



**CITY OF AKRON, OHIO**  
**POLICE DIVISION**  
**KENNETH R. BALL II, CHIEF OF POLICE**

<b>NUMBER</b> P-2020-011	<b>EFFECTIVE DATE</b> July 16, 2020	<b>RESCINDS</b> P-11-011 Issued 10-31-11
<b>SUBJECT</b> Domestic Violence Procedure		<b>ISSUING AUTHORITY</b> Chief Kenneth R. Ball II

**I. POLICY**

Officers shall use an evidence-based investigation to attempt to determine the primary physical aggressor in domestic violence incidents.

**II. DEFINITIONS**

A. Domestic Violence - A situation in which the victim is a family or household member of the offender who:

1. Knowingly caused or attempted to cause physical harm to the victim, or
2. Recklessly caused serious physical harm to the victim, or
3. By threat of force, knowingly caused the victim to believe he or she would cause imminent physical harm to the victim.

B. Family or Household Member - Any person who is residing or has resided with the offender and is:

1. Related by blood or marriage to the offender, or
2. A foster parent of the offender, or
3. Living as a spouse or a former spouse of the offender, or
  - a. Related by blood or marriage to the spouse, person living as a spouse, or former spouse of the offender.
  - b. The natural parent of any child of whom the offender is the other natural parent or is the alleged other natural parent.

C. Person Living as a Spouse - A person who is living or has lived with the offender in a

common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question. The essential elements of cohabitation are:

1. The sharing of a residence,
  2. The sharing of family or financial responsibilities, and
  3. A shared sexual relationship.
- D. Domestic dispute - A nonthreatening argument between family or household members where no criminal offense has occurred.
- E. Domestic related offenses – Includes domestic violence, domestic violence-menacing, violation of a protection order, menacing by stalking, and aggravated trespassing.
- F. Domestic incident – Any dispute, threat or act of violence involving any person defined as a family or household member under the current domestic violence statute.
- G. Domestic Response Unit (DRU) – This unit is comprised of members of the department from varying ranks and assignments. The intent of this response unit is to ensure that all domestic incidents involving active members of the department are investigated in an equitable and unbiased manner. Unit members have been specially trained in investigating officer involved domestic incidents.
- H. Evidence-based investigation – Concept of relying on physical evidence rather than verbal statements alone.
- I. Primary physical aggressor – The most culpable offender in an incident.
- J. Preferred Arrest Response – Law enforcement officers are expected to arrest any person who commits a crime related to domestic violence as defined by law, unless there is a clear and compelling reason not to arrest, such as self-defense or lack of probable cause, after a comprehensive investigation to identify the primary physical aggressor.

### **III. PROCEDURE**

#### **A. OFFICER'S RESPONSIBILITIES**

1. Upon arriving on the scene of an alleged domestic incident, the first responsibility is to assure the safety of all parties involved and de-escalate the situation.
2. Once the situation has been deemed safe, the officer will conduct an investigation to determine if:
  - a. The parties involved are family or household members.

- b. The incident is a dispute, violence, or other.
3. Identify and collect physical evidence on scene, keeping in mind that any subsequent criminal case should be based, primarily, on the physical evidence.
4. Take statements from all parties involved and document in the Incident Report.
5. Locate and interview all children in the general vicinity, whether or not they were physically present in the immediate area of the incident. Record their information on a Domestic Incident Investigative Report (PD-184).
6. Ensure that photographs are taken of the victim's injuries, suspect's injuries, and any evidence that cannot be tagged. Officers should photograph any evidence as it is found on scene.
7. Attempt to determine primary physical aggressor. In determining which party is the primary physical aggressor, the officer should consider, but not be limited by, the following:
  - a. May or may not be the first person to act.
  - b. Any history of domestic violence or of any other violent acts by either person involved.
  - c. Whether the alleged violence was caused by a person acting in self-defense.
  - d. Each person's fear of physical harm from the other and the reasonableness of that fear.
  - e. The comparative severity of any injuries.
  - f. The preferred arrest response applies only to the primary physical aggressor.
8. If probable cause has been established and a primary physical aggressor has been determined then the officer shall:
  - a. Have the victim complete a Victim Statement Form (PD-183).
  - b. Cause a complaint to be signed; preferably by the victim.
  - c. It is the policy of the department that a suspect be arrested and **not** summonsed on domestic related charges. A supervisor must approve the issuance of a summons in lieu of arrest noting the reasons in the remarks section. The summons shall be issued for the next regular court session. If the offender is not present, cause a warrant to be issued.

9. Officers shall obtain a computerized criminal history on the suspect to determine if the current charges should be enhanced. This also applies to Protection Orders. Officers should refer to *Ohio Revised Code* Section 2919.25 for all included offenses. An enhancement can be considered for, but is not limited to the following:
  - a. ORC 2919.25 Domestic Violence
  - b. ORC 2909.06 Criminal Damaging or Endangering
  - c. ORC 2909.07 Criminal Mischief
  - d. ORC 2903.11 Felonious Assault
  - e. ORC 2903.12 Aggravated Assault
  - f. ORC 2903.13 Assault
  - g. ORC 2903.14 Negligent Assault
  - h. ORC 2903.21 Aggravated Menacing
  - i. ORC 2903.211 Menacing by Stalking
  - j. ORC 2903.22 Menacing
  - k. ORC 2911.211 Aggravated Trespass
  - l. ORC 2919.22 Endangering Children
10. Members shall provide a copy of the Ohio's Crime Victims' Rights and Resources guide (Marsy's Law) to include their names, badge numbers, incident report number, business phone number and local contact information for support and advocacy.
11. Violation of a protection order
  - a. Officers who respond to incidents where a violation of a protection order is alleged, including protection orders from other states, will verify through the LEADS operator if a protection orders exists.
  - b. If a protection order has been confirmed, officers shall cause a complaint to be signed when there is probable cause to believe that a violation has occurred.
  - c. Restraining orders and no contact orders are civil in nature and officers have no authority to make an arrest. A victim should be referred to the issuing court for enforcement of these orders.
12. Additional charges
  - a. Officers are encouraged to sign domestic violence charges in addition to any other applicable charges such as felonious or aggravated assault.
  - b. Arresting officers will sign a Request for Conviction Certification Form in the Clerk's Office.
  - c. It is important to review the evidence and ascertain whether an additional charge of domestic violence-menacing should also be filed; i.e., when verbal threats accompany the physical assault. When a domestic violence-menacing charge is

before the court, the prosecutor has the ability to introduce evidence of prior violent incidents between the prosecuting witness and the defendant to show why the prosecuting witness believed that the threat of harm was imminent.

#### B. INCIDENTS INVOLVING SWORN MEMBERS OF THE AKRON POLICE DEPARTMENT

1. When the incident is under control, the officer will immediately call for a supervisor to respond to the scene.
2. If a responding supervisor determines that a domestic incident has occurred, the DRU shall be notified through Safety Communications.
3. The Domestic Response Unit
  - a. When possible, two members of the unit will respond to the scene of the incident and consult with the on scene officer and supervisor.
  - b. DRU members will conduct an investigation to determine the appropriate course of action and contact the Police Legal Advisor (PLA). In cases where the on scene supervisor takes action that is contrary to the decision of the DRU, the supervisor shall document the reason for his decision in a Supervisor's Report of Investigation.
  - c. DRU members will ensure that all appropriate paperwork is completed.
  - d. The DRU will ensure that all parties have been advised of the counseling services available to them. These include, but are not limited to Victim Assistance, the Safety Forces Support Center, Ease at Work and private counseling.
  - e. The DRU members will notify the appropriate counseling service of the incident as soon as practical.
4. An officer shall notify their immediate supervisor if they are involved in a domestic incident investigated by another law enforcement agency. The immediate supervisor will then notify the DRU Coordinator.

#### C. INCIDENTS INVOLVING A LAW ENFORCEMENT OFFICER FROM ANOTHER AGENCY

1. Once the scene is under control the officer will immediately call for a supervisor to respond to the scene.
2. If the incident results in an arrest of a sworn member of another law enforcement agency, the responding supervisor will be responsible for notifying the agency for which the officer is employed.

#### D. REPORTS

1. Officers shall, in all instances when investigating alleged domestic related offenses, complete both an Incident Report and the Domestic Incident Investigative Report (PD-184).
2. An officer who completes an Incident Report for a domestic related offense, and who does not cause a complaint to be issued, shall document on the report a detailed statement of the reasons for not making an arrest.
3. Only complete the front side of the PD-184 in cases involving domestic disputes where no criminal offense has occurred.
4. If the domestic related offense is a felony, copies of **all** paperwork will be uploaded to Matrixcrime.com, including the PD-184.

#### E. WOMEN'S SHELTERS

1. The below centers are available on a twenty-four hour basis.
  - a. Battered Women's Shelter
  - b. Harvest Home
2. An officer wishing to arrange for the admittance of an individual to one of the shelters must first contact the shelter and determine the availability of space and if the victim meets their criteria.
3. The Akron Police Department has an agreement with the shelters not to release any admittance information to anyone. The locations of the shelters are to remain confidential, and their addresses are not to be broadcast over the air, except in response to a call for police service at that location.

#### F. PENALTIES FOR VIOLATING THIS PROCEDURE

1. State law mandates that sanctions be imposed upon an officer who fails to comply with any of the domestic violence laws or preferred arrest policy.
2. These sanctions may include, but are not limited to, violations of the rules, regulations and procedures of the Akron Police Department, federal, state, and local laws or other civil penalties.

By Order Of,



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Kenneth R. Ball II  
Chief of Police

Date July 16, 2020