

KANSAS CITY, KANSAS POLICE

GENERAL ORDER

SUBJECT: Domestic Violence

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I. PURPOSE

- A. To establish Department policy and procedures for domestic violence situations encountered by officers in the performance of their duty.
- B. To establish procedures for domestic violence related restraining orders. (Protection from Abuse Act, KSA 60-3101)

II. DEFINITIONS

- A. Domestic Violence: An act or threatened act of violence against a person with whom the offender is involved or has been involved in a dating relationship, or an act or threatened act of violence against a family or household member by a family or household member. Domestic violence also includes any other crime committed against a person or against property, or any municipal ordinance violation against a person or against property, when directed against a person with whom the offender is involved in a dating relationship or when directed against a family or household member by a family or household member.
- B. Dating relationship means a social relationship of a romantic nature. Factors to consider when deciding whether a relationship exists or existed:
 1. Nature of the relationship, length of time the relationship existed, frequency of interaction

between the parties and time since termination of the relationship

- C. Family or household member are person 18 years of age or older who are
 1. Former spouses, whether residing together or not;
 2. Persons who are presently residing together or who have resided together in the past;
 3. A man and a woman, if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or lived together at any time;
 4. Persons who have a child in common regardless of whether they have been married or have lived together at any time; and
 5. Parents, stepparents, children and stepchildren
 6. Unmarried persons who have an ongoing intimate relationship with each other, with no common children, and have not lived together are not considered 'associated individuals' for the purpose of 'domestic violence' as listed above.
 7. Incidents involving a victim/suspect under the age of 18 do not meet the criteria for domestic violence and should be classified as battery, child endangerment, child abuse, etc. as appropriate to the facts of the case.
- D. Potential Abuse: Incidents where no probable cause or evidence exists to indicate that an act of violence has occurred but the potential exists for a violent act to occur unless positive action is taken.
- E. Positive Action: A posture of positive suggestion and action that will be assumed by officers in potential abuse situations.
- F. Human Service Organizations: Agencies recognized by the Department that provide counseling, aid or assistance to victims or potential victims of domestic abuse or violence.
- G. Probable cause for warrantless arrest: Probable cause for arrest without a warrant depends upon the probabilities arising from known facts and circumstances. Probable cause exists when the practical considerations of everyday life would lead a reasonable and prudent officer to believe a crime has been or is being committed. An officer will make an arrest, if possible, when there is probable cause that a crime of domestic violence has been committed
- H. An officer may arrest a person under any of the following circumstances (KSA 22-2401, 12-4212, G.O. # 1.08, Arrest Procedures):
 1. The officer has a warrant commanding that the person be arrested.

2. The officer has probable cause to believe that a warrant for the person's arrest has been issued in this state or in another jurisdiction for a felony committed therein.
3. The officer has probable cause to believe that the person is committing or has committed:
 - a. A felony; or
 - b. A misdemeanor, and the law enforcement officer has probable cause to believe that:
 - (1) The person will not be apprehended or evidence of the crime will be irretrievably lost unless the person is immediately arrested;
 - (2) The person may cause injury to themselves or others or damage to property unless immediately arrested;
 - (3) The person has intentionally inflicted bodily harm to another person; or
 - (4) Any crime, except a traffic infraction, has been or is being committed by the person in the officer's view.
 - c. The arrestee can be booked on a Unified Government Ordinance when:
 - (1) There is a confirmed Unified Government warrant;
 - (2) The arrestee has intentionally inflicted bodily harm to another person;
 - (3) There is probable cause to believe that the arrestee will harm themselves or others or may cause damage to property if not taken into custody;
 - (4) The officer prepares the Misdemeanor Summons and:
 - (a) The person refuses to give a written promise to appear in court when served with a notice to appear;
 - (b) The person is unable to provide identification of self by presenting a valid driver's license or other identification giving equivalent information to the law enforcement officer; or
 - (c) The person is not a resident of the State of Kansas.
 - d. An officer may not arrest a person who is charged only with committing a traffic infraction unless the person charged has failed to appear for the traffic infraction.
- I. Officer Involved Domestic Violence: Any on-duty or off-duty law enforcement officer of the agency that is involved in a form of domestic violence. This applies to all sworn personnel, regardless of their employment status (active, suspended, any type of leave, etc.).
- J. Predominant Physical Aggressor: The person who poses the most serious ongoing threat.

III. COMMUNICATIONS RESPONSIBILITY

- A. The dispatcher who receives a domestic violence call can provide the responding officers with vital information that could save the victim's and the officer's life. 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.
- B. During the initial call for assistance, the call taker shall attempt to ask these questions:
 1. Where is the emergency? What apartment? What phone? (Have the caller give a description of the residence, any automobiles parked in front, etc. to help officers locate the correct address.)
 2. What has 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? If not, a description of the suspect and expected whereabouts;
 7. Are weapons involved? If yes, what kind?
 8. Is the suspect under the influence of drugs or alcohol? If yes, what substance?
 9. Are children present?
 10. Have officers been to this address before?
 11. Does the victim have a current protection or restraining order?
 12. If the caller is the victim, if possible, stay on the line until officer arrives.

IV. ATTEMPTED CANCELLATION OF A CALL

- A. If the dispatcher receives a second call to cancel the original call, the dispatcher will still send the unit to the location to make sure the family is safe.
- B. The dispatcher will advise the caller that an officer will contact him/her.
- C. Dispatchers should advise/warn officers of a callback attempting to cancel the call.
- D. If someone attempts to cancel a domestic violence call the officer will talk to all concerned persons. If there is no probable cause that a crime was committed, but there is reasonable suspicion of a domestic violence crime, the officer will fill out an Investigative Report noting all pertinent information.

V. RESPONDING OFFICER PROCEDURES

- A. In instances of domestic violence, the officer will make an arrest when they have probable cause to believe that a crime is being committed or has been committed. Such arrest must be consistent with state and federal law. In no instances will an arrest be made without full probable cause.
- B. Domestic violence is a serious problem. Officers are required to file written reports on such incidents. Arrest, consistent with state law, is the appropriate response in situations where a crime has been committed. If a crime

is committed and an arrest is not made, the officer should clearly document why the arrest was not made in the Offense Report.

- C. The probable cause standard applied to domestic violence crimes is no different from the standard applied to other crimes.
- D. Officers are not required to arrest both parties involved in domestic violence when both claim to have been victims of such domestic violence
- E. Officers receiving complaints of domestic violence from two or more opposing persons shall evaluate each complaint separately to determine if there is probable cause that a crime was committed and that their actions were not an act of defense of a person or property as provided by K.S.A. 21-3211, 21-3212, 21-3213, 21-3218 or 21-3219.
- F. After arriving at the scene, if the officers are told their assistance is not needed and are not allowed to enter the residence, officers still need to attempt to ensure the safety of the residents.
- G. In cases where the original call came from the disturbance location, the officers should make contact with the complainant and ensure the officers' assistance is not needed. The officers should speak with the complainant privately, in a location away from other persons, to ensure that the complainant is free from coercive influences.
- H. The purpose of any on-scene investigation is to establish probable cause through interviewing of persons, recording statements, preserving the crime scene, and collecting evidence.
- I. When responding to a domestic violence call, the officers should:
 - 1. Restore order by separating those involved and calming them down. Officers should keep in view of each other at all times for officer safety.
 - 2. Request another officer (if needed) to check the scene for other victims, especially children.
 - 3. Assess the need for medical attention and call for medical assistance if necessary.
 - 4. Interview all persons separately (the victim, suspect, and witnesses) using supportive interviewing techniques (children should be interviewed in a manner appropriate to their age).
 - a. When children have witnessed the domestic violence incident by either hearing or seeing the event, it is very important to document this information in the officer's reports. The presence of the children increases the crime from a class B to a class A misdemeanor. (22-41 b 3)
 - b. Any instance of children displaying visible signs of stress, such as crying or screaming, should be documented in the officer's narrative.
 - 5. After each person has been interviewed separately, officers should confer as a team to decide if an arrest should be made or what other actions should be taken.
 - 6. When appropriate, take color photographs of injuries and property damage (black eye, other bruises, etc.).
- 7. Collect and record any physical evidence. If a weapon was used in the commission of a crime, standard procedure requires custody of the weapon as evidence.
- 8. The officer will complete an Offense Report and a Domestic Violence Supplement Report anytime he or she believes that a domestic violence crime has occurred, regardless of whether an arrest is made, if there is probable cause that a crime occurred.
- 9. When probable cause to arrest does not exist, an arrest is not made, and the potential victim chooses to leave, the officers should stand by to allow the victim to remove personal and necessary belongings. Officers will take positive action and inform victims or potential victims about shelters and other appropriate human service organizations and arrange transportation to a shelter or medical facility if necessary. In either event, the officer should stand by and preserve the peace until one person leaves. When both persons decline to leave and there is no probable cause to arrest, but there is reasonable suspicion that there is domestic violence, the officer will leave the scene and complete an Investigative Report.
- 10. The Domestic Violence Supplement Report will be completed any time officers respond on a domestic disturbance and there is probable cause that a domestic violence crime has occurred. It is not necessary, however, that both officers complete a separate Domestic Violence Supplement Report. If there is reasonable suspicion of domestic violence but no probable cause that an offense occurred, a standard investigative will be completed.
 - a. The Domestic Violence Supplement Report should document observations, spontaneous statements of the victim and suspect, a description of visible injuries (if applicable), location of the suspect and victim upon officers' arrival, weapons present, and any other circumstances significant to the situation. The frequency and severity of prior incidents should be included as well as the number of prior calls for assistance and the disposition of those calls, if known, should be included.
 - b. The report may also, if possible, note any secondary point of contact for the victim (parents, children, friend), and the specific relationship between the suspect and the victim.
 - c. The victim of domestic violence will write, in their words, a brief statement of what occurred and sign below their statement.
- 11. Dangerous weapons should be removed from the premises and turned in to the Logistics Unit for safekeeping if requested by the victim or at the discretion of the officer.
- J. In many domestic violence cases involving two participants, both will accuse the other of an act of domestic violence. In these situations, it is up to the responding officer(s) to determine whether one or both are arrested. Officers should refer to the section on probable cause to establish whether one of the participants can be labeled the "predominant physical aggressor" who causes the other to commit "defensive combat" only or whether both participants instigated domestic violence. The accusations of each person

(including instances in which there are more than two participants) should be evaluated independently, probable cause determined, and appropriate action taken. No officer investigating an incident of domestic violence shall threaten, suggest, or otherwise indicate the arrest of any person for the purpose of discouraging requests for law enforcement intervention by any person.

K. When a participant in a domestic violence situation is arrested, the following steps shall be taken:

1. Arrest (in accordance with G.O. #1.08 Arrest Procedures).
2. Attempt to obtain the suspect's personal information necessary for booking.
3. Turn the suspect over to the custody of the appropriate personnel and complete the booking process.
4. The officer who is dispatched to the call with the arresting officers shall:
 - a. Assist the arresting officer with the arrested suspect.
 - b. Assist the other officers in controlling the situation and the crime scene.
 - c. Transport the victim and minor dependent children to a friend's, relatives, domestic violence shelter, or other safe haven if requested. Follow Department policy when transporting members of the opposite sex.
 - d. Inform the victim of available domestic violence programs and other agencies that provide victim services.

VI. MISDEMEANOR DOMESTIC INCIDENTS

A. If a domestic violence suspect is still at the scene, or can be immediately located, and there is probable cause that a domestic violence misdemeanor offense is being or has been committed, officers will take the suspect into custody, arrest and book the suspect, provided that the officers also have probable cause to believe at least one of the following:

1. The suspect will not be apprehended or evidence of the crime will be irretrievably lost unless the person is immediately arrested;
2. The person may cause injury to themselves or others or may cause damage to property unless immediately arrested;
3. The person has intentionally inflicted bodily harm to another person; or
4. Any crime, except a traffic infraction, has been or is being committed by the person in the officer's view.

B. Such an arrest shall be made despite any inability or unwillingness of the victim to articulate the circumstances surrounding the incident and regardless of the victim's stated desire for prosecution. The victim need not sign any complaint. The arresting officer will sign as the complaining witness, if necessary. Let the victim and suspect know you are signing the complaint to arrest the suspect.

C. In situations of other misdemeanor arrests resulting from domestic violence, Department procedures for effecting

misdemeanor arrests will apply. Valid and justifiable reasons for effecting arrests will be required. Pertinent facts should be recorded in the appropriate reports.

1. Subjects arrested in connection with domestic violence or related protective order violation may be booked if appropriate. If probable cause exists to believe that the individual may harm themselves, another person, or cause damage to property if not detained for six hours, the arrestee will be booked and placed on a (6) hour hold.

2. A Domestic Violence Supplement Report will be completed for all arrests resulting from domestic violence crimes.

D. When a misdemeanor domestic battery suspect is arrested, officers must include on the summons that the victim is "a family or household member." For example: "Ord.22-41 - that John Doe intentionally or recklessly touched and applied force to the person of Jane Doe, a family or household member, when done in a rude, insolent, or angry manner."

1. Scheduling for all domestic violence related cases will be on Tuesdays at 1:00 p.m. only.

2. Officers will sign their own signature in the section for signature when signing on behalf of the victim.

3. The victim's name must be in the narrative section of the summons (Jane Doe), not the word 'victim'.

4. The officer will give the green copy (complainant's) of the misdemeanor summons to the victim as a 'notice to appear'. Officers will emphasize the importance of the victim's presence at court.

E. Inform the victim of available domestic violence programs and other agencies that provide victim services.

F. If the suspect has left the scene and there is probable cause that a crime has been committed, the officer will:

1. Conduct a search of the immediate area.

2. Obtain information from the victim and witnesses as to where the suspect might be (at job, a relative or friend's house).

3. Officers may file a summons with the Municipal Court despite the lack of victim cooperation if the officer believes initiating the complaint would best serve the interests of justice.

4. When a known suspect cannot be immediately located, officers having probable cause to believe that the facts are as presented by the victim or the reporting party shall:

a. Complete an Offense Report and a Domestic Violence Supplement Report.

b. Include complete information on the suspect (full name, race, sex, date of birth, and current address, if available) in the report.

c. Take appropriate action to apprehend the suspect, if the officer reasonably believes that the suspect may be located.

5. Inform the victim that domestic violence is a crime that, without intervention, often increases in frequency and severity.

6. Inform the victim of available domestic violence programs and other agencies that provide victim services.
7. Request supervisor approval to have the CSI Unit respond to take photographs of the scene, injury, or other damage, if appropriate.

VII. FELONY DOMESTIC INCIDENTS

- A. If an officer has probable cause that a felony has occurred or is occurring and the suspect is present, the officer will arrest the suspect. In all domestic violence felony cases, particularly those involving personal injury to the victim, the arrest of a suspect at the crime scene will be made regardless of the victim's stated desire to pursue or to decline prosecution at the time of arrest.
- B. When a felony arrest resulting from domestic violence has been made, Department procedures for effecting felony arrests will apply. Valid and justifiable reasons for effecting arrests will be required. Pertinent facts should be recorded in the appropriate reports.
- C. As in the case of any police response, the first priority is the life and safety of any victims. The crime scene will be secured and processed as appropriate in accordance with G.O. # 40.05 Crime Scenes.
- D. If the suspect has left the scene and a crime has been committed, the officer will:
 1. Conduct a search of the immediate area.
 2. Obtain information from the victim and witnesses as to where the suspect might be (at job, a relative or friend's house).
 3. Broadcast any known suspect information and possible whereabouts of the suspect.
 4. Notify a supervisor and, if possible, a detective.
 5. Inform the victim of available domestic violence programs and other agencies that provide victim services.
 6. If appropriate, the CSI unit will be requested through the supervisor.
 7. When a known suspect cannot be located, officers having probable cause to believe that the facts are as presented by the victim, the reporting person shall:
 - a. Complete an Offense Report, Investigative Report, and a Domestic Violence Supplement Report.
 - (1). The reports should contain complete information on the suspect (full name, race, sex, date of birth, and current address, if available).
 8. Inform the victim that domestic violence is a crime that, without intervention, often increases in frequency and severity.
 9. Let the victim know that detectives will investigate the crime and may secure a felony arrest warrant for the suspect.
- E. The supervisor shall ensure that the suspect information is transmitted to officers coming on duty for the succeeding shift, especially the officers whose district

contains the scene of the incident or the location where the victim is presently located.

- F. The detective assigned to the case will issue a pick-up on the suspect based upon probable cause. The detective should ensure that the dispatcher broadcasts the pickup information.
- G. If an officer subsequently arrests the suspect on a felony pick-up, the person shall be booked and the pick-up canceled.
- H. The follow-up detective assigned to the case shall expedite application for a warrant, whether or not the suspect has been taken into custody. If a warrant is obtained, the detective shall immediately present the case to the prosecutor's office, and ensure that any detective pick-ups issued for the suspect have been cancelled. If a warrant is denied, the detective shall immediately cancel any pick-ups issued for suspects who are not in custody.

VIII. PROTECTION ORDERS

- A. Officers will bear in mind that it is not normally within the domain of the Police Department to assist in the enforcement of Civil Court Orders (G.O. # 70.03 Civil Court Orders).
- B. Officers will act on civil court orders primarily in three instances that involve a breach of criminal law (KSA 21-5427)
 1. Protection from Abuse Orders that protect abused persons when no divorce action is pending.
 2. Protection from Stalking Orders that restrain a person(s) from following, harassing, telephoning, contacting, or communicating with the plaintiff; restrains a person(s) from abusing, molesting, or interfering with the privacy rights of the victim; restrains the person(s) from entering upon the victim's residence or the immediate vicinity thereof; or ordering or restraining other acts deemed necessary.
 3. Restraining orders that apply to pending divorce proceedings. (KSA 60-1607)
- C. K.S.A. 12-4301 states that as a condition of release on a charge of a domestic violence related charge the suspect shall have a condition of release prohibiting contact with the alleged victim for a period of at least 72 hours. Violators of this restriction will be arrested and charged with KSA 21-5427 and booked into the Wyandotte County Jail.
- D. If an officer has contact with an individual and has probable cause to believe he/she has violated a protection order, a felony arrest will be made, and the subject charged with KSA 21-5427.
 1. The officer will ask the victim if the violation of the protection order placed the victim in fear for their safety. The officer will document the victim's response in the Investigative Report.
- E. If a victim advises an officer that an individual has violated a protection order and the suspect is no longer on the scene, an Offense Report will be completed utilizing KSA 21-5427 and an Investigative Report completed.
 1. Officer will ask the victim if the violation of the protection order placed the victim in fear for their safety. Officer will document the victim's response in the Investigative Report.

- F. A record of all valid Protection From Abuse Orders will be maintained in the ALERT computer system for verification by the field supervisor or officer. The records will be reviewed and periodically updated by the Sheriff's Department.
- G. Officers are authorized to serve Protection From Stalking Orders (PFS) and Protection From Abuse Orders (PFA's) to the subject of the court order under certain circumstances.
 - 1. An officer will serve PFS and PFA's when the officer is at a scene and both the Victim (petitioner) and the subject of the PFS or PFA is present. The victim should have two (2) certified copies of the PFS or PFA in her or his possession. The victim will give the officer one of the certified copies. The officer will serve the subject on the spot. Once served, the officer will record his or her name, serial number, and the date and time the PFS or PFA was served on the backside of the victim's PFS or PFA, which will be given back to the victim.
 - 2. The PFS and PFA will include a page for Notice of Service. The officer will separate the Notice of Service page and fill out all appropriate information. A complaint number will be placed on the completed Notice of Service page in the upper right hand corner.
 - 3. The Notice of Service page will be faxed to the Sheriff's Office at 573-2868. The officer will ensure this is done before going back in service. A copy will be made of the Notice of Service, which will be maintained by the Department, along with any other reports required for the incident, which will be forwarded through regular channels. The original Notice of Service will be sent via inter-department mail to the Sheriff's Department's Civil Process Division.
 - 4. The officer will notify a supervisor that he or she served a PFS or PFA, as well as any other information from the call that the supervisor should be made aware of. Any unusual circumstances should be clarified with the officer's supervisor.
 - 5. An officer that serves a PFS or PFA will write an Investigative Report, and any other required reports, documenting the circumstances surrounding the service of the PFS or PFA. This report will include the name of the petitioner (victim) and respondent, the information required in General Order 70.03 (section II A 2) along with a brief summary of what transpired at the scene.
- H. A record of Restraining Orders in a divorce action that provides for the use, occupancy, management and control of certain property will not normally be maintained by the Department. The officer and the supervisor must determine whether probable cause exists to believe the order is current and valid.
 - 1. When properly served to the Chief of Police and on file, the Police Department has the authority to evict a party from a specific residence or household and secure the residence for one person to the exclusion of the other person involved. (KSA 60-3107)
- I. Officers will make a concerted effort to resolve a dispute involving a court order using sound judgment.
- J. Officers will initiate an Investigative Report, complete with disposition, anytime they are dispatched, requested to

assist, or take official action in a situation involving enforcement or service of Protection From Stalking Order or Protection From Abuse Order.

- K. Under Federal Law, Protection From Stalking Orders, Protection From Abuse Orders and Restraining Orders issued by a court in another state do not have to be registered in Kansas to be valid in Kansas. Officers are therefore authorized to enforce such out of state court orders when appropriate. When officers encounter an out of state Restraint, Protection From Stalking Order or Protection From Abuse Order, a commander will be notified and consulted to determine the validity of the order.

IX. OFFICER INVOLVED DOMESTIC VIOLENCE

- A. Two officers will be dispatched, plus a Supervisor and/or a Police Commander. A commander of higher rank will be notified and will respond to the scene.
- B. The ranking officer on the scene will immediately notify the Internal Affairs Unit Commander whenever a domestic incident involving sworn personnel has occurred.
- C. Policy for officer involved domestic violence will be essentially the same as non-officer involved, with certain special considerations that follow by the very nature of the police profession.
- D. Arrest policy: In instances of officer involved domestic violence, the responding officers shall, with supervisory approval, make an arrest, when consistent with state and federal law, when they have probable cause to believe that such a crime is being committed or has been committed. In no instances will an arrest be made without probable cause. (22-2307)
- E. All reports related to officer involved domestic violence offenses, regardless of whether or not an arrest is made, will be classified as either a state felony or a state misdemeanor violation.
- F. Additional response considerations:
 - 1. Be sympathetic to all persons involved, but not to the point that the accused officer is receiving preferential treatment.
 - 2. After each party has been interviewed the responding officers will confer with the commander or supervisor and determine if an arrest will be made.
 - 3. Photographs will be taken of any injuries to either person as well as property damage.
 - 4. Dangerous weapons should be removed from the premises and turned in to the Logistics Unit for safekeeping if requested by the victim or at the discretion of the commander at the scene. (If a weapon is used in the commission of a crime, standard evidentiary procedure requires recovery of the weapon as evidence.)
 - 5. In instances of officer involved family violence a Supervisor or Commander will respond, assume command of the scene, and advise the victim and the accused officer of the victim's rights. Both persons should be informed that any person who uses force to physically injure a household member has violated the law. The victim should be informed that if a crime has occurred, the matter is being referred to the Wyandotte County District Attorney's Office for review and disposition and that the victim

should obtain a protective order against further abuse from a court of law in appropriate cases.

G. If an officer suspected of a domestic violence crime has left the scene prior to officers' arrival, officers will follow the same procedures as with non-officer involved domestic violence offenses, with the following modifications:

1. In misdemeanor cases, if an accused officer is located after he or she has left the scene, supervisory approval should be obtained before making an arrest.
2. If the crime meets the criteria to be classified as a felony, a commander is responsible for ensuring that a pick-up is issued for the accused officer.
3. If the accused officer is later located (reports for duty or contacts a supervisor or command rank officer), the officer's Bureau Director will be notified. At this point the officer may be relieved of duty or given a written order not to go near the complainant while on duty, depending on the circumstances.
 - a. If the crime committed is a misdemeanor, the officer will be ordered to telephone the Chief's Office and the Internal Affairs Unit the next business day.
 - b. If the crime committed is a felony, the offending officer will be arrested in accordance with General Order # 1.08, Arrest Procedures.

H. In many domestic violence cases involving two participants, both may accuse the other of an act or acts of domestic violence. In an officer involved domestic disturbance, it is up to the shift supervisor or commander to determine whether only one or both persons should be taken into custody. Officers should refer to the section on probable cause to establish whether one of the parties can be labeled the "predominant physical aggressor" who caused the other to commit "defensive combat" or whether both participants instigated domestic violence. The accusations of each party (including instances in which there are more than two participants) should be evaluated independently, probable cause determined, and appropriate action taken.

I. State Misdemeanor and Felony Cases. In officer involved domestic violence cases where the responding officers have probable cause that an officer has committed a felony or misdemeanor domestic violence offense and a Commander concurs:

1. The responding officers will arrest the accused officer in accordance with Department policy and arrest procedures. In all domestic violence cases, particularly those involving personal injury to the victim, the arrest of the accused person who is still at the scene of the crime shall be made regardless of the victims stated desire to pursue or to decline prosecution at the time of arrest. The victim will be advised that the Wyandotte County District Attorney's Office will review the incident and render a disposition.
2. The accused officer will be booked into the Wyandotte County Detention Facility and charged with the appropriate state felony or misdemeanor charge.
3. The preferred Department policy is that the accused officer should not be transported to the detention facility while in uniform. The accused officer should

be given an opportunity to change into civilian clothing prior to transport, unless circumstances dictate otherwise.

4. A command rank officer will then relieve the officer from duty with pay and collect his or her police identification, badge and any weapon he or she is carrying. This property will be handled in accordance with G.O. 80.02 and will be marked "Property contained herein can only be released on the authority of the Chief of Police" before being placed in property. The accused officer will be told the Internal Affairs Unit will investigate the charges. The officer will be ordered to telephone the Chief's Office the next business day, at approximately 1000 hours, for further information.
5. It will be necessary to deliver to the detention facility personnel a "Notice of Release" (to be signed by a command rank officer and time stamped by the Detention Center) showing the officer may be released "Pending Further Investigation" after the expiration of a six hour hold, if applicable.
6. The Internal Affairs Unit will investigate both felony and misdemeanor offenses and refer the case file to the Wyandotte County District Attorney's Office for review and the possible filing of charges. If the Wyandotte County District Attorney's Office files charges, the officer will be suspended without pay pending the finalization of the charges. If the Wyandotte County District Attorney's Office declines the filing of charges, the officer will be ordered to contact the Chief's Office by telephone to ascertain his/her duty status. The Internal Affairs Unit will conduct an Administrative Investigation, after the completion of the criminal investigation under the guidelines as established in the Internal Affairs Procedures and the Administrative Investigations section of the Memorandum of Understanding.
7. The commander will deliver all original reports to the Division or Unit Commander and the Bureau Director. The Bureau Director will deliver all copies to the Chief's Office and the Internal Affairs Unit Commander.

J. In some cases Federal Statute may prohibit police officers from possessing firearms when they are named as a defendant in specific court orders dealing with Domestic Abuse and Family Violence. Officers, who are named as a party in documents pertaining to Domestic Violence, Protection From Stalking Order, Protection From Abuse Orders, or Restraining Orders, will immediately notify their commanding officer when such court actions are instituted against them. (18 U.S.C. 922)

K. When officers are dispatched, requested to assist, or take action in a situation involving enforcement of Protection From Stalking Orders, Protection From Abuse Orders or other court orders of a Domestic nature, where an officer of this agency is involved, the responding officers will initiate an Investigative Report, complete with disposition. Service of Protection From Stalking Orders or Protection From Abuse Orders will conform to the policies outlined in section VIII H of this order and to General Order 70.03, Civil Court Orders.

1. When an officer responds to an officer involved domestic incident, a supervisor will also respond.

X. DOMESTIC VIOLENCE REPORTING

A. Whenever there is probable cause that a domestic violence related offense has occurred, a complaint

number shall be obtained and an Offense Report will be completed. This will be done regardless of whether or not an arrest is made.

1. When reporting a state statute violation, regarding a domestic violence situation, the KSA statute number will be listed.

Example: 21-5412(b) Aggravated Assault.
21-5413(b). Aggravated Battery

2. When reporting a U.G. ordinance violation, regarding a domestic violation situation, the U.G. ordinance number will be listed. There is no need to list the corresponding state statute number.

Example: 22-41. Domestic Battery.
22-41(b)(3). Domestic Battery with Child Present.
22-79. Criminal Damage.

- B. A Domestic Violence Supplement Report will be completed on all domestic violence crimes.
- C. In accordance with procedures applicable to all felonies, an Investigative Report will be completed when reporting a domestic violence related felony.
- D. An Investigative Report will be completed on a domestic violence call when there is no probable cause that an offense has been committed, but there is reasonable suspicion of domestic violence. The report should document the origin and nature of the call, disposition of the parties involved, and circumstances surrounding the incident.

XI. RIGHTS OF DOMESTIC VIOLENCE VICTIMS

- A. In instances of family violence the officer should advise the victim and the suspect of the victim's rights. Both persons should be informed that any person who uses force to physically injure a household member has violated the law. The victim should be informed that they have the right to press criminal charges against the abuser and obtain a protective order against further abuse from a court of law in appropriate cases.
- B. Whether or not an arrest is made, the victim will be provided with the victim information sheet, including the complaint number, the offense title, and the officer's name and serial number. The officer should explain to the victim the appropriate steps to be taken as outlined on the victim information sheet, as well as the victim's bill of rights information (KSA 74-7333, 74-7335), and any outside assistance services that the victim may need or be interested in.
 1. Emergency and medical telephone numbers.
 2. The contact information for the police department's Victim Services Unit. The Victim Services Unit may provide detailed information on specific types of assistance that the victim may be eligible for.
 3. The contact information for the Crime Victims' Compensation Board and information about possible compensation benefits.
 4. The Domestic Violence Advocate for the municipal court can be reached at 573-5090.
 5. Advise the victim that the details of the crime may be made public.
 6. Advise the victim of known available resources that may assist the victim. (For the officer's convenience,

a victim's abuse handout has been prepared and a compensation booklet is available for the victim).

7. Advise the victim about the ways in which they may participate in criminal proceedings, scheduling, progress and ultimate disposition of the case.
8. Advise the victim of measures that might be taken to provide for their safety and protection from intimidation and retaliation.
9. Advise the victim the municipal court has a 'no-drop' policy for domestic violence cases. Victims cannot call and have cases dismissed regardless of the circumstances.

XII. DOMESTIC VIOLENCE COORDINATOR

- A. A sworn officer or civilian employee will be appointed as the Domestic Violence Coordinator for any cases of officer involved domestic violence which may arise. The coordinator should receive specialized training in the investigation and prevention of domestic violence or related family violence. The Domestic Violence Coordinator duties will include:
 1. Ensure that the victim of domestic abuse and family violence is made aware of information and services available to them and affected family members, through the Kansas Crime Victims Compensation Law. The victim should also be advised of other assistance programs that are made available to them through the Unified Government's Employee Assistance Program (counseling, therapy, or other psychological services).
 2. Assist family members with any questions they may have regarding Department policies and procedures.
 3. Ensure that the victim is being treated fairly.
 4. Ensure that the accused officer is being treated fairly.
 5. Ensure that employees seeking domestic violence assistance are afforded the opportunity to utilize programs and services. Make the opportunity to participate in preventive domestic violence presentations, programs, and services available to Department members.
- B. The coordinator will report findings and suggestions concerning officer involved domestic violence situations and policy to the Commander of the Internal Affairs Unit. The Internal Affairs Unit Commander will report to the Chief of Police the findings and suggestions for interaction to help the families work out their problems.