



RICHMOND POLICE DEPARTMENT GENERAL ORDER



Subject: INTIMATE PARTNER AND FAMILY VIOLENCE RESPONSE	Chapter 6	Number 9	# Pages 14
References: CALEA Standards: 42.1.5a-c, 42.2.1a, 42.2.1b, 42.2.1c, 42.2.1d, 55.2.3 ^a Va State Code: §3.2-6500, §16.1-228, §16.1-253.4, §16.1-253.2, §16.1-279.1(F), §16.2-253.1, §18.2-51.6, §18.2-57, §18.2-57.2, §18.2-60.3, §18.2-308.1:4, §19.2-81.3(E), §19.2-152.8, §19.2-152.9, §19.2-152.10, §308.1:4(A)	Related Orders: 1-1, 4-9, 6-31, 7-2, 7-18, 7-23	Effective Date: 03/24/2023 Revised By: Review Prv. Rev. Date: 12/27/2019	
Chief of Police: <div style="text-align: center; font-family: cursive; font-size: 1.2em; margin-top: 20px;">Robert G. Edwards</div>			

I. PURPOSE

The purpose of this directive is to define domestic violence and related offenses, outline a safe procedure for handling violent incidents and calls, prescribe measures to end violence, and protect victims.

II. SUMMARY OF CHANGE

This policy is due for triannual review. All new language will be bold and italicized throughout the document.

III. POLICY

It is the policy of the Richmond Police Department to thoroughly investigate complaints of intimate partner and/or family violence and to enforce all applicable laws. Officers shall convey the attitude that violence in the home is criminal behavior and will not be tolerated. The intent of the law and departmental procedures are to protect the health and safety of intimate partners, family, and household members. With all due consideration for their own safety, Department personnel responding to a family violence incident call shall: (1) restore order; (2) arrest persons when probable cause exists that a crime has occurred; (3) provide safety and security for the crime victim(s); and, (4) help participants contact appropriate agencies to help prevent future occurrences.

IV. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

V. DEFINITIONS

- A. **ABUSER** – A person who perpetrates a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse against another person, with the goal of establishing and maintaining power and control over the victim.
- B. **ASSAULT** – The threat or use of force on another that causes that person to have a reasonable apprehension of imminent harmful or offensive contact; the act of putting another person in reasonable fear or apprehension of an immediate battery by means of an act amounting to an attempt or threat to commit a battery.
- C. **BATTERY** – A physical act that results in harmful or offensive contact with another person without that person's consent. See Code of Virginia §18.2-57 Assault and Battery, and 18.2-57.2 Assault and Battery Against a Family or Household Member.
- D. **COHABITATION** – The sharing of familial or financial responsibilities and consortium (may include mutual respect, fidelity, affection, society, cooperation, solace, comfort, aid of each other, friendship, and conjugal relations).

NOTE: Although not defined in Virginia code, case law (including Rickman v. Commonwealth, 33 Va. App. 550, 535 S.E.2d 187 (2000)), shapes the definition of cohabitation, and the courts have indicated that a 'totality of the circumstances' analysis must be employed.
- E. **DOMESTIC VIOLENCE/ABUSE** – Domestic violence is a pattern of coercive behavior characterized by the domination and control of one person over another, usually an intimate partner, through physical, psychological, emotional, verbal, sexual, and/or economic abuse. Domestic violence is often called "domestic abuse" because it does not necessarily involve physical violence, and some of the tactics may not even be considered a crime.
- F. **FAMILY ABUSE** – Any act of violence, force or threat, including but not limited to, any forcible detention, which results in bodily injury or places one in reasonable apprehension of bodily injury and which is committed by a person against such person's family or household member (Code of Virginia §16.1-228).
- G. **FAMILY OR HOUSEHOLD MEMBERS** – In accordance with Code of Virginia §18.2-57.2, 16.1-228, and 19.2-81.3 of the Code of Virginia, "family or household members" are defined as:

1. Spouses, whether or not residing in the same home;
2. Former spouses, whether or not residing in the same home;
3. Parents, stepparents, children, stepchildren, brothers/half brothers or sisters/half sisters, grandparents, or grandchildren regardless of whether they reside in the same home as the alleged abuser;
4. Mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law or sister-in-law who reside in the same home with the alleged abuser;
5. Any person who has a child in common with the alleged abuser, whether or not the person and that individual have been married, or have resided together at any time, or,
6. Any individual who cohabits or who, within the previous twelve months, cohabited with the alleged abuser, and any children of either of them residing in the same home with the alleged abuser.

NOTE: For purposes of criminal prosecution, RPD officers shall regard same-sex couples and same-sex situations involving partners who cohabit or who have previously cohabited as domestic in nature.

- H. INTIMATE PARTNERS – Persons who are, or have been involved, in an intimate relationship who:
1. Are married, separated, or divorced;
 2. Live or have lived together;
 3. Have children in common, or;
 4. Date, or have dated, but do not live, or never have lived, together.
- I. PREDOMINANT PHYSICAL AGGRESSOR – The predominant physical aggressor is not necessarily the first disputant to engage in assaultive behavior, but the one with the most ability and inclination to inflict physical injury. Officers shall identify a predominant physical aggressor based on the totality of the circumstances, taking care to make conclusive identification in cases of elder domestic violence. The standards for determining who is the predominant physical aggressor shall be based on the following considerations:
1. Who was the first aggressor;
 2. The protection of the health and safety of family;
 3. Prior complaints of family abuse by the allegedly abusing person involving the family or household members;
 4. The relative severity of the injuries inflicted on persons involved in the incident;
 5. Whether any injuries were inflicted in self-defense;

6. Witness statements; and,
 7. Other observations. (Code of Virginia §19.2-81.3).
- J. **STALKING** – Any person, except a law-enforcement officer acting in the performance of his official duties, and a registered private investigator acting in the course of his legitimate business, who on more than one occasion engages in conduct, either in person or through any other means, including by mail, telephone, or an electronically transmitted communication, directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person’s family or household member. Code of Virginia §18.2-60.3.
- K. **STRANGULATION** – Any person who, without consent, impedes the blood circulation or respiration of another person by knowingly, intentionally, and unlawfully applying pressure to the neck of such person resulting in the wounding or bodily injury of such person (Code of Virginia §18.2-51.6).
- L. **VICTIM** - The person against whom an abuser directs coercive and/or violent acts.

VI. PROCEDURE

- A. **Initial Response** – When responding to family violence situations, the responding officer(s) should wait for a back-up officer before taking the following actions:
[CALEA 42.2.1a-d]
1. Establish control of the scene, render/summon medical aid as necessary and protect the crime scene.
 2. Separate and interview all parties (victim, suspect, witnesses, and children). Attempt to interview the victim in a location where the alleged abuser cannot see or hear the victim, but not out of visual contact with other officers.
 3. Determine whether a crime has been committed and, if an arrest is appropriate, attempt to identify the person(s) who committed the crime, the predominant physical aggressor and the relationship between the victim and the predominant physical aggressor.
 4. The predominant physical aggressor shall be arrested and taken into custody, unless special circumstances exist which would dictate a course of action other than an arrest.
 5. When there is probable cause that a domestic assault has occurred, the officer shall make the arrest or obtain an arrest warrant for the suspect. The officer shall also request an Emergency Protective Order (Code of Virginia §19.2-81.3(E)).
 6. If the suspect has left the scene, the officer shall obtain the appropriate warrants and protective orders and take action to have them served as soon as practical.
 7. The officer shall obtain information from the victim as to the possible whereabouts of the suspect, i.e. family members’ home and work address, etc.

8. The officer shall obtain a working telephone number from the victim and an address from the victim, if the victim is leaving the residence to stay at another location.
9. When making an arrest, the responding officer(s) shall check for any prior convictions of assault against a family or household member by the suspect. In cases not involving a felony, the perpetrator shall be charged with assault and battery against a family or household member (Code of Virginia §18.2-57.2).
10. Upon a conviction for assault and battery against a family or household member where such person has been previously convicted of two offenses against a family or household member of (i) assault and battery against a family or household member, (ii) malicious wounding or unlawful wounding, (iii) aggravated malicious wounding, (iv) malicious bodily injury by means of a substance, (v) strangulation, or (vi) an offense under the law of any other jurisdiction which has the same elements of any of the above offenses, in any combination, 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.
11. The responding officer(s) shall advise the victim of available legal and community resources, both orally and in writing. See 7-23, Services for Witness and Victims of Violent Crimes and/or the Richmond Police Department Crime Victim/Witness Services Brochure.
12. If the family assault suspect is a juvenile, the officer shall call the on-duty Intake Officer and follow the established procedures set forth in General Order 7-18, Juvenile, Truancy and Curfew Procedures.
13. If a warrant is issued for a domestic violence assault suspect, the officer shall provide the victim with forms used to petition for a Preliminary Protection Order with the Juvenile and Domestic Relations Court on the next business day that the court is in session. The officer shall avoid advising the victim to seek the order in the presence of the alleged abuser.
14. The officer(s) shall investigate for signs of child abuse and elder abuse.
15. Upon request and with supervisory approval, the officer may transport an abused person to a safe shelter or to a magistrate when there are no visible signs of injury. When there is probable cause that a domestic assault has occurred, the officer SHALL make the arrest or obtain an arrest warrant for the suspect. The officer shall also request an Emergency Protective Order.

NOTE: Officers WILL NOT MAKE a dual arrest on any domestic calls unless probable cause determines the victim showed intent to re-engage the suspect after the initial assault was over. (Example: Female is assaulted by her live-in boyfriend. Boyfriend walks away, cursing. Victim does not leave the address or call the police. Instead, she retrieves a frying pan, conceals herself behind him and calls his name. When boyfriend turns in response, she hits him in the face with the frying pan. In this case, each will be charged appropriately according to injuries.)

NOTE: An arrest for trespass in such cases where a complainant with property rights alleges that a second individual does not have any property rights and has been told to leave the premises (McCracken v. Commonwealth, 39 Va. App. 254, 572 S.E.2d 493 (2002)) is not always justified. Officers must find probable cause based on the facts that the individual attempting to be removed has either entered the premises or remained on the premises without authority of law.

16. If the victim requires medical attention, the officer shall request, through the Department of Emergency Communications (DEC), an ambulance to respond to the scene. If the victim alleges that strangulation has occurred, the officer should encourage the victim to consent to an exam by a Forensic Nurse to collect evidence and document injuries, even if they are not initially visible.
17. The officer shall complete an Incident Based Report (IBR). The officer shall provide the victim with the domestic violence victim resource card and check yes or no on the "Resources" tab on page two of the IBR. The officer shall complete the Domestic Violence Lethality Screen for Law Enforcement (PD-177) as outlined in General Order 6-31 Lethality Assessment Protocol (LAP) for incidents involving intimate partners. The results of the screen must be noted in the IBR narrative, and submitted via the police [REDACTED].

[REDACTED]

NOTE: The report, citing the lack of probable cause, shall be taken even if an arrest is not made. The "special circumstances" justifying the decision not to make an arrest must be articulated.

[CALEA 55.2.3a]

18. The assigned Youth and Family Crimes detective shall follow up and investigate reports to include obtaining the victim's medical records, scheduling forensic interviews for child witnesses, offering the victim resources, and providing in-court testimony.
 19. An arrest without a warrant may be made in an assault situation, including those involving persons who are not family or household members.
 20. Officers may call Child Protective Services, Adult Protective Services or ChildSavers if necessary.
- B. Investigation – Family abuse victims, for various reasons, may be unavailable to testify during court proceedings. Prosecution of family assault cases may, however, go forward without the assistance of the victim(s). Officers should conduct family assault investigations assuming "victimless prosecution."

1. Collecting Verbal Evidence:

- a) The responding officer should attempt to separate and interview the suspect, victim, and all witnesses, to include children.
- b) To determine the predominant physical aggressor, neighbors and relatives may be interviewed concerning the history of an abusive relationship. If

2. Persons seeking protective orders involving family or household members (§16.1 protective orders) shall be referred to the Magistrate's Office and/or Juvenile and Domestic Relations Court. Persons seeking protective orders involving non-family or household members (§19.2 protective orders) shall be referred to the Magistrate's Office and/or the appropriate General District Court.

E. Emergency Protective Orders (EPO)

1. Code of Virginia §16.1-253.4:

- a) The judge or magistrate must find that:
 - (1) A warrant has been issued for the suspect (Code of Virginia §18.2-57.2) and there is probable cause of further acts of family abuse against a family or household member by the respondent (alleged abuser), or
 - (2) Reasonable grounds exist to believe that the suspect has committed family abuse, and there is probable danger of further acts of family abuse against a family or household member by the respondent.
- b) A law enforcement officer or alleged abused person may petition for an EPO. If an arrest for assault against a family or household member is made, the arresting officer shall provide a Preliminary Protective Order form to the protected person when giving an EPO to the protected person. (Code of Virginia §16.1-253.4)
- c) The following conditions may be imposed on the respondent:
 - (1) Prohibition of any acts of family abuse;
 - (2) Prohibition of contact with designated family or household members; and,
- d) Granting the family or household member possession of the residence to the exclusion of the respondent.

2. Code of Virginia § 19.2-152.8:

- a) When a law-enforcement officer or an alleged victim asserts under oath to a judge or magistrate that such person is being or has been subjected to an act of violence, force, or threat and on that assertion or other evidence the judge or magistrate finds that (i) there is probable danger of a further such act being committed by the respondent against the alleged victim or (ii) a petition or warrant for the arrest of the respondent has been issued for any criminal offense resulting from the commission of an act of violence, force, or threat, the judge or magistrate shall issue an ex parte emergency protective order imposing one or more of the following conditions on the respondent:

- (1) Prohibiting acts of violence, force, or threat or criminal offenses resulting in injury to person or property;
 - (2) Prohibiting such contacts by the respondent with the alleged victim or the alleged victim's family or household members, including prohibiting the respondent from being in the physical presence of the alleged victim or the alleged victim's family or household members, as the judge or magistrate deems necessary to protect the safety of such persons;
 - (3) Such other conditions as the judge or magistrate deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the respondent; and
 - (4) Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.
3. A judge or magistrate may issue a written or an oral EPO. The requesting officer or magistrate, on the pre-printed form, must reduce oral EPOs to writing.
 4. An officer may apply for a 72-hour extension of an EPO on behalf of a person who is medically incapable of filing for a preliminary or permanent protective order (e.g., a person who is comatose).
 5. An EPO issued pursuant to the Code of Virginia shall expire at 2359 hours on the third day (72 hours) following issuance, unless the expiration occurs at a time that the family court is not in session. If the order expires while the court is not in session, the Emergency Protective Order shall expire at 2359 hours on the next business day that the family court is in session.
 6. Copies of the Emergency Protective Order shall be distributed as follows:
 - a) Original – Forwarded to issuing authority for verification and filing with the Court Clerk. If the EPO is served, the court's copy shall be returned to Warrant and Information Services for entry into VCIN. If the EPO is not served, it shall be taken to Warrant and Information Services for entry into VCIN and be placed on file with the warrant;
 - b) One copy shall be served on the alleged abuser/respondent;
 - c) One copy shall be given to the allegedly abused person/petitioner;
 - d) Officers are encouraged to keep a two-sided copy for themselves and/or their relief in cases where the alleged abuser could not be immediately located;
 - e) A copy should be included in the case folder for the Commonwealth's Attorney.

F. Preliminary Protective Orders

1. Code of Virginia §16.1-253.1:

- a) Preliminary Protective Orders may be issued by the court when the allegedly abused person asserts by affidavit or sworn testimony, that he/she has been or is in immediate and present danger of becoming a victim of family abuse.
- b) Preliminary Protective Orders specify a date and time for a full hearing, which must be within 15 days of issuance and expire on that specific date and at that specific time.
- c) Preliminary Protective Orders issued pursuant to the Code of Virginia shall expire on the date and time listed on the order. If the order is extended by the court, the new order with the extended date and time shall be entered into VCIN. A copy of the extended order shall be given to all involved parties.
- d) The following conditions may be imposed on the respondent/alleged abuser:
 - (1) Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
 - (2) Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons;
 - (3) Granting the petitioner possession of the premises occupied by the parties to the exclusion of the allegedly abusing person; however, no such grant of possession shall affect title to any real or personal property;
 - (4) Enjoining the respondent from terminating any necessary utility service to a premises that the petitioner has been granted possession of or, where appropriate, ordering the respondent to restore utility services to such premises;
 - (5) Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the allegedly abusing person; however, no such grant of possession or use shall affect title to the vehicle;
 - (6) Requiring that the allegedly abusing person provide suitable alternative housing for the petitioner and any other family or household member and, where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided;
 - (7) Granting the petitioner the possession of any companion animal if such petitioner meets the definition of owner;

- (8) Any other relief necessary for the protection of the petitioner and family or household members of the petitioner.

2. Code of Virginia § 19.2-152.9:

- a) Preliminary Protective Orders may be issued by the court upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable period of time, subjected to an act of violence, force, or threat, or (ii) a petition or warrant has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force, or threat, the court may issue a preliminary protective order against the alleged perpetrator in order to protect the health and safety of the petitioner or any family or household member of the petitioner.
- b) A preliminary protective order may include any one or more of the following conditions to be imposed on the respondent:
 - (1) Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property;
 - (2) Prohibiting such other contacts by the respondent with the petitioner or the petitioner's family or household members as the court deems necessary for the health and safety of such persons;
 - (3) Such other conditions as the court deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses that may result in injury to person or property, or (iii) communication or other contact of any kind by the respondent; and
 - (4) Granting the petitioner the possession of any companion animal.

G. Protective Orders Referred to as “Permanent Protective Orders:”

1. Code of Virginia § 16.1-279.1:

- a) Permanent Protective Orders are issued by the court and may be valid up to two (2) years. Permanent Protective Orders expire at 2359 hours on the final date of the order. If, for any reason, there is no date or time specified for the expiration of the order, it shall expire two years from the date of issuance at 2359 hours.
- b) In addition to the conditions outlined for Preliminary Protective Orders, the Permanent Protective Order may include ordering the respondent into treatment, providing for custody and/or visitation of children or any other relief necessary to protect the petitioner.

2. Code of Virginia § 19.2-152.10:

- a) These Permanent Protective Orders are also issued by the court and valid up to two (2) years.

- b) A protective order issued under this section may include any one or more of the following conditions imposed on the respondent: prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property; prohibiting contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons; Any other relief necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses that may result in injury to person or property, or (iii) communication or other contact of any kind by the respondent; and granting the petitioner the possession of any companion animal.

H. Protective Orders from Other Jurisdictions (Code of Virginia §16.1-279.1(F)):

- 1. Any permanent or temporary court order from other states or possessions of the United States are enforceable in Virginia, under the Code Section cited above, and,
- 2. Officers may rely upon a copy of the order or other suitable evidence, such as a VCIN/NCIC entry or a copy of the order obtained from the protected party (victim).

I. Violations of Protective Orders:

- 1. [REDACTED]
- 2. Violation of any one or more of the below listed provisions of a family abuse protective order is a Class 1 misdemeanor (Code of Virginia §16.1-253.2), in which an arrest without a warrant is authorized (Code of Virginia §19.2-81.3). [REDACTED]
 - a) Going to or remaining on land, buildings or premises prohibited in the order;
 - b) Committing further acts of family abuse; or,
 - c) Contacting family or household members as prohibited in the order.
- 3. Violation of protective orders issued pursuant to Code of Virginia §§ 19.2-152.8-19.2-152.10 are also a Class 1 misdemeanor (Code of Virginia §18.2-60.4), and a misdemeanor exception under §19.2-81.3.
- 4. It is illegal for the subject of a protective order to purchase or transport a firearm while the order is in effect. The penalty is a Class 1 misdemeanor and forfeiture of the weapon (Code of Virginia §18.2-308.1:4).
- 5. Officers shall review the conditions of the protective order to determine whether the subject is in violation of the conditions of the order.
- 6. Officers shall check to be sure that the protective order has not expired.

J. Domestic Violence Incidents Involving Law Enforcement Personnel:

No special privilege or consideration will be given to any active or former law enforcement employee who becomes involved in a family violence situation.

1. If the predominant physical aggressor or abuser is a RPD law enforcement officer or Department employee, the responding officer shall immediately notify a supervisor, who shall, in turn, notify his/her chain of command.

NOTE: According to General Order, 1-1, Code of Conduct, employees shall communicate to their Commanding Officer any violation of the Department's Rules and Regulations, the infraction of which would bring discredit to the Department.

2. The scene shall be secured and medical attention summoned, if required. The employee shall be disarmed or removed from access to weapons. The possibility exists that the employee's Departmental weapon may be evidence of an offense.
3. The on-call Internal Affairs detective sergeant shall be summoned and shall begin an internal investigation.
 - a) If probable cause to arrest exists, the Internal Affairs detective sergeant shall arrest and gather evidence, including taking photographs.
 - b) The assigned Internal Affairs detective sergeant shall work with the responding patrol officer to ensure that the victim receives medical attention, if necessary, is transported to a safe shelter and that all reports are completed and evidence gathered. The Internal Affairs detective sergeant shall assist in obtaining a protective order and confiscating the officer's weapon.

NOTE: Persons who are the subject of a protective order may not legally carry a firearm.

- c) The Internal Affairs detective sergeant will notify the Commonwealth's Attorney.
4. The officer's police powers shall be withdrawn or restricted in accordance to General Order 4-9, Withdrawal or Restriction of Police Powers.
5. If the predominant physical aggressor or abuser is an employee of another law enforcement agency, the responding officer shall notify the supervisor on-duty. The supervisor is required to notify that employee's law enforcement agency of any domestic violence, stalking, serious bodily injury crimes or issuance of a protective order. The supervisor should request to speak with the on-duty supervisor of that agency and relay all pertinent information.

K. Habitual/Serious Offenders:

1. Domestic violence offenders are designated as habitual/serious offenders if they are any of the following:
[CALEA 42.1.5a]
 - a) The offender of a domestic violence incident where the victim is assessed as “High Danger,” according to the results of the LAP screen; or,
 - b) The offender in two or more reported incidents of domestic assault within six months or three times in one year; or,
 - c) The offender in previous reports involving the same victim that were not assaultive in nature.
2. After identifying cases involving habitual/serious offenders, a Youth and Family Crimes detective will:
[CALEA 42.1.5b]
 - a) Ensure proper charges have been filed against the offender;
 - b) Speak to the Commonwealth’s Attorney about bond, conditions of bonds, etc. and ensure the offender has been served with his/her copy of the Protective Order; and,
[CALEA 42.1.5c]
 - c) Follow up with the victim to ensure the victim’s needs have been met.

VII. FORMS

- A. PD-107, Request for Copy of Recorded Transmission from DEC
- B. IBR
- C. PD-177, Domestic Violence Lethality Screen for Law Enforcement