



PAWNEE COUNTY SHERIFF'S OFFICE
SHERIFF DARRIN VARNELL

Policy # Domestic Violence	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by The Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Oklahoma Statutes 60.1 of Title 22 of the Oklahoma Statutes	

- I. **Purpose:** The purpose of this policy is to establish guidelines for response to domestic violence calls in compliance with [60.1 of Title 22 of the Oklahoma Statutes](#), and to do so maximizing the safety of victims, Deputies, and others immediately present.
 - A. Deputies of The Pawnee County Sheriff's Office are expected to do the following:
 - a. Afford protection and support to adult and child victims of domestic violence.
 - b. Promote the safety of law enforcement personnel responding to incidents of domestic violence.
 - c. Establish arrest and prosecution as a preferred means of response to domestic violence.
 - d. Complete thorough investigations and effect an arrest of the person that the Deputy has probable cause to believe committed a crime or offense involving domestic violence unless the person's actions were in defense of persons or property
 - e. Take appropriate action for any violation of permanent, temporary, or emergency orders of protection.
 - f. Provide victims or witnesses of domestic violence with support and assistance through cooperative community efforts in order to prevent further abuse and harassment, or both.

- II. Policy:** It is the policy of The Pawnee County Sheriff's Office to provide a proactive, pro-arrest approach in responding to domestic violence. The primary focus shall be on the safety of the victim, Deputies, and others in proximity of the crime, followed closely by perpetrator accountability. The Deputies should follow all policies and procedures of The Pawnee County Sheriff's Office to complete a thorough investigation and analysis of the complaint with the goal of arresting the person(s) committing an act of domestic violence and who were not acting in defense of persons or property.

Arrests will be made in domestic violence incidents when there is probable cause that the elements of a crime exist. Domestic violence incidents will be treated the same as all other requests for police assistance where violence has occurred or has been threatened. Deputies must not discourage victims of rape, forcible sodomy, or domestic abuse from pressing charges against the assailant. Dispute mediation or other police intervention will not be used as a substitute for arrest.

Oklahoma State law provides for certain rights and protection for victims of rape, forcible sodomy, and domestic abuse through the Domestic Abuse Reporting Act and the Protection from Domestic Abuse Act. Deputies interviewing victims of sexual assault or domestic abuse are required to inform the victim in writing of certain rights and information. Deputies satisfy the legal requirement by providing the *Victim's Rights Card* to each victim. The victim's rights, 24-hour telephone numbers, and protective order information are printed on this card.

Oklahoma State law requires records to be kept of all incidents of domestic abuse and that such information is to be provided monthly to the Oklahoma State Bureau of Investigation (OSBI). Therefore, Deputies will complete a Domestic Violence Supplemental/Interview on all domestic violence calls whether a crime has occurred or not.

III. Definitions:

- A. DATING RELATIONSHIP** – a courtship or engagement relationship. A casual acquaintance or ordinary fraternization between persons in a business or social context shall not constitute a dating relationship.
- B. LETHALITY ASSESSMENT FORM** – form containing a series of questions utilized upon the preliminary investigation of a domestic violence crime involving intimate partners to assess a victim's potential for danger.
- C. DOMESTIC ABUSE (criminal offense)** – any person who commits any assault and battery against a current or former spouse, a present spouse of a former spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant shall be guilty of domestic abuse. This definition refers to the criminal act of assault or assault and battery committed upon the above listed individuals.

- D. FAMILY OR HOUSEHOLD MEMBERS – includes, spouses; ex-spouses; present spouse of a former spouse; parents; foster parents; step parents; adoptive parents; grandparents; children; grandchildren; step children; adoptive children; foster children; persons otherwise related by blood or marriage; persons living in the same household or who formerly lived in the same household; or persons who are the biological parents of the same child, regardless of their marital status, or whether they have lived together at any time (this shall include the elderly and the handicapped).
- E. PRESENCE OF A CHILD – means in the physical presence of a child, or having knowledge that a child is present and may see or hear an act of domestic violence.
- F. STALKING – the willful, malicious, and repeated following of a person by an adult, emancipated minor, or minor thirteen years of age or older, with the intent of placing the person in reasonable fear of death or great bodily injury.

IV. **Authority:** When Deputies determine domestic abuse has occurred, a warrantless misdemeanor arrest may be made, even if the battery did not take place in their presence, under the following circumstances:

- A. There is probable cause to believe the suspect committed an act of domestic abuse within the preceding seventy-two (72) hours.
- B. Deputies observe a recent physical injury to, or an impairment of, the physical condition of the victim.
- C. A warrantless arrest for domestic violence may take place anywhere, including the suspect's place of residence. However, Deputies should not make warrantless entries into a third-party residence unless they have consent, a search warrant, or exigent circumstances.
- D. Deputies will note visible physical injuries to the victim in the Incident Report. Deputies will also have photographs taken of the visible injuries. Deputies will contact an on-duty field Deputy or supervisor who is equipped with an approved digital camera to photograph the injuries.
- E. Provide the victim with a Victim's Rights Card. Deputies shall ask the Domestic Violence Lethality Assessment questions of the victim and record their responses on the Lethality Assessment Form to be turned in with the Incident Report.
- F. **WHEN ARREST IS NOT REQUIRED:** This authority does not require an Deputy to arrest either party involved in an alleged act of domestic violence when there is no probable cause to believe that a crime or offense has been committed or there is no probable cause that a particular person committed the crime. Such determination should be preceded by a thorough investigation.
- G. **MULTIPLE ARRESTS:** Both parties involved in an alleged act of domestic violence should be arrested **only** when a thorough investigation establishes probable cause each person committed a domestic violence crime and was not acting in defense of persons or property. The arrest of both parties simply because the information is

inadequate to determine who was the aggressor and who was acting in defense of persons or property is not appropriate.

V. Procedures: When a Deputy of The Pawnee County Sheriff's Office determines there is probable cause a particular person has committed a domestic violence offense, the Deputy shall without undue delay arrest the person unless such person's actions were in defense of persons or property.

A. Dispatch and Call Taker Procedures: The dispatcher or law enforcement agency employee receiving a report of domestic violence should do the following:

- a. Dispatch a minimum of two Deputies to a domestic violence call, whenever possible.
- b. Assign a priority response to all domestic violence calls, whether or not the assailant is known to be on the premises.
- c. Attempt to elicit any and all information from the caller that may help the responding and investigating Deputies assess the situation.

This includes:

- i. information clarifying the identity of witnesses, victims, and suspects;
- ii. information to help responding Deputies quickly identify the victims and suspects;
- iii. the nature and extent of any injuries;
- iv. the nature and extent of any threat or actual physical violence;
- v. the use or availability of weapons;
- vi. relationship between the persons involved;
- vii. prior problems between the parties;
- viii. information that will assist Deputies in locating the suspect;
- ix. the existence of any protection from abuse or other relative court orders.
- x. If contact is lost with the complainant, the dispatcher or call taker shall attempt to reestablish contact.

The dispatcher should not reveal information about the call to a third party contacted during this process unless necessary to establish additional information useful to the responding Deputies.

- d. Preserve documentation of the facts and circumstances of each call, including 911 tapes, for use in potential administrative and criminal investigations, as requested by the Deputies or supervisors.
- e. Maintain current contact information for local domestic violence agencies that responding Deputies may provide to victims.
- f. When an Deputy of any agency is involved in any domestic violence report or call, immediately notify and dispatch a supervisor, regardless of the involved law enforcement Deputy's jurisdiction. Where the suspected offender is an executive level Deputy of the responding law enforcement Deputy's agency, outside agency assistance and investigation should be requested immediately.

- g. Cancellation of domestic violence calls:** Domestic violence call cancellation requests and information about who has made such requests shall be relayed to the responding Deputies, but a response shall not be cancelled.

B. Law Enforcement Deputy Procedures: Initial Response When dispatched to a domestic violence call, responding Deputies should do the following:

- a.** Follow all agency procedures and policies on response to, approach to, and field investigations of active violent crimes. This includes assuring identification and appropriate medical care of injured persons.
- b.** Gather information from dispatch to help assess the situation and to enhance the safety of victims, Deputies and others present at the scene upon arrival.
- c.** Use recording devices and body cameras to capture statements made by suspects, victims and witnesses, if possible or available.
- d.** Assure compliance with all agency policies and procedures for legal and safe entry to the scene. This may include forced entry under exigent circumstances to assure safety of victims and securing of evidence.
- e.** Contact and document information from all witnesses and other persons who possess information helpful to the investigation and prosecution of any crime.
- f.** Assure all persons involved in domestic violence and all family or household members present are accounted for and receive any needed medical attention.
- g.** Follow all agency policies and procedures regarding the documentation of the allegations, investigation, and evidence collection, including the completion of the Standard Offense Report, Arrest Report, and related reports.
- h.** If language barriers exist, follow agency policy and procedures to assure interpreter services are obtained if necessary. Limit the use of family members only to obtain information of a nature critical to the safety of all parties involved, including the Deputies. Only use children as interpreters as a last resort and limited to exigent circumstances.
- i.** DO NOT make any statement that would discourage a victim from reporting an act of domestic violence and/or abuse; or threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage future requests for intervention by law enforcement personnel.

If a law enforcement Deputy is involved:

- a.** Upon determining a domestic violence call appears to involve a law enforcement Deputy from any agency or jurisdiction, the dispatcher shall be notified and a supervisor requested if no supervisor is already on scene.

- b. Where the suspected offender is an executive level Deputy of the responding law enforcement Deputy's agency, outside agency assistance and investigation should be requested immediately.
- c. The investigation of the allegations will be conducted thoroughly and in a timely manner including accurate and complete documentation, collection of all evidence, and completion of all required reports. All Deputies of The Pawnee County Sheriff's Office will fully cooperate and assist an outside agency assigned to investigate or assist in investigation of the allegations.
- d. The fact one of the persons involved is a law enforcement Deputies will not influence the decision to arrest, the timeliness of an arrest, or the charges filed in the case.

If the suspect is not at the scene on arrival of the Deputies:

- a. Attempt to locate the suspect and provide information to other Deputies to assist in locating the suspect.
- b. If probable cause for arrest exists, regardless of whether the crime is a misdemeanor or felony, advise other Deputies of the probable cause and request the suspect be taken into custody if located.
- c. Deputies shall stay alert and remain vigilant for possible return of the suspect.
- d. Assure Deputies on future shifts are aware of the information and request to arrest the suspect.
- e. Follow agency policies and procedures to obtain a warrant for the suspect as soon as practical if the suspect has not been located.
- f. When the suspect is located, follow all agency procedures to assure the suspect has an opportunity to provide a statement of the details of the incident. It is critical the Deputy assure all legal requirements are met to allow such statements to be used in court. Investigate any new information or allegations provided by the suspect or collected during or after the arrest of the suspect. If appropriate, re-evaluate the probable cause for arrest and charging of the suspect. Be sure all bulletins or NCIC entries are cleared.

Follow Up Investigation:

- a. Any information received from witnesses, victims, or suspects that cannot be fully investigated by the initial responding Deputies should be identified and investigated by detectives or other Deputies as provided in applicable agency policies and procedures. Such investigation shall be completed in a timely manner. Special urgency exists when additional investigation is necessary to establish probable cause or to obtain an arrest or search warrant.

- b. If the suspect has not been arrested once probable cause is established or an arrest warrant obtained reasonable efforts to locate the suspect should be on going. Special urgency exists if threats or other indications of continued attacks on the victim or others exists.
- c. All reports shall be completed and forwarded to the appropriate prosecutor's office as quickly as possible. This should include a request for the issuance of an arrest warrant or search warrant when appropriate.
- d. Subsequent to the initial forwarding of reports to the prosecutor, new information and additional reports shall be forwarded to the prosecutor as soon as possible. This is especially critical when such information directly pertains to the probable cause of the alleged crime or arrest.

C. Enforcement of Protection Orders from Other Jurisdictions:

- a. A foreign protection order is one issued by legal authority of a state or competent jurisdiction (e.g. Indian Tribal Authority, U.S. Military, or U.S. Territory) other than Oklahoma. A law enforcement Deputy, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a court of this state. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. The protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement. If a foreign protection order is not presented, a law enforcement Deputy of this state may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

D. Incident Documentation Procedures:

- a. Deputies will complete a Report and all supplements as required in agency policies and procedures, regardless of whether an arrest is made.
- b. All reports or allegations of domestic violence shall be documented on the standard offense report even if it is determined there is no probable cause a crime was committed and even if no arrest is made.
- c. If no arrest is made due to the lack of probable cause, the report shall include all information supporting the lack of probable cause a crime was committed, the lack of probable cause a particular person committed the crime, or supporting a legal use of force in defense of persons or property.

- E. Victim Safety and Protection:** Deputies should make victim safety and protection a priority, recognizing the important role Deputies play in supporting the safety of victims and enabling them to make informed decisions.

- F. Information Provided to Victims:** Upon conclusion of the initial domestic violence investigation at the scene, Deputies should:
- a. If suspect is arrested, inform the victim of the procedure for contacting jail personnel in order to determine when the suspect may be released from custody, in addition to requesting that jail personnel notify the victim prior to the suspect's release.
 - b. If the suspect is not arrested, inform the victim and explain why an arrest has not been made. If the suspect is still being sought, inform the victim of what steps will be taken and what actions the victim should take if contacted by the suspect or if the victim learns of the suspects whereabouts.
 - c. Assist the victim in reaching a safe location with essential clothing and supplies if the victim wants to leave the premises to ensure safety.
 - d. Provide the victim with the investigating Deputy's name and contact information.
- G. Law enforcement Deputies shall provide the following information to victims of domestic violence:**
- a. Oklahoma Statutes and to give notice to the victim of certain rights. The notice shall consist of handing such victim the following statement. "As a victim of domestic abuse, rape, forcible sodomy or stalking you have certain rights. These rights are as follows:
 - i. The right to request that charges be pressed against your assailant;
 - ii. The right to request protection from any harm or threat of harm arising out of your cooperation with law enforcement and prosecution efforts as far as facilities are available and to be provided with information on the level of protection available;
 - iii. The right to be informed of financial assistance and other social services available as a result of being a victim, including information on how to apply for the assistance and services; and
 - iv. The right to file a petition for a protective order or, when the domestic abuse occurs when the court is not open for business, to request an emergency temporary protective order."

The Legal System can help you against domestic abuse because:

- b. Availability of emergency and medical telephone numbers, if needed;
- c. The law enforcement agency's report number;
- d. The address and telephone number of the prosecutor's office the victim should contact to obtain information about victims' rights
- e. The name and address of the crime victims' compensation board and information about possible compensation benefits;

- f.** Advise the victim that the details of the crime may be made public;
- g.** Advise the victim of known available resources which may assist the victim.