

**SOUTH BURLINGTON POLICE DEPARTMENT**  
**PR-308: DOMESTIC VIOLENCE RESPONSE**

Effective: 9/23/2018

Updated: 9/14/2018

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**1. PURPOSE**

- A.** Domestic violence is a serious crime which results in profound trauma for both its victims and the community. The purpose of this policy is to provide guiding steps to Officers which afford the greatest level of protection to the community with sharp focus on a victim supported response.
- B.** Effective domestic violence prevention requires a team approach. The dispatcher must gather the information necessary to safeguard the lives of victims, witnesses, and responding officers. Responding officers must restore order and conduct thorough on-scene investigations. Supervisors must motivate, teach, and direct their personnel to facilitate compassionate and professional police service.

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**2. GOALS**

- A.** To reduce family homicides and assaults
- B.** To reduce injury to Police Officers
- C.** To reduce police call-backs to repeat offenders
- D.** To reduce liability risks for the department.
- E.** To improve public safety

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**3. DEFINITIONS**

- A.** "Household Member" (15 V.S.A. section 1101) means:
  - 1. Persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or have dated. "Dating" means a social relationship of a romantic nature. Factors that the court may consider when determining whether a dating relationship exists or existed include:
    - (a) The nature of the relationship;
    - (b) The length of time the relationship has existed;
    - (c) The frequency of interaction between the parties;
    - (d) The length of time since the relationship was terminated, if applicable.
- B.** "Domestic Violence" occurs when a person causes or attempts to cause, to another family/household member:
  - 1. Bodily injury, serious bodily injury or fear of such injury;
  - 2. Sexual assault;
  - 3. A property crime, i.e., unlawful mischief;
  - 4. Unlawful trespass;

**SOUTH BURLINGTON POLICE DEPARTMENT**  
**PR-308: DOMESTIC VIOLENCE RESPONSE**

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5. Unlawful restraint.
  6. Stalking
- C. "Probable Cause" means the combination of facts which leads a police officer to believe a crime has been committed. The probable cause standard applied to domestic violence crimes is no different from the standard applied to other crimes. **The police officer should not consider the following factors when determining probable cause:****
1. The marital status of the parties;
  2. The existence of a relief from abuse order (except if the violation of such order would constitute a crime);
  3. The disposition of previous police calls involving the same victim and offender;
  4. The victim's unwillingness to prosecute the case;
  5. The police officer's belief that the victim will not prosecute;
  6. Verbal assurances by either party that the violence will stop;
  7. Denial by either party that the violence occurred when there is evidence of domestic violence;
  8. The police officer's concern about reprisals against the victim by the offender;
  9. The race, ethnicity, sexual preference, social class, or occupation of the victim and/or the offender.
- D. "Domestic Dispute" means any incident between family/household members where, even though no crime may have occurred, the police have been called to the scene.**
- E. "Victim/Complainant" is any person who is the victim of domestic violence. This includes victims who are unwilling to file charges or to prosecute the offender.**
- F. "Bodily Injury" means physical pain, illness, or any impairment of the victim's physical condition.**
- G. "Self Defense" is a person's justifiable use of physical force upon another person when the person believes such force is necessary to defend herself or a third party from what she reasonably believes to be the use, or imminent use, of unlawful physical force by the other person.**
- H. "Primary Aggressor" is the person who initiated hostilities and/or is the person that is more likely to perpetuate the physical violence and cause further injury.**
- I. "Lethality Screen" is the evidence-based field instrument used by trained practitioners to assess a person who is a victim of intimate partner violence for her/his risk of being killed by an intimate partner.**

**SOUTH BURLINGTON POLICE DEPARTMENT**  
**PR-308: DOMESTIC VIOLENCE RESPONSE**

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- J. "High Danger" is a term used for a victim who has been assessed through use of the Lethality Assessment (LAP) and the Lethality Screen as being at the greatest risk of being killed. The victim is said to be at "High Danger."

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**4. COMMUNICATIONS PROCEDURES**

The dispatcher who receives a domestic violence call can provide the responding officers with vital information that could save the victim's and officers' lives. The dispatcher will give a domestic violence call the same priority as any other life threatening call and will, whenever possible, dispatch two officers to the scene.

- A. During the initial call for assistance, the dispatcher should ask the following questions:
1. Where is the emergency? What apartment or house number? Phone number?
  2. What happened?
  3. Who am I speaking to?
  4. Are you the victim? If no, are you a witness?
  5. Has anyone been injured? If yes, is an ambulance needed?
  6. Is the suspect present?
    - (a) If "No" - get the names and description of the suspect and suspected whereabouts to include any means of transportation known;
    - (b) If "Yes" – determine victim's safety status
  7. Are weapons involved?
    - (a) If yes, what kind? Where are they?
    - (b) If no, are there weapons in the house? What kind and where are they?
  8. Is the offender under the influence of alcohol or drugs? If yes, what substance(s)?
  9. Who else is in the home with you?
  10. Are children present?
  11. Is there a TRO or FRO in effect?

**SOUTH BURLINGTON POLICE DEPARTMENT**  
**PR-308: DOMESTIC VIOLENCE RESPONSE**

Effective: 9/23/2018

Updated: 9/14/2018

- B.** The dispatcher will attempt to keep the victim/witness on the phone until the officer(s) arrives. The dispatcher will inform the victim/witness of the department's response and what may be expected, and/or make a referral to the appropriate agency or organization.
- C.** Cancellation of a call
  - 1. If the dispatcher receives a second call to cancel the original call, the dispatcher will notify the responding officer of the second call, but officers will continue to the location to make sure the victim/caller/family is safe.
  - 2. The dispatcher will stay on the phone with the caller, if possible, to provide updates for the responding officers until they arrive.

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**5. PATROL OFFICER PROCEDURES**

- A.** On-scene Investigation: The purpose of any on-scene investigation is to establish "probable cause" through: interviews of all parties; recording statements; preserving the crime scene; and collecting evidence. The probable cause standard applied to domestic violence crimes is no different from the standard applied to other crimes.
- B.** When responding to a domestic violence call, the officers will:
  - 1. Restore order by separating the parties and calming them down;
  - 2. Assess the need for medical attention and call for EMS assets as needed;
  - 3. Interview all parties separately (victim, offender, witnesses) using supportive interviewing techniques (children should be interviewed in a manner appropriate to their age). Attempt to get sworn statements from all parties involved. Additionally, the officer should consider the following:
    - (a) Ask the victim how many times an incident or assault like this have occurred before.
    - (b) Ask who has witnessed this type of incident/assault in the past.
  - 4. Assess the safety of victims using the lethality assessment protocol screen when:
    - (a) The **victim is an intimate partner of the suspect**
    - (b) There is reason to believe an assault or an act that constitutes domestic violence has occurred, whether or not there is an arrest.
    - (c) There is a belief or sense on the part of the responding officer that once the victim is no longer in the care or presence of the responding officer the potential for assault or danger is high.
    - (d) There have been repeated calls for domestic violence complaints at the same location or involving the same parties.
    - (e) The responding officer believes one should be administered based on his/her experience and training and instinct.

**SOUTH BURLINGTON POLICE DEPARTMENT**  
**PR-308: DOMESTIC VIOLENCE RESPONSE**

Effective: 9/23/2018

Updated: 9/14/2018

5. If the victim is an intimate partner, assess the responses to the lethality questions and contact the appropriate advocacy agency if the screen triggers a hotline call.
  6. If the victim is an intimate partner and the lethality assessment screen does not trigger a hotline call:
    - (a) Advise the victim that “domestic violence is dangerous and sometimes fatal.”
    - (b) Inform the victim to watch for the signs listed in the assessment because they may convey to the victim that she/he is at an increased level of danger.
    - (c) Refer the victim to the appropriate advocacy agency. The officer should volunteer to call the hotline for the victim if the victim would like to speak with the hotline. If the victim agrees, the officer does not need to remain on the scene during the victim-advocate conversation.
  7. Provide the victim with the case number, the officer’s contact information and the general number for the agency in the event that the officer would not be available, in case the victim wants to talk further or needs help.
  8. After each party has been interviewed separately, confer with the supervisor to decide if an arrest should be made and/or other actions to be taken;
  9. When appropriate, take digital images of injuries and property damage. Officers should be mindful of documenting old injuries related to disclosures or previous incidents. Officers should also consider obtaining follow up images of injuries as injuries can become more visible 24 to 72 hours later.
  10. Identify, collect, and record all available evidence;
  11. Prepare a written report, even if no crime has been committed, to explain the circumstances of the incident and why no court action was taken.
- C.** If the offender has left the scene and a crime has been committed, the officers will also:
1. Conduct a search of the immediate area;
  2. Obtain information from the victim and witnesses as to where the offender might be located (job, relative or friend's house, etc.);
  3. If appropriate, refer the matter to the OIC of the following shift for follow up;
  4. Attempt to obtain a signed medical release form from the victim if he/she is treated at a hospital for injuries sustained from an assault.

**SOUTH BURLINGTON POLICE DEPARTMENT**  
**PR-308: DOMESTIC VIOLENCE RESPONSE**

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Updated: 9/14/2018

- D.** When lethality screens are completed the following sequence of actions will follow:
1. Completed lethality screens will be filed with the case/incident and then forwarded to the LAP coordinator by records staff.
  2. The LAP coordinator shall:
    - (a) Maintain a file of all Lethality Screens,
    - (b) Facilitate training
    - (c) Serve as a liaison, communicate, and meet with participating LAP agency representatives and agencies; and
    - (d) Generally oversee and monitor progress of the LAP
    - (e) Insure that the most contemporary LAP instrument is reflected as Appendix A of this General Order.
- E.** Arrest: Arrest is the preferred response to domestic violence because arrest offers the greatest potential for ending the violence. If there is credible evidence sufficient to establish probable cause that a crime has been committed, the officer shall arrest the suspect if there has been an assault against a household member, whether the crime was committed in the officer's presence or not.
1. If an officer has probable cause to believe a person has committed or is committing a misdemeanor outside the presence of the officer or another Vermont law enforcement officer, the officer may issue a citation to appear before a judicial officer in lieu of arrest. The officer may arrest the person without a warrant for misdemeanor and felony domestic violence related offenses pursuant to Rule 3 of V.R.Cr.P. if the officer believes they have probable cause to do so.
  2. An officer may arrest any person whom the officer has probable cause to believe will cause personal injury or damage to property if not immediately arrested. Therefore, the victim need not be a "family or household member" under the Abuse Prevention Act. This means that officers are empowered by the rule to protect people from abuse who are not eligible for Abuse Orders.
  3. When officers respond to a domestic violence call and two people are injured, the officers will determine if one of the parties acted in self-defense, considering if the amount of force used was consistent with defense. If so, arrest only the person who has been the "Primary Aggressor".
  4. If there are any extraordinary circumstances, the State's Attorney's office should be consulted.

**SOUTH BURLINGTON POLICE DEPARTMENT**  
**PR-308: DOMESTIC VIOLENCE RESPONSE**

Effective: 9/23/2018

Updated: 9/14/2018

5. Officers who discover any evidence of physical, emotional, or sexual abuse of or risk to children, will follow the Department for Children and Families (DCF) protocols on child abuse and sexual abuse and will contact DCF anytime a child's welfare is in question.
- F. Removal of Firearms:** It is important to recognize the role firearms play in domestic violence incidents in Vermont. Officers *may* be able to remove firearms from a person or scene in certain situations if they can articulate the removal is necessary for the safety of a victim or their family.
1. Law enforcement officers that arrest, cite, or obtain an arrest warrant for a person for domestic assault in violation of 13 VSA 1048 may remove any firearm if the following conditions are met:
    - (a) That it is contraband or will be used as evidence in a criminal proceeding, OR
    - (b) It is in the immediate possession or control of a person being arrested, cited, or in plain view of the officer at the scene of the domestic assault, or was discovered during a lawful search, including under exigent circumstances, if the removal is necessary for the protection of the officer, the victim, the person being arrested or cited, or a family member of the victim, including the child of a family member.
- G. Post Arrest Procedure/Victim Assistance:** Victims of domestic violence may require a variety of assistance to meet their immediate needs for safety, medical treatment and information. Therefore, officers should provide the following assistance to victims, offenders, and their children;
1. Officers should emphasize to the victim and the offender that the criminal action is being initiated by the State and not the victim;
  2. Inform the parties that domestic violence is a crime and that help is available;
  3. Secure medical treatment for any injured party;
  4. Insure the safety of the children and assess the need to notify DCF;
  5. Remain on scene until satisfied that there is no further threat to the victim;
  6. If one person is removing personal property (only those items needed to live on), remain on the scene to preserve the peace;
  7. Provide the victim a copy of their rights as a crime victim (Appendix B) along with the phone numbers of shelters, advocacy and batterers' groups and a victim's compensation application form; (This can be accomplished electronically)

**SOUTH BURLINGTON POLICE DEPARTMENT**  
**PR-308: DOMESTIC VIOLENCE RESPONSE**

Effective: 9/23/2018

Updated: 9/14/2018

8. Assist the victim with obtaining a temporary relief from abuse order. Notify the victim, as soon as possible, if and when the order is served;
  9. Arrange for, or provide, transportation to a shelter or a safe place.
  10. Encourage doing a "safety plan." This could include preparing escape routes, having important telephone numbers listed and available, taking precautionary measures such as changing locks, adding new locks, putting lights on timers, etc. Additional information may be obtained by contacting the appropriate victim advocacy agency, Victim Advocates Office, or the State's Attorney's Office.
  11. Notify the victim that they can sign up for automated information about the offender at [www.vinelink.com](http://www.vinelink.com).
- H.** It is the policy of this Agency that domestic violence incidents involving a law enforcement officer (SBPD or otherwise) shall be investigated in the same manner as all domestic violence incidents as directed by PR-308; when any law enforcement officer is a suspect in a domestic violence incident occurring within the City of South Burlington the officer will be processed and incarcerated in the same manner as any other citizen, using the additional guidelines listed below.
1. Suspect officer at the scene:
    - (a) Upon determining there is probable cause to believe a crime has occurred and a SBPD Police Officer or any other law enforcement officer is the alleged suspect, the suspect officer will be arrested at the scene. The on duty supervisor shall be summoned to the scene immediately.
    - (b) The suspect officer will be handled as any other suspect arrested as outlined in section 308.5(E) of this policy.
    - (c) If the suspect officer is a SBPD officer the supervisor will offer the suspect officer the assistance of the Employee Assistance Program and/or the departmental clinician.
    - (d) Provide "Post Arrest Procedure/Victim Assistance" information as described in PR-308.5(G) above.
    - (e) The shift supervisor shall make notification to the Chief of Police via the chain of command without delay. The Chief of Police or designee will make subsequent notification to other agencies command staff involving cases of non-SBPD staff.
  2. Suspect officer is no longer at the Scene AND immediate location is unknown:
    - (a) The shift supervisor shall initially supervise the investigation. When probable cause is established an arrest warrant shall be requested from the court.
    - (b) Every reasonable effort will be made to locate the suspect officer.



**SOUTH BURLINGTON POLICE DEPARTMENT**  
**PR-308: DOMESTIC VIOLENCE RESPONSE**

Effective: 9/23/2018

Updated: 9/14/2018

- (c) When the suspect officer is located they will be arrested without delay and will be handled as any other suspect arrested as outlined in section 308.4.(B) of this policy.
  - (d) Provide “Post Arrest Procedure/Victim Assistance” information as described in PR-308.4(E).
  - (e) The shift supervisor shall make notification to the Chief of Police via the chain of chain of command without delay. The Chief of Police or designee will make subsequent notification to another agencies command staff involving cases of non-SBPD staff.
  
- G.** Any South Burlington Police Officer, who witnesses or has firsthand knowledge of a Domestic violence incident involving another Police Officer has the duty to report it to the appropriate agency involved.
  - 1. The reporting officer shall notify the Chief of Police through the chain- of-command.
  - 2. If off-duty, the reporting officer will notify the shift supervisor who will then immediately notify the Chief of Police. In the absence of the Chief of Police, the line of succession for command authority shall be followed at outlined in General Order AD-105 “Direction” - section 105.1.0 (2), and that individual will be notified.
  - 3. Officers who witness or have firsthand knowledge of a domestic violence incident involving a law enforcement officer as the alleged suspect, and who fail to officially report this information, shall be subject to departmental discipline, regardless of the jurisdiction of occurrence of the alleged incident.
  
- H.** If an alleged incident of domestic violence involving a SBPD officer occurs outside the City of South Burlington, the Chief of Police will assign a supervisory officer to assist the outside investigating agency however possible.
  
- I.** When this agency becomes aware of a South Burlington Police Officer involved in a domestic violence incident, an internal investigation shall be initiated by the Chief of Police.
  
- J.** Officers who are alleged suspects in domestic violence incidents may avail themselves of the Employee Assistance Program and/or the departmental clinician. These resources, or others with which an officer is familiar, are available outside the scope of any other departmental or criminal action.
  
- K.** Officers Subject to a Domestic Violence Restraining Order:
  - 1. Any sworn member of the South Burlington Police Department who is the subject of a protection order arising out of a domestic violence situation is ordered to provide a copy of that order to the Chief of Police within 24 hours of the receipt of the

**SOUTH BURLINGTON POLICE DEPARTMENT**  
**PR-308: DOMESTIC VIOLENCE RESPONSE**

Effective: 9/23/2018

Updated: 9/14/2018

restraining order.

2. This provision does not apply to the mutual protection orders automatically issued in the filing of routine divorce cases; it only applies to those orders issued due to incidents involving allegations relating to domestic violence.
3. When an officer appears before the Chief of Police with a protection order, a command officer will review the order to determine if it meets the criteria under the Federal Crime Bill. If the order satisfies the criteria, the officer will be served a document advising him/her of the crime bill restrictions.

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**6. SUPERVISOR PROCEDURES**

**A. Patrol Supervisor Response Procedures**

1. Whenever possible, respond to domestic violence calls for safety and monitoring purposes;
2. Whenever possible, discuss the circumstances of the domestic violence call with the responding officer and offer support and assistance in making decisions related to lethality screening, safety plans, investigation, referrals, and arrest.
3. Supervisors shall review all domestic related incidents while preparing roll call. Officers shall be briefed on all relevant incidents of domestic violence to include any arrests made, relevant court conditions known, and the status of any fugitive or otherwise at large domestic violence suspects.
4. Train on the topic at roll call training.

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**7. TRAINING**

- A.** The training director shall be responsible for implementing a comprehensive training program for all members of the department involved in domestic violence calls. The goals of the training are to inform employees of any or all of the following:
1. The domestic violence laws;
  2. The department's domestic violence policy and procedures;
  3. The dynamics of domestic violence; and
  4. Police officer safety techniques.
  5. Resources available to the victims (example: NGO Advocacy, S.A.'s Office, VA's Office, etc.).

**SOUTH BURLINGTON POLICE DEPARTMENT**  
**PR-308: DOMESTIC VIOLENCE RESPONSE**

Effective: 9/23/2018

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6. Lethality assessment program (LAP) training shall be provided by LAP-trained staff to all new entry-level officers who have not received it in the training academy before the conclusion of their field-training period.
7. In-service LAP training shall be provided to officers at least every two years.

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**8. EVALUTATION**

- A. The Chief of Police, or designee, shall insure the review of this policy on an annual basis and make any revisions deemed necessary. The purpose of this evaluation will include, but will not be limited to:
  1. Determining whether policy goals have been met;
  2. Determining whether the policy or procedures should be modified;
  3. Determining the effectiveness of officer's responses;
  4. Determining the effectiveness of the data collection system;
  5. Measuring the community response to the department's performance; and
  6. Identifying additional training needs.

**APPROVED BY:**

**DATE:9/14/2018**

A handwritten signature in black ink, appearing to be 'M.P.A.', is written over the 'APPROVED BY:' label.