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## Domestic Violence

### 310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide standards, rules, and procedures to investigate and document domestic violence incidents in an effort to discourage, prevent, and reduce domestic violence through vigorous enforcement. This policy specifically addresses the commitment of this department to take enforcement action when appropriate and provide assistance, education, and protection to victims, and other parties involved in domestic violence incidents.

### 310.2 POLICY

- A. The Sahuarita Police Department's response to domestic violence incidents and violations of related court orders shall stress quality investigation, report writing, documentation, and enforcement of the law to protect victims and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever reasonably possible.
- B. Members shall recognize domestic violence exists in a variety of criminal behaviors such as, but not limited to, intimidation, endangerment, threats, disorderly conduct, harassment, criminal damage, assault, violations of court orders, and other crimes. Members shall document all reported domestic violence related incidents or crimes via an Alpha police report.
- C. Some domestic incidents do not qualify as domestic violence as described in ARS 13-3601. Officers shall conduct timely and appropriate investigation to determine if an incident qualifies as domestic violence or a domestic related incident. For example, a domestic incident may be a verbal argument that lacks domestic violence criteria, relationship or other elements as defined in ARS 13-3601.
- D. Officers are reminded that some types of verbal arguments qualify as domestic violence (ARS 13-2904, Disorderly Conduct). Domestic incidents, that are properly investigated and determined not to be domestic violence (as described by ARS 13-3601) shall be documented via a Bravo report and such report shall include the full names and dates of birth of the involved parties and clear language that details the incident was determined not to qualify as domestic violence.

### 310.3 OFFICER SAFETY

- A. The investigation of domestic violence often places members in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all members to exercise due caution and reasonable care in providing for the safety of members, involved parties, and the general public.

### 310.4 DEFINITIONS

- A. All definitions associated with the elements of this policy or crimes associated to this policy, to include the definition of Domestic Violence (DV), are as defined within

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corresponding Arizona Revised Statutes (ARS), unless this policy specifically defines the element or adds additional definition to an element. For example, DV is defined by ARS 13-3601.

- B. Depending on the relationship between involved parties, DV related incidents or crimes include different levels of homicide or manslaughter and other crimes, such as ARS sections: 13-705 Dangerous Crimes Against Children, 13-1201 Endangerment, 13-1202 Threatening/Intimidating, 13-1203 Assault, 13-1204 Aggravated Assault, 13-1302 Custodial Interference, 13-1303 Unlawful Imprisonment, 13-1304 Kidnapping, 13-1406 Sexual Assault, 13-1425 Unlawful Disclosure of Images, 13-1502/13-1503/13-1504 Criminal Trespassing, 13-1602 Criminal Damage, 13-2810 Interfering with Judicial Proceedings, 13-2904 Disorderly Conduct, 13-2910 A, 8, 9 Animal Cruelty, 13-2915 A, 3, Preventing Use of Telephone During an Emergency, 13-2916 Use of Electronic Communication to Terrify, Intimidate, Threaten, or Harass, 13-2921 Harassment, 13-2921.01 Aggravated Harassment, 13-2923 Stalking, 13-3019 Surreptitious Photographing or Video Filming, 13-3601.02 Aggravated Domestic Violence, 13-3623 Child or Vulnerable Adult Abuse, and 13-3624 Order of Protection.
- C. Dominant Aggressor: The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying a dominant aggressor, members shall consider:
1. Intent of the law to protect victims of domestic violence from abuse or continuing abuse.
  2. Threats creating fear of assault or physical injury.
  3. History of domestic violence between the persons involved.
  4. Whether a party acted in self defense.
  5. Whether a party committed a property crime or threatened crime vs. an actual violent crime or assault
  6. Level of assault (push or slap vs. punch or kick, etc.),
  7. Physical abilities of the parties (to included physical size, strength, skills, etc.)
  8. Other articulable factors and the totality of the circumstances that demonstrate which party was most significant in violating DV related statutes.

### **310.5 DV INVESTIGATIONS**

- A. Members responding to, inquiry into, or investigating domestic violence incidents to include actual or alleged DV related crimes shall follow the subsequent rules:
1. Calls or incidents of reported, threatened, imminent, in progress, or ongoing domestic violence, or the violation of any DV related court order, are of great importance and are to be considered among the highest response priorities. Members shall respond directly to DV or DV related incidents. DV related inquiries and investigations shall not be done by telephone or other electronic communication unless it cannot be avoided.

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2. Members shall make a good faith effort to obtain and document statements from any victim, suspect, witness, or involved party, to include children/juveniles, in or around the home or location of occurrence, associated with a DV incident. If parties are not at the incident scene or location in which a member is conducting the investigation, members shall make reasonable efforts to locate and interview all involved parties.
3. In order to facilitate appropriate follow up, members shall also list the names, dates of birth, and the name of the schools of any children/juveniles (in the report narrative), who were not present when the incident occurred, but who may be associated with the domestic relationship between the victim and suspect. These other children may have information that can be shared regarding the relationship and other DV incidents.
4. Members shall use a DAR, BWC, or other device, to audio or audio and video record all statements of all parties associated with DV incidents, in accordance with SPD PAVR policy 425.
5. All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy when possible. Where practicable, photographs that may be of a female's breast, or a person's groin, buttocks, or genital/private area, should be taken by a person of the same gender. Members shall document all injuries in the narrative of their reports in sufficient detail to understand the nature and severity of the injury independent of photographs. Members shall request victims that have visible or non-visible injuries at the time of the incident or during the reporting of the incident to re-contact the SPD in the event that the injuries later become more severe or visible so the injuries can be photographed or re-photographed.
6. Members shall request that victims sign an authorization for release of medical records related to any incident that involved an assault, or injury (to include complaints of pain) to assist with investigation or possible prosecution,
7. If the suspect is no longer at the scene, members shall take reasonable efforts to locate the suspect to further the investigation, afford the suspect with an opportunity to provide a statement, gather evidence, or make an arrest. Members shall issue a SPD ATL/BOLO form with sufficient information detailing the crime(s) the suspect is sought for along with clear instruction, whether other members are to Stop & FI (question) or Stop & Arrest the suspect.
8. If the ATL/BOLO is for other members to Stop & Arrest the suspect, the issuing member shall clarify if the suspect is to be interviewed regarding the incident. The information on the ATL/BOLO form shall advise members of the key elements the suspect needs to be questioned on, or direct members to the original report to assist them with identifying appropriate investigative questions for the suspect.
9. If after 14 days from the issuance of an ATL/BOLO form, a suspect has not been located, the original investigating member, or another assigned member (officer or detective) shall complete a supplemental report indicating the suspect has not been located. Unless otherwise directed, the original member (or case

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officer), is responsible for compliance with this section(i). The member shall request a prosecutor review the report for possible charges and an arrest warrant if appropriate. With supervisory approval, an ATL form may be extended for another 14-day period to assist with locating the person(s) being sought.

10. Members shall question any victim, suspect, witness, or involved party regarding the presence of firearms in the home or at the incident location and document the response(s) in the police report. If a victim, suspect, witness, or involved party indicates firearms are at the incident location, members shall ask for consent to search for the firearm(s). Members shall temporarily seize firearms, which are in plain view, or obtained via a consensual search, or other legal process, for safekeeping, if the member reasonably believes that the firearm presents a risk of serious bodily injury or death if left on the premises, location, or within control/access of the suspect (ARS 13-3601).
11. Members shall collect any evidentiary or safekeeping firearm, or other weapon that is obtainable via legal means or process and shall explain in the police report why the firearm or other weapon is evidence or was taken for safekeeping. Members shall issue a receipt to the owner or possessor of a firearm or other weapon in accordance with ARS when such weapon is seized.
12. A firearm that is owned or possessed by the victim, and not considered evidence in a crime, shall not be seized unless there is probable cause to believe that both parties have independently committed an act of domestic violence.
13. When completing a police report for a violation of a court order, members shall include specific information that establishes that the offender has been served with the order, including the date the offender was served, the name of the court that issued the order, and any provision of the order that the offender is alleged to have violated. When reasonably available, the investigating member shall attach a copy of the order to the police report, or explain why it was not obtainable, and that if applicable, follow up will need to be done to obtain a copy of the order.

### **310.6 FACTORS AND DYNAMICS**

- A. The following factors and dynamics shall not be used as justification to not make an arrest or not issue a Stop & FI or Stop & Arrest ATL/BOLO form for a DV suspect when the dominant aggressor and probable cause has been established.
  1. Marital status of suspect and victim.
  2. Whether or not the suspect lives on the premises with the victim.
  3. Existence or lack of an order of protection, or other court order.
  4. Protected person of a court order has allowed or invited the restrained person to violate the court order.
  5. The potential financial or child custody consequences of arrest.
  6. Location of the incident (public/private)
  7. Non-visible injuries (complaints of pain, internal injuries, etc.).

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8. Victim does not want to prosecute or make a private person arrest. Request by the victim, or other involved party not to arrest the suspect.
9. Victim and suspect are separated by distance during the investigation.
10. Claims by the suspect that the victim provoked or perpetuated the violence.
11. The physical or emotional state or the use of drugs or alcohol by either party.
12. Denial that the abuse occurred, where statement(s), information, facts, or evidence indicates otherwise.
13. Speculation that the complainant or others may not follow through with prosecution.
14. The case may not result in a conviction or filing of charges.
15. Lack of an "independent witness." Members shall evaluate all statements for truthfulness and credibility, along with supporting information and circumstances, while taking into consideration that some persons who witness or experience domestic violence, or other crimes, have difficulty with relaying all information, facts, and chronology. It is a member's duty to obtain as complete a statement as possible, through appropriate questioning of all parties.
16. The racial, cultural, social, professional position, gender, or sexual orientation of the victim, suspect, witness, or involved party.

#### 310.7 DV ARREST RESPONSIBILITIES

- A. Members shall arrest and book at an appropriate facility, any adult suspect, or juvenile suspect 15 years of age or older, when during a DV incident or investigation, the dominant aggressor has been identified and there is probable cause to believe a DV related misdemeanor or felony offense has occurred, to include a violation of a court order, and the suspect is available to be arrested. Members shall also apply these arrest criteria to an ATL Stop & Arrest form for an outstanding suspect of a DV charge.
  1. Exception: An exception to the mandatory arrest and booking criteria outlined in section 310.7 of this policy is as follows. When there is only a *single unaccompanied* charge of DV related Disorderly Conduct (ARS 13-2904 A 2) that did not involve physical violence or the threatened use of physical violence, a member may opt not to make an arrest, but shall exercise appropriate discretion when deciding not to make an arrest for this *single unaccompanied* charge. Members, prior to not taking enforcement action for this exception, shall evaluate the victim's safety and possibility of recurrence by the suspect.
  2. Exception: An exception to the mandatory arrest and booking outlined in section 310.7 of this policy is as follows. Juveniles, under 15 years of age, suspected of DV related charges that do not involve the infliction of physical injury, or the discharge or use of weapons, or other deadly or dangerous instruments, a violation of a court order, or the threats of violence do not have to be arrested. Members shall exercise appropriate discretion, and discuss the circumstances

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of the incident with a supervisor prior to deciding not to make an arrest of a juvenile for DV related charges.

3. Dual arrests from a DV related incident or investigation are *strongly discouraged*. While multiple parties may have violated law, members shall do their best to identify the dominant aggressor and take enforcement action against the dominant aggressor. Members shall document all violations believed to have been committed by all involved parties; however, arrest criteria outlined in 310.7 is designed to be applied toward the dominant aggressor. If a member is going to make a dual arrest from a DV related incident or investigation, they shall, whenever possible, fully brief a supervisor, prior to making a dual arrest, to assure that a dual arrest is appropriate. Supervisors shall obtain all pertinent facts and information about the incident or investigation to assist the member in making an appropriate decision.

### 310.8 ARREST AND POSSIBLE FUTURE VIOLATION NOTIFICATIONS

- A. Whenever reasonably possible:
  1. Members shall advise the victim of the suspect's arrest and that there is no guarantee the suspect will remain in custody.
  2. Upon arrest and booking of the suspect, members shall provide the victim's contact information to jail staff to enable victim notification upon the suspect's release from jail.
  3. Members shall advise the victim of any court order that may be in effect or in need of service, whether or not, the suspect has been arrested, booked, or is still outstanding.
  4. Members shall advise the victim of the importance of reporting all future DV related violations to include those perpetrated by the suspect while in custody or while outstanding.

### 310.9 VICTIM, SUSPECT, AND INVOLVED PARTY ASSISTANCE

- A. Victims and involved parties may be physically injured, emotionally traumatized, upset, or confused. Members shall:
  1. Recognize that a victim's or involved party's behavior and actions may be affected.
  2. Provide the victim with the department's Domestic Violence / Victim's Rights Information pamphlet.
  3. Alert the victim to any available victim advocates, shelters, and community resources.
  4. Stand by for a reasonable amount of time when an involved person requests law enforcement assistance, for peace keeping or security reasons, for the purpose of removing essential items of personal property from a home or location. Member shall take care to not allow a court order to be violated.

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5. Seek medical assistance as soon as practicable for the victim or any involved party if they have sustained injury or complain of pain. Members shall work diligently to obtain at least an in substance statement, as soon as reasonably possible, from those needing medical treatment, as the party may be only limitedly available once receiving medical treatment. There are many times where statements may be obtained by members while medical assistance is being rendered.
6. Ask the victim or involved party if they have a safe place to stay. Assist in arranging transportation for the victim or involved party to an alternate place or shelter if they express a concern for their safety or if the member determines that a need exists.
7. Make reasonable efforts to assure that children or dependent adults who are under the supervision of the victim, suspect, or other involved party will continue to be cared for.
8. Members shall complete the AZ State form 4, Lethality Assessment program interview form, and notification process on all qualifying DV Intimate Partner Violence (IPV) related incidents.
9. Members shall complete the SPD DV Supplemental Investigative Questionnaire (DVSQ) on all qualifying DV IPV related incidents.

#### **310.10 EMERGENCY ORDERS OF PROTECTION - COURT ORDERS**

- A. Members shall explain to victims what an Emergency Order of Protection (EOP) is, that victims may request an EOP, and that a member will assist them with the request. Members, independent of a suspect being in custody, shall seek and assist the victim in obtaining an EOP, if the victim requests such an order, or in understanding all pertinent facts, the member believes such an order will better protect the victim from the suspect, regardless whether the victim desires an EOP.
  1. Members shall request an EOP via an on-duty or on-call judge, justice of the peace, or magistrate (meaning a court official) and shall provide all pertinent available information to the court official to allow them to make an informed decision on whether to grant an EOP. Members shall provide the court official with their professional opinion, based on the investigative results known at the time, as to if the victim is in immediate and present danger of domestic violence based upon an allegation of a recent incident of actual domestic violence.
  2. Members shall request an EOP be made valid for 7 calendar days, as outlined in ARS 13-3624 Emergency Orders of Protection.
  3. Members shall document the request for, issuance of, denial of, or the service of any EOP in their police report.

#### **310.11 FOREIGN COURT ORDERS**

- A. Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be

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enforced by members as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

#### **310.12 VERIFICATION OF COURT ORDERS**

- A. Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, members shall carefully review the actual order when available, and, where appropriate and practicable shall do the following:
  - 1. Ask the subject of the order about their notice or receipt of the order, their knowledge of its terms and efforts to respond to the order.
  - 2. Check available records or databases that may show the status or conditions of the order.
  - 3. Contact the issuing court to verify the validity of the order.
  - 4. Contact law enforcement officials from the jurisdiction where the order was issued to verify information.
  - 5. Member shall document in an Alpha report their efforts to verify the validity of an order. Members should contact a supervisor for clarification when needed.

#### **310.13 SERVICE OF COURT ORDERS**

- A. A member shall work in good faith and diligently to serve any DV EOP and other Orders of Protection issued under ARS 13-3602, or per a foreign court, and give them priority over other calls for service that do not involve an immediate threat to a person's safety.
- B. Members shall provide victims (plaintiffs) and suspects (defendants) with a copy of any court order upon issuance or service, when a copy can be reasonably provided.

#### **310.14 POLICY ISSUANCE OR REVIEW**

12/04/2024 - Reviewed by Chief John D. Noland - SP#002