

Domestic or Family Violence

311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic or family violence through vigorous enforcement and to address domestic or family violence as a serious crime against society. The policy specifically addresses the commitment of the Franklin Community Schools Police Department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic or family violence.

311.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic or family violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Domestic or family violence - When a family or household member commits, attempts to commit or conspires to commit any of the offenses specified in I.C. § 35-31.5-2-76 against another family or household member.

311.2 POLICY

The Franklin Community Schools Police Department's response to incidents of domestic or family violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic or family 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 feasible.

311.3 OFFICER SAFETY

The investigation of domestic or family violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

311.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic or family violence cases:

- (a) Calls of reported, threatened, imminent, or ongoing domestic or family violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

Franklin Community Schools Police Department

General Order

Domestic or Family Violence

- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Franklin Community Schools Police Department or the investigating officer in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence (I.C. § 35-33-1-1.5).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the violence occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.
 - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.

Franklin Community Schools Police Department

General Order

Domestic or Family Violence

11. The social status, community status, or professional position of the victim or suspect.
- (k) Calls involving department members should be handled consistent with the requirements of this policy and in the same manner as calls that do not involve a member. Officers responding to a call should notify a supervisor as soon as reasonably practicable. Supervisors should report to the scene, as necessary, and ensure that the Chief of Police is notified of the incident.

311.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

311.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
 1. Voluntary separation of the parties.
 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness assistance).
- (b) Document the resolution in a report.

311.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected.

- (a) Victims shall be provided with the department's domestic violence information and the victims' rights information handouts, even if the incident may not rise to the level of a crime (I.C. § 35-33-1-1.5).
- (b) Victims should also be alerted to any available victim advocates, shelters and community resources.
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers shall stand by for a reasonable amount of time (I.C. § 35-33-1-1.5).
- (d) If the victim has sustained injury or complains of pain, officers should seek medical assistance for the victim as soon as practicable.

Franklin Community Schools Police Department

General Order

Domestic or Family Violence

- (e) Officers should ask the victim whether he/she has a safe place to stay and assist in arranging transportation to an alternate shelter or other designated place of safety if the victim either expresses a concern for his/her safety or if the officer determines that a need exists (I.C. § 35-33-1-1.5).
- (f) Officers should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, officers should seek or assist the victim in obtaining an emergency order.
- (h) All reasonable steps to prevent further violence should be taken whether or not listed above (I.C. § 35-33-1-1.5).

311.6 DISPATCH ASSISTANCE

All calls of domestic or family violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

311.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic or family violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers 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; I.C. § 34-26-5-17). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state, except for certain mutual protection orders.

A certified copy of an order for protection is not required for enforcement nor is a paper copy if the order is retrievable from a database in a perceivable form. If a foreign court order is not presented, an investigating officer may consider other information to determine under a totality of the circumstances whether there is probable cause to believe that a valid foreign court order exists (I.C. § 34-26-5-17).

If an investigating officer determines that an otherwise valid foreign court order cannot be enforced because the subject of the order has not been notified or served with the order, the officer shall (I.C. § 34-26-5-17):

- (a) Inform the subject of the order.
- (b) Serve the order on the subject of the order.

Franklin Community Schools Police Department

General Order

Domestic or Family Violence

- (c) Ensure that the order and service of the order are entered into the state depository.
- (d) Allow the subject of the order a reasonable opportunity to comply with the order before enforcing the order.
- (e) Ensure the safety of the protected person while giving the subject of the order the opportunity to comply with the order.

311.8 VERIFICATION OF COURT ORDERS

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, officers should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

311.9 STANDARDS FOR ARRESTS

Officers investigating a domestic or family violence report should consider the following:

- (a) An officer investigating a crime involving domestic or family violence should make an arrest of a suspect when lawful to do so (unless a supervisor grants an exception) (I.C. § 35-33-1-1.5).
- (b) A person arrested for an offense or attempted offense involving the use of force or threatened use of a deadly weapon committed against a current or former spouse, parent, guardian, person with whom the person shared a child in common, or cohabitant shall be kept in custody for at least 24 hours from the time of the arrest even if the person provides bail pursuant to I.C. § 35-33-8-6.5 (I.C. § 35-31.5-2-78).
- (c) An officer may arrest a person for the following offenses upon probable cause even if the offense did not rise to the level of a felony or was not committed in the officer's presence (I.C. § 35-33-1-1):
 - 1. Domestic battery
 - 2. Interference with reporting of a crime
 - 3. Preventing the reporting of a crime involving domestic or family violence

Franklin Community Schools Police Department

General Order

Domestic or Family Violence

311.10 ORDERS REQUIRED TO BE ENTERED INTO IDACS

The Chief of Police or other person designated by the Chief of Police shall serve as the Indiana Data and Communications System (IDACS) coordinator for the Department. The Chief of Police shall ensure a depository of protective orders is appropriately administered pursuant to I.C. § 5-2-9-5 et seq. and that court orders are entered into IDACS pursuant to I.C. § 34-26-5-18 (I.C. § 5-2-9-1.2).