

OGDEN CITY POLICE

Office of the Chief

Policy No: 09

Subject Domestic Violence	Effective Date November 17, 2020
Department Police	Replaces Policy Dated February 2018
Division All Police Personnel	Review Date November 2022
Authorized Signature 	

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

I. PURPOSE

The nature and seriousness of crimes committed between family and household members are not mitigated because of the relationships or living arrangements of those involved. It is the intent of this policy to prescribe courses of action that police officers should take in response to domestic violence that will enforce the law while also serving to intervene and prevent future incidents of violence.

II. POLICY

It is the policy of the Ogden Police Department to:

- A. Reduce the incidence and severity of domestic violence.
- B. Protect victims of domestic violence and provide them with support through a combination of law enforcement and community services.
- C. Promote officer safety by ensuring that officers are fully prepared to respond to and effectively deal with domestic violence calls for service.

III. RESPONDING OFFICER PROCEDURE

- A. Response

1. Restore order by gaining control of the situation.
2. Take control of all weapons used or threatened to be used in the crime.
3. Assess the need for medical attention and call for medical assistance if indicated.
4. Interview all parties and obtain written or verbal statements. Include the elements of the 1102 admonition and ensure the individual giving the statement confirms their understanding of the admonition. Written statements are always preferable.

Reporting officers should make note of statements made by victims and by witnesses who are family members or are known to those involved. In the event these people change their stories at the time of court, the statements recorded in the initial report become even more significant. Officers should have victims complete written statements of the incident. If the case is serious, transcribed statements should be taken from both the victim and witnesses. Officers should note the emotional condition of the persons making the statements. Officers should also document any statements made by the suspect. Officers will determine and document the domestic nature of the relationship.

5. After each party has been interviewed, responding officers should confer to determine if an arrest should be made or whether other actions should be taken. Officers should almost never arrest both parties and rarely, if not at all, cite both parties. Cases where both parties are defendants are difficult to deal with from a prosecutorial standpoint and can discourage a victim of domestic violence from calling for aid in the future.
6. If an officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine who was the predominant aggressor. If the officer determines that one person was the predominant physical aggressor, the officer need not arrest the other person alleged to have committed domestic violence. In determining who was the predominant aggressor, the officer shall consider:
 - a. any prior complaints of domestic violence.
 - b. the relative severity of injuries inflicted on each person.
 - c. the likelihood of future injury to each of the parties; and
 - d. whether one of the parties acted in self-defense.

If a predominate aggressor cannot be determined, separate the parties to ensure safety and screen the case with the appropriate Prosecutor's Office.

7. An officer may not threaten, suggest, or otherwise indicate the possible arrest of all parties in order to discourage any party's request for intervention by law enforcement.
8. Collect and record evidence and, where appropriate, take color photographs of injuries and property damage. These tasks should be done as soon as practicable after arriving. Keep in mind, some injuries (redness and marking related to inflammation) that is initially visible can disappear as the victim calms and metabolic processes stabilize. Conversely, (bruises) may not be apparent for several days, so victims should be advised to contact police for follow-up photographs. CSI processing is always preferable to other sources. Still photos taken from BWC are acceptable. Cell phone documentation should be utilized as a last resort.
9. Complete appropriate crime or incident reports necessary to fully document the officers' response, whether or not a crime was committed, or an arrest made. **REPORTS ARE MANDATORY IN THESE CASES.**
10. Give the victim the incident report number.
11. If the offender has left the scene and a crime has been committed, the officers will:
 - a. Conduct a search of the immediate area.
 - b. Obtain information from victims and witnesses as to where the offender might be.
 - c. Refer the matter to the investigative unit if follow-up is needed.
 - d. It is mandatory that all domestic violence reports that (in the judgment of the reporting officer or a supervisory officer later reviewing the report) contain the elements of some crime, be forwarded to the appropriate prosecutor's office within five days of the conclusion of the investigation.
 - e. When referring people or routing reports to the various offices, the following guidelines will apply: The Ogden City Prosecutor handles initial charges of assault, etc. which would be a class B or lesser offense. The Weber County Attorney handles all other charges including all violations of protective orders (civil and criminal) and ex parte order violations, since they are at

least class A misdemeanors.

f. All of the previously mentioned procedures will be handled by the follow-up officer if the initial case is left active.

12. If an arrest is not made after an investigation or if two or more parties are arrested, the officer shall submit a detailed written report specifying the grounds for not arresting or for arresting both parties.

13. If no arrest is made, the victim shall be notified of his/her right to initiate a criminal proceeding and the importance of preserving evidence.

14. An officer who responds to a complaint of domestic violence shall prepare an incident report, including officer's disposition of the case.

B. Arrest (Reference 77-36-2.2 and 77-7-2 Utah Criminal Code)

(1) *The primary duty of peace officers responding to a domestic violence call is to protect the victim and enforce the laws allegedly violated.*

(a) *In addition to the arrest powers described in Section 77-7-2, when a peace officer responds to a domestic violence call and has probable cause to believe an act of domestic violence has been committed, the peace officer shall arrest without a warrant or issue a citation to any person that he has probable cause to believe has committed an act of domestic violence.*

If the peace officer has probable cause to believe that there will be continued violence against the alleged victim, or if there is evidence that the perpetrator has either recently caused serious bodily injury or used a dangerous weapon in the domestic violence offense, or if the officer has probable cause to believe that a violation of a civil or criminal protective order has occurred, the officer shall arrest and take the alleged perpetrator into custody, and may not utilize the option of issuing a citation under this section. For purposes of this section, "serious bodily injury" and "dangerous weapon" mean the same as those terms are defined in Section 76-1-601.

77-36-2.4 Violation of protective orders – Mandatory Arrest. A law enforcement officer shall, without a warrant, arrest an alleged perpetrator whenever there is probable cause to believe that the alleged perpetrator has violated any of the provisions of an ex parte protective order or protective order.

C. Victim Assistance and Lethality Assessment Protocol

Many victims of domestic violence feel trapped in violent relationships

because they are unaware of the resources available to help them. Domestic violence victims often underestimate the level of danger in the continuing relationship. The goal of the officer should be to connect the victims with appropriate levels of services at the earliest possible point in time.

1. The handling officer will work with victims and victim services to develop an immediate, short-term, safety plan, including directing them to appropriate services for longer term safety planning.
2. Secure medical treatment for victims and arrange for victim and children to obtain emergency housing or shelter in conjunction with victim services.
3. Ensure the safety of the children. As soon as practical, the handling officer will report to the Division of Child and Family Services (DCFS) any instance of abuse, neglect, or domestic violence involving the presence of the child.
4. Remain on the scene until satisfied that there is no threat to the victim.
5. Remain on the scene to preserve the peace as one person removes personal property.
6. Provide the victim with referral information for legal or social assistance and support.
7. Provide the victim a copy of the "Domestic Violence Information" pamphlet.
8. Inform the victim about the availability and procedure for protective orders and stalking injunctions.
9. By statute, reports of domestic violence are available to the listed victim at no charge.
10. If an intimate relationship exists, a Lethality Assessment Protocol Form (LAP) will be completed.

D. Advocate Resources

Advocate resources will be offered to victims of domestic violence. Advocate resources may be used in conjunction with the Lethality Assessment Protocol screening or any other circumstance involving domestic violence. Advocates may be contacted through Weber Dispatch at any time. If the victim chooses not to use advocacy services, information will be made available to

the victims so they can make contact on their own. The handling officer will note in the initial report the offer for services and the refusal.

E. Suspect's Release from Jail

Ogden Police will ensure every effort is made to notify victims of the suspect's release. A supplementary report to the initial report will be made noting the time of notification, their response, and any recommendations made to assist the victims in their safety. If the victims were unable to be contacted, a supplemental report will note the number and nature of the attempts made.