

A. PURPOSE. To attempt to protect victims of domestic violence and apprehend offenders

B. GENERAL PROCEDURE

1. Officers shall effect a misdemeanor arrest for domestic violence without a warrant if:

a. There is probable cause to believe that an assault, assault and battery, or aggravated assault has occurred or is occurring; and

b. The person who committed the violation is:

(1) A spouse.

(2) An individual who has had a child in common with the victim.

(3) An individual who resides or has resided in the same household as the victim.

(4) An individual who has a dating relationship or former dating relationship with the victim.

c. Regardless of whether the violation was committed in their presence;

d. Regardless of the nature of the call for service or incident; and

e. The officer is lawfully present.

2. Probable cause may be established by the:

a. Statements of witnesses or victims;

b. Presence of physical evidence;

c. Condition of the premises; or

d. Other facts or circumstances that are directly related to the apparent criminal activity.

3. When determining whether to make an arrest of a subject, officers should consider:

- a. The intent of the law, which is to protect victims of domestic violence.
  - b. The degree of injury inflicted on the individuals involved.
  - c. The extent to which the individuals are fearful of physical injury to themselves or other members of the household.
  - d. Any history of domestic violence between the individuals, if that history can reasonably be ascertained by the officer.
4. The decision of the officer to arrest an individual should not be based solely on:
    - a. The consent of the victim to any subsequent prosecution.
    - b. The relationship of the individuals involved in the incident.
    - c. The absence of visible indications of injury or impairment.
  5. Officers should not arrest an individual if the officer has reasonable cause to believe the individual was acting in self-defense or in lawful defense of another individual.
  6. Officers not effecting arrests for domestic violence in the aforementioned circumstances shall receive approval from a patrol supervisor at the scene of the incident.
  7. If a suspect is not present at the scene of the reported incident and the assigned officers intend to effect an arrest, every reasonable effort to "attempt to locate" and effect the arrest should be promptly completed.
  8. Arrests shall be made if probable cause exists for other felony offenses (i.e., felonious assault, strangulation, and interfering with an electronic communication).
  9. Officers shall, at the scene of a domestic assault or other related incident, immediately provide or summon emergency medical care to all injured persons.
  10. Officers shall remain at the scene of any domestic assault incident until, in the reasonable judgment of the officer, the likelihood of further imminent violence has been eliminated.

11. If no arrest can be effected and one or both parties does not have transportation to another place to stay temporarily, officers may with supervisory approval provide transportation within the City limits of Grand Rapids or close proximity. If no other place is available, officers shall direct the Emergency Communications Operator (ECO) to contact the Domestic Crisis Center (for females and children only) or an available "mission" (for men) for the purpose of residentially placing the subjects temporarily.
12. The responding officer shall request that the Domestic Assault Response Team (see DART procedure) respond to the incident address when a domestic assault arrest has been made unless an unsafe environment exists, i.e., the victim is assaultive or there is potential for further violence.
13. The responding officer is encouraged to request the Domestic Assault Response Team to respond to other domestic related incidents when they may be able to provide some specialized service to the victim.
14. After investigating a domestic dispute, officers shall provide and explain to the victim the content of the 2-1-1 pocket guide. This guide shall include the:
  - a. Grand Rapids Police Department telephone number.
  - b. Name and badge number of reporting officer(s).
  - c. Statement, "You may obtain a copy of the police report for your case by contacting the Grand Rapids Police Department Records Unit at 456-3351."
  - d. Information about domestic violence programs, including information about emergency shelters, counseling services, legal rights and services, etc.
  - e. Legal rights of victims to go to court and file a petition requesting a Personal Protection Order (Injunctive Order) to protect them or other members of their household from domestic abuse.

15. If an adult suspect is arrested and lodged for domestic violence and Court Services personnel at KCCF can confirm through a criminal history check or court records that the subject has a prior **conviction** for domestic violence, the charge may be upgraded to domestic violence 2<sup>nd</sup> or 3<sup>rd</sup> Degree, whichever is appropriate.
16. Officers shall prepare a “domestic violence report” after investigating or intervening in any domestic violence incident. This report is electronic and accessible via their field reporting solution.

C. **WARRANTS, BOND AND PAROLE CONDITIONS AND PERSONAL PROTECTION ORDERS.** When responding to domestic assault incidents, officers shall direct the Emergency Communications Operator (ECO)/LEIN operator to determine if any warrants, bond conditions, parole conditions, or personal protection orders exist for the involved persons.

1. *Warrants.* All warrants shall be confirmed.
2. *Violation of Bond and Parole Conditions.* Officers shall make a warrantless arrest of a subject if the officer possesses reasonable cause to believe that the subject is violating or has violated a Special Condition of Bond imposed for the purpose of protecting identified persons or any condition of parole (see Bond and Parole Violations procedure).
3. *Personal Protection Orders (Personal Injunctive Orders).* Officers, without a warrant, shall arrest and take into custody a person when the officer has reasonable cause to believe that the person has violated a personal protection order, including foreign personal protection orders. A foreign personal protection order is an order issued by another State, Indian Tribe, or U.S. Territory.
  - a. A violation of a personal protection order exists if that person commits one (1) or more of the acts SPECIFICALLY enumerated in the order to restrain or enjoin a person from:
    - (1) Assaulting, beating, molesting, or wounding a named person.
    - (2) Entering onto the premises.
    - (3) Threatening to kill or physically injure a named person.

- (4) Removing minor children, except as authorized by a custody or visitation order issued by a court of competent jurisdiction.
  - (5) Engaging in stalking a named person.
  - (6) Purchasing or possessing a firearm.
  - (7) Interfering with petitioner's efforts to remove petitioner's children or personal property from premises that are solely owned or leased by the individual to be restrained or enjoined.
  - (8) Interfering with petitioner at petitioner's place of employment or engaging in conduct that impairs petitioner's employment relationship or environment.
  - (9) Any other act or conduct specified by the court in the personal protection order.
- b. Officers shall attempt to verify the existence of personal protection orders through LEIN, NCIC, administrative messaging, court contact, or other method believed reliable. Officers **may** rely upon a copy of the order and the petitioner's statement that the order that has been shown remains in effect and that the order has been served. In this circumstance, absent confirmation through one of the above methods, officers shall seek supervisory arrest approval prior to arrest.
- c. When no copy of the personal protection order is available and the order cannot be verified, the officer is to maintain the peace and take appropriate action with regard to any violation of criminal law.
- d. If the individual restrained or enjoined has not been served and the order has been entered into LEIN, officers shall:
- (1) Advise the individual restrained or enjoined of the existence of the personal protection order.
  - (2) Advise the individual restrained or enjoined of the specific conduct enjoined.
  - (3) Advise the individual restrained or enjoined of the penalties for violating the order.

- (4) Advise the individual restrained or enjoined where he or she may obtain a copy of the order (Circuit Court Clerk's office).
- (5) Give the individual a chance to comply with the order. Failure to immediately comply with the personal protection order shall be grounds for an immediate custodial arrest. This does not preclude an arrest for any other arrestable offense.
- (6) Immediately inform the emergency communications operator assigned to LEIN that verbal notice of the order has been made to the named party.
- (7) Complete a Proof of Service form and forward it to the Traffic Unit. The restrained party's signature is optional.

e. The ECO/LEIN operator, when informed by an officer that a person named in a personal protection order has been verbally notified of the personal protection order, shall:

- (1) Inform LEIN that verbal notice has been made to the party named in the personal protection order and
- (2) Place a copy of the LEIN message in the order's packet; or
- (3) Notify the entering agency by LEIN, if the personal protection order originated in another jurisdiction.

D. INTERIM BOND. An individual arrested for domestic assault or aggravated domestic assault must be held until he or she can be arraigned or have an interim bond set by a judge or magistrate.

E. POLICE REPORTING RESPONSIBILITIES. Officers shall be responsible for the detailed reporting of the incident. This shall include, but not be limited to, all of the standard information, as well as the following entries:

- 1. The victim/suspect relationship.
- 2. If there were any personal protection orders or bond conditions against any of the involved parties.

3. The appropriate information of all witnesses to any part of the incident including any children of the victim or suspect, the relationship of the witnesses to the suspect or victim, and a detailed statement of their observations.
4. The appropriate information of the person who reported the incident.
5. Whether alcohol or controlled substance abuse was involved in the incident, and by whom.
6. A narrative describing the dispute or incident and the circumstances that apparently caused it.
7. The number of times the suspect physically assaulted the victim and a description of any weapon or object used to commit the assault.
8. A description and photograph of all injuries sustained by the victim and an explanation of how they were inflicted.
9. If the victim sought medical care, information concerning where and how the victim was transported, whether the victim was admitted to a hospital or clinic for treatment, and the name and telephone number of the attending physician.
10. A description and photograph of any property damage reported by the victim or evident at the scene.
11. A description of any previous domestic disputes or incidents involving domestic violence between the victim and the suspect.
12. Whether or not the Domestic Assault Response Team responded to the scene.
13. A statement from the arrested suspect (forward the Miranda Rights card to the Detective Unit) or a documented attempt to obtain a statement.

## F. EVIDENCE COLLECTION

1. Officers shall be responsible for photographically documenting and/or physically seizing, pursuant to constitutional and statutory requirements, any evidence at the scene that supports or corroborates "reasonable cause to believe."

2. This evidence can include, but is not limited to, physical injuries, weapons used, the condition of the scene, and any other related facts or materials that support and justify the arrest.
3. All evidence, including photographs, shall be submitted as evidence in compliance with Departmental procedure.

#### G. SPECIFIC UNIT RESPONSIBILITIES

1. Detective Unit. All reported domestic assault reports shall be assigned to an investigator whether an arrest was made or not. Pursuant to MCL 764.15c, the assigned investigator shall:
  - a. Bring the report or copy of the report to the Kent County Prosecutor's Office or the City Attorney's Office within forty-eight (48) hours after the dispute or incident is reported for:
    - (1) Filing; or
    - (2) Specific review for the purpose of seeking a warrant.
  - b. Document the filing and decision of the Assistant City Attorney or the Assistant Prosecutor, together with the name of the reviewing attorney, and if no warrant is authorized, the reason(s) for the denial.
  - c. Obtain complete "criminal histories" (CCH) regarding the suspect for the purpose of ascertaining any previous spouse abuse arrests and/or convictions prior to prosecutorial review.
2. Emergency Communications Center: Emergency Communications Center personnel shall be responsible for entering of personal protection orders (preliminary injunctive orders/restraining orders) that are brought before it, regardless of whether proof of service is provided or not.