his/her own neck, bilateral injuries, etc.;
 - d. Existence of a Domestic Violence Protective Order;
 - e. Possession of weapons;
 - f. Property destroyed by one party;
 - g. Relative severity of injuries;
 - h. One party physically larger or stronger; and
 - i. History of violence by one of the parties against the other or against other people.
 4. A determination as to who the primary aggressor is should not necessarily include who started a verbal argument, since verbal provocation is not a justifiable cause for assaultive behavior.
 5. Arrest of both parties in a disturbance where domestic violence is present may trivialize the seriousness of the situation and potentially increase the danger to the victim. True mutual combat is rarely present.
 - a. Dual arrest is not encouraged; a supervisor must be present before a mutual arrest is made. A victim often inflicts injuries upon a suspect while defending him/herself from the suspect's aggression.
 - b. Often a cross-complaint is falsely made by an offender to avoid an arrest. In cases of "mutual combat" where an officer cannot determine the aggressor, probable cause may not exist for any arrest.
- E. If the officer decides not to arrest despite the existence of probable cause, a clear and compelling reason for such action and the actions taken to ensure the safety of the victim must be documented in the written report of the incident.

820.4.8 - Arrest for Other Relationships

- A. In cases of domestic violence in which the victim and the perpetrator are members of the same sex who have never lived together, or are members of the opposite sex who have never been in a

personal relationship (dated or acquainted, but only casually and not "romantically"), the misdemeanor warrantless arrest statute does not specifically apply. In such instances, if probable cause exists, the officer shall seek a warrant from the magistrate prior to affecting the arrest.

- B. Officers should not advise victims of domestic violence that they may "press" or "drop" charges. If a victim maintains that prosecution is not desired, the victim should be told that the decision to prosecute is made by the District Attorney. The officer should emphasize to the victim and to the accused as well, that the arrest is the State's decision, not the victim's.

820.4.9 - Violation of Protective Orders

A. Warrantless Arrest

1. NCGS §50B-4.1 requires warrantless arrest in cases where there is a court order in effect and there is probable cause to believe that the suspect violated the order under any of the following provisions:
 - a. Excluding the suspect from the residence occupied by the victim;
 - b. Directing the suspect to refrain from:
 - 1) Assaulting, threatening, abusing, or following the other party;
 - 2) Harassing the other party by visiting the home or workplace, or by other means; or,
 - 3) Otherwise interfering with the alleged victim.
2. The officer must arrest the perpetrator regardless of the present relationship or circumstances between the victim and the perpetrator. Even if the perpetrator has moved back into the residence named on the DVPO, or the victim has invited the perpetrator to his/her residence, the officer must arrest once the active order is confirmed. Only a subsequent court order dismissing or modifying the DVPO can nullify the enforcement of that order.

- B. Pursuant to NCGS §50B-4A, any violation of a protective order is a Class A1 misdemeanor. An officer may seek a criminal warrant for any violation and may make an arrest pursuant to that warrant

- C. An ex parte order is a temporary order that is typically valid for up to ten days, or until the set court date for the DVPO hearing at which both parties are present. To enforce an ex parte or DVPO, the officer should:

1. Confirm the validity of the order; if the order is expired, ask the victim if they obtained any further order from the court at the hearing.
 - a. Ask to see the full DVPO or verify its existence via DCI. If the order exists but has expired, it is invalid on its face, and officers have no right to enforce it.
 - b. If the victim did not go back to court, explain to the victim that the order is invalid; he/she may need to re-file. Explain to the victim you have no authority to enforce an expired order, but you still have the authority to enforce violations of the criminal law.
2. If the Ex Parte or DVPO order is not expired, confirm that the restrained party has been served with the order.
 - a. If the restrained party was served, enforce the order as a domestic violence protective order.

- b. If the restrained party has not been served, contact the Sheriff's Department with jurisdiction for service of the order and make arrangements to serve the order.
- D. The officer shall transport a hard copy of the DVPO or Ex Parte order (if available) to the Magistrate's Office for processing with the arrestee. The officer may photocopy the victim's copy or copy the order on file with the agency. Before placing the subject in custody, the officer shall check to confirm that it is valid and that there are no exceptions that would nullify a violation.
- E. Protective orders from another jurisdiction within North Carolina or from another state should be honored as any other facially valid protective order according to the federal Violence Against Women Act of 1994 (VAWA, 18 USC 2265) and under the authority of NCGS §50B-4.
1. The out-of-state order should be registered with a North Carolina Clerk of Court's office, but may be enforced unregistered in North Carolina if the protected party has a copy which states the order is still in effect and that the defendant has been legally served with the order. Officers should check with the issuing jurisdiction to verify the activity of the order if the victim cannot produce a valid copy.
 2. If the suspect crosses state lines to violate an order, a federal charge is applicable in addition to the state offense.
 3. Whether or not an out of state order has been registered with a NC Clerk of Court, officers should look for the underlying crime in the violation and consider charging the perpetrator with that crime, e.g. trespassing, assault, etc.
- F. If probable cause exists that a violation has occurred and the suspect is not on the scene, officers shall attempt to locate the suspect in the immediate area or any other place identified by the victim.
1. If located at any time, the suspect can be picked up immediately without a warrant. (Note that without a warrant, forced entry is not appropriate unless other exigent circumstances exist).
 2. If the suspect is not located within a reasonable time, the officer shall, where the statute mandates an arrest, obtain a warrant for the criminal violation of the protective order, and for any underlying crimes, such as assault or trespass.
- G. Officers should not ordinarily become involved in the disposition of personal property. Violations of a protective order regarding the allocation of personal property such as furniture, cars, or other items may be enforced through the civil order to show cause process or through a criminal warrant process. In the absence of a warrant or probable cause, the officer should remain neutral and be concerned primarily with maintaining the peace and safety of those present.

820.4.10 - Federal Crimes

A. The Violence Against Women Act

1. The Safe Homes for Women Section of the VAWA outlines federal crimes related to domestic violence. The US Attorney's Office should be contacted in instances in which one of the below crimes are committed against a victim. This list of crimes is not conclusive:
 - a. Crossing State Lines to Injure an Intimate Partner - The suspect crosses state lines with the intent to injure, harass, or intimidate an intimate partner and such action involves a crime of violence that results in bodily injury [18 USC 2261(a)(1)];
 - b. Forcing an Intimate Partner to Cross State Lines - The suspect causes a spouse or intimate partner to cross state lines by force, coercion, duress, or fraud where such action also results in bodily injury to the victim. [18 USC 2261(a)(2)]; or

- c. Interstate Protection Order Violation - The suspect crosses state lines with the intent to violate a protection order, and thereafter acts to violate the order either in the issuing or another state [18 USC 2262(a)(1)].
2. VAWA defines intimate partner to include:
 - a. A spouse, a former spouse, a person who shares a child in common with the abuser, and a person who cohabits, or has cohabited with the abuser as a spouse; and
 - b. Any other person similarly situated to a spouse, who is protected by the domestic or family violence laws of the State in which the injury occurred or where the victim resides [18 USC 2266].
 3. The FBI and/or the U.S. Attorney's Office should be contacted in instances in which one of these federal crimes are committed against a victim as defined above.
- B. Firearm Related Charges
1. The following are federal firearm crimes related to domestic violence:
 - a. Interstate Shipping of Firearms - It is unlawful for any person who is the subject of an order for protection to ship or transport in interstate commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm which has been shipped or transported interstate [18 USC 922(g)8]; or
 - b. Possession of a Firearm - The Domestic Violence Offender Gun Ban, enacted September 10, 1996, prohibits any individuals, including law enforcement officers, convicted of misdemeanor domestic violence offenses from buying or possessing a firearm [18 USC 922(g)9].
 2. The Alcohol, Tobacco, and Firearms Agency should be contacted in such cases.

820.4.11 - Effecting the Arrest – Special Circumstances

- A. When the accused is less than 16 years of age, the provisions of this policy are fully applicable, except that the juvenile shall be taken into custody and processed pursuant to the Juvenile Act.
- B. If, upon examination of the accused, the officer determines that a voluntary or involuntary commitment to a mental health facility is required, the officer should follow emergency commitment procedure according to departmental policy. The officer should not allow the possibility of mental illness or substance abuse to preclude a valid criminal arrest.
- C. Domestic disturbances involving prominent citizens, public officials, or police officers may present particular difficulties for the responding officer. In such circumstances, the responding officer shall request a supervisor to respond to the scene. The responding officer should take whatever action is necessary to protect the victim and detain the assailant, while waiting for the supervisor. The procedure followed upon arrival of the supervisor should be the same as it would be in any domestic incident. The status of the accused shall not influence the decision to arrest when probable cause exists.
- D. In cases where the officer determines that an arrested person is under the supervision of the Division of Parole and Probation, the officer shall notify that agency of the arrest.
- E. Reasonable efforts shall be made to locate the suspect in the area or in frequented places. If the suspect is not taken into custody, but a domestic crime was committed by the suspect, the officer is required to do one of the following:

1. Where the statute mandates an arrest, obtain the warrant; or
 2. When the officer cannot obtain the warrant because of a lack of probable cause, assist the victim in obtaining an Ex Parte order by referring the victim to Wake County Clerk of Court's Office during normal business hours and providing the necessary assistance; or,
 3. Obtain a supervisor's approval when seeking a warrant is not advisable under the existing circumstances. The reason for no arrest shall be documented on an incident report.
- F. The officer shall still complete a full written report, even if an arrest is not authorized because of the absence of probable cause. The officer shall explain to the victim why no arrest was made, and of the right to pursue a private complaint.

820.4.12 - Evidence Collection / Incident Documentation

- A. Whenever a crime is alleged to have been committed, the investigating officer shall collect relevant evidence regardless of whether an arrest is made at the scene.
1. Record any spontaneous declarations or excited utterances made by the victim or the assailant. These statements are typically made while under the stress or excitement caused by a traumatic event. The officer must record the demeanor of the suspect and/or victim at the time for such statements to be admissible as evidence. Any statement made by the suspect at any time, before or after arrest or Miranda, may potentially be used in court.
 2. The officer should ensure that photos are taken of:
 - a. Visible injuries on the victim:
 - 1) Old scars and fading bruises to establish a pattern,
 - 2) Fresh injury,
 - 3) "Hidden" injuries concealed by clothing. An officer of the same sex as the victim should assist when possible in documenting these injuries, and
 - 4) Follow-up photos should be taken 24-48 hours after the incident. Bruises may not appear for several days after the assault. The officer should advise the victim to contact the police if injuries later appear. If possible, the officer should revisit the victim.
 - b. Visible injuries on the assailant;
 - c. Children - If not present, inquire as to whether or not the children are at home. Ask to see the children and photograph, if possible;
 - d. Crime Scene:
 - 1) Disarrayed or damaged furniture,
 - 2) Empty alcohol containers,
 - 3) Blood,
 - 4) Broken doors, mirrors, dishes, windows or locks, and
 - 5) Any other potential evidence.

- e. Weapons used or threatened to be used.
3. The officer should collect and preserve all physical evidence necessary to support prosecution, including evidence substantiating the victim's injuries, articles that substantiate an attack or a pattern of abuse, and other evidence that may be useful for recreating the scene at court (if necessary). Officers should diagram the crime scene. Evidence may include:
- a. Weapons used or threatened to be used in the assault, even "non-traditional" weapons such as a telephone cord or broomstick. No weapons will be returned to a perpetrator unless ordered by a court, following notice and opportunity to be heard by the District Attorney, or otherwise ordered at final disposition of charges;
 - b. Torn/bloody clothing;
 - c. Destroyed property such as a phone ripped from the wall;
 - d. Audio Recordings, letters from the suspect, phone texts, etc., to establish a pattern and history of abuse; and
 - e. 911 recordings of the victim's, witness' and/or suspect's call.
- B. The officer shall complete an offense incident report, including a domestic violence supplement, for all incidents in which a domestic violence crime is alleged.
- 1. In the event that no arrest is made, the officer shall still complete a report for any call in which domestic violence is alleged. The officer shall document the names of the involved parties, addresses, history of domestic violence, and any actions taken at the scene.
 - 2. Temporary relocation of a victim away from the residence, and the names, addresses and phone numbers of witnesses, as well as statements they made concerning the domestic incident, shall not be released to any person other than an authorized law enforcement officer or other officer of the court for the conduct of official business.

820.4.13 - Post-Arrest Issues / Concerns (55.2.2)

- A. Circumstances may arise in which an arrest is warranted and removal of the accused will create a hardship regarding the care of an elderly, disabled, or child victim.
- 1. The officer shall determine if the victim is endangered by the removal of a caretaker. If so, the officer shall ask for the name of a relative or friend who can be contacted to assist the victim. If no assistance is available, the officer shall contact the local Department of Social Services, Adult or Child Protective Services depending on the age of the victim.
 - 2. The officer shall remain with the victim until a protective service worker arrives, or transport the victim to a medical facility or other appropriate place to wait. The officer shall always advise the victim of protective services available in the community.
- B. After the arrest the officer shall advise the victim of what could happen in the near future and shall provide the victim with a Victim Notification Form (GPD Form 820.3-A).

820.4.14 - Victim Safety (55.2.2)

- A. Whether or not an arrest is made, the officer shall not leave the scene until the situation is under control and the victim is adequately protected from future danger. In every domestic violence call,

officers shall provide the victim with written assistance information (see the addendum to this directive).

- B. Officers shall address the following with all domestic violence victims:
1. Advise victims of their legal rights to pursue criminal charges and to obtain a protective order;
 2. Encourage the victim to contact the local domestic violence service provider for assistance and provide local numbers. The officer should offer to help the victim make contact if the victim does not have a phone, does not speak English well, or shelter is needed;
 3. Arrange for, or provide transportation to a shelter, medical facility, courthouse, or other safe place, if the victim so requests;
 4. If the victim does not speak English, a trained translator should be located as soon as possible to advise the victim of the above information;
 5. Plan with the victim on how to stay safe if the victim stays in the relationship, remains in the home, or leaves to stay elsewhere; and
 6. The officer should advise the victim to be as cautious as possible in devising or carrying out safety procedures. A violent episode could be triggered if the assailant knows the victim has made plans to escape.

820.4.15 - Follow-up Investigation

- A. All domestic violence reports prepared by officers shall be reviewed and given follow-up investigation as needed by appropriate personnel.
- B. The follow-up should include, at a minimum, the following:
1. Verifying the inclusion of all investigative steps by responding officer;
 2. Obtaining medical records and telephone records (victim's release of information will be required);
 3. Obtaining a copy of the original 911 call for assistance, as needed;
 4. Contacting the victim to update him/her on the case and review safety plan information;
 5. Interviewing (or re-interviewing) witnesses, as needed;
 6. Photographing any injuries to the victim, regardless of whether or not photos were taken at the scene; and
 7. Conducting a complete history of the suspect and victim.

820.4.16 - Assist Person Calls

- A. If an officer responds to a request to stand by while the subject removes personal belongings, he/she should stand-by until the caller has completed the task. The officer should keep the victim and offender in view at all times to protect the safety of the victim, the officer, and the accused. If the task cannot be completed within a reasonable amount of time, notify the victim that you will not be able to continue to stand-by and make arrangements for further assistance.
- B. Officers will only stand-by for the retrieval of personal items such as clothing, toiletries, and other items easily identifiable as belonging to the person requesting assistance. Officers will not involve

themselves in determining ownership of property. Individuals should be referred to the Sheriff's Department for retrieving larger items such as furniture, dishes, etc.

- C. If the suspect is present, officers shall not leave until the victim is able to leave as well (unless the victim advises differently and no DVPO exists). If a DVPO exists between the parties, the officer shall take all necessary precautions to assure the safety of the victim, and to prevent any undue harassment. If a DVPO violation should occur, appropriate action must follow.

820.4.17 - Officer Involved Domestic Violence

- A. When an officer is involved in a domestic violence situation and sworn personnel are dispatched to the scene, the following procedure shall be applied:
 - 1. The first responding officer shall notify his/her supervisor to respond to the scene. Once the supervisor arrives, the criminal investigation shall be handled as outlined in this policy, but led by an officer who is at least one rank above the involved officer;
 - 2. The supervisor will notify the Division Commander of the involved employee(s) from the scene, or as soon as possible after assessing the situation;
 - 3. If there is probable cause to believe the involved officer committed a criminal act, he/she will be arrested and relieved of his/her weapon, badge, and duties pending the outcome of the criminal and internal procedures;
 - 4. The Division Commander will notify the employee's chain of command. The supervisor shall advise the Raleigh Emergency Communications Center to make copies of any phone calls and radio traffic related to the incident. The recordings and the written report of the incident shall be forwarded to the Administrative Bureau within 24 hours; and
 - 5. In cases where the officer determines that an arrested person is a sworn law enforcement officer in another agency, the responding supervisor should notify his chain-of-command and the agency that employs the arrestee. Any issued service weapon confiscated from a law enforcement officer that is not being held as evidence should be returned to the issuing agency.
- B. Mandatory Reporting
 - 1. If any employee of this agency has knowledge of an on-going domestic violence situation involving another employee, they shall notify their immediate supervisor, who will notify his/her chain-of-command.
 - 2. If any employee is a suspect in an incident of domestic violence that is reported to another law enforcement agency, the employee must immediately notify his/her chain of command to begin the internal review process.
 - 3. An officer who is made aware of any alleged crime of domestic violence by a police officer toward his or her intimate partner will immediately notify his supervisor, who will in turn notify the chain-of-command.
 - 4. If an employee fails to comply with mandatory reporting, they will be subject to disciplinary action.
- C. Any complaint of domestic violence alleged to involve an employee of the Department will be handled as outlined in GPD Directives 320.01, *Complaint Investigation*, and 320.02, *Disciplinary System*.

INFORMATION FOR VICTIMS OF DOMESTIC VIOLENCE

**IF YOU ARE A DOMESTIC VIOLENCE VICTIM,
YOU HAVE CERTAIN RIGHTS AND
PRIVILEGES UNDER THE LAW.**

You may file a warrant for any crimes committed against you at the Magistrate's Office located at the Wake County Detention Center 3301 Hammond Rd., Raleigh, NC. 27610

You may file a petition for a protective order with the magistrate and/or the Clerk of Court at the Wake County Courthouse located at 300 South Salisbury St. Raleigh. The order can grant any of the following:

- Restrain your abuser from abusing you or any other family members, and from purchasing or possessing a firearm.
- Prevent your abuser from entering your residence, school, business, or place of employment.
- Grant you possession of the residence or household, and direct your abuser to leave.
- Award custody of or visitation rights to your minor child or children.
- Direct the party not granted custody to pay support of minor children, if there is a legal obligation to do so.

If the abuser violates the order by trespassing, harassing, or assaulting you, the abuser will be arrested by the police. If an arrest is not made, you can file for a warrant at the magistrate's office or file an Order to Show Cause with the Civil Clerk of Courts for any violation order. The order is usually valid for one year and can be renewed for an additional year.

You have the right to file civil suit for losses suffered as a result of abuse, including medical expenses, loss of earnings, damage to property, and any other related expenses incurred by you or by any agency that shelters you.

You may have the right to be compensated for medical expenses caused by your victimization. Contact the local Victim Compensation Board for more information, 919-792-5000

Call the magistrate's office or the Wake County Jail to find out when your abuser will be released from jail.

Free, confidential services 24 hours

- individual victim counseling and support
- shelter for women and children
- answers to questions
- court advocacy
- support groups

SAFETY PLAN

Make a plan for what you will do the next time your batterer assaults you.

Decide NOW where you will go and how you'll get there the next time he becomes violent. Do this even if you really don't think there will be a next time.

Leave some money, extra sets of car and house keys, extra clothes, special medications and sentimental valuables and photos with a neighbor or with someone you trust.

Keep important documents (birth certificates, social security cards, medical records, insurance policies, bank account numbers, checkbook, marriage license, etc.) and a list of important phone numbers hidden at a neighbor or friend's house.

Develop a code word with your children, neighbor and friends that lets them know that you need to get out now.

If you leave, ALWAYS try to take your children with you.

If beaten or abused, get medical attention and have pictures taken for evidence of physical abuse. Keep ripped clothing for evidence as well. File a report with police.

Tell someone you know and trust what is happening to you in case you have to leave in a hurry, and so that you will have someone you can ask for help.

IMPORTANT PHONE NUMBERS

Child Protective Services:	919-212-7990
District Attorney's Office:	919-792-5000
Garner Police Department:	919-772-8810
Interact:	919-828-7740
Magistrate's Office:	919-792-4900
Victim/Witness Assistance:	919-792-5000

IN AN EMERGENCY—CALL 9-1-1

SI USTED ES USTED VÍCTIMA DE VIOLENCIA DOMÉSTICA TIENE DERECHOS Y PRIVILEGIOS ANTE LA LEY.

Usted puede presentar cargos en la oficina del Magistrado (magistrate). La cual está ubicada en Wake County Detention Center 3301 Hammond Rd. Raleigh NC 27610

Usted puede solicitar una orden de protección del Secretario Judicial de la Corte Civil (Civil Clerk of Courts), Wake County Courthouse, 300 South Salisbury St. Raleigh, NC 27602. Esta orden puede:

- Impedir que el abusador abuse de usted o de su familiar o que tenga o compre un arma de fuego.
- Obligar al abusador a irse de la casa.
- Prevenir que el abusador se acerque a su casa, escuela, negocio, o su trabajo.
- Obligar al abusador que pague pensión alimenticia para ayudar a mantener a los niños.
- Darle la custodia temporaria de sus niños.

La violación de una orden de protección es un crimen. Ud. puede denunciar a la policía o al Secretario Judicial de la Corte Civil. La orden de protección es válida por un año y puede ser renovada.

Usted tiene derecho a presentar una demanda civil por pérdidas debidas al maltrato o abuso. Éstas incluyen: gastos médicos; pérdida de sueldo; el valor de la propiedad destruida por el abusador. También incluyen cualquier otro gasto incurrido por la víctima y/o las agencias que la ampararon.

Hay ayuda financiera para pagar los gastos médicos de las víctimas del abuso. Para saber si Ud. califica para esta ayuda, llame a la organización que ayuda a las víctimas de violencia doméstica en su condado.

Llame a la Oficina del Magistrado (Magistrate) para saber cuándo el abusador será liberado de la cárcel.

**ORGANIZACIONES DE AYUDA PARA: MUJERES GOLPEADAS
919-828-7740**

- servicios gratuitos y confidenciales 24 horas al día
- apoyo emocional
- refugio para las mujeres y sus niños
- información general asistencia en la corte
- grupos de apoyo

PLAN DE SEGURIDAD

Planee lo que va a hacer la próxima vez que el abusador le maltrate.

Es importante decidir AHORA MISMO donde irá y como llegará a tal lugar la próxima vez que él se ponga violento. Haga esto aunque usted piense que no habrá una próxima vez.

Deje dinero, llaves de repuesto para su auto y casa, ropa, medicamentos especiales, objetos y fotos de valor sentimental en la casa de un vecino o con alguien de confianza.

Mantenga documentos importantes (actas de nacimiento, documentos médicos y financieros, acta de matrimonio, tarjetas de seguro social pólizas de seguro, número de cuentas bancarias) y una lista de números de teléfono importantes en casa de un vecino o amigo.

Elija con sus hijos, vecinos y amistades una palabra clave para que ellos sepan que usted tiene que salir de su casa inmediatamente.

Si usted se va, SIEMPRE trate de llevarse a sus hijos.

Si ha sido golpeada o abusada, busque atención médica y saque fotos como pruebas del abuso físico. También guarde como prueba la ropa que él haya rasgado. Denuncie el crimen a la policía.

Cuéntele a una persona de confianza lo que le está pasando para que esta persona le pueda ayudar si usted tiene que irse de su hogar con prisa

NÚMEROS DE TELÉFONO IMPORTANTES

Servicio de Protección a los Niños: 919-212-7190
Oficina del Fiscal 919-792-5000
Garner Policía: 919-772-8810
Organización Para Mujeres Golpeadas: 919-828-7740
Oficina del Magistrado 919-792-4900
Asistencia Para Víctimas y Testigos: 919-792-5000

En caso de emergencia marque 9-1-1