

#### AUTHORITY

Adopted by the City Commission on October 9, 1991.

#### SCOPE AND APPLICABILITY

The purpose of this policy is to specify Police Department guidelines for dealing with incidents of domestic violence.

#### POLICY STATEMENT

It shall be the policy of the City of Tallahassee and its police department in dealing with incidents of domestic violence that:

- A. When a lawful arrest is possible, the making of that arrest is the preferred police response.
- B. Victims of domestic violence will be assisted in obtaining medical treatment, if necessary, and will be provided information about their rights and available remedies.
- C. Incidents of domestic violence will be well documented to those criminal justice and social service agencies that prosecute offenders, assist victims and keep statistics on domestic violence.
- D. Protective injunctions will be vigorously enforced.

#### DEFINITIONS

- A. Domestic Violence: Any assault, battery, sexual assault, or any criminal offense resulting in physical injury or death of one family or household member by another, who is or was residing in the same single dwelling unit.
- B. Family or household member: Spouse, former spouse, persons related by blood or marriage, persons who are presently residing together, as if a family, or who have resided together in the past, as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time.

#### ACTION

- A. During every investigation concerning domestic violence, officers shall ensure that the victim receives a copy of the "Legal Rights and Remedies Available for Victims of Domestic Violence" document as required by F. S.

741.29(1), and shall assist the victim in obtaining medical treatment if such is required as a result of the alleged domestic violence.

- B. The following factors should not influence an officer's decision whether to arrest:
1. Whether the suspect lives on the premises with the spouse
  2. Absence of a court-ordered injunction for protection
  3. The potential financial consequences of arrest
  4. The victim's history of prior complaints
  5. Verbal assurances the violence will cease
  6. The victim's emotional state
  7. The absence of visible injuries, even though injuries are reported
  8. Speculation that the victim will not follow through with the criminal justice process or that the arrest will not lead to conviction.

The existence of the elements of a crime shall be the sole factors determining the proper method of handling the incident. Dispute mediation shall not be used as a substitute for appropriate criminal proceedings.

- C. Whenever an officer determines there is probable cause to believe that an act of domestic violence has been committed within the officer's jurisdiction, the officer shall arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime. The decision to arrest or charge shall not require consent of the victim or consideration of the relationship of the parties. When complaints are received from two or more parties, the officer shall evaluate each complaint separately to determine whether there is probable cause for arrest.
- D. An officer may arrest a person for domestic violence without a warrant when there is probable cause to believe that the person has knowingly committed an act of domestic violence and the officer reasonably believes that there is danger of violence unless the person alleged to have committed the domestic violence is arrested without delay. Additionally, an officer may arrest a person without a warrant when there is probable cause to believe that the person has knowingly

committed an act in violation of an injunction for protection entered pursuant to F. S. 741.30 or F. S. 784.046, which creates a threat of imminent danger to the petitioner or household members. Such arrest may be made over the objection of the petitioner.

- E. In all cases of domestic violence or alleged domestic violence, whether or not an arrest is made, the officer shall make a written report of the incident indicating, as prescribed by the Florida Department of Law Enforcement, that the alleged offense was an incident of domestic violence. Such report shall include a description of physical injuries observed, if any, and the reasons if no arrest was made, and shall indicate that a copy of the legal rights and remedies notice was given to the victim. Whenever possible, the officer shall obtain a written statement from the victim and witnesses.
- F. The police department shall, without charge, send a copy of all initial police reports on domestic violence incidents to the nearest locally certified domestic violence center within 24 hours of the department's receipt of each report. Reports sent to the domestic violence center shall be purged of all victim/witness statements and other materials deemed to be part of an active criminal investigation as defined in F. S. 119.07(3)(d).

#### PROCEDURES

The police department will adopt such procedures as are necessary to implement this policy and revise those procedures as necessary to reflect changes in related legislation.

#### ADMINISTRATION

The Tallahassee Police Department shall be responsible for administering this policy.

#### SUNSET REVIEW

- A. Date: October 1, 1996
- B. Process: The Tallahassee Police Department shall review this policy and related state legislation at least annually and shall recommend needed changes to the Commission.