



Date of Council Meeting: May 9, 2016

TOWN OF LEESBURG TOWN COUNCIL MEETING

Subject: Domestic Violence Protocols

Staff Contact: Vanessa L. Grigsby, Interim Chief of Police

Council Action Requested: None.

Staff Recommendation: None.

Commission Recommendation: Not Applicable.

Fiscal Impact: None.

Work Plan Impact: None.

Executive Summary: Town Council requested a staff briefing at a work session on the Leesburg Police Department's Domestic Violence protocols.

Background: The Leesburg Police Department's domestic violence program was established in July 2001 to better serve the victims of domestic violence, and to achieve higher rates of conviction aimed at reducing recidivism and the escalation of violence.

The Leesburg Police Department's domestic violence program was initiated as a result of national conversations regarding the topic of domestic violence and how to reduce its frequency and severity. On July 1, 1997, the State of Virginia adopted a mandatory arrest law regarding violations of the State's domestic violence statute. The statute outlines that an arrest shall be made based on the totality of circumstances where a predominate physical aggressor could be determined unless there are special circumstances. This was the first major change in how law enforcement officers handled domestic calls for service.

In the years following the mandatory arrest law, several other changes were made in how domestic related calls for service were handled such as Evidence Based Prosecution. Evidence Based Prosecution is the concept of officers preparing a criminal case for prosecution without the cooperation and/or presence of the victim. A recent change in how the police department approaches domestic violence calls for service is the implementation of the Lethality Assessment Program (LAP). LAP is a preventative screening tool that identifies victims of domestic violence in potentially lethal situations.

The Leesburg Police Department continually works with our law enforcement partners, and other stakeholders to combat domestic violence. The department has kept pace with changes in this important topic, and consistently offers services to victims of domestic violence.

Attachments: PowerPoint outlining the Police Department's Domestic Violence Protocols.

Leesburg Police Department

Domestic Violence Protocols



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Domestic Violence Program

LPD established a Domestic Violence Program in July of 2001. The program is designed to ensure better service for victims of domestic violence; and to achieve higher rates of conviction that will likely reduce recidivism and the escalation of violence.

The Family Crimes Detective will manage the program:

- a. Compile data for reporting purposes.
- b. Represent LPD on the Domestic Abuse Response Team (DART).
- c. Maintain liaison with the members of DART and other domestic violence investigators.
- d. Provide training to LPD personnel in the investigation of domestic violence cases.



Domestic Violence Program

What qualifies as a domestic relationship?

- Family or household member (VA Code § 16.1-228)
 - Person's spouse, whether or not they reside together
 - Former spouse, whether or not they reside together
 - Parents, stepparents, children, stepchildren, brothers, sisters, half-brothers/sisters, grandparents, grandchildren – whether or not they reside together
 - Mother/Father-in-laws, sons/daughter-in-laws, brother/sisters-in-law – must reside in the same home



Domestic Violence Program

What qualifies as a domestic relationship?

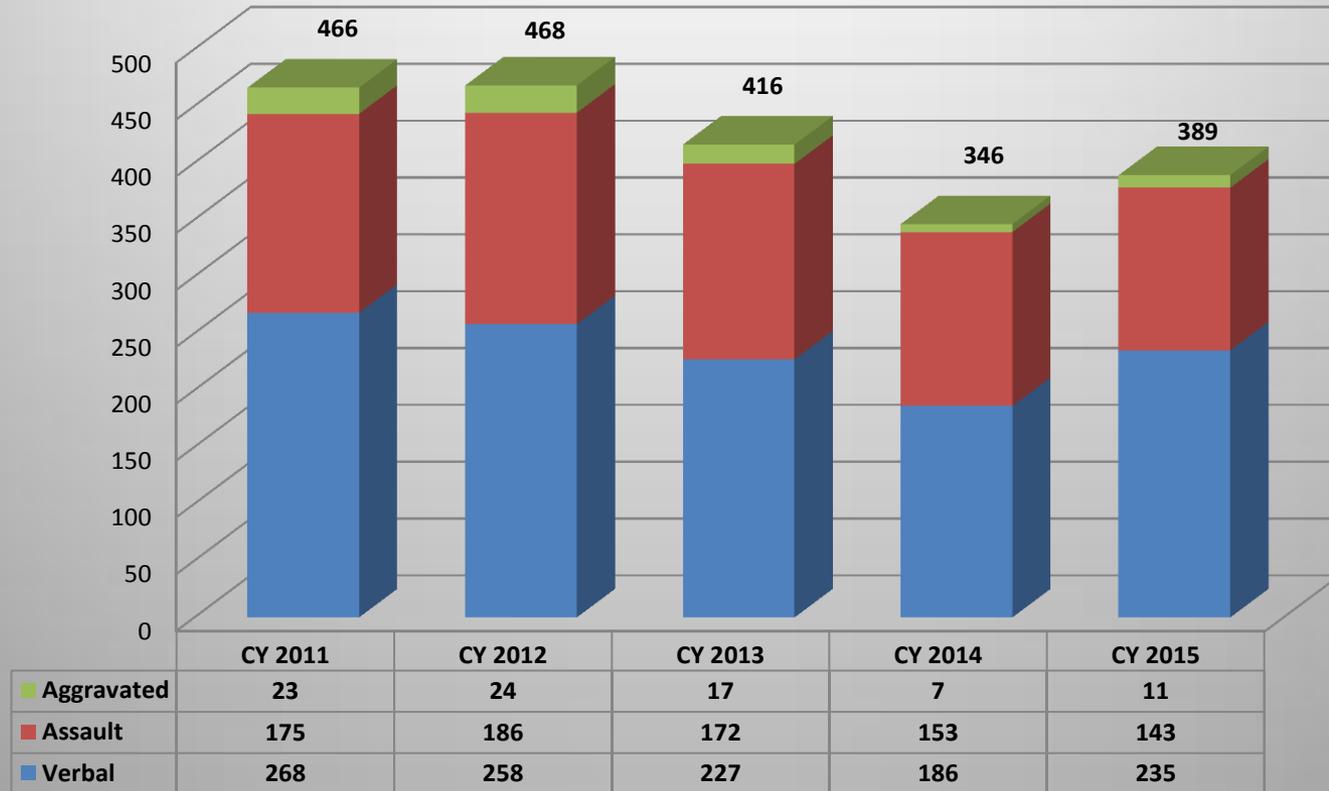
- Any individual who has a child in common with the person, whether or not having been married or resided together at any time.
- Any individual who cohabits, or cohabited within the previous 12 months with a person, and children of either of them then residing in the same home with the person.



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Domestic Violence Calls For Service



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The 911 Call

The initial call may come in as another call type



- Noise Complaint
- 911 Hang-up
- Telephone Harassment, texts, emails
- Destruction of Property
- Verbal Threats
- Stalking
- Custody Dispute
- Keep the Peace
- Protective Order Violation



The 911 Call

Information for the Responding Units

The screenshot shows a software interface for entering a 911 call. The window title is "Incident Entry ORI: VA0530100 Incident Number: 2010-00043974". The interface is divided into several sections:

- Call Information:** Incident Type: Domestic Aggravated; Call Date: 11/14/2010; Call Time: 14:05; Call Source: 911; Status: In Progress; Priority: 1; Case Number: 2010-00043974.
- Caller Information:** Global/Free-Form; Name: [blank]; Other Contact Number: [blank]; Phone: [blank].
- Location Information:** Location Type: Verified Point Location; Address: 4. EVANS RIDGE TE NE; Qualifier: B; Venue: Leesburg Pt; City: LEESBURG; State: VA; Zip: [blank]; Reporting District: Virginia.
- Dispatch Events Table:**

Date/Time	Description	User	Action
11/14/2010 14:06:59	NO ETOH	Blake Costello	Narrative.
11/14/2010 14:06:54	HUSBAND IS IN LR AS WELL	Blake Costello	Narrative.
11/14/2010 14:06:41	CALLER IN LR.	Blake Costello	Narrative.
11/14/2010 14:06:29	Location: 4. EVANS RIDGE TE NE, Qualifier: B, Venue: Leesburg PD	Blake Costello	Location
11/14/2010 14:06:21	HUSBAND HAS A KNIFE	Blake Costello	Narrative.
11/14/2010 14:06:16	NewCallType: Domestic Aggravated, Status: In Progress, Priority: 1	Blake Costello	Call Type

Dispatcher must determine:

- Was there an assault?
- Any weapons?
- Need for an ambulance?
- Who is involved?
- Are drugs/alcohol involved?
- Exact location?
- Are the parties separated?
- Call History
- Hazards or Cautions
- Keep them on the line



Arrival on Scene

Officers begin the Investigative Process

- Establish Venue, Crime, & Relationship
- Interview witnesses separately
- Injuries
 - Ask about and look for them
 - Do they support or refute statements
 - Are they offensive or defensive?
- Get history of abuse
- Get history of alcohol and drug abuse



Arrival on Scene

Determine Predominant Aggressor

- Statements of the parties and any witnesses
- Injuries: offensive, defensive, and the severity
- Crime scene evaluation
- Are the statements of the victims, their injuries, and the scene consistent?
- Who was the primary/first aggressor?
- Appearance and demeanor of the parties
- History of domestic violence
- Previous Protective Orders
- Comparative height and weight of the parties
- Who called the police?
- Presence or absence of fear
- Who needs protecting?
- If self defense is suspected, was the response reasonable? Apply same standards for LE use of force.
- Any other documentable facts or circumstances
- What is the evidence telling you?



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Crime Scene Investigation

Evidence Based Prosecution

- Identify and photograph both parties
- Photograph injuries
- Photograph Crime scene
- Collect Evidence for court prosecution
- Collect Weapons for safe-keeping



Arrest Decision

- Does evidence exist to support a criminal act?
- Is there probable cause?
 - Visible signs of injury
 - Domestic Relationship
 - Occurred in this jurisdiction
- Based on totality of circumstances



Arrest Decision

- Virginia code states (§19.2-81.3)

B. “A law-enforcement officer having probable cause to believe that a violation of [Virginia’s domestic violence law] has occurred shall arrest and take into custody the person he has probable cause to believe, based on the totality of the circumstances, was the predominant physical aggressor unless there are special circumstances which would dictate a course of action other than an arrest.”



Arrest Decision

- If probable cause exists – **Mandatory Arrest**
- If no probable cause exists (no arrest):
 - Should an Emergency Protective Order be obtained?
 - Attempt to get the parties to separate
 - What services can be offered



Before Leaving the Scene

Whether or not arrest is made

- Go over the LPD Domestic Violence Package with the “victim”
- Refer the “victim” to appropriate domestic violence assistance agencies
 - Loudoun Abused Women's Shelter (LAWS)
 - Child or Adult Protective Services (CPS/APS)
 - Juvenile & Domestic Relations (J&DR) Court Services
 - Victim/Witness Office
- Should the Lethality Assessment Program (LAP) screen be conducted



Lethality Assessment Program (LAP)

What is a LAP?

- Preventive screening tool that identifies victims of domestic violence in potentially lethal situations and encourages them to seek immediate services
- A series of questions to assess risk
- Screen results include:
 - Non-High danger
 - High-Danger
- Places victim in direct contact with LAWS hotline



Lethality Assessment Program (LAP)

When to Initiate the LAP

Only in cases of intimate relationships and a manifestation of danger:

- When you believe there's been an assault or act of domestic violence,
- When you believe the victim faces danger when you leave,
- When the home or parties are repeats in CFS, or
- When your gut tells you that the situation is dangerous.



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Investigative Follow-up (on serious DV cases)

An officer or detective will meet with the victim a day or two after to obtain:

- Background/history of the relationship including previous incidents
- Photographs of any injuries to document progression
- Consider assessment by the Forensic Assessment and Consultation Team.
- Encourage follow through on protective orders and make referrals to do so.
- Make referrals to victim organizations like LAWS J&DR Court Services Unit and Victim/Witness.



The reports and any additional information will be forwarded to the Commonwealth's Attorney to aid in prosecution.



Leesburg Police Goals

The goal of the department is to reduce the incidence and severity of domestic violence.

Domestic Violence victims shall be provided, and encouraged to obtain, assistance through available community services.





Domestic **A**buse **R**esponse **T**eam

Member Agencies

- Leesburg Police Department
- Loudoun County Sheriff Office
- Commonwealth Attorney Office
- Victim Witness Office
- Loudoun Abused Women's Shelter (LAWS)
- Loudoun County Mental Health
- Child Protective Services
- Community Correction Program
- State Probation / Parole
- Loudoun Court Services Unit
- Loudoun County Public Schools



Domestic Abuse Response Team (DART) & Loudoun Abused Women's Shelter (LAWS)

Overview

- DART: **Kaye Wallace, J.D., M.P.A.**
Criminal Justice Analyst
Project Manager, DART
- LAWS: **Nicole Acosta, LCSW**
Executive Director
Loudoun Abused Women's Shelter

