



TALLAHASSEE POLICE DEPARTMENT GENERAL ORDERS

 Proudly Policing Since 1841	SUBJECT <p style="text-align: center;">Domestic Violence Investigations</p>		 Nationally Accredited 1986
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AUTHORITY/RELATED REFERENCES

FS 741.28, Domestic Violence; Definitions
 FS 741.29, Domestic Violence; Investigation ... Notice to Victims ...
 FS 741.30, Domestic Violence; Injunction ... Temporary Injunction ...
 FS 901.15, When Arrest by Officer Without Warrant in Lawful
 General Order 18, Criminal Investigations
 General Order 20, Corrective Action Procedures
 General Order 29, The Internal Affairs Unit and Administrative Investigations
 General Order 67, Victim Advocacy
 PTL-9, Watch Commander
 CIB-12, Follow-up Investigations
 CDA Policy 632, Incident Processing
 CDA Policy 660, Radio Dispatching – Law Enforcement

ACCREDITATION REFERENCES

CALEA Chapters 11, 74, 82, 83
 CFA Chapters 15, 24

KEY WORD INDEX

Arrest Procedures Children and Dependent Adult Protocols Dispatch Procedures Follow-up Investigations Initial Response and Entry Injunction Service Procedures Injunction Violation Enforcement Injunctions Issued to Officers Officer-Involved Domestic Violence Incidents On-Scene Investigation and Report Protocols Victim Support	Procedure IV Procedure VI Procedure I Procedure VII Procedure II Procedure XI Procedure X Procedure IX Procedures VIII Procedure III Procedure V
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POLICY

The Department is responsible for establishing procedures, in support of Florida Statutes, for the investigation of domestic violence incidents and the provision of victim assistance. Members shall adhere to established procedures and statutory mandates in investigating domestic violence incidents and assisting victims of domestic violence.

DEFINITIONS

Administrative Investigation: A process of non-criminal inquiry by means of an internal investigation, special investigation or contact report.

Domestic Violence: Any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, false imprisonment, kidnapping or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

Family or household member is defined in Florida Statute as “spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.”

Domestic Violence Injunction: Statutorily referred to as an Injunction for Protection Against Domestic Violence, a court order prohibiting or requiring certain actions designed to protect one family or household member (petitioner) from another family or household member (respondent). Includes temporary and permanent injunctions.

Internal Investigation: A comprehensive and documented investigation into an allegation of officer misconduct of a more serious nature either conducted or managed by the Internal Affairs Unit.

Order to Show Cause: A type of court order which requires one or more parties of a case to justify, explain or prove something to the court when the judge needs more information before deciding whether or not to issue an order requested by one of the parties.

Petitioner: Person petitioning the court for issuance of an injunction.

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Respondent: Person named to receive the injunction.

Special Investigation: A comprehensive and documented compliance review of a Department officer-involved incident where there has been no specific policy violation allegation.

PROCEDURES

I. DISPATCH PROCEDURES

- A. CDA Policy 660 (Radio Dispatching – Law Enforcement) mandates dispatching two (2) officers to a domestic violence call for service.
- B. CDA Policy 632 (Incident Processing) prohibits the cancellation of a domestic violence call for service if the reporting person indicates they no longer want or require police presence.

II. INITIAL RESPONSE AND ENTRY

- A. Officers' driving response to a domestic violence call for service (either emergency response driving or non-emergency response driving) shall be guided by the protocols of General Order 22 (Emergency Response Driving).
- B. Officers' entry into a structure or dwelling on a domestic violence call for service shall be made with consent unless exigent circumstances establish a legal right to make forced entry.
- C. Entry and search protocols related to exigent circumstances are outlined in General Order 72 (Search and Seizure).

III. ON-SCENE INVESTIGATION AND REPORT PROTOCOLS

Investigation –

- A. The protocols of General Order 18 (Criminal Investigations) are applicable to domestic violence investigations to include:
 - 1. Safety of persons present,
 - 2. Scene security and preservation,
 - 3. Interviews, statements and arrest processes,
 - 4. Call-out of investigators, forensic specialists and victim advocates,

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5. Assisting victims,
 6. Evidence collection, and
 7. Report writing.
- B. In addition to the investigative protocols of General Order 18, officers are responsible for the protocols listed below.
1. Taking steps to ensure the safety of officers and other persons on the incident scene by:
 - a. Separating the victim and suspect physically, verbally and, if necessary, visually,
 - b. Maintaining line-of-sight visual contact of other officers who are with a victim, suspect or witness, and
 - c. Taking possession of all involved weapons and securing (or moving people away from) any other weapons which may pose an immediate threat to persons on scene.
 2. Locating and checking the welfare of any children and others at the incident scene.
 3. Being mindful of the unique sensitivities of children in domestic violence situations.
 4. Determining if the circumstances of the situation are *domestic* (see domestic violence definition above) and the specific crimes associated with the incident.
 5. Ascertaining if a female victim is pregnant and if so:
 - a. If the suspect was aware of her pregnancy at the time of the crime of violence,
 - b. And if so, how the suspect knew about her pregnancy, and
 - c. If possible, obtain the name of the female's health care provider.
 6. Based upon the factors below, determining the primary aggressor in the incident.

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- a. Extent of any injuries inflicted,
 - b. Fear of physical injury because of past and/or present threats,
 - c. Actions taken in self-defense or to protect another person,
 - d. History of domestic violence perpetrated by one person against the other, and
 - e. Existence of any previous domestic violence injunction.
7. Informing the victim of their rights during the course of the investigation as outlined in General Order 67 (Victim Advocacy).
- a. The Victim Rights Pamphlet shall be provided to the victim and, as warranted, the officer shall explain the pamphlet's contents to the person.
 - b. Officers shall complete the applicable sections of the Victim Rights Pamphlet informing the victim of pertinent incident information (e.g., case number, officer name, subsequent steps in processing of the case).
 - c. The English version of the Victim Rights Pamphlet is the PD 233 and the PD 233B is the Spanish version of the pamphlet.

Report Writing –

- C. Whenever an officer investigates an allegation of domestic violence, whether or not an arrest is made, the officer shall complete an offense report.
- D. In addition to the report writing protocols of General Order 18, officers are responsible for addressing the information below in the offense report for the on-scene investigation and any follow-up activities by officers.
 1. Any relevant information provided by the CDA.
 2. When relevant, the demeanor of the victim and suspect.
 3. A description and location of all observed injuries, description of medical treatment rendered and statement about whether an offer of medical treatment was refused.

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4. The name of any medical treatment provider, including emergency medical services personnel.
 5. When relevant, a description of steps taken to locate the suspect if not at the incident scene upon arrival of officers.
 6. Any indicators of threats of future violence by the suspect to the victim or other family members (e.g., verbal or written threats, history of abuse, killing of pets, substance abuse, other unusual behavior).
 7. Pertinent information on the existence of a domestic violence injunction (e.g., temporary or permanent, date, judge, court number).
 8. A statement regarding any special needs (e.g., language barriers, disabilities) of the involved persons.
 9. An indication that the PD 233 or PD 233B was provided to the victim.
- E. The offense report should not state where the victim is located but should indicate how the victim can be located (e.g., through a third person who knows how to contact the victim).
- F. In dual arrest situations (see subsections IV L – Q below), the officer(s) shall clearly document the facts supporting each arrest in the arrest report and offense report.
- G. In situations where the suspect is present and no arrest was made, the officer is responsible for indicating in the offense report:
1. The reason for no arrest, and
 2. A statement that the reason was explained to the victim.
- H. In situations where children or dependent adults are present as described in section VI below, the officer is responsible for indicating in the offense report:
1. The names and ages of those persons,
 2. Any notifications to the Florida Department of Children and Families (DCF) Abuse Hotline, and

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3. With whom the children or dependent adults were left in the care of (e.g., parent, family member, DCF) and, if not previously identified in the report, identifying those persons by name and contact information.

IV. ARREST PROCEDURES

General Protocols –

- A. The protocols of General Order 6 (Arrest and Alternatives to Arrest) are applicable to domestic violence incidents.
- B. When probable cause exists, arrest is the preferred response to an act of domestic violence.
- C. Misdemeanor domestic violence is an exception to the warrant requirement, authorizing officers to make an arrest based upon probable cause for the crime which did not occur in their presence.
- D. A person subject to arrest for misdemeanor domestic violence is not eligible for:
 1. Issuance of a juvenile citation, or
 2. Participation in the Pre-arrest Diversion Program.
- E. When determining probable cause for an arrest, officers shall consider their observations, statements by involved persons and statements of any witnesses (including children).
- F. Officers shall not consider any of the following factors in determining if an arrest will be made:
 1. Marital status or assumptions as to the tolerance of violence by cultural, ethnic, religious, racial or occupational groups,
 2. The sexual orientation, gender identity, race, religion, profession, age, disability, social/political position or socioeconomic status of any involved person,
 3. The absence of visible injury or complaints of injury, or denial by either person the abuse occurred when there is evidence to the contrary,

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4. Ownership, tenancy rights of either person or the fact the incident occurred in a private place,
 5. Verbal assurances from any person the abuse will stop,
 6. The victim's request to not arrest the suspect, and/or the officer's belief the victim will not cooperate with criminal prosecution,
 7. The fact the suspect has left the incident scene,
 8. Concerns of reprisals against the victim,
 9. Disposition of previous calls for service involving the same persons or lack of a domestic violence injunction,
 10. Adverse financial consequences which might result from the arrest,
 11. Chemical dependency or intoxication of either person, and
 12. The presence of children or the immediate dependency of children on the suspect.
- G. Officers shall not initiate discussion of, or accept, a complaint withdrawal or have the victim sign a waiver of prosecution form.
- H. If a crime has been committed and the suspect has left the incident scene, officers shall make reasonable and prudent efforts to:
1. Conduct a search of the immediate area,
 2. Obtain information from the victim and witness(es) concerning where the suspect might be located, and
 3. Locate and arrest the suspect.
- I. Officers shall not threaten, suggest or otherwise indicate the possible arrest of all persons on scene or the removal of the children from the home with the intent of discouraging requests for intervention by law enforcement.
- J. In compliance with General Order 67, arresting officers are responsible for the completion of a Victim Notification Card (PD 141) and ensuring the completed PD 141 accompanies the arrestee's booking paperwork to the detention facility.

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Dual Arrest Situations –

- K. The Department strongly discourages officers making dual arrests in the investigation of domestic violence incidents.
- L. When there are allegations the involved persons assaulted or battered each other, the officer shall try to determine who was the primary aggressor based on the criteria in subsection III B 6 above.
- M. Arrest is the preferred response only with respect to the primary aggressor and not the preferred response with respect to a person who acts in a reasonable manner to protect or defend oneself or another family or household member from domestic violence.
- N. If the primary aggressor alleges they are also a victim of domestic violence, the officer(s) shall investigate the allegation to determine if:
 - 1. There was no act of violence by the victim, or
 - 2. There was an act of violence by the victim, but it was in self-defense or to protect or defend another family or household member from domestic violence, or
 - 3. There was an act of violence by the victim and it was a separate act of domestic violence.
- O. If the act of violence was a separate act of domestic violence, the officer shall either:
 - 1. Make an arrest, or
 - 2. Take steps to obtain an arrest warrant for the secondary aggressor.
- P. If the act of violence was self-defense or to protect or defend another family or household member from domestic violence, no arrest shall be made of the secondary aggressor.

V. VICTIM SUPPORT

- A. The victim advocacy protocols of General Order 67 are applicable to domestic violence incidents.
- B. Officers shall attempt to gain the victim's trust and confidence by showing understanding, patience and respect for their personal dignity, and shall:

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1. Use appropriate dialogue for the age, educational level and emotional condition of the victim,
 2. Convey concern for the victim's safety,
 3. Inform the victim about how to obtain a domestic violence injunction,
 4. Advise the victim of what to expect in the near future regarding the case processing, including an assessment of the probability the arrestee may be in custody for only a short period of time,
 5. Ensure the victim understands domestic violence is a crime where the State Attorney's Office has the sole responsibility for prosecutorial decisions,
 6. When an arrest is not made, inform the victim of the reasons and of options independent of law enforcement (as indicated in the PD 233/PD 233B), and
 7. Advise the victim to notify the Department of any additional incidents involving domestic violence or new information about the current investigation.
- C. In compliance with FS 741.29 and General Order 67, officers investigating an alleged incident of domestic violence shall:
1. Assist the victim in obtaining any needed medical treatment,
 2. Inform the victim of the availability of a domestic violence center from which the victim may receive services, and
 3. Give the victim a PD 233 or a PD 233B.
- D. The officer should not leave the incident scene until the situation is under control and the likelihood of further violence has been eliminated.
- E. If the victim is leaving the incident scene, the officer should remain at the scene for a reasonable period of time while the victim gathers necessities for a short-term absence from home.

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1. Officers should obtain the victim's temporary residence and phone number(s) so contact can be made with the victim for case follow-up.
 2. Officers shall take reasonable and prudent steps to ensure the suspect does not learn this information.
- F. If the victim requests to go to a shelter, the officer shall:
1. Facilitate the referral to a certified domestic violence shelter (i.e., Refuge House), and
 2. Arrange or provide transportation to the shelter if the victim is approved for shelter intake.
- G. If the victim requests transportation to another location in the local area, the officer shall arrange or provide transportation for the victim.
- H. If there are indicators for future violence or if requested by the victim for any reason, the officer shall request extra protection for the victim.

VI. CHILDREN AND DEPENDENT ADULT PROTOCOLS

In addition to the victim support protocols listed in section V above, when the domestic violence call for service involves children or dependent adults, the protocols of this section are applicable.

- A. When children are present on the scene of a domestic violence call for service, officers are responsible for the appropriate care of the children (whether victims or dependents of the arrestee and/or victim).
1. In child abuse, child neglect and domestic battery situations where the child is the victim, the officer shall call the Florida Department of Children and Families Abuse Hotline (1-800-962-2873).
 2. If, as a result of arrest and/or hospitalization, there is no parent, legal guardian or relative to either care for the children or direct the officer as to the appropriate temporary placement of the children, the officer shall call the Abuse Hotline for purposes of determining placement.
 3. Depending upon the circumstances of the situation, the protocols of General Order 34 (Child Abuse and Neglect Investigations) may be applicable.

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- B. When a dependent adult (e.g., elderly or disabled adult) is a victim of domestic violence, elder abuse, or dependent on the victim or suspect who can no longer provide care, the officer is responsible for:
1. Making reasonable and prudent efforts to make appropriate arrangements for the person's care, and
 2. If the person is a victim of elder abuse or domestic battery, the officer shall call the Abuse Hotline.

VII. FOLLOW-UP INVESTIGATIONS

The follow-up investigation protocols of General Order 18 and CIB-12 (Follow-up Investigations) are applicable to domestic violence incidents.

VIII. OFFICER-INVOLVED DOMESTIC VIOLENCE INCIDENTS

- A. The protocols of this written directive are applicable when a law enforcement officer (regardless of agency) is the suspect in a domestic violence incident investigated by the Department.
- B. Any officer who witnesses or otherwise has firsthand knowledge of a domestic violence incident involving another officer shall report the incident to a supervisor without unnecessary delay.

Officer From Another Agency (Additional Protocols) –

- C. When an officer or field supervisor becomes aware of a domestic violence call for service involving a law enforcement officer from another agency, the Watch Commander will be promptly notified.
1. Notification is not required if the Watch Commander is already aware of the situation.
 2. The Watch Commander shall ensure a Command Staff call-out is completed as directed in PTL-9 (Watch Commander).
 3. The Watch Commander and the appropriate field supervisor shall respond to the incident scene (or other location if more appropriate).

Department Officer (Additional Protocols) –

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- D. When an officer or field supervisor becomes aware of a domestic violence call for service involving another Department officer (regardless of rank), the Watch Commander will be promptly notified.
1. Notification is not required if the Watch Commander is already aware of the situation.
 2. The Watch Commander shall ensure a Command Staff call-out is completed as directed in PTL-9 (Watch Commander).
 3. The Watch Commander and the appropriate field supervisor shall respond to the incident scene (or other location if more appropriate).
 4. The Watch Commander is responsible for ensuring:
 - a. The officer's immediate supervisor is notified, and
 - b. On-call members from the following work units are summoned:
 - 1) The Internal Affairs Unit (IAU),
 - 2) The Violent Crimes Unit (VCU),
 - 3) If needed, the Forensic Unit, and
 - 4) If needed, Victim Advocate Unit.
- E. The role of the on-call IAU investigator shall be limited to observation only in order to conduct an administrative investigation of the circumstances of the domestic violence incident.
- F. If probable cause does not exist to arrest the officer, the protocols below are applicable.
1. After receiving an incident briefing from the field supervisor and VCU, the Watch Commander is responsible for making a recommendation to the affected chain of command on whether or not the officer should be placed on administrative leave.
 2. If there is any belief the officer has committed a violation of the written directive system and an administrative investigation is needed to make such a determination, the officer shall be placed on administrative leave without delay.

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3. If the officer is placed on administrative leave pending the outcome of an internal investigation/special investigation, the administrative leave protocols of General Order 29 (The Internal Affairs Unit and Administrative Investigations) are applicable.
 4. If the officer is placed on administrative leave pending the outcome of an internal investigation/special investigation, the Watch Commander is responsible for ensuring:
 - a. All of the officer's Department-issued firearms are collected without delay,
 - b. Other Department-issued equipment is collected as determined to be necessary by the Watch Commander or higher Department authority,
 - c. Except as noted in subsection d below, the Department-issued firearms are transferred to the Training Section as soon as practical.
 - 1) Contacting the Training Section chain of command after normal work hours is authorized.
 - 2) The firearms should not be impounded into the Property and Evidence Unit.
 - d. Any Department-issued firearm which is evidence in the crime of domestic violence shall be impounded as outlined in General Order 42 (Impounding and Controlling of Property and Evidence).
- G. If the officer is arrested for domestic violence, the protocols below are applicable.
1. After receiving an incident briefing from the field supervisor and VCU, the Watch Commander is responsible for:
 - a. Placing the officer on administrative leave without delay,
 - b. Updating the chain of command,
 - c. Ensuring all of the officer's Department-issued firearms are collected and transferred to the Training Unit as described in subsection F 4 above, and

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- d. Ensuring other Department-issued equipment is collected as determined to be necessary by the Watch Commander or higher Department authority.
2. An internal investigation shall be conducted whenever an officer is arrested for a domestic violence incident.

IX. INJUNCTIONS ISSUED TO OFFICERS

Officer Responsibilities –

- A. Within (2) hours of a temporary or permanent domestic violence injunction being served on an officer, the officer (regardless of rank) shall:
 1. Notify their immediate supervisor,
 2. Notify the Watch Commander and make arrangements to return all Department-issued firearms into Department custody, and
 3. In a manner directed, submit all Department-issued firearms to the Watch Commander.

Department Responsibilities –

- B. Upon a notification as described in subsection A above, the Watch Commander shall:
 1. Promptly notify the affected officer's Bureau Commander, and
 2. Ensure all of the officer's Department-issued firearms are collected and transferred to the Training Unit as described in subsection VIII F 4 above.
- C. Upon notification, the Bureau Commander or designee is responsible for promptly notifying the Chief of Police.
- D. As directed by the Chief of Police or designee, the Internal Affairs Unit shall conduct an inquiry to determine the circumstances surrounding issuance of the domestic violence injunction.
- E. When the affected officer is not assigned to the Patrol Operations Bureau, the Watch Commander is also responsible for making notification to the Patrol Operations Bureau Commander in a timely manner (verbal or e-mail).

X. INJUNCTION VIOLATION ENFORCEMENT

General Guidelines –

- A. Violation of a domestic violence injunction is an exception to the warrant requirement, authorizing officers to make an arrest based upon probable cause for the crime which did not occur in their presence.
- B. An officer shall make a physical arrest of the respondent for violation of a domestic violence injunction whenever:
 - 1. There is probable cause to believe the person willfully violated the terms of the injunction by one or more of the actions listed in subsection C below, and
 - 2. The officer has verified the respondent has been properly served with the domestic violence injunction (i.e., verification via the CDA Teletype, Clerk of the Circuit Court or the originating law enforcement agency).
- C. Per FS 747.31 (Violation of an Injunction for Protection Against Domestic Violence), a respondent violates an injunction by:
 - 1. Refusing to vacate the shared dwelling within the time limits stated in the injunction,
 - 2. Going to, or being within 500 feet of, the petitioner's residence, school, place of employment or a specified place frequented regularly by the petitioner and any named family member or household member,
 - 3. Committing an act of domestic violence against the petitioner,
 - 4. Committing any other violation through an intentional unlawful threat, word or act to do violence to the petitioner,
 - 5. Telephoning, contacting or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party,
 - 6. Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied,

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7. Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle, or
 8. Refusing to surrender firearms or ammunition if ordered to do so by the court.
- D. An officer is prohibited from making an arrest for violation of a domestic violence injunction when:
1. It cannot be verified the respondent was properly served, or
 2. The injunction is expired.
- E. The prohibition of subsection D above does not affect other enforcement options which might be available to the officer.
- F. The petitioner's possession of a certified copy of the domestic violence injunction is not verification of the respondent being properly served.
- G. Enforcement action by an officer is not affected by whether or not:
1. The petitioner has a copy of the domestic violence injunction,
 2. The injunction is registered in Florida's State Case Registry (FS 61.1825), or
 3. The petitioner is a Florida resident.
- H. In incidents where probable cause does not exist for a violation of a domestic violence injunction arrest, officers may refer the petitioner to the Clerk of the Circuit Court to file an order to show cause.
- I. Officers have no authority to arrest a person for *civil violations* of court orders.
1. Examples of civil violations include failing to pay child support, failing to attend intervention programs, and failing to return the petitioner's property.
 2. For civil violations, petitioners should be referred to the Clerk of the Circuit Court to file an order to show cause.
- J. Officers shall enforce domestic violence injunctions entered from other Florida counties the same as if they were entered in Leon County.

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Recognition of Foreign Protection Orders –

- K. FS 741.315 (Recognition of Foreign Protection Orders) authorizes officers to enforce a violation of a domestic violence injunction entered from competent jurisdictions of all states of the United States, the District of Columbia, any Indian tribe, or any commonwealth, territory or possession of the United States of America.
- L. The enforcement protocols for foreign protection orders are the same as those issued from State of Florida jurisdictions.

XI. INJUNCTION SERVICE PROCEDURES

- A. The Leon County Sheriff's Office (LCSO) is statutorily authorized to serve domestic violence injunctions within Leon County.
- B. FS 784.046(8)(a)1 permits other law enforcement officers to serve domestic violence injunctions only when authorized by the Chief Judge of their judicial circuit.
- C. The Chief Judge of Florida's Second Judicial Circuit has not authorized officers to serve domestic violence injunctions.
- D. An officer in contact with a respondent with an unserved domestic violence injunction is responsible for contacting the LCSO (directly or via the CDA) concerning the situation.
 - 1. The LCSO will send a deputy sheriff to the officer to serve the respondent with the domestic violence injunction.
 - 2. There is no detention authority over a respondent solely for an unserved domestic violence injunction. Any detention authority stems solely from the circumstances of the law enforcement encounter which brought the person in contact with an officer (e.g., traffic stop, criminal investigation, suspicious person stop).
 - 3. Officers are responsible for documenting in an offense report any contact with a respondent having an unserved domestic violence injunction.
 - a. The documentation should include the nature of the encounter and any subsequent action (e.g., service by LCSO).
 - b. Officers are not required to complete a separate offense report when the circumstances surrounding the encounter are

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adequately documented in an offense report of another classification.

- c. When a separate report is completed, it should be titled "Agency Assist."

History: previous title (*domestic violence procedures*) – issued 04/21/1986, revised 12/01/1991, 01/31/1992, 08/01/1992, 01/06/1998 (*title change – domestic violence*) and 11/15/2001.