City of Virginia Beach
Police Department

Domestic Violence, Stalking and Protective Order Field Guide

A Guide for Personnel

- Guidelines for handling Domestic Violence Cases, Stalking and Protective Order issues

This Field Guide is Prepared and Updated by the Virginia Beach Police Department Domestic Violence Unit

Under the Approval of the Chief of Police: James A Cervera

Contents

Applicable Codes 3
Definitions 4
Investigative Procedure 6
Procedural Guidelines 9
Lethality Assessment Protocol (LAP) 11
Supervisory Review 17
Child Abuse Investigations 17
Juveniles and Corporal Punishment 17
Negligence and Supervision 18
Juveniles as Victims - Domestic Assault 18
Juveniles as Suspects 18
Notifying Child Protective Serves (CHILD PROTECTIVE SERVICES) 19
Juveniles as Witnesses 20
Domestic Violence Cases Involving Department Personnel 20
Investigation of Protective Order Violations 20
Outside Agency Resources 21
Community Crisis Response Hotline/Samaritan House 21
Virginia Beach Department of Human Services - Social Services 22
Commonwealth Attorney's Office - Victim Witness 22
Forms 18

Applicable Codes

16.1-228	Definitions of DV Terms (Family or Household Member, Family Abuse, Etc.)
18.2-47	Abduction
18.2-47 (D)	Parental Abduction (Misdemeanor versus Felony)
18.2-49.1	Violation of Court Order Regarding Visitation
18.2-50	Requirement to Report an Abduction
18.2-51	Shooting, stabbing, etc., with intent to maim, kill, etc. (Malicious Assault)
18.2-51.2	Aggravated Malicious Wounding (with severe permanent injury or injury causing involuntary termination of a pregnancy)
18.2-51.6	Strangulation
18.2-52	Malicious Bodily Injury by Means of Caustic Substance or Fire
18.2-53.1	Use or display of firearm in committing felony
18.2-56.2	Allowing access to firearms by children
18.2-57.2	Assault and Battery Against a Family or Household Member
18.2-60.3	Stalking
18.2-60.4	Violation of Protective Order
16.1-253.2	Battery during EPO Violation results in Serious Injury
18.2-119	Trespassing
18.2-152.7:1	Harassment by computer
18.2-164(B)	Prevent Someone from Calling 911
18.2-248.02	Allowing a Minor to be Present during the Manufacturing of methamphetamine
18.2-308.1:4	Purchase or transport of firearm by persons subject to protective orders
18.2-309	Furnishing certain weapons to minors
18.2-314	Failing to Secure Medical Attention for Injured Child
18.2-369	Abuse and Neglect of Incapacitated Adults

18.2-371	Contributing to the Delinquency of a Minor
18.2-371.1	Abuse and neglect of children
19.2-81.3	Arrest Without a Warrant - Mandated Response by Law Enforcement
20-146.32	Ex Parte Order from a Judge that May Authorize Law Enforcement the Authority to Enter Premises to Remove a Child
40.1-103	Cruelty and Injuries to Children
63.2-1518	Authority to talk to any child or sibling suspected of being abused (without consent or presence of parent)
18 U.S.C. 2265	Full Faith and Credit Provisions for Protective Orders

Definitions

- **Assault and Battery - Against a Family or Household Member - (18.2-57.2)**

  Assault and battery against a family or household member is a class 1 misdemeanor.

  Upon a conviction for assault and battery against a family or household member & when such person has been previously convicted of two offenses against a family or household member (18.2-57.2, 18.2-51, 18.2-51.2) or an offense under the law of any other jurisdiction which has the same elements of any of the above offenses, all of which occurred within a period of 20 years, and each of which occurred on a different date, such person is guilty of a Class 6 felony.

  Assault is defined as an act that creates apprehension in another of imminent battery.

  Battery is defined as any rude, angry, or vengeful touching.

  Battery is a mandated element for this offense. In situations where only an assault occurs (swinging a bat, pointing a gun), this is not the appropriate charge.

- **Family or Household Member - (16.1-228)**

  ...Spouse, regardless of residence; Ex-spouse, regardless of residence; Parents, children, step-parents and step-children, siblings, grandparents, grandchildren, regardless of residence; In-laws, who live in the same home; Co-habitants and those who have co-habited in the past year and their children; Persons who have a child in common, regardless of residence...

  Foster Families

  Foster parents and children are not considered family members when considering a domestic assault arrest. 16.1-228 doesn't allow for legal guardians or foster parents in the definition of "family or household member". The following is from the Magistrate Manual:

  "Also important to note for purposes of Va. Code § 16.1-228, a person having custody over a child when the parents are deceased is not a family or household member as defined by the statute. Consequently, if such person batters the child, the magistrate would issue a warrant for assault and battery under Va. Code § 18.2-57 and return the case to the juvenile and domestic relations district court (since the victim is under the age of 18). Even the existence of legal guardianship would not change this result."

  If the victim is the foster child, advocate for the foster child and obtain the simple assault warrant. If the victim is the foster parent, determine their prosecution stance then proceed accordingly.

  What about blended families? What about cousins being raised as siblings?

  Some families are combining children and raising them in the spirit of siblings; however, if they do not meet the legal definition of family or household members, they do not qualify for domestic assault charges.

- **Family Abuse - (16.1-228)**

  Family abuse means any act involving violence, force, or threat, including forceful detention, which results in physical injury or places one in reasonable apprehension of serious bodily injury and which is committed by a person against a family/household member.

- **Cohabitants Defined**

  Any person who cohabits or who within the previous twelve months, cohabited with the defendant.

  Are they cohabitating? The Court of Appeals (Virginia, Salem) in Rickman v. Commonwealth adopted a three-pronged totality of the circumstance test for determining what constitutes cohabitation. There must be 1) intimate or romantic involvement; (2) provision of financial support; and (3) duration and continuity of the relationship. This is the reason that roommates, for example, would not be considered "cohabitants" for our purposes.

  Rickman v. Commonwealth Va. App. 550, 535 S.E.2d 187 (2000)

  The cohabitation factor of "provisions of financial support": The essential elements of cohabitation are (1) sharing of familial or financial responsibilities and (2) consortium. Factors for establishing shared familial or financial responsibilities might include provisions for shelter, food, clothing, utilities, and commingled assets. Factors that might establish consortium include mutual respect, fidelity, affection, society, cooperation, solace, comfort, and aid of each other, friendship, and conjugal relations. Rickman v. Commonwealth Va. App. 550, 535 S.E.2d 187 (2000)

  - Consists of more than just sexual relations. Schweider v. Schweider, 243 Va. 245 (1992)

  - It also imports the continuing condition of living together and carrying out the mutual responsibilities of the marital relationship. Petachenko v. Petachenko, 232 Va. 296 (1986)

- **Reasonable Complaint**

  The threshold of probable cause in domestic violence investigations is the reasonable complaint of the victim or witness. There is no Supreme Court definition for the "reasonable complaint," similar to our widely used "reasonable person" that is not a real person or list of people. A reasonable complaint is a statement from someone that is possible and cannot be disproved. Many complaints of violence will not have immediate signs of injury. Punches to the face, slaps, pushes, and more violent acts qualify as a battery and will not show immediate signs of injury. If your witness or victim is stating a battery occurred, and there is no obvious fallacy or evidence disproving their account, it is a reasonable complaint. When you have conflicting complaints between parties and the evidence-based prosecution guidelines do not dispute one of the accounts, a dual-arrest may be the appropriate decision. Use your best judgement with what you are told, and act upon the information you are given. Written articulation describing why you rendered a particular decision is critically important and should be added to your narrative.

Investigative Procedure

Evidence-Based Prosecution

- When investigating domestic assault allegations, officers often receive contradictory events from the involved parties. When you receive two explanations that do not closely match each other, it becomes very important to document as much physical evidence as possible to discover the most accurate account. In these difficult cases, your goal is for a prosecution of the criminal case with other evidence in addition to victim testimony.

- In situations where victim cooperation disappears, you can present evidence to include statements written by the victim as well as other physical evidence and photographs of parties and/or scene. Concerning photographs, we must photograph both the victim and suspect in all cases whether reporting an injury or not. Photographic evidence shall be submitted according to current policy and practices before the officer secures his/her shift.

- We often experience that victim cooperation stops when the court date arrives. This is explained by the cycle of violence in which the victims truly hope and believe that their loved one will change as they promised to do countless times in between the arrest and the court date. Victim psychology explains why this happens, yet we can advocate for victims by presenting the facts at court as accurately as possible.

General Investigation Guidelines

- Upon arrival at the scene, the officer should separate those involved to prevent continued hostile interaction between the parties and should call for an additional officer(s). When separating those involved, be mindful to:

  - Best practice is to separate the parties from each other from eye sight (and earshot), yet stay within proximity of your partner in case you/they need help with a physical altercation.
  - Offer/Render aid.
  - Avoid conducting interviews in the kitchen (due to the accessibility of weapons)
  - Avoid bedrooms when possible. (due to the accessibility of weapons)
  - Avoid interviewing in the crime scene when possible. (we don't want either the victim or the suspect to manipulate the physical evidence available)
  - Try to spend equal time listening to both parties, providing the appearance of neutrality.

We understand the practical limitations with the guidelines above. A small, single bedroom apartment will significantly limit your room control. But when options are limited, use the best options possible.

- Factors to help determine the predominant aggressor:

  - Who was the first aggressor
  - Who has the greatest need for protection or safety
  - What is the relative severity of the injuries inflicted on the parties involved
  - Were any injuries self-inflicted

- Are parties intoxicated or have they consumed drugs
- A high degree of probability that further violence or injury will occur
- Interview all witnesses; the neighbors may be a great source of information
- Document and collect all evidence. For photographs, use department issued equipment.
- Collect any evidence that can be used in court, for example: hair, broken fingernails or jewelry that has been torn off.
- Accessibility of firearms to suspect
- Increases in the severity or frequency of violence
- Attempts or discussions about suicide by suspect
- Victims belief that the suspect may attempt to kill
- Unusual activities that may be stalking by the suspect
- Jealous threats by suspect
- Suspects attempts at controlling victim
- History of separations or divorce
- Custody issues
- Signs of injury to children in household
- History of violent tendencies of suspect outside of the home

- Do not allow the following factors to diminish or question your determination of probable cause:

  - The victim's unwillingness to cooperate or prosecute
  - A lack of visible bruises or injuries
  - The officer's belief that the victim will not prosecute at court
  - Denial by either party that the violence occurred
  - The marital status of the parties
  - The age, race, ethnicity, social class, sexual orientation and/or occupation of the victim or the suspect
  - The fact that no arrests were made previously
  - Verbal assurances by either party that violence will stop
  - The possibility of reprisals against the victim
  - The lack of a protection order
  - Employment/Security Clearance
  - Consequences of Arrest

Misdemeanor Domestic Assaults:

- The responding officer(s) shall investigate misdemeanor domestic assault cases through their completion. Use the evidence-based prosecution guidelines above to determine the appropriate arrest.

- In cases involving juvenile victims, see the section on Child Abuse Investigations within this Field Guide.

  - After the determination of the predominant aggressor and making the arrest, the arresting officer shall investigate previous arrests and convictions for domestic assault. Prior to appearing before the magistrate, utilize a Computerized Criminal History (CCH) to determine if there are two or more prior convictions within a 20 year period (18.2-57.2 B). In situations where Pistol indicates the suspect has multiple arrests for Domestic Assault and a CCH cannot be obtained, request a 3rd offense felony warrant from the magistrate.

- The uniform patrol officer shall take initial reports of Domestic Violence from victims that walk into the magistrate's office to obtain domestic assault warrants or Emergency Protective Orders. If the victim obtains the warrant and EPO then the officer shall see that an attempt of service is made for the paperwork on the suspect. If a warrant and EPO have not been obtained by the victim then the officer shall investigate the case. When probable cause of a domestic assault and battery exists the officer shall appear before the magistrate to obtain a warrant and EPO.

- Weighing intoxication against the reasonable complaint: In many cases of domestic violence the parties have consumed alcohol or intoxicants. Consuming intoxicants alone does not remove their ability to provide a reasonable complaint. Although intoxicated people can provide a reasonable complaint, intoxication may be a significant factor in someone creating a fallacy. How do you determine if the complaint is reasonable or embellished because of their intoxication level? Continue interviewing. Ask as many questions as required, as many times as needed, until you are satisfied the account provided is consistent. If the responses you get from questions are too vague, ask them to "elaborate or explain more about…" until you understand their complaint. Compare that complaint against the physical evidence available.

  Ask questions of both parties in an attempt to prove their separate account. A thorough investigation will either support the truth or disprove a fallacy. The validity of the original complaint may not be reasonable after asking enough questions. If you are stuck while investigating this aspect, contact your patrol supervisor for assistance.

- If after conducting a proper investigation the officer is unable to identify the predominant aggressor and it appears to be a 'mutual combat' situation, the officer shall file domestic assault charges for each of the parties involved. This should not occur on a regular basis, as a complete investigation in most cases will identify the predominant aggressor. The Office of the Commonwealth Attorney will not assist in the misdemeanor prosecution of mutual combat arrests.

Suggested actions when the officer does not believe either complaint based on evidence:

- The following guidance is for rare situations. You will need your supervisor's review and approval.

- If after questioning both the victim and the suspect, (or in cases where the suspect is not present at the scene) the officer can articulate reasons they suspect the complaint is fallacy and the supervisor agrees with the officer's investigation - the officer should offer to TRANSPORT OR ESCORT the complaining party (parties) to the magistrate's office so that the complaining party (parties) can give their criminal complaint for a warrant.

- If the warrant is denied, it is suggested that the officer notify his or her supervisor and advise the supervisor that the warrant has been denied. Additionally, a copy of the written affidavit **should be obtained (if possible) and attached to the PD-268** and archived within the police Records Management System (RMS). Currently we use PISTOL RMS.

- If the complaining parties refuse to go to the magistrate's office with the officer, the officer should notify his/her supervisor of the situation. The officer should document detailed explanations of their investigation within an IBR, classify the IBR as pending inactive, and the PD-268 and all other paperwork associated with the case will be archived within the police RMS.

Felony Domestic Assaults:

- Uniform patrol officers are expected to investigate 3rd offense domestic assaults and strangulations without significant injury. DVU is available for consultation on these cases.
- The DVU investigates felony domestic assault cases with significant injuries. Significant injuries include gunshot wounds, stabbings, maiming, disfiguring, and disabling. Only when the victim is likely to die from their injuries, or in the opinion of the Detective Bureau Supervisor, will Homicide be the primary investigators of a felony domestic assault.
- The DVU will investigate cases of felony child abuse with serious injury.

Procedural Guidelines

Based on your investigation you find that an assault and battery has occurred:

Your response is: (mandated by 19.2-81.3)

- Make the appropriate arrest(s). Only the exception listed in 19.2-81.3 B can preclude an arrest which must be approved by your patrol supervisor.

- The arresting officer shall petition the magistrate for an Emergency Protective Order (19.2-81.3 E).

- Complete an IBR report for domestic assault (Simple 13B2 or Aggravated 13A4).
  An IBR, documenting the incident(s), must be completed regardless of whether or not an arrest is made at the scene. The IBR narrative will include any and all arrests made and list the probable cause that led the officer to believe that family abuse had occurred. If the predominate aggressor has been determined but no arrest is made, the officer shall completely state in the IBR narrative what special circumstances were present that would dictate another course of action other than making the arrest (19.2-81.3 B and 19.2-81.3 D). For a Domestic Violence report to be PIN or PAC to the Detective Bureau you must have supervisory approval.

- Include in the IBR report; that the incident is domestic related and the relationship of the parties involved. Provide a detailed description of the events, any previous incidents, the fact that you petitioned for an EPO, what magistrate entertained your petition, and if an EPO issued (if not, call or refer the victim to Samaritan House).

  Proper reporting provides an accurate record of events that have transpired and forms the basis for tracking, documenting, and identification of future threats of violence. In addition, it provides the foundation for successful prosecution of criminal offenders.

The IBR report should include, but is not limited to:

- All parties present at the time of offense
- Employment status of suspect, to include location
- The emotional state of the parties present
- The scene and the condition of the premises
- If the incident involved a child, a disabled person, or elder abuse
- If a child was present at the time of the incident
- If any protective orders were in place at the time of the incident
- Any excited utterances
- Any drug or alcohol use by either party
- The predominant aggressor
- All contact numbers, to include cell phones or email addresses of the victim(s), witness(s) or suspect(s).
- The existence of any body-worn camera footage.

- A law-enforcement officer investigating any complaint of family abuse, including but not limited to assault and battery against a family or household member shall, upon request, transport, or arrange for the transportation of an abused person to a hospital or safe shelter, or to appear before a magistrate. Any local law-enforcement agency may adopt a policy requiring an officer to transport or arrange for transportation of an abused person as provided in this subsection (19.2-81.3 F).

- Complete a PD268 (Domestic Violence Worksheet) and forward the information to the Office of the Commonwealth Attorney a copy to the Domestic Violence Unit.. The arresting officer shall thoroughly complete page one of the PD-3(Commonwealth Attorney Table of Contents/check sheet) as this guide will be your best reference for Evidence Based Prosecution and testimony at trial. Photographs shall be taken of both the victim and suspect in all cases, whether reporting an injury or not. Whenever possible victims should be requested to write out their own statement, in its entirety and to sign the same. The statement can be completed on the PD-268 worksheet or treated as an attachment.

- Provide the victim/s with a Domestic Violence Victim/Witness Service Guide (PD-176); their copy of the emergency protective order, and a Virginia Supreme Court Protective Order Worksheet (19.2-81.3 D).

- Prior to appearing before the magistrate, utilize a Computerized Criminal History (CCH) to determine if there are two or more prior convictions within a 20 year period (18.2-57.2 B). In situations where Pistol indicates the suspect has multiple arrests for Domestic Assault and a CCH cannot be obtained, request a 3rd offense felony warrant from the magistrate

- If the predominate aggressor is not at the scene, the officer will appear before a magistrate and petition the magistrate for an arrest warrant and an EPO.

- Complete the Lethality Assessment Protocol
- Contact Child Protective Services/Adult Protective Services when mandated

What codes, connected with Domestic Violence, prohibit firearms possession?

- Convicted felons cannot possess or transport firearms
  § 18.2-308.2. Possession or transportation of firearms, firearms ammunition, stun weapons, explosives or concealed weapons by convicted felons; penalties; petition for permit; when issued.

- Persons subject to protective orders cannot possess or transport firearms
  § 18.2-308.1:4. Purchase or transportation of firearm by persons subject to protective orders; penalties.

  This code allows persons subject to a protective order to sell or transfer custody of their firearm(s) to any person not otherwise prohibited by law from possessing a firearm. This sale or transfer must occur within 24 hours of being served with a protective order. Thereafter, possession of a firearm by a person who is the subject of a protective order is a Class 6 felony

What about people convicted of misdemeanor domestic violence? Can they possess a firearm?

- This is a common question and one that needs some clarity. A misdemeanor domestic violence conviction alone **does not** prohibit firearms possession. 18 U.S. Code § 922 prevents a person convicted of any misdemeanor crime of domestic violence from purchasing a firearm. The same code prohibits possession or transportation in interstate or foreign commerce, but does not exclude mere possession.

Lethality Assessment Protocol (LAP)

Lethality Screen

The Lethality Screen is an evidence-based field instrument designed to identify victims of intimate partner violence who are at the greatest risk of being killed by their partners. We will now walk through each section of the Screen together, starting with the questions themselves.

When to Initiate the LAP

The LAP is initiated only in cases of **intimate partner relationships** (i.e., husband-wife; separated or divorced husband-wife; boyfriend-girlfriend; ex-boyfriend-girlfriend; dating and cohabitating relationships; same-sex relationships; children in common).

There also must be **some manifestation of danger:**

1. **When you believe there's been an assault or other act of domestic violence.**

This standard is much lower than a showing of probable cause. If probable cause and/or a subsequent arrest is made, the officer should definitely initiate the LAP. But this standard does not rise to that level; the standard considers only the officer's "*belief*" that an assault or other act of domestic violence occurred (e.g., violation of protective order, stalking, etc.). The officer simply needs to believe the incident occurred, but does not need to have any demonstrable evidence or proof.

2. **When you believe the victim faces danger once you leave.**

   Officers and advocates often feel uncomfortable when they leave or disconnect with the victim from the scene. They are uncomfortable because they sense that the victim is in danger and will be harmed, but feel helpless to act because the victim does not "want" their help.

3. **When the home or parties are repeats; or**

   The concern with this condition is the issue of escalation and the danger that escalation poses to the victim.

4. **When your gut tells you the situation is dangerous.**

   When we say "gut" we mean a practitioner's training, experience and instincts as a professional and as a human being.

   We want to make clear that how / when the officer decides to administer the Screen is **not dictated by local/state statute**, but by the definition of "intimate partner relationship" we just reviewed. So, for example, if an officer responds to a call for service involving two intimate partners who are a dating couple, but do not live together, and do not have a child in common, that officer should administer a Screen if he/she senses danger (even if your local jurisdiction's definition of what constitutes a "domestic" would not include these individuals).

   We also want to be clear that the **threshold for administration is not probable cause, nor arrest**. Although, when an arrest is being made, a Lethality Screen should definitely be done. Any time an officer responds to a call for service involving current or former intimate partners and there is a manifestation of danger (defined by the four points we just covered), the officer should administer the Screen. *This also means that call does not have to be for an expressly "domestic" situation*—maybe a neighbor calls to report suspected drug activity next door, the officers show up, and in the course of talking to the suspect's girlfriend, they notice finger-like bruises on her wrists, and decide to administer a Screen.

<u>Initiating the Lethality Screen</u>

- When officers initiate a Lethality Screen, they need to be aware of how they introduce it. **The officer's attitude about the Screen determines how effective the LAP will be at identifying High-Danger victims, and getting them to come in to services. The officer should not make it seem to**

the victim that this is something the officer is required to do. The officer should introduce it simply and positively with words such as, "I'd like to ask you some questions that will help me understand your situation a little bit better."

- If the officer makes the Screen seem like an obligation, victims may not want to participate because they perceive that the officer does not really care. One of the most crucial intangible effects of the LAP is that victims get a sense that law enforcement cares about them as people.

- How administration of the Lethality Screen is introduced is important. Officers should not say things such as: "This is something we have to do," or "They want us to do this." Officers should be in charge, be sensitive, and take responsibility for what they are doing. Officers should not place responsibility for their actions on their agency or on "they." The agency has agreed to incorporate the lethality assessment program; officers should carry it out as part of what "they"–the officers--do.

The Lethality Screen questions:

It is important that officers ask **all the questions, in order, as written.** The language and structure of the Screen are designed to help victims assimilate the factors that are predictive of homicide in abusive relationships. For example, #5 reads, "Has he/she ever tried to choke you?" While the technical term in our field is "strangle," the Screen uses "choke" because that vocabulary is more intelligible for victims.
A note on #7: "Have you left him/her or separated after living together or being married?" This question intends to ask the victim if they have *ever* left or separated from their abuser (not whether they are currently separated at the time the Screen is administered).

Aside from numbered questions on the Screen (discussed on the next slide), there are four areas on the Lethality Screen that are important for tracking victims and monitoring the LAP:

1. **At the top of the Lethality Screen.**

   Complete the five boxes—officer, date, case number, victim, offender. This allows the local DVSP to track victims who go in for services and to credit our agency for our part in that effort.

2. **Just below the top of the Lethality Screen.**

   Do as the instruction reads: "Check here if victim did not answer any of the questions." This box is checked in two instances:

- When the victim **refuses to answer the questions.** Encourage the victim to answer, but if they still decline, the administration of the Screen is complete.
- When the victim **is unable to answer the questions** for some reason—the abuser is present; the victim is incoherent due to inebriation or traumatization; or the victim needs immediate medical attention.

3. **"Check one" near the bottom of the Lethality Screen.**

   On this portion of the Screen, you will check off the "score" of the Lethality Screen according to the victim's answers. We will go over "scoring" on the next slide."

4. **"If the victim screened in:" at the bottom of the Lethality Screen.**

   In EVERY case where a victim is assessed as being in High-Danger, ensure to correctly check "yes" or "no" as to whether the victim spoke on the phone to the hotline advocate.

Note: Sometimes a victim might provide an unclear answer, or may share information in the context of answering the Lethality Screen questions that seems to contradict a previous "yes" or "no" answer. For example, a victim might answer "no" to, "Do you think he might try to kill you?" but then later say, "When he's choking me, I'm afraid he'll kill me." In situations like these, the officer **should take victims at their word and still check the box corresponding *to the victim's answer* (i.e. officers should not exercise discretion in interpreting victim's answers),** note their concern on the bottom of the Screen, and discuss their concern with the hotline advocate if a High-Danger assessment was made, so the hotline advocate can better assess the victim's danger, and coordinate a safety plan that is tailored to the victim's risk factors. **Even if a victim is not assessed as High-Danger on the Lethality Screen, an officer can still make a High-Danger assessment based on his/her professional experience, training, and instincts.**
IMPORTANT! The Lethality Screen (PD-267) will be included with the PD-268 in the case file that is to be forwarded to the Commonwealth Attorney. The PD-267 will be given to an on duty Supervisor and sent to the Police Lethality Screening email address prior to the conclusion of the officer's shift. This document is not to be given to the magistrate but the information contained in it should be testified to so the magistrate can make an informed decision when setting the initial bond.

<u>Hotline Calls and Cut-offs</u>

After the officer asks the questions on the Lethality Screen, the officer will handle the information as follows:

- **Yes to Q. #1, #2, or # 3 ➔ Call the hotline.** A victim's "yes" or positive response to any of Questions #1, #2, or #3 reflects a High-Danger situation and automatically signals the officer to call the hotline.
- **Yes to any four of Q. #4-11 ➔ Call the hotline.** If the victim gives negative responses to Questions #1-3, but positive responses to at least four of Questions #4-11, that reflects a High-Danger situation and automatically signals the officer to call the hotline.
- **"No,"** or negative responses, to all of the assessment questions, or positive responses to no more than three of Questions #4-#11, **may still warrant a call to the hotline if the officer believes it is appropriate**.
  - Officers may call the hotline whenever they believe the victim is in a potentially lethal situation.
  - This is reserved for those occasions when the victim did not answer "yes" to certain or enough questions to "screen in according to the protocol," but the officer believes or senses, based on his/her experience and instincts, that the victim is in danger.
  - Whenever the victim has responded negatively to all questions or given positive responses to no more than three of Questions #4-#11, the officer should ask the victim the following question: "Is

- there anything else that worries you about your safety? (If "yes") What worries you?" The response to the question may help the officer better determine whether to call the hotline.

Note: If the victim **"does not answer" (DNA)** the Screen because they are in need of immediate medical attention, it is suggested that officers assess the victim as High-Danger if the victim is being taken to the hospital for serious injuries. If the abuse has escalated to a level in which the victim is suffering serious physical trauma, there will most likely be other factors of abuse / predictors of homicide present in the relationship that, if the victim had answered a Lethality Screen, would have grouped her/him into the category of High-Danger.

Non-High Danger

If the victim is not assessed as High-Danger after the officer completes the Lethality Screen, the officer will:

- Advise the victim that domestic violence is dangerous, and sometimes fatal,
- Review the factors from the Lethality Screen so that the victim can be on the lookout for them,
- Encourage the victim to contact the hotline, and
- Provide the victim with police contact information.

High Danger

If a High-Danger assessment is made through the Lethality Screen or the officer believes it is appropriate, the officer will:

1. **Advise the victim that they are in danger, and that people in their situation have been killed.**

    - Advise the victim that, based on their answers to the Lethality Screen, you are concerned for their safety, and that people in their situation have been killed.

Note: In situations where the officer assesses the victim as being High-Danger based on his/her own belief and the victim has responded "no" to all or most of the questions, or has declined to answer all of the questions, the officer **should only convey that the officer believes that the victim is in danger** and that the officer would like to call the domestic violence hotline. The officer should not say that "according to your answers, you are in danger" and that "in situations such as this people have been killed." To use such language would not be consistent with the responses that the victim gave.

2. **Call the domestic violence hotline.**

    - The officer will then tell the victim that the officer would like to call the domestic violence hotline to get some advice on how to help the victim and that the officer would like for the victim to consider speaking with the hotline advocate.

OFFICERS SHOULD CALL THE HOTLINE FOR EVERY HIGH-DANGER ASSESSMENT, REGARDLESS OF WHETHER THE VICTIM INITIALLY DECLINES TO SPEAK WITH THE HOTLINE ADVOCATE.

3. **When the officer calls the DV hotline, the advocate will prompt the officer for basic demographic and situation details, and then ask if the victim would like to speak on the phone.**

    - The officer does not need to memorize this information. Advocates are trained in prompting the officer for the information they need; the officer need only respond to the advocate's brief questions.

In cases where a victim has been assessed as High-Danger but initially declines to speak to a hotline advocate, the officer will:

- Tell the victim that the officer will contact the domestic violence program's hotline to receive guidance on how to proceed with the situation;
- Tell the victim that the officer would like the victim to reconsider speaking with the hotline advocate; and
- While still on the phone with the hotline advocate, the officer will ask the victim if they have reconsidered and would now like to speak with the advocate. The officer should be encouraging with words such as, "You're just talking"; "It'll be a private conversation"; "The hotline advocate can help you"; "They understand this is difficult for you."

If the victim continues to decline to speak with the advocate, the officer should:

- Resume speaking with the hotline advocate to obtain safety-planning information and convey that to the victim;
- Inform the victim to watch for the lethality predictors listed on the Lethality Screen because they may convey that the victim is at an increased level of danger;
- Ask if the victim's name and contact information can be given to the hotline advocate for follow-up;
- Strongly encourage the victim to call the domestic violence program and provide the referral information; and
- Provide the victim with the officer's work phone number or the phone number of others who may be available during times when the officer is not, in case the victim wants to talk further or needs help.

Remember: it is the victim's choice whether or not to speak to the hotline advocate in that moment. Do not pressure the victim and always give the victim that choice.

If the victim is assessed as High-Danger and agrees to speak with the hotline advocate, the officer will:

- Call the domestic violence hotline, advise the advocate of the High-Danger assessment, provide the victim's basic information when prompted, and then pass the phone to the victim;
- While the victim is speaking with the hotline, the officer **should allow the victim some privacy**, but should remain on the scene. This is for both practical and intangible purposes. The hotline advocate

- may require some assistance from the officer during the call or following the call (e.g., the victim may need transportation to shelter) or may disclose further information helpful to the investigation. The officer's continued presence also communicates to the victim that the officer/advocate are a *team* who want to support the victim.

At the appropriate time during the conversation between the victim and the advocate, the advocate will ask the victim if the advocate may speak with the officer. The advocate will brief the officer about the plan, within the limits of confidentiality. It is important for officers to realize that hotline advocates are not free to share certain information. Officers should not second-guess decisions that the advocate can convey to the officer, but they must still act within the scope of their own responsibilities, realizing, nonetheless, that it is the victim who will make final decisions concerning their safety.

Cell Phones

Officers should be cautious about using the victim's home land line or personal cell phone. We do not want to put the victim at further risk if the suspect is monitoring her phone activity.

Supervisory Review

Supervisors should consider the following when reviewing these types of investigations:

- Photographs documenting the injuries or non-injuries shall be taken whenever possible; a photograph of a non-injury is just as telling as the photograph of an injury. Photographs should be provided to the OCA in the form of a photo CD.
- Whenever possible the OCA would prefer hand written statements from the victim.
    - Hand written statements from the victim can be used as evidence in court.
- Weapons or items used as weapons involved in the dispute should be held as evidence and vouchered according to policy.
- If applicable and available with consent of the victim, or pursuant to an order of the court, copies of medical records may be obtained and submitted to the OCA.
- All witnesses should be properly identified and documented.
- For those cases that cannot be adequately or properly documented within the IBR and Domestic Violence worksheet, the supervisor may require an investigative summary or an investigative report (PD-3.)

Child Abuse Investigations

Juveniles and Corporal Punishment

In determining whether a juvenile is a victim, it is important to understand the difference between domestic assault and corporal punishment.

- The issue of due **moderation v. excessive force**:

  "Where a question is raised as to whether punishment has been moderate or excessive, the fact is one for the jury to determine from the attending circumstances, considering the age, size and conduct of the child, the nature of his misconduct, the nature of the instrument used for

punishment, and the kind of marks or wounds inflicted on the body of the child". "Wounds and bruises on the body of the child in this case bore mute and indisputable evidence that the child had been cruelly and brutally beaten" Carpenter v. Commonwealth 186 VA. 851, 44 S.E. 2nd 419 (1947) Reviewed and cited as to these findings in Harbaugh v. Commonwealth (1969) and Campbell v. Commonwealth (1991).

- In determining whether the suspect or parent in the case has committed a crime officers should consider:

  - The severity of the injuries if any
  - The location of injuries
  - The statements of the victim, suspect and witnesses that indicate intent
  - Any other observations that would provide an indication that a crime has been committed.

- Officers may seek guidance on these cases from a Domestic Violence Detective or an on-duty supervisor.

Negligence and Supervision

When officers locate children in circumstances surrounding negligence or poor supervision, they should strongly consider reviewing § 18.2-371. Causing or encouraging acts rendering children delinquent, abused, etc. This is commonly referred to as "contributing to the delinquency of a minor." A common example includes very young children wandering without supervision. In addition to notifying CHILD PROTECTIVE SERVICES of the details surrounding a young child discovered without appropriate supervision, determine if the case deserves a criminal charge. Some factors to consider if a criminal charge is warranted include the appropriateness of the parents upon their uniting with the child, parent level of intoxication, explanation of events, what actions were taken to remedy the problem before your intervention, time the child was unsupervised, weather, clothing worn, and the cleanliness of the child.

Often officers receive allegations of long term neglect or poor supervision. If the symptoms of the abuse or neglect are not readily apparent, notify CHILD PROTECTIVE SERVICES and complete an IBR using one of the 90F (FAMILY OFFENSE) IBR classifications. This case will be investigated by the DVU alongside CHILD PROTECTIVE SERVICES.

Juveniles as Victims - Domestic Assault

In cases where a juvenile has been the victim of an assault, officers have the responsibility to locate and arrest the suspect in the case and ensure the protection of the child. While arrest procedures for the suspect remain consistent with other types of domestic assault, the duty to provide for the protection of the child requires that the officer consult with the Virginia Beach Department of Social Services – Child Protective Services.

Juveniles as Suspects

- Our investigative response to juvenile cases shall remain the same as that of an adult investigation.
- Juvenile cases shall be screened with the on-duty worker from Juvenile Intake to determine the need for custody of the juvenile. Officers, not the reporting person/parent/guardian, are responsible for

- securing the petition and prosecuting the case.
- The case will not be forwarded to the Domestic Violence Unit. When a case involves a felony assault (aggravated or malicious assault) a Domestic Violence Detective will be contacted.
- When Juvenile Intake does not order the juvenile to be taken into custody, the officer, parent, and Intake worker should consider placement alternatives (relatives etc.) for the juvenile to avoid the potential for further violence.
- The Commonwealth's Attorney does not assist in the prosecution of misdemeanor domestic assault cases involving juvenile defendants. The PD-268 form for a juvenile suspect will not be forwarded to the Domestic Violence Unit; therefore, officers should write on the front of the PD-268 that the suspect is a juvenile to inform their supervisors not to forward the form.

Notifying Child Protective Serves (CHILD PROTECTIVE SERVICES)

As mandated reporters, we must notify CHILD PROTECTIVE SERVICES when we are informed that children witnessed domestic violence or are the victims of abuse or neglect. The following information explains our immunity when we are providing another agency (CHILD PROTECTIVE SERVICES) with information.

Section 63.2-1512 of the *Code of Virginia* protects a person, who either makes a CHILD PROTECTIVE SERVICES report or participates in a court hearing that results from a CHILD PROTECTIVE SERVICES report, from criminal and civil liability unless it is proven that the person acted with malicious intent.

When CHILD PROTECTIVE SERVICES notifications involve a criminal offense these offenses should be documented by an IBR. In cases of neglect without injury, contributing to the delinquency of a minor, domestic assault the officer should complete the investigation. In cases where serious injury occurs a Domestic Violence Detective should be contacted.

What happens if I do not notify CHILD PROTECTIVE SERVICES?
The following information explains what consequences we face when we do not report to CHILD PROTECTIVE SERVICES.

§ 63.2-1509. Requirement that certain injuries to children be reported by physicians, nurses, teachers, etc.; penalty for failure to report

Code § 63.2-1509 addresses the criminal aspects that attach when we do not notify CHILD PROTECTIVE SERVICES appropriately.
Any person required to file a report pursuant to this section who fails to do so as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect, shall be fined not more than $500 for the first failure and for any subsequent failures not less than $1,000. In cases evidencing acts of rape, sodomy, or object sexual penetration as defined in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, a person who knowingly and intentionally fails to make the report required pursuant to this section shall be guilty of a Class 1 misdemeanor.

What If I Am Not Sure?

You should discuss the situation with your local department of social services, child protective services unit, or with staff at the Child Abuse and Neglect Hotline. If a child/caregiver… **has told you about abuse or neglect, this is enough for you to call**. It is better to make your concerns known than to remain silent and

possibly allow a child to remain unprotected. However, if you have actual knowledge that the same matter has already been reported to the local department of social services or state hotline, you do not have to report.

Juveniles as Witnesses

It is strongly **discouraged** for any officer to interview juveniles less than 13 years old. While strongly discouraged, interviewing juveniles under the age of 13 years old will occur on a case by case basis. Interviewing children for criminal investigations is a scientific field in itself known as Forensic Interviewing. In the event your case is contingent upon a juvenile interview, contact the DVU to schedule a Forensic Interview (FI) with a Forensic Interviewer.

If you are interviewing a juvenile 13 years old or older, consideration should be given to the juveniles' age, mental capacity, the circumstances surrounding the offense and the possibility of retaliation or retribution against the juvenile. If you must conduct a juvenile interview you should conduct the interview in private while being mindful of the traumatic state the juvenile may be in. The interview should be conducted in a calming tone so as to provide reassurance to the juvenile. Avoid conducting the interview in the juvenile's room. Conducting the interview in their room may negatively affect their feeling of safety when police vacate the household. **If you can conduct a sufficient investigation without the details of a juvenile witness, avoid interviewing the juvenile**.

In the event you must interview a juvenile, 13 years old or older, witness~~ed~~ to a domestic assault, you may interview the juvenile without parental consent; however, conduct your actions in accordance with General Order 6.03 Interview and Interrogation.

Domestic Violence Cases Involving Department Personnel

When sworn or non-sworn employees of the Virginia Beach Police Department are involved in a domestic violence situation and sworn personnel are dispatched to the scene or in any way made aware of a possible domestic violence situation involving Department personnel, the procedure will be as follows:

- The first responding officer shall notify their immediate supervisor who shall respond to the scene and assess the situation, including any available evidence. The responding supervisor shall contact the Domestic Violence Unit Supervisor and provide an assessment of the situation. In the absence of the Domestic Violence Supervisor the next available Detective Bureau Supervisor shall be contacted.
- The supervisor advised shall notify the involved personnel's chain of command. If the involved personnel are considered a suspect, the Office of Internal Affairs shall be notified.
- A supervisor will investigate all employee-related domestic violence cases.
- The supervisor of the Domestic Violence Unit will make periodic reports to the Commanding Officer of the involved personnel. The Office of Internal Affairs shall also receive periodic reports including a final disposition of the investigation.

Investigation of Protective Order Violations

- The threshold for probable cause is a reasonable complaint by a witness (usually the victim)

- Protective orders may only be enforced if the respondent has been served. In cases where a victim

reports a violation of a protective order, and the respondent has not been served, serve the protective order at that time.

- Verify the existence of the order
    - Check the victim's copy
    - Local checks
    - VCIN/NCIC
    - Interview any person protected by the order and determine if the order is still in effect

- Complete an IBR Report – Violate Protective Order - IBR offense code: 90P

- When probable cause exists to support a violation of a protective order, an arrest shall be made. If the suspect has left the scene prior to the arrival of the officer, the officer is responsible for obtaining a warrant for the suspect.

- Arrest should be made on a stalking protective order.

- Treat all protective orders as though they were issued in Virginia - afford out of state protective orders full faith and credit

- Verify through:
    - A copy of the order
    - Any suitable evidence
    - The statement of the victim

- A protective order must be served, service is not optional.

Stalking

- The DVU should be contacted for stalking cases involving household family members.

Outside Agency Resources

Community Crisis Response Hotline/Samaritan House

24-Hour crisis counseling is available to anyone affected by sexual assault, domestic violence, stalking, and human trafficking. Through our Coordinated Crisis Response (a collaborative project between The Genieve Shelter, The HER Shelter, Samaritan House, and the YWCA South Hampton Roads), trained crisis counselors provide emotional support and assist callers with coping skills, safety planning, and appropriate information and referrals to community resources. The goal is to address the immediate emotional and safety needs of the caller until they are able to connect with supportive services. Call **(757) 251-0144** to reach the 24/7 Crisis Hotline.

Samaritan House is our Virginia Beach partner who collaborates within the Coordinated Crisis Response project. Samaritan House provides a vast variety of services to domestic violence victims and their

families. The services offered include, safe shelter for victims, counseling programs, job placement assistance, training and education, legal services for victims seeking protective order, and many other services. Additionally, Samaritan House provides victim advocate liaisons who work with the Domestic Violence Unit conducting follow up calls to victims of domestic violence, assisting with protective orders and shelter needs.

Virginia Beach Department of Human Services - Social Services

This organization is an extremely valuable resource. Because of the vast latitude given to social service workers, they have the ability to conduct investigations free from legal constraints, which typically hamper police intervention. The Office of Child Protective Services provides investigative assistance in cases involving children as victims of sexual assault, physical abuse and neglect. These investigators are a valuable resource for officers in the investigation of crimes involving children.

Commonwealth Attorney's Office - Victim Witness

The victim witness advocates work out of the Office of the Commonwealth Attorney, providing pre-trial services to crime victims and witnesses within our jurisdiction. Victim Witness workers have access to local, state and federal funding for victim compensation. This office will work with crime victims and witnesses guiding them through the legal process. In addition to the aforementioned they also provide assistance to victims seeking restitution from criminal offenders.

Forms

Domestic Violence Victim/Witness Service Guide (PD-176)

The Domestic Violence Victim/Witness Service Guide (PD-176) is a document that has been created to provide victims important information relating to domestic violence. Responding officers shall provide each victim a copy of this guide to insure they have access to important resources and telephone numbers.

PD-176
Rev: 12/10
Page 1 of 2

Victim/Witness Service Guide for Crimes Against the Person
Virginia Beach Police Department (http://www.vbgov.com/dept/police)

IBR # _____ Reporting Officer: _____ Pct: _____

Detective Assigned (if known at the time of the report): _____

This service guide provides information to victims and witnesses of felony or misdemeanor crimes against a person.

Desk Officer Numbers		Detective Supervisor Office Desk Numbers			
Detective Bureau	385-4101	Homicide	385-8627	1st Precinct	385-4942
First Precinct	385-4377	Robbery	385-8901	2nd Precinct	385-2761
Second Precinct	385-2700	Special Victim	385-8895	3rd Precinct	385-2722
Third Precinct	385-2703	Domestic Violence	385-8720	4th Precinct	385-2824
Fourth Precinct	385-2800	Warrant/Fugitive	385-8911		

The officer listed above, has taken an offense report for Domestic Violence. Your report number (IBR#) is printed at the top of this guide. At the conclusion of the officer's investigation an evaluation of the case's evidence will be conducted with the investigating officer's supervisor. This is to determine if the case will be reassigned to a detective of the Domestic Violence Unit and the possibility of prosecution. The Office of the Commonwealth's Attorney will make the final determination whether to proceed with criminal prosecution, based on the evidence presented. If your case has been reassigned to a detective for investigation, they will contact you. You will also receive a subpoena to appear in court and should be contacted by the Commonwealth's Attorney's Victim Witness Office when the case proceeds for prosecution. This office will assist you through your court appearance and will help you with victim/witness support services. Depending upon the seriousness of the case and the likelihood of needed support services, the Commonwealth's Attorney's Victim Witness Office may contact you while the case is being investigated. They can be contacted directly at 385-8301.

Please contact the officer or detective assigned to your case, if you would like to provide new information and/or obtain information about the status of the case. If you do not know the name of the officer or detective assigned to your case, please contact the Detective Bureau at 385-4101 for assistance, and be prepared to provide your report number (IBR#). There may be times that you find it necessary to contact an officer or detective after hours and may not wish to leave a voice message. In these instances, please contact the Police dispatcher non-emergency number at 385-5000. The dispatcher will help facilitate your contact with an on-duty detective to assist you. If you would like to contact the Detective Unit Supervisor that is responsible for overseeing your case, please refer to the Detective Bureau Supervisor Office Desk Numbers at the top of this form.

The Police Department will provide assistance to victims/witnesses who have been threatened or who express credible reasons for fearing intimidation or further victimization. If you have been threatened, intimidated or fear you may suffer further victimization, contact the Police emergency at 911 to have an officer dispatched to assess the threats and help coordinate an appropriate safety plan with you.

* * * *Victims of domestic violence should refer to* ***Page 2*** *of this form for assistance.* * * *

Support Services Contact Information

Criminal Injuries Compensation Fund	(800) 552-4007
Domestic Assault Victim Assistance at Samaritan House	(757) 430-2120
Fleet & Family Support Center (Active Military Duty, Retired & Dependant)	(757) 433-2912
Sexual Assault Counseling at RESPONSE	(757) 623-2115
Statewide Sexual Assault Hotline	(800) 838-8238
Victims Services Section of the Department of Criminal Justice Services	(804) 786-4000
Virginia Beach Child Protective Services	(757) 437-3400
Virginia Beach Commonwealth's Attorney's Victim/Witness Office	(757) 385-8301

Virginia Beach Crime Solvers will pay a reward of up to $1000 for information that leads to the arrest of wanted individuals and the solving of unsolved crimes. Callers can remain anonymous. The tip line is 1-888-LOCK-U-UP (562-5887) and is answered 24-hours a day, 7-days a week. Visit online at http://www.crimesolvers.com/ for more information.

PD-176
Rev: 12/10
Page 2 of 2

Victim/Witness Service Guide for Crimes Against the Person
Virginia Beach Police Department (http://www.vbgov.com/dept/police)

Report # (IBR): _____ Officer's Name: _____ Officer's Code: _____

Date: _____ Time: _____ Magistrate's Phone: _____

For Help and Support

Police Domestic Violence Unit	385-4101	Victim/Witness Assistance Program	385-8301
Community Corrections	385-4689	Virginia Beach Child Protective Services	437-3400
Criminal Injuries Compensation Fund	1-800-552-4007	Virginia Beach Juvenile Relations Court Intake	385-4361
Domestic Violence Hispanic Support	497-8330 Ext 367	Virginia Family Violence Hotline	1-800-838-8238
Family Advocacy Network Services (FANS)	385-4361	YWCA Response Hotline	622-4300
Response-Rape Crisis & Child Sexual Assault	623-2115	YWCA Response Office	451-0174
Samaritan House-Safe Harbor	430-2120	YWCA Women in Crisis	625-5570
Tidewater Legal Aid-Civil Matters (only)	552-0026		

Military Family Advocacy Programs

Family Advocacy	422-7311	NAS Oceana	433-2555
Naval Station Norfolk	444-2230	Yorktown Naval Base	1-757-887-4307 (internal voicemail)
Portsmouth	953-7801	Northwest Naval Security Group Activity	421-8770
NAB Little Creek	462-7563	Ft. Story – Military Police (dispatch)	422-7141

Arrest
The officer shall arrest the abuser if the officer has probable cause to believe that assault and battery against a family member has occurred and the predominant aggressor has been determined. If the abuser was arrested, call the Sheriff's Office (385-4551) to see if the person arrested is being held in jail or has been released. If released -- was there a no contact conditional bond or emergency protective order issued?

Warrant
- A detective may assist in obtaining warrants in certain situations. If you have questions regarding your case, you may contact the Domestic Violence Unit at 385-4101.
- You do not have to be physically injured to apply for a warrant. A warrant can also be issued for threats, stalking, property damage, and trespassing. Magistrates are available 24 hours a day, 7 days a week.

Emergency Protective Order
- If you feel the abuse poses a continuing threat to your safety, you may request an emergency protective order from the officer on the scene.
- A magistrate or judge may issue an Emergency Protective Order if you appear in person and request one.
- An Emergency protective order may include the following conditions:
  - Order the abuser and you to have no physical or phone contact with each other
  - Order the abuser to stop assaulting you
  - Grant you the exclusive possession of your residence
- The order is in effect ***only after it has been served on the abuser.***
- The Emergency Protective Order is in effect for 72-hours after being issued by a magistrate. If you need further protection, you must appear at Virginia Beach Court Services Intake and request a preliminary protective order.
- In addition to a protective order, if you are planning to separate from the abuser, you may file at court services for:
  - ✓ Custody of the children
  - ✓ Child support
  - ✓ Spousal support (if married)
  - ✓ Exclusive use of the residence
  - ✓ Alternative housing
  - ✓ Other resources

NOTE: ***Filing charges and obtaining Protective Orders are only effective if you and the abuser obey the restrictions. Your safety and the safety of the children may depend on developing an alternative plan for your protection. For more information on safety planning, call Samaritan House at 430-2120.***

Court
- If a warrant has been filed and / or you have requested a preliminary order, you will be going to court.
- The Office of the Commonwealth's Attorney or Victim/Witness, who may assist you in prosecution, may contact you.
- Proving your case will require testimony, evidence, and witnesses (if available). For assistance and support with the court process, contact: F.A.N.S. at 385-4361 or Samaritan House at 430-2120.

Commonwealth's Attorney's Domestic Violence Supplement (PD -268)

PD-268
Rev: 12/10

COMMONWEALTH'S ATTORNEY'S DOMESTIC VIOLENCE SUPPLEMENT

IBR# _____ Officer's Name: _____ Report Date: _____

Defendant's Name: _____ **3rd Offense?** ☐ Yes ☐ No

	Yes	No
Defendant at Scene?		
Arrested? **Mis** or **Fel** (circle)		
Given Miranda Warning? **(only in custodial situations)**		
Alcohol Usage?		

	Yes	No
Interviewed?		
EPO Requested?		
EPO Obtained?		
EPO Served		
Warrant Obtained? (Defendant Not at Scene)		

Intoxication Observation (circle below all that apply)

Speech:	Slurred, incoherent, shouting; other.	Clothing:	Dirty, soiled, disheveled, normal, other
Odor of Alcohol:	Strong, faint; other.	Ability to Walk:	Swaying, stumbling, falling, other
Eyes:	Bloodshot, watery, glassy; other.	Ability to Stand:	Swaying, falling, leaning for support
Face:	Flushed, pale; other.	Actions:	Cooperative, fighting, abusive, crying

	Yes	No
Visible Injuries to Defendant?		
Complaining of Injuries?		

Injury Observation Chart. Indicate Location & Type.

Description of Injuries: _____

Weapons Used? If yes, what type:

Gun	Knife	Club	Other (list):

Ask the Defendant, "Did You Mean to Hurt The Victim?"

Defendant's Statement: _____

Victim's Name: _____ **IBR #:** _____

	Yes	No
Interviewed?		
Taken to the hospital?		
Alcohol Usage?		

If yes, level of intoxication? _____

	Yes	No
*Domestic Violence Brochure Given?		
Victim complaining of injuries?		
Visible injuries to victim?		

Injury Observation Chart. Indicate location and type below.

Victim relocated due to incident? ☐ ☐

If yes, new address & phone:

Relationship to Victim? _____

Number of Children In Household: _____

Children present during incident? Yes No

Child Name (s): **DOB:**

1. _____
2. _____
3. _____

Victim's Description of Injuries: _____

Signature: _____

Victim's Statement: _____

MEDICAL RELEASE

To All Health Care Providers: Having been advised of my right to refuse, I hereby consent to the release of my medical / dental records related to this incident to the City of Virginia Beach Police Department, the Virginia Beach Commonwealth Attorney's Office and/or the Virginia Beach City Attorney's Office.

Signature: _____ Date: _____

Witness: _____ Date: _____

IBR #: _____

Attempted Strangulation Documentation Sheet

Symptoms and/or Possible Internal Injury:

Did the defendant "choke" you today? _____ In the past? _____

Breathing Changes ✓	Voice Changes	Swallowing Changes	Behavioral Changes	OTHER
Difficulty Breathing ☐	Raspy voice ☐	Trouble swallowing ☐	Agitation ☐	Dizzy ☐
Hyperventilation ☐	Hoarse voice ☐	Painful to swallow ☐	Amnesia ☐	Headaches ☐
Unable to breathe ☐	Coughing ☐	Neck Pain ☐	PTSD ☐	Fainted ☐
Other:	Unable to speak ☐	Nausea ☐	Hallucinations ☐	Urination ☐
		Vomiting ☐	Combativeness ☐	Defecation ☐

Face ✓	Eyes & Eyelids	Mouth	Neck	Under Chin / Behind Ears
Red or Flushed ☐	Eyeball Petechiae L or R ☐	Bruising / Bleeding ☐	Redness / Swelling ☐	Abrasions ☐
Pinpoint Red Spots ☐	Eye Lids Petechiae L or R ☐	Swollen Tongue ☐	Scratch Marks ☐	Bruising (Ears) ☐
Scratch Marks ☐	Blood Red Eyes ☐	Swollen Lips ☐	Hand Prints ☐	Scratch Marks ☐
Bruising ☐	Other ☐	Cuts / Abrasions ☐	Bruise (s) ☐	Redness ☐
Other		Other ☐	Ligature Marks ☐	Other ☐

Method / Manner:

How and where was the victim strangled?

One Hand (R or L) Two hands Forearm (R or L) Knee / Foot

Ligature? (Describe): _____

How long were you choked/strangled? _____

From 1 to 10, how hard was the suspect's grip? (Low): 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 (high)

Is the suspect RIGHT or LEFT handed? (Circle one)

What did the suspect say while he was strangling the victim? _____

What did the victim think was going to happen? _____

Other:

	Yes	No
Physical Evidence Collected at Scene?		
(**Very Important**) Photos Taken?		
Did FSU or a Pct Tech Respond?		

If Yes, Type of Photo Taken:

Photos Taken By _____

Voucher Number _____

List Evidence Collected:

_____ _____ _____

_____ _____ _____

PD-268 (Page 3)

Witness Information: **IBR #:** _____

1. Name: _____ Relationship to Victim: _____
   Address: _____ Phone# _____
   _____ Work # _____

2. Name: _____ Relationship to Victim: _____
   Address: _____ Phone# _____
   _____ Work # _____

3. Name: _____ Relationship to Victim: _____
   Address: _____ Phone# _____

THIS SECTION MUST BE COMPLETED:

Predominant Aggressor and **Why?** _____

Any excited utterances? _____

Were there any protective orders in place at the time of the incident? _____

Criminal History Check Completed and Results? _____

What was the emotional state of the parties present? _____

Any previous assaults, reported or not reported? Describe: _____

If the incident involved a child, a disabled person, or elder abuse, describe _____

Was Child or Adult Protective Services notified? Who? _____

Any abuse of children or pets? _____

What was the condition of the scene / premises? _____

Warrant / EPO Denied, Why? _____

Presiding Magistrate: _____

Additional Notes: _____

Extenuating Circumstance / Justification for No Arrest? _____

Reviewing Supervisor: _____ **Code:** _____

PD-268 (Page 4)

Commonwealth's Attorney's Domestic Violence Supplement (PD -268A)

PD-268A
Rev. 12/10

DOMESTIC VIOLENCE DETECTIVE FOLLOW-UP SHEET

Victim Contact: **IBR #:** _____ **Date:** _____

Additional Statements -

_____

_____

_____

_____

_____

_____

_____

Defendant Contact: **Date:** _____

☐ **Custodial** ☐ **Non-Custodial** ☐ **Confession** **Location of Interview:** _____

Additional Statements -

_____

_____

_____

_____

_____

_____

Additional Photos Taken? ☐ **Yes** ☐ **No** **If Yes, Date:** _____

Additional Witnesses:

Name: _____ **Home/Cell Phone:** _____
Address: _____ **Work Phone:** _____

Name: _____ **Home/Cell Phone:** _____
Address: _____ **Work Phone:** _____

E-911 Tape or Transcript:

	Yes	No
PD-18 (IBR) Attached		
PD-3 (Investigative Report) Attached		
Copy of Warrant(s)		

Other: _____

Additional Information:

	Yes	No
Prior Convictions?		

If Yes, How Many? _____

Date Assigned: _____

Detective Assigned: _____ **Date Submitted:** _____

Supervisor Signature: _____ **Date** _____

PD-268A

VBPD Domestic Violence Lethality Screen for First Responders

PD-267 (1216)

VBPD – Domestic Violence Lethality Screen for First Responders

Instructions: This form is to be completed when handling a domestic violence event involving intimate partners, and should be included with CBA case paperwork for the Commonwealth's Attorney's Office. Prior to the end of the officer's shift, this form along with a copy of the IBR should be emailed to "Police Lethality Screen" which can be found in Outlook under All Distribution Groups.

Select One:
- ☐ Spouses, whether or not residing in the same house
- ☐ Former spouses, whether or not residing in the same house
- ☐ Persons who have a child in common, whether or not they have ever been married or resided together
- ☐ Persons who cohabit, or who within the previous 12 months cohabited
- ☐ Persons who are intimate partners (i.e. boyfriend-girlfriend or same-sex partners)

If the victim "screens in," triggering a referral/probable danger of further acts, officers will make best efforts to obtain emergency protection orders.

Officer Name: _____ Code #_____ Pct: ____ Date: _____ IBR #_____

Victim Name: _____ Offender Name: _____

☐ Check here if the victim did not answer any of the questions.

A "Yes" response to any of questions #1-3 automatically triggers the protocol referral.

1. Has he/she ever used a weapon against you or threated you with a weapon?	☐ Yes	☐ No	☐ No Answered
2. Has he/she threatened to kill you or your children?	☐ Yes	☐ No	☐ No Answered
3. Do you think he/she might try to kill you?	☐ Yes	☐ No	☐ No Answered

Negative responses to questions #1-3, but positive responses to at least four of questions #4-11, trigger the protocol referral.

4. Does he/she have a gun or can he/she get one easily?	☐ Yes	☐ No	☐ No Answered
5. Has he/she ever tried to choke you?	☐ Yes	☐ No	☐ No Answered
6. Is he/she violently or constantly jealous or does he/she control most of your daily activities?	☐ Yes	☐ No	☐ No Answered
7. Have you left him/her or separated after living together or being married?	☐ Yes	☐ No	☐ No Answered
8. Is he/she unemployed?	☐ Yes	☐ No	☐ No Answered
9. Has he/she ever tried to kill himself/herself?	☐ Yes	☐ No	☐ No Answered
10. Do you have a child that he/she knows is not his/hers?	☐ Yes	☐ No	☐ No Answered
11. Does he/she follow or spy on you or leave threatening messages?	☐ Yes	☐ No	☐ No Answered

An officer may trigger the protocol referral, if not already triggered above, as a result of the victim's response to the below question, or whenever the officer believes the victim is in a potentially lethal situation.

Is there anything else that worries you about your safety? ☐ Yes ☐ No

If "Yes", what worries you?

Check One:
- ☐ Victim screened in, according to the protocol
- ☐ Victim screened in, based on the belief of officer
- ☐ Victim did not screen in

If victim screened in:

After advising her/him of a high danger assessment, did the victim speak with a Hotline counselor? ☐ Yes ☐ No

Note: the questions above and the criteria for determining the level of risk a person faces is based on the best available research on factors associated with lethal violence by a current or former intimate partner. However, each situation may present unique factors that influence risk for lethal violence that are not captured by this screen. Although most victims who screen "positive" or "high danger" would be expected to be killed, these victims face much higher risk than that of other victims of intimate partner violence.

Regional HOTLINE Number for Women & People in Crisis: (757) 251-0144