

SUBJECT: DOMESTIC VIOLENCE

S.O.P.: #04-4.035

PURPOSE: To provide guidelines for officers responding to incidents of domestic violence, to inform officers of their requirements under the Domestic Violence Act and to establish guidelines, responsibilities and procedures for domestic violence intervention to comply with the Domestic Violence calls statute MCL 776.22.

SCOPE: This policy applies to all sworn members of the Chesterfield Township Police Department.

POLICY: It shall be the policy of the police department to adapt the domestic violence law enforcement protocol of the Macomb County Domestic Violence Council of 2009 in its entirety. The policy is attached.

DOMESTIC VIOLENCE LAW ENFORCEMENT PROTOCOL

MACOMB COUNTY 2009

*Compiled by a taskforce of
The Macomb Community
Domestic Violence Council*

In the spring of 2008, The Macomb Community Domestic Violence Council (MCDVC) convened a Law Enforcement Taskforce to review the domestic violence protocol that had been created in 1993. Laura Cardamone chaired the taskforce, as she had also chaired the 1993 workgroup. The taskforce met to create a new model domestic violence law enforcement protocol and to develop a train-the-trainer curriculum to go along with that protocol. Of particular concern to the Law Enforcement Taskforce was the integration of information about lethality indicators into both the protocol and the training. Emily Latham, Turning Point's Legal Advocate, researched best practices nationwide and compiled the first draft of the protocol. The Law Enforcement Taskforce reviewed the draft and invited feedback from all law enforcement agencies and courts in the county. This document is the final approved protocol that resulted from this process.

The members of The Law Enforcement Taskforce of the MCDVC are:

- ◆ Detective Susan Bowlin, Fraser Police Department
- ◆ Lynda Blevins, Romeo Police Department
- ◆ Inspector John Calabrese, Eastpointe Police Department
- ◆ Laura Cardamone, Macomb Batters Intervention
- ◆ Sgt. Ed Colinas, Chesterfield Twp. Police Department
- ◆ Chief Danishevskaya, Memphis Police Department
- ◆ Kim Green, Crime Victim's Rights Unit, Macomb County Prosecutor's Office
- ◆ Sgt. Kevin Kline, Clinton Twp. Police Department
- ◆ Detective Kozikowski, St. Clair Police Department
- ◆ Emily Latham, Turning Point
- ◆ Robert Krist, Warren Police Department
- ◆ Sgt. McLean, Macomb County Sheriff Department
- ◆ Sharon Mitchell, Domestic Violence Interventions
- ◆ Kelly Moreno, Turning Point
- ◆ Lieutenant Muszynski, Shelby Twp. Police Department
- ◆ Chief Privette, Richmond Police Department
- ◆ Alan Przywara, Eastpointe Police Department
- ◆ PSO John Sarzynski, Centerline Police Department
- ◆ Kelly Shock, Eastpointe Police Department
- ◆ Ofc. Sandra Sokolnicki, Romeo Police Department
- ◆ Sgt. Dave Smith, Sterling Heights Police Department
- ◆ Carmen Wargel, Turning Point and MCDVC
- ◆ Detective Tim Wiley, New Baltimore Police Department

Table of Contents

I. Purpose.....	2
II. Goals.....	2
III. Definition of Terms.....	2
IV. Response and Investigation.....	3
V. Probable Cause.....	10
VI. Arrest.....	12
VII. Policy of NO Arrest is Made.....	15
VIII. Notice of Victim’s Rights.....	16
IX. Bonding Policy.....	17
X. Victim Assistance.....	18
XI. Procedure when Assailant is a Law Enforcement Officer, Political Official, etc.....	21
XII. Supervision.....	23
XIII. Training.....	26
XIV. Evaluation and Data Collection.....	27
XV. Mandated Written Domestic Violence Response Policy....	28
Appendix A: State of Michigan Standard Domestic Relationship Incident Report (DV-001)	

I. Purpose

Domestic Violence is criminal behavior. This policy defines the department's commitment to and the officer's responsibility in responding to domestic violence. This policy seeks to emphasize that when violence has occurred or been threatened, irrespective of the victim's wishes, the primary responsibility of the responding officer is to investigate a crime, and if probable cause exists that a crime has been committed, the offender **should be** arrested. The establishment of this policy is intended to help eliminate any and all indecision in the minds of department personnel and to create confidence in officers when exercising judgment in the performance of their duties.

II. Goals

The department's goals for this domestic violence policy are as follows:

1. Protect victims and their children;
2. Hold assailants accountable;
3. Reduce domestic homicides;
4. Reduce domestic assaults;
5. Establish arrest as the preferred response to domestic violence;
6. Reduce police call-backs;
7. Reduce injuries to officers; and
8. Reduce liability risks for the department.

III. Definition of Terms

Domestic Relationship is defined as a relationship that exists between an offender and a victim if the offender is a spouse, a former spouse or an individual with whom he/she had a child in common, or a person residing or having resided in the same household, or persons who have or have had a dating relationship. The statute applies to live-in companions of either sex and to adult family members including parent/child and brother/sister.

Dating Relationship is defined as frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between two (2) individuals in a business or social context.

Domestic Violence means the occurrence of any of the following acts by a person that is not an act of self-defense; causing or attempting to cause physical or mental harm to a family or household member*, placing a family or household member in fear of physical or mental harm, causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress, and/or engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested (MCL 400.1501).

[**Family or household member* includes any of the following: a spouse or former spouse, an individual with whom the person resides or has resided, an individual with whom the person has or has had a dating relationship, an individual with whom the person is or has

engaged in a sexual relationship, an individual to whom the person is related or was formerly related by marriage, an individual with whom the person has a child in common, and/or the minor child of an individual described in subparagraphs (i) to (vi) (MCL 400.1501).]

Probable Cause, per Michigan law is synonymous with *Reasonable Cause*. The Probable Cause standard applied to domestic violence crimes is no different than the standard applied to all other crimes. Probable cause means any facts and circumstances that would cause a fair-minded person of average intelligence to believe that the suspect has committed or is committing a crime. There is no requirement that there be corroborating physical evidence or visible injury to establish probable cause. This means that the word of the victim alone is sufficient ground for establishing reasonable cause.

Stalking is “a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed or molested” (MCL 750.411h).

Assailant may be used interchangeably with suspect in this policy.

IV. Response and Investigation

Dispatch Policy

The officer or dispatcher who receives the initial domestic violence call can provide the responding officers with vital information that could save the lives of the persons at the scene and the officers responding to the call.

Required Response:

1. A domestic violence call **must** be given the same priority as any other life threatening call. Two officers should be dispatched whenever possible. One officer responses should be avoided.
2. The call shall not be cancelled at the request of the call or any other party. Responding officers shall continue to the scene to verify that assistance is not needed.

Recommended Response:

1. Domestic violence calls should not be referred to any other dispatch number or personnel since a victim may be unable to wait and/or return a call for help due to the possibility of detection by the assailant.
2. The dispatcher should attempt to obtain as much of the following information from the caller as possible:
 - a. Address/location of the domestic violence scene.
 - b. Call back number.
 - c. Caller’s name—is caller the victim?
 - d. Nature of the current incident.

- e. Is the incident in progress? Has the incident just ended?
 - f. Is anyone injured? Is medical attention needed?
 - g. Is the suspect present (on-scene)?
 - h. What is the suspect's name? Description of the suspect?
 - i. Are there children present (on-scene)?
 - j. Are there weapons involved? What kind?
 - k. Are there weapons in the house? What kind? Where in location to the caller? Suspect?
 - l. Is there a history of domestic violence?
3. The dispatcher should keep the caller on the phone as long as possible, reassuring the caller that help is en route and updating responding officers as additional information is received and/or if the scene/situation changes in any way.
 4. The dispatcher should refrain from making judgments and/or placing blame on any involved parties. The dispatcher should not discuss, or make any comment, concerning the victim's desire to "press charges," "drop charges," "prosecute," and/or any of the like.
 5. If contact with the caller is broken, at any point, the dispatcher should attempt to reestablish contact with the caller and advise responding officers that contact has been lost.
 6. Medical assistance should be dispatched as soon as it is determined to be needed.
 7. **The dispatcher should access departmental and/or other relevant records to determine prior history of violence and/or the existence of a Personal Protection Order (PPO). If any records exist, the responding officers should be notified immediately.**
 8. The safety of domestic violence victims, whether the threat of violence is immediate or remote, should be the primary concern of the dispatcher. They should advise the victim to ensure his/her safety in any way possible, including, but not limited to, waiting for officers at another location or simply leaving the residence if the suspect may return if the suspect has already left.

Recommended Response to Stand-By calls:

1. Determine the likelihood of a disturbance or potential for altercation during the call.
2. Determine access to weapons. What type and where are they located?
3. Check any relevant records for history of violence. Ask caller for history of violence.
4. Check for outstanding warrants of the assailant.
5. Encourage the caller to stay away from the residence and meet the officers at another location and then go to the location together.
6. Get a description of the caller and the vehicle he/she will be arriving in and/or using during the stand-by call.
7. If the caller has to travel some distance to the residence, have them call again when they arrive in the area to ensure that the officers are ready and able to respond to the stand-by call.

Officer Response

Responding officers shall approach the scene as a criminal investigation. Officers should use appropriate precautionary procedures when approaching and entering the scene.

Officers MUST use the State of Michigan Standard Domestic Relationship Incident Report (DV-001) (Complies with MCL 764.15c) when responding to any and all domestic violence calls.

1. Officers shall respond immediately to the domestic violence call. A domestic violence call **must** be given the same priority as any other life threatening call.
2. Upon arrival, officers shall establish control of the scene and restore order by doing the following:
 - a. separate the parties (while remaining in sight of each other),
 - b. assess the need for medical attention and make the appropriate call to dispatch,
 - c. identify and secure any/all weapons and/or potential weapons, and
 - d. protect the crime scene.
3. Officers should attempt to create a safe, calm environment in which to conduct a criminal investigation.
4. Officers should attempt to provide for the safety and care of children when necessary, but **should NOT automatically contact Child Protective Services when children are present at a domestic violence incident.**

On-Scene Investigation

Officers should complete a thorough criminal investigation of the scene, including interviewing all witnesses and collecting and recording evidence of all possible crimes committed.

1. Officers must complete the **Standard Domestic Relationship Incident Report (DV-001)** when investigating domestic violence calls.
2. Officers should interview all parties separately (victim, suspect, and witnesses), including the children. Interview children in a manner appropriate for their age. Officers should be aware that the presence of the assailant may intimidate the victim, children and/or witnesses.
3. Officers should gather as much historical information as possible (past violence) in order to effectively investigate the present incident. The officers must refrain from displaying an attitude of disinterest or blame toward any party. The officer should use supportive interview techniques to gather important investigative information, including the following questions when appropriate:
 - a. When was the first time this happened? How often has it happened?
 - b. What was the worst incident? When did it occur?
 - c. What weapons were used?
 - d. Has the suspect ever been arrested for assaulting you or another family member?

- e. When was the last time you were treated by a doctor or hospitalized for injuries inflicted by the suspect (whether you presented they were inflicted by the suspect or not)?
 - f. Has the suspect ever followed you to verify your location? Called you repeatedly to “keep track of you”? Stalked you?
 - g. Has the suspect ever threatened you? In what way?
 - h. Have family members or friends of the suspect been following you, calling you repeatedly, keeping track of you, “stalking” you?
4. Officers should identify, collect and properly record all possible evidence, including, but not limited to:
 - a. Documentation of excited utterances made by those present;
 - b. Statements from the parties and other witnesses;
 - c. Documentation of injuries—both visible and complained of;
 - d. Description of victim’s general appearance;
 - e. Description of the scene;
 - f. Photographs of any/all injuries and of the scene;
 - g. Photographs of the victim and children at the scene whenever possible; and
 - h. Weapons and/or any/all objects used as weapons.
 5. Officers should request that the recording of the original call be held and tagged as evidence.
 6. Officers should determine what crimes they have probable cause to believe were committed and who committed them.
 7. **Officers should determine if they have probable cause to believe that there has been a violation of a Personal Protection Order (PPO) or Foreign Protection Order, which includes an injunction or other order issues by a court of another state, Indian tribe or United States Territory (MCL 600.2950).**
 8. **If the officer determines that a violation has occurred, the officer must ensure the suspect is served with the PPO. The officer CAN and SHOULD verbally serve the suspect with the PPO. Also verify in LEIN that the Proof of Service has been filed with the court, if it has and the suspect has violated it then the suspect CAN and SHOULD be arrested and the PPO MUST be enforced (MCL 600.2950a(19)).**
 9. **Officers should determine if they have probable cause to believe there is or has been a violation of a condition of release (conditional bond), probation or parole. A person who is in violation of a Foreign Protection Order that is a condition release order or a probation order issued by a court in a criminal proceeding is guilty of a misdemeanor (MCL 600.2950m).**

Recommended Procedure for Lethality Assessment:

Officers should assess the lethality of the situation by considering indicators of a life threatening attack, such as the assailant has:

- Threatened to kill victim;
- Threatened to take the victim hostage;

- Threatened the children;
- Threatened to use or used a weapon;
- Killed or mutilated a pet;
- Knowledge that the victim is leaving or filing for divorce;
- Access to weapons;
- A history of weapon use;
- A history of domestic violence;
- A history of assaultive behavior;
- Engaged in stalking behavior;
- Access to the victim and/or the victim's family;
- Threatened suicide; and/or
- An alcohol or drug addiction.

The officer must take any such attacks and/or threats (whether imminent or in the past) as serious and respond accordingly.

When an arrest is made, documentation of lethality factors can provide critical information later when bond is set by a magistrate/judge or as the basis for holding the assailant longer based on a determination that it is unsafe to release the assailant (MCL 780.581).

If the assailant has access to firearms, officers should request the court require, as a condition of the assailant's release, the removal of all firearms from the home in accordance with departmental policy.

Other Recommended Procedures:

1. If the assailant has threatened suicide, officers should consider taking the assailant for a psychiatric evaluation, where appropriate.
2. If the assailant has engaged in stalking behavior, the victim should be advised to seek a Personal Protection Order (PPO), for information call (586) 469-7494 and officers **must** document all conduct that constitutes stalking behavior.
3. After documenting any/all stalking behaviors, officers must identify these documentations with an incident/report number for future reference use.
4. Officers **should** seek a warrant for stalking if the assailant has engaged in two or more acts of unconsented contact (this can be based on the victim's experience, if probable cause exists).
5. If the assailant has threatened the children, a report to children's protective services may be required—only if the children are in imminent danger.
6. If indicators of lethality are identified officers should determine if new probable cause for an arrest has been established based upon the lethality assessment.
7. Officers should document the presence of weapons and ask for removal of weapons from the home as a condition of bond.

Report Writing

Officers shall prepare a detailed, written domestic violence report, in addition to the Standard Domestic Relationship Incident Report (DV-001) (MCL 764.15c) when responding to and investigating domestic violence calls; regardless of whether an arrest was made.

When documenting a domestic violence call, the officer must comply with the following guidelines:

1. The victim ***does not and should not*** have to write a statement.
2. The victim ***does not*** have to sign the report.
3. The victim ***should not*** be asked if prosecution is desired.
4. ***The Officer shall act as the complainant based on information and belief.***

The report shall contain, but is not limited to containing, all of the following information (MCL 764.15c):

1. The address, date and time of the incident.
2. The victim's name, address, home, work and/or cellular phone numbers, race, sex and date of birth.
3. The suspect's name, address, home, work and/or cellular phone numbers, race, sex and date of birth.
4. The name, address, phone number, race, sex and date of birth of any witness, including a child of the victim and/or suspect, and the relationship of the witness to the suspect and/or victim.
5. The name of the person who called the law enforcement agency.
6. The relationship of the victim and suspect.
7. A brief narrative of the incident, including the circumstances surrounding the incident.
8. If the suspect physically assaulted the victim, how many times and if this was the first time?
9. If a physical assault occurred, was a weapon used? What type?
10. A description of all injuries sustained by the victim and an explanation of how the injuries were sustained.
11. If the victim sought medical attention, information concerning where and how the victim was transported, whether the victim was admitted to a hospital or clinic, and the name and telephone number of the attending physician.
12. Whether alcohol and/or any controlled substance use was involved in the incident and by whom.
13. A description of any and all property damage reported by the victim or evident at the scene.
14. A description of any previous incidents involving domestic violence between the victim and suspect.
15. Whether the officer referred the victim to any victim assistance services and if any support services were contact directly at the scene. Who was contacted? Did any support services arrive on scene?
16. The date and time of the report and the name, badge number, and signature of the officer completing the report.

Recommended Response:

1. The responding officer should obtain an alternative phone number from the victim. This information **MUST** remain confidential.
2. If the victim leaves the scene, the location of the victim **MUST** remain confidential.
3. Document assailant's abuse of the children. Request criminal charges for child abuse for assault and battery perpetrated upon children by the assailant if applicable.
4. Officers should document the factors of lethality identified during the investigation.
5. If no arrests were made, but probable cause existed, a detailed, written narrative must be completed. **A review of this report shall be done by a Supervisor.**
6. The officers will complete the report, retain a copy for department files and **file a copy of the completed written report and DV-001 to the prosecuting attorney within 48 hours**, pursuant to MCL 764.15c(3).

Investigating Complaints of Child Abuse by a Parent or Guardian

When investigating complaints of child abuse officers should refer to MCL 750.136b for guidance. It states, in part: "This section does not prohibit a parent or guardian, or other person permitted by law or authorized by the parent or guardian, from taking steps to reasonably discipline a child including the use of reasonable force."

Recommended Response Regarding Crimes Against Children

Officers should determine whether the abuser has committed any crimes against children (such as child abuse or assault/battery). Officers should document thoroughly the information in the incident report and request criminal charges against the abuser for these crimes against children. The documentation and criminal charges regarding crimes against children assist courts to enter appropriate orders for the safety of the children and non-offending parent.

Children are best protected when the abuser is held accountable for abuse against the children and non-offending parent.

Children witnessing domestic violence:

Officers SHOULD NOT automatically contact Department of Human Services (DHS) previously known as CPS) when children are present during a domestic violence incident.

There are unintended and harmful consequences resulting from automatic referrals to DHS for children witnessing domestic violence, which include:

- *Deterring children and victims from contacting law enforcement for protection;*
- *Shifting blame for the abuse to the non-offending parent (“failure to protect”); and*
- *Undermining the goals of providing safety and stability for children and victims, and accountability for the abuser.*

Investigating Complaints of Elder Abuse

When investigating complaints of elder abuse, the complaint shall be investigated and treated the same as any other domestic violence complaint. A custodial arrest should be made and all domestic violence procedures should be followed. If the victim is a “vulnerable adult” a report to Department of Human Services (DHS) may be required (MCL 400.11).

Investigating Complaints of Abuse Perpetrated by a Minor Child

When investigating complaints of abuse by a minor child, the complaint shall be investigated and treated the same as any other domestic violence complaint. A custodial arrest should be made and local procedures for lodging a minor should be followed.

V. Probable Cause

Probable Cause is defined in Michigan law as synonymous with *Reasonable Cause*. The probable cause standard applied to domestic violence crimes is no different than the standard applied to all other crimes. Probable cause means any facts and circumstances that would cause a fair-minded person of average intelligence to believe that the suspect has committed or is committing a crime.

There is NO requirement that there be corroborating physical evidence or visible injury to establish probable cause. **This means that the word of the victim alone is sufficient grounds for establishing reasonable cause.**

1. Officers should NOT base their decision to arrest a suspect solely on the existence and/or absence of visible indications of injury (MCL 776.22).
2. When determining whether probable cause exists to believe that a crime has been committed an officer should consider the following factors:

- a. Statements made by the victim, assailant, children and/or other witnesses;
 - b. Information relayed by the dispatcher;
 - c. Physical evidence that a crime occurred;
 - d. Information gathered by investigating wounds to determine:
 - i. Offensive Wounds;
 - ii. Defensive Wounds;
 - e. Damaged and/or broken property in and/or around the premises;
 - f. The existence and/or brandishing of a weapon;
 - g. Existence of a Personal Protection Order (PPO); and/or
 - h. Existence of a Foreign Protection Order.
3. When determining whether probable cause exists to believe that a crime has been committed an officer should NOT consider any of the following factors:
- a. The lack of a Personal Protection Order (PPO) and/or a Foreign Protection Order;
 - b. That there were no prior arrests for domestic violence;
 - c. The victim's unwillingness to prosecute (MCL 776.22(3)(b)(iii));
 - d. The officer's belief that there will be no prosecution;
 - e. Verbal assurances by either party that the violence will stop;
 - f. The possibility of reprisals against the victim;
 - g. The race, ethnicity, sexual preference, social class and/or occupation of the victim and/or the assailant;
 - h. Threats by the assailant to sue the police; and/or
 - i. Negative consequences to the assailant's status in the community.

Dual Arrest

Avoiding Dual Arrest

Officers should not arrest an individual if the officers have probable cause to believe the individual was acting in lawful self-defense or in the lawful defense of another person (MCL 776.22(3)(b)(ii)).

A person may lawfully use:

1. Whatever force the person honestly and reasonable believes is necessary for self-protection or to protect another person from danger; or
2. Deadly force, when the person honestly and reasonable believes oneself or another person is in imminent danger of being killed, seriously injured or forcible sexually penetrated.

A person has no duty to retreat from:

1. An assault in one's home, or
2. A forcible entry of one's home.

Where there is a claim of self-defense the officer should determine if there is probable cause to believe that the party was acting in lawful self-defense or in lawful defense of another by considering several factors.

Officers should use the following factors when determining the aggressor:

1. The size, strength and general bulk of each of the parties;
2. The apparent ability of each party to do what was alleged;
3. Witness statements;
4. Offensive and defensive wounds;
5. Any history of domestic violence between the individuals; and/or
6. Other evidence (e.g. physical, circumstantial, etc.).

A determination by the responding officer that each party has committed assaults against the other and neither was acting in self-defense must not automatically lead to DUAL ARRESTS.

When the officer has probable cause to believe spouses, former spouses, individuals who have had a child in common, other individuals who reside together or formerly resided together or individuals who have or have had a dating relationship are committing or have committed crimes against each other, the officer, when determining whether to make an arrest of one or both individuals, should consider:

1. The intent of the law to protect victims of domestic violence;
2. The degree of injury inflicted on the individuals involved;
3. The extent to which the individuals have been put in fear of physical injury to themselves or other members of the household; and/or
4. Any history of domestic violence between the individuals, if that history can reasonable be ascertained by the officer.

Only in rare cases where, after ruling out self-defense and determining, through observation of these factors neither part is a victim of domestic violence, should a dual arrest be considered.

VI. Arrest

Officers responding to domestic violence scene SHOULD arrest the assailant in ALL of the following circumstances:

When a Warrant Exists:

MCL 764.15 (1)(a) A felony, misdemeanor, or ordinance violation is committed in the officer's presence or Probable Cause exists to believe:

- (a) a felony has been committed;
- (b) a misdemeanor assault, assault and battery aggravated assault or a violation of a substantially corresponding local ordinance occurred or is occurring, and the assailant is the spouse or former spouse of the victim, has had a child in common with the victim, is a

person who resides or has resided in the same household as the victim, or is a person who has or has had a dating relationship with the victim (MCL 764.15a);

(c) the person is violating or has violated a personal protection order (PPO) or a valid foreign protection order, (MCL 764.15b(1));

(d) the person is violating or has violated a condition of release (MCL 764.15e); the person has violated 1 or more conditions of a probation or parole order imposed by a court of this state, another state, Indian tribe or United States territory (MCL 764.15(1)(g)); or

(e) the officer has received positive information broadcast from a recognized police or other governmental radio station, or teletype, that gives the officer reasonable cause to believe a misdemeanor punishable by more than 92 days or a felony has been committed and reasonable cause that the assailant committed it (MCL 764.15(1)(f)).

Warrantless Arrest:

MCL 764.15a Arrest without warrant for assault of individual having child in common, household resident, dating relationship, or spouse or former spouse.

A peace officer may arrest an individual for violating section 81 or 81a of the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a, or a local ordinance substantially corresponding to section 81 of that act **regardless of whether the peace officer has a warrant or whether the violation was committed in his or her presence if the peace officer** has or receives positive information that another peace officer has reasonable [probable] cause to believe both of the following:

(a) The violation occurred or is occurring.

(b) The individual has had a child in common with the victim, resides or has resided in the same household as the victim, has or has had a dating relationship with the victim, or is a spouse or former spouse of the victim. As used in this subdivision, “dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

- **Warrantless arrest for violation of a *valid* Personal Protection Order (PPO) or *valid* foreign protection order:**

MCL 764.15b(1) grants an officer the authority to make an arrest without a warrant if the officer has probable cause to believe the individual is or has violated the PPO or foreign protection order by engaging in or having engaged in conduct restrained or enjoined by the PPO or foreign protection order.

- **Warrantless arrest for violation of a Michigan condition of release (conditional bond):**

MCL 764.15e(1) grants an officer the authority to make an arrest without a warrant if the officer has probable cause to believe the individual is violating or has violated a condition of release imposed under MCL 765.6b.

- **Warrantless arrest for violation of a condition of probation or parole:**

MCL 764.15(1)(g) grants an officer the authority to make an arrest without a warrant if the officer has probable cause to believe the individual has violated a condition of parole or has violated 1 or more conditions of a conditional release order or probation order imposed by a court of this state, another state, Indian tribe or United States territory.

Arrest Procedures/Standards:

1. **The decision to arrest resides with the officer and should not be based upon whether or not the victim will consent to participate in any subsequent prosecution, thus the responding officer should arrest for any and all situations. (MCL 776.22).**
 - a. Whenever possible, officers should avoid surprising the victim or making a physical arrest of the assailant in the victim's presence.
 - b. Officers should emphasize to the victim and the assailant that the criminal action is being initiated by the officers---not the victim.
2. Officers making an arrest for a felony, a misdemeanor, or a local ordinance substantially corresponding to assault or assault and battery shall act as the complainant and shall swear to the complaint and warrant on information and belief as necessary.
 - a. MCL 764.1a provides that a magistrate [judge] shall not refuse to accept a complaint alleging an assault, assault and battery, violation of a substantially corresponding local ordinance, or aggravated assault by a spouse or former spouse or the victim, an individual with whom the victim has had a child in common or an individual residing or having resided in the same household as the victim on grounds that the complaint is signed upon information and belief by an individual other than the victim.
3. When an arrest is made for violation of a Personal Protection Order or foreign protection order officers should investigate and also arrest for any violation of any criminal law.
 - a. Arrest for violation of Personal Protection Order or foreign protection order should not affect the decision to arrest for any crime.
4. When an arrest is made for violation of a condition of release (conditional bond), or a condition of probation or parole, officers should also conduct a thorough criminal investigation and arrest for any violation of criminal law.

- a. Arrest for violation of a provision of conditional release or a violation of a condition of probation or parole should not affect the decision to arrest for any crime.
5. If the suspect has left the scene, all reasonable attempts to locate and arrest the suspect shall be made. A description shall be disseminated to other officers and locations known to be frequented by the suspect should be checked.
6. Effective October 1, 2002 an officer of a county, city, village, township or university of this state may exercise authority and powers of a peace officer outside the geographical boundaries of the officer's jurisdictions if:
 - a. The officer is enforcing the laws of this state in conjunction with the Michigan state police; or
 - b. The officer is enforcing the laws of this state in conjunction with a peace officer with any other county, city, village, township or university in which the officer may be; or
 - c. The officer has witnessed a person violate a law or ordinance within the geographical boundaries of the officer's county, city, village, township, or university and immediately pursues the person outside the boundaries of the officer's jurisdiction.

7. If the suspect is on probation or parole the arresting officer and/or agency should contact the appropriate jurisdiction (whether outside departmental jurisdiction or not) to report said arrest. Officers should report the arrest directly to the suspect's supervising probation or parole officer when available.

The officer may stop and detain the person outside the geographical boundaries of the officer's jurisdiction for the purpose of the enforcing that law or ordinance or enforcing any other law or ordinance violated immediately before detainment (MCL 764.2a).

1. If the suspect cannot be located within a reasonable period of time (generally no longer than the end of the officer's tour of duty), a warrant for any crime committed shall be obtained based on information and belief.
2. If probable cause exists to believe that misdemeanor assault, assault and battery or aggravated assault has been committed but the relationship between the assailant and the victim is not spouse, former spouse, resident or former resident of the same household, has had a child in common or has had a dating relationship the office should still make a warrantless arrest (MCL 764.15(1)(f)).
3. If probable case exists to believe that a misdemeanor other than an assault, assault and battery or an aggravated assault took place and the offense is punishable by more than 92 days in jail the officers should make a warrantless arrest pursuant to MCL 764.15(1)(f).
4. **The arresting officer should follow departmental policy if firearms are involved in the domestic violence scene; this includes seizing and holding the firearm.**

VII. Policy if NO Arrest is Made

- A. Officers should not leave any domestic violence scene until the scene has been calmed and the immediate safety of all parties has been provided for.
- B. Officers must provide and/or arrange for emergency assistance to victims including, but not limited to, medical care, transportation to a shelter or remaining at the scene of an domestic violence incident for a reasonable time until, in the reasonable judgment of the officer, the likelihood of further imminent violence has been eliminated (MCL 776.22(3)(g)).
- C. Officers should assess the lethality of the situation, per the guidelines discussed in Section IV of this policy, and follow all protocol associated with the lethality assessment.
- D. Temporary separation can be suggested in these situations. Officers should encourage one party to leave, providing protection while essential property is collected in preparation for leaving and providing assistance with transportation whenever possible. Officers SHALL provide the victim with a Victim's Rights Notice as required by MCL 764.15c.
 - a. Officers should discuss with the victim the factors of lethality identified and the danger she may be in. Officers can inform victims that these are factors that have been found to be predictors of future danger and violence. The victim should be advised to consider these in making the decision to remain at the scene or leave.
 - b. Officers can assist victims in contacting Turning Point at 586-463-6990, 24 hours day, 7 days a week, by dialing the number to put them in touch while still at the scene to provide safety and crisis intervention.
- E. Officers shall prepare a detailed, written domestic violence report, in addition to the Standard Domestic Relationship Incident Report (DV-001) when responding to and investigating domestic violence calls (MCL 764.15c(2)).
- F. The officers shall complete the report, retain a copy for department files and *file a copy of the completed written report and DV-001 to the prosecuting attorney within 48 hours, pursuant to MCL 764.15c(3).*

VIII. Notice of Victim's Rights

After conducting a thorough criminal investigation at a domestic violence scene, officers shall provide the victim with a written Notice of Rights that includes all of the following (MCL 764.15c):

- The **name and telephone number of the responding police agency.**
- The **name and badge number of the responding officer.**
- The following statement:
 - You may obtain a copy of the police incident report for your case by contacting this law enforcement agency at the telephone number provided.
 - There may a charge for your police report and your may have to wait up to seven (7) days for your report to be complete.

- If we are still investigating your complaint, it may not be possible to obtain the report until the case is closed.
- The domestic violence shelter program and other resources including **Turning Point, Inc at 586-463-6990**.
- Information about emergency shelter, counseling services, and the legal rights of domestic violence victims is available from these resources.
- Your legal rights include the right to go to court and file a petition requesting a Personal Protection Order to protect you or other members of your household from domestic abuse which could include the following:
 - a. An order restraining or enjoining the abuser from entering onto premises.
 - b. An order restraining or enjoining the abuser from assaulting, attacking, beating, molesting or wounding you.
 - c. An order restraining or enjoining the abuser from threatening to kill or physically injure you or another person.
 - d. An order restraining or enjoining the abuser from removing minor children from you, except as otherwise authorized by a custody or parenting time order issued by a court of competent jurisdiction.
 - e. An order restraining or enjoining the abuser from engaging in stalking behavior.
 - f. An order restraining or enjoining the abuser from purchasing or possessing a firearm.
 - g. An order restraining or enjoining the abuser from interfering with your efforts to remove your children or personal property from premises that are solely owned or leased by the abuser.
 - h. An order restraining or enjoining the abuser from interfering with you at your place of employment or education or engaging in conduct that impairs your employment relationship or your employment or educational environment.
 - i. An order restraining or enjoining the abuser from having access to information in records concerning any minor child you have with the abuser that would inform the abuser about your address or telephone number, the child's address or telephone number, or your employment address.
- An order restraining or enjoining the abuser from engaging in any other specific act or conduct that imposes upon or interferes with your personal liberty or that causes a reasonable apprehension of violence.
- Your legal rights also include the right to go to court and file a motion for an order to show cause and a hearing if the abuser is violating or has violated a Personal Protection Order and has not been arrested.

IX. Bonding Policy

- A. A person arrested without a warrant under the authority of MCL 764.15a or a substantially corresponding local ordinance for a misdemeanor assault, assault and battery, or aggravated assault **shall not** be released on an interim bond or on recognizance.
- a. MCL 780.582a states the assailant shall be held until he or she can be arraigned or have interim bond set by a judge or district court magistrate. If a judge or district court magistrate sets interim bond, they shall consider and may impose the condition that the person released shall not have or attempt to have contact of any kind with the victim. **Bond orders that contain protective conditions shall be immediately entered into LEIN.**
- B. A person arrested with a warrant for assault, assault and battery, aggravated assault or a substantially correspond local ordinance where the victim is a spouse, former spouse, a person who resides or has resided in the same household, a person who has or has had a dating relationship, or a person with a child in common shall not be released on an interim bond or recognizance.
- a. MCL 780.582a states the assailant shall be held until he or she can be arraigned or have interim bond set by a judge or district court magistrate. If a judge or district court magistrate sets interim bond, they shall consider and may impose the condition that the person released shall not have or attempt to have contact of any kind with the victim. **Bond orders that contain protective conditions shall be immediately entered into LEIN.**
- C. A person arrested for violation of a Personal Protection Order (PPO) or foreign protection order under MCL 764.15b **SHALL NOT** be released on interim bond or personal recognizance. The suspect **SHALL** be brought before the court in accordance with this policy.
- D. The arresting officer should completely document the incident to ensure that **ALL** necessary information is available to the prosecutor and court to ensure appropriate conditions of release are set.

X. Victim Assistance

Information to be Given to the Victim at Every Scene (Arrest or No Arrest)

Please Note: Macomb County Prosecuting Attorney's Office has victim information cards available for any departments. Please contact them for assistance in this matter.

Within 24 hours after the initial contact between the victim of a reported crime and the department, the department shall give the victim the following information in writing, pursuant to MCL 780.753:

- a. The availability of emergency and medical services, if applicable.
- b. The availability of Victim's Compensation Benefits and the address of the Crime Victim's Compensation Board: **Crime Victim Services Compensation, 320 S Walnut, Lansing, MI 48913.**

- c. The address and telephone number of the prosecutor whom the victim should contact regarding any questions with Victim's Rights: **Crime Victim Rights Unit, 1 South Main Street, Mount Clemens, MI 48043; (586) 469-5675.**
- d. The following statements:
 - i. "If you would like to be notified of an arrest in your case or the release of the person arrested, or both, you should call [this department and give telephone number] and inform them."
 - ii. "If you are not notified of an arrest in your case, you may call this department [give telephone number] for the status of the case."

Victim Assistance when an Arrest is Made

- Officers must provide or arrange for emergency assistance to victims, including, but not limited to medical care, transportation to a shelter or remaining at the scene of a domestic violence incident for a reasonable time until, in the reasonable judgment of the police officer, the likelihood of further imminent violence has been eliminated (MCL 776.22(3)(g)).
- Officers should not leave any domestic violence scene until the scene has been calmed and the immediate safety of all parties has been provided for.
- Officers shall provide all victims of domestic violence with Notice of Rights information as required (MCL 764.15c). **This information MUST be provided whether or not an arrest was made.**
- **Officers may make contact with the crisis line at Turning Point, Inc. at 586-463-6990 on scene.**

Recommended Procedures

Victims of domestic violence may require other assistance to meet their immediate needs for safety, medical treatment, shelter and information. Officers should:

1. Help facilitate access to medical assistance. Encourage the victim to seek medical attention, even if it is done later. This can provide evidence of additional injury and/or additional documentation of known injury.
2. Explain to the victim and the assailant that the arrest decision was made by the officers in accordance with the requirements of the law.
3. Facilitate the placement of children if the victim is hospitalized.
4. Provide transportation when safety considerations warrant it. Help arrange transportation in other situations.
5. Explain the importance of photographs and evidence to the victim.
6. Attempts should be made to notify the victim of the release of the assailant, whenever possible.
7. Attempts to assist the victim in making arrangements for the care of household pets (e.g. advises victim if the local domestic violence shelter has a program for the placement of pets, etc) or make a call to Turning Point, Inc. at (586) 463-6990 for more assistance.

Victim Assistance is No Immediate Arrest Could be Made

- If the assailant is gone when officers arrive, they should discuss a safety plan with the victim for when the assailant returns. Officers should encourage the victim to call the police if the assailant returns.
- Officers may facilitate the victim's immediate contact with Turning Point, Inc. at (586) 463-6990, if necessary.
- Officers shall provide all victims of domestic violence with Notice of Rights information as required. This information must be provided even when an arrest was not made (MCL 764.15c).
- Officers should explain the Notice of Rights information to the victim.
- If the assailant is still present and an arrest cannot be made, officers should assess the lethality of the situation by considering indicators of a life-threatening situation such as the assailant has:
 - Threatened to kill the victim of the domestic violence;
 - Threatened to take the victim hostage;
 - Threatened the children;
 - Threatened to use or has used a weapon;
 - Killed or mutilated a pet;
 - Knowledge that the victim is leaving or filing for divorce;
 - Access to weapons;
 - A history of weapons use;
 - A history of domestic violence;
 - A history of assaultive behavior;
 - Engaged in stalking behavior;
 - Access to the victim and/or the victim's family;
 - Threatened suicide; and/or
 - An alcohol or drug addiction.

Recommended Procedures

1. If the assailant has threatened suicide consider taking the assailant for a psychiatric evaluation, where appropriate.
2. If the assailant has engaged in stalking behavior the victim should be advised to seek a Personal Protection Order (PPO).
3. Officers should document all conduct that constitutes stalking behavior.
4. Officers should seek a warrant for stalking if the assailant has engaged in two or more acts of uncontested to contact.
5. If the assailant has threatened the children a report to Department of Human Services may be required (describing the assailant's threatening behavior to the children).
6. If indicators of lethality are identified officers should determine if new probable cause for an arrest has been established based upon the lethality assessment (see *Response and Investigation* section of this policy).

7. Officers should discuss with the victim the factors of lethality identified and the danger she may be in. Officers can inform victims that these are factors that have been found to be predictors of future danger and violence. The victim should be advised to consider these in making the decision to remain at the scene or leave.
8. Officers may facilitate and encourage victims to contact Turning Point, Inc. at 586-463-6990 while still at the scene to provide safety and crisis intervention/support services.

Officers should encourage separation when indicators of lethality are identified and provide or arrange for transportation to assist one party in leaving whenever possible.

XI. Procedure when Assailant is a Law Enforcement Officer, Political Official, etc.

It shall be the policy of this department to respond to and investigate any and all domestic violence incidents involving a law enforcement officer (from this department and/or any other jurisdiction), political official, city or county employee or any other “official” person by following the guidelines set forth below:

Reporting Responsibilities

1. Any department employee with knowledge of any domestic violence related crime committed by a law enforcement officer **must** report such information to their immediate Supervisor. The supervisor **will** then report that information to the appropriate department personnel.
2. Any department employee who becomes aware that a law enforcement officer is prohibited from purchasing or possessing a firearm by a Personal Protection Order (PPO), regardless of the issuing jurisdiction, **must** immediately inform their immediate Supervisor who **will** then report said information to the appropriate departmental personnel.
3. When notified of a domestic violence incident involving a law enforcement officer from this department, whether an assault, PPO violation, including prohibiting a department officer from purchasing or possessing a firearm, the Supervisor **will** initiate an internal affairs investigation by following department policy. The Chief of Police will be notified in writing as to all information regarding the incident/matter.
4. Any department employee, including sworn officers, who is involved in a domestic violence incident, assault and battery or be named as a Respondent in a Personal Protection Order in any jurisdiction, is responsible for immediately reporting said incident to their Supervisor. The incident report must include the date, time, parties involved, responding law enforcement organization and outcome.

Dispatch Responsibilities

1. The dispatcher who receives information that the domestic violence call involves a law enforcement officer (from this department and/or any other jurisdiction), political official, city or county employee or any other “official” person will elicit from the call all necessary information as in any other domestic violence incident.
2. The dispatcher will dispatch officers to the scene and advise the shift Supervisor of the call.
3. If there is no shift Supervisor on duty, the dispatcher shall notify the Lieutenant of the call.

Responding Officer’s Responsibilities

1. Upon arrival at the scene of domestic violence call/incident committed by a law enforcement officer (from this department and/or any other jurisdiction), political official, city or county employee or any other “official” person the responding officer will immediately notify dispatch and request a Supervisor to be sent to the scene, regardless of the involved person’s jurisdiction.
2. The responding officer and Supervisor will investigate the scene thoroughly, as they would the scene if it was a civilian involved.
3. All incidents of domestic violence involving a law enforcement officer (from this department and/or any other jurisdiction), political official, city or county employee or any other “official” person **must be** documented and appropriate enforcement action taken, in accordance with the law.

Employee (Suspect) Officer Responsibilities

1. An officer who is involved in a domestic violence criminal investigation, named as a Respondent on a Personal Protection Order (PPO), injunctive order or peace bond must immediately report any/all information to the Supervisor and provide notice of court dates, times, appearances and/or proceedings.
2. An officer who is prohibited from purchasing or possessing a firearm by a Personal Protection Order (PPO) will immediately notify a Supervisor upon service or notification of such an order.
3. Until the PPO is modified, rescinded or otherwise expires, the officer will remain in compliance with the order’s prohibitions.
4. It is the responsibility of the officer receiving notice of a PPO to seek any modification or termination from the court of issuance or court of proper jurisdiction.
5. An officer prohibited from purchasing or possessing a firearm by a PPO must make arrangements through the Supervisor regarding leave time (furlough, leave days, compensatory time, personal business, and leave of absence, etc) until such order is rescinded or modified.

NOTE: MCL 600.2950a(10) states “...the individual restrained or enjoined may file a motion to modify or rescind the personal protection order and request a hearing under the Michigan court rules. **The motion to modify or rescind the personal protection order shall be filed within 14 days after the order is served or after the individual**

restrained or enjoined has received actual notice of the personal protection order unless good cause is shown for filing the motion after 14 days have elapsed.”

6. In the event that the PPO is not modified or rescinded, within the time period described above, the status of the officer’s employment with the department will be evaluated at that time.

Supervisor Responsibilities

1. **The Supervisor (shift or otherwise) shall respond to the scene of all domestic violence incidents involving a law enforcement officer (from this department and/or any other jurisdiction), political official, city or county employee or any other “official” person that occur within departmental jurisdiction regardless of involved individual’s jurisdiction.**
2. The shift Supervisor will immediately notify the Lieutenant/and or the Chief of police if the situation results in the physical arrest of a law enforcement officer.
3. The shift supervisor or Lieutenant shall place any department employee who is arrested for domestic violence on administrative leave according to the terms of the department disciplinary procedure. The Chief of Police shall be immediately notified.
4. When an officer is arrested for a domestic violence related crime or for violating a PPO, the Supervisor shall relieve the officer of his/her service weapon and store it following department policy.
5. When a Supervisor determines that an officer was served with a PPO that prohibits the officer from purchasing or possessing a firearm, the Supervisor will immediately arrange to have the officer’s department issued firearm taken by a Supervisor. A report of this fact must be submitted to the Chief of Police or his designee on the date of the weapon confiscation.
6. **When a Supervisor responds to a domestic violence incident committed by a law enforcement officer (from this department and/or any other jurisdiction), political official, city or county employee or any other “official” person from another jurisdiction, the department Supervisor will verbally notify that agency within four (4) hours of the incident and will ensure that a supplemental report is written which documents the name of the person notified within seven (7) days.**
7. **The Lieutenant and the Chief of Police shall be notified when a jurisdiction notifies this agency that a department officer has been arrested for a domestic violence related crime or violation of a PPO. The Supervisor will immediately gather all information relating to the circumstances surrounding the arrest and/or violation.**

XII. Supervision

Supervisory Review of Policy Compliance

- **All responses to a domestic violence call shall be reviewed for compliance with this policy on a monthly basis by the appropriate Supervisor and/or Lieutenant.**

Recommended Procedures:

When the victim or the assailant is a criminal justice system employee or public official, the Supervisor shall investigate to ensure that the response is properly documented and that agency policy has been followed. Whenever possible the Supervisor shall respond to and take charge of the scene.

- **When a dual arrest is made, the probable cause for each arrest shall be reviewed by the Supervisor to ensure that the intent of the law and this policy was followed.**

Note: Dual Arrests are discouraged. MCL 776.22(3)(b)(ii) Provides that officers, when determining whether to make an arrest of 1 or both individuals, should consider the following:

- the intent of the law to protect victims of domestic violence,
- the degree of injury inflicted on the individuals involved,
- the extent to which the individuals have been put in fear of physical injury to themselves or other members of the household,
- and any history of domestic violence between the individuals.

The officer should not arrest an individual if the officer has reasonable cause to believe the individual was acting in lawful self-defense or in lawful defense of another individual.

Supervisory Enforcement of Policy

- **Supervisors shall provide feedback to officers to reinforce the intent of this policy based on monthly review of Response, Reporting and Arrest standards.**
- **A supervisor finding violations of the policy shall discipline for noncompliance with the policy (MCL 776.22(3)(k)).**

Supervisor Responsibilities Regarding Firearms and PPO/Domestic Arrests:

- **MCL 28.422b requires the department of state police to send written notice to a person who is the subject of the PPO that they are prohibited from purchasing a pistol or obtaining a license to carry a pistol concealed. This notice shall not be sent until the department has received notice that the person who is the subject of the PPO has been served with or has received notice of the PPO.**

The prohibitions against obtaining a permit to purchase a pistol or obtain a permit to carry a weapon concealed are automatic based on the entry of any PPO into the LEIN. **These prohibitions would not affect the ability of a law enforcement officer to carry or possess a weapon as required by job requirements.**

The PPO may also contain a specific prohibition against purchasing or possessing any firearm. This would prohibit a law enforcement officer from carrying or possessing a firearm even as required by the job.

- **18 U.S.C. sec. 922g(8). Makes it unlawful for any person convicted of a “misdemeanor crime of domestic violence” to ship, transport, possess or receive firearms or ammunition.**

This statute applies to governmental employees including police officers and would prohibit a law enforcement officer from carrying or possessing a firearm even as required by the job. The Bureau of Alcohol, Tobacco and Firearms, (ATF), is charged with the implementation and enforcement of this law. The International Association of Police Chiefs (IACP) has issued an advisory bulletin to agencies recommending actions that should be taken.

The following recommended procedures are drawn from this source.

Recommended Procedures:

1. Inform all current employees of the new law and its consequences.
2. Require officers to inform the agency of all past convictions and that they must immediately promptly notify the agency of new convictions.
3. Conduct a survey of employment applications and personnel records to determine if current officers are affected.
4. Have every officer complete a qualification inquiry or disclosure form indicating compliance with the law or past history.
5. Have all job applicants complete a disclosure statement.
6. If a conviction is found a review must be conducted to determine if it is a violation that is covered by sec. 658 which amends section 921(a) of Title 18 of the United States Code by adding at the end the following:

“33(a) ...the term ‘misdemeanor crime of domestic violence’ means an offense that:

- (1) is a misdemeanor under Federal or State law; and
- (2) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or

has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated as a spouse, parent, or guardian of the victim. (3) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless: (a) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and (b) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either: (1) the case was tried by a jury, or (2) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise. (4) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.”

- **Law enforcement agencies must prohibit the transfer of weapons and ammunition to individuals affected by 18 U.S.C. Sec. 922g, as defined in Sec. 658.**

18 U.S.C. Sec. 922g(8) also makes it unlawful for anyone to transfer or sell a firearm and/or ammunition to an individual convicted of a crime of domestic violence.

- **Federal law also provides that persons who are subject to court orders restraining them from abusing an intimate partner may not purchase or possess firearms or ammunition. 18 U.S.C. 922(g)(9).**

Intimate partner, for purposes of the federal statute, includes spouse, former spouse, child in common and resident or former resident of the same household. At this time, dating relationship is not included in the federal law as it pertains to this section. Orders covered by this section include Michigan personal protection orders, conditional release orders and probation orders that provide for the protection of a named party. The statute applies regardless of whether the protection order prohibits purchasing or possessing firearms or ammunition. If a personal protection order or conditional release order restraining a law enforcement officer does not address the purchase or possession of firearms, the officer will be permitted to carry a firearm in the line of duty. 18 U.S.C. 922(g)(8). Violations of federal law should be referred to the FBI or ATF for investigation.

XIII. Training

Initial Training

- **All affected agency personnel including officers, dispatchers and supervisors, shall be trained to follow this policy. The training must be sufficient to ensure an understanding of the provisions of this policy (MCL 776.22).**
- **All affected agency personnel including officers, dispatchers and supervisors, shall be given a copy of the policy and shall be responsible for knowing, understanding and complying with the provisions of the policy.**

Training Recommendations:

1. It is highly recommended that training regarding this policy will include the following elements:

- a. the dynamics of domestic violence;*
- b. laws related to domestic violence;*
- c. officer safety and response procedures; and*
- d. lethality assessment and/or any other element deemed necessary.*

2. Training on the dynamics of domestic violence should be done by Turning Point, Inc. staff.

Ongoing Training

Ongoing training, supervision and accountability are essential for minimizing the risk of liability, thus the training shall be conducted on an annual or bi-annual basis.

Policy review training shall be sufficient to create an understanding and retention of the requirements of this policy. Personnel shall be able to properly articulate this policy on the witness stand in court.

Review training should include all affected agency personnel including officers, dispatchers and Supervisors. MCL 776.22.

Training Recommendations:

1. Annual policy review training is highly recommended. Personnel should be given a copy of the policy, asked if they have any questions regarding the policy, and be required to sign a statement that they have received, read, and understand the policy.

2. It is recommended that documentation of review training be maintained by the agency, including date trained and on what elements.

XIV. Evaluation and Data Collection

Evaluation

- **The evaluation goal of this policy is to ensure 100% compliance with the provisions of this policy.**
- **The policy shall be monitored and reviewed annually to determine compliance and the need for modification. Management shall designate the individual who has responsibility for conducting this review (MCL 776.22).**
- **Training needs should be identified as a result of data evaluation and policy review.**

Recommended Procedures:

- 1. Turning Point, Inc., the Macomb County Domestic Violence Council and other members of the community should participate in the review.*
- 2. Results of the annual review should be made available to all agency personnel, domestic violence service providers and the community. Dissemination of information is key to accountability.*

Data Collection

- **Data should be collected to enable measurement and evaluation of this policy's effectiveness in meeting its goals.**
- **A separate incident number shall be assigned to each domestic violence response dispatched.**
- **Effective October 1, 2002, police chiefs and sheriffs shall report to the Michigan State Police, in a manner prescribed by the department, the number of domestic violence incidents reported (MCL 28.257).**

Recommended Procedures:

- 1. Data should be collected documenting the following:*
 - a. Number of calls for service;*
 - b. Number of calls dispatched;*
 - c. Disposition of each response;*
 - d. Reasons when no arrest is made;*
 - e. Assaults on officers and by whom;*
 - f. Services arranged for victims, such as ambulance, transportation to shelter, referral to shelter;*
 - g. Weapons used by assailant;*
 - h. Domestic violence homicides; and*
 - I. Felonious assaults.*
- 2. Data shall be collected to permit evaluation of individual officer responses.*

- a. Review of individual officer responses shall be conducted to enable enforcement of the policy.*
- b. Feedback shall be provided to officers.*

XV. Mandated Written Domestic Violence Response Policy

MCL 776.22 mandates written domestic violence response policies for all police agencies in the state. The act specifies that certain criteria are followed in the development of the policy and certain provisions be included.

- Each police agency in this state shall, by January 1, 1995, develop, adopt, and implement written policies for police officers responding to domestic violence calls.
- The policies shall reflect that domestic violence is criminal conduct.
- Police agencies shall consult with the prosecuting attorney and with an area shelter for victims of domestic violence in the development, implementation, including training, and evaluation of policies.
- The policies must include, but are not limited to procedures for:
 1. conducting a criminal investigation;
 2. making a criminal arrest;
 3. denial of interim bond;
 4. verifying a personal protection order (PPO);
 5. making an arrest for violation of a personal protection order (PPO) or a foreign protection order;
 6. providing or arranging for emergency assistance to victims;
 7. informing the victim of community services and legal options;
 8. preparing a written report;
 9. training of peace officers, dispatchers and supervisors; and
 10. discipline for noncompliance with the policy.
- The local policies developed, adopted, and implemented pursuant to this section shall be in writing and shall be available to the public upon request (*MCL 776.22*).

