**SAMPLE POLICE DEPARTMENT**

**Domestic Violence**

NOTE: This document is for internal use only. It does not establish a legal duty or standard of care for civil liability or enlarge an employee’s civil or criminal liability in any way. A violation of this policy may only form the basis for internal discipline by this agency and then only in a non-judicial administrative setting.

**I. PURPOSE**

Domestic violence is a serious, yet preventable crime against individuals and our community. A significant characteristic of domestic violence is the repetition and escalation of the violent acts. The purpose of this policy is to provide a course of action to deter, prevent, and reduce domestic violence incidents through established guidelines and procedures to be followed by law enforcement officers of this department.

**II. POLICY**

A. The SAMPLE Police Department will respond to domestic violence by thoroughly and professionally investigating all complaints. The purpose of this response is to reduce domestic violence incidents and protect victims through law enforcement support and community services. Additionally, this response will promote officer safety, ensure preparedness, and promote the effective management of domestic violence calls.

B. All domestic violence complaints will be thoroughly investigated, including when law enforcement officers or individuals in positions of power or influence are involved. Domestic violence is criminal behavior, and this department will not adopt or condone an arrest avoidance policy regarding domestic violence. Officers will make a warrantless arrest when a domestic violence crime has occurred, and probable cause and legal authority exists. Dispute mediation, separation, or other traditional police intervention techniques shall not be used as a substitute to arrest.

C. This policy establishes a uniform procedure for the response and the investigation of domestic violence complaints and affirms an officer's responsibility for making arrest decisions in such cases, consistent with traditional probable cause standards, existing legislative statutes, and CODE of Alabama §13A-6-133, §15-10-3 and §15-13-190.

**III. DEFINITIONS**

1. Dating Relationship: A current or former relationship of a romantic or intimate nature characterized by the expectation of affectionate or sexual involvement by either party; CODE of Alabama §13A-6-130 through 132, §13A-6-138, and §30-5-2(3).
2. Domestic Incident: An incident where an allegation of domestic violence occurs, but the responding law enforcement officers cannot establish probable cause that a crime has occurred, or an arrest made.
3. Domestic Violence:Any incident as defined in the CODE of Alabama §13A-6-130 through 13A-6-132, inclusive, §13A-6-137, §13A6-138, and §13A-6-142.
4. Household Member:A present household member excluding non-romantic or non-intimate co-residents; CODE of Alabama §13A-6-130 through §13A-6-132, inclusive, and §13A-6-138.
5. Predominant Aggressor: In complaints of domestic violence from two or more opposing persons, or where both parties have injuries, the individual determined by officers to be the primary physical aggressor, as defined in the CODE of Alabama §13A-6-134. However, a person who acts in a reasonable manner to protect himself or herself or another family or household member from domestic violence may not be arrested.
6. Preferred Arrest Response: Law enforcement officers are expected to arrest any person who commits a domestic violence crime after a thorough investigation. However, if an officer does not effectuate an arrest due to lack of probable case, or self-defense, the officer shall document the clear and compelling reason(s) for non-arrest.
7. Protection Order: As defined in the CODE of Alabama §13A-6-141, a domestic violence protection order is any Protection From Abuse (PFA) order issued pursuant to the Protection from Abuse Act, CODE of Alabama §30-5-1 to §30-5-11, inclusive. The term includes the following:
   * + 1. A restraining order, injunctive order, or order of release from custody which has been issued in a circuit, district, municipal, or juvenile court in a domestic relations or family violence case;
       2. An order issued by municipal, district, or circuit court which places conditions on the pre-trial release on defendants in criminal cases, including provisions of bail pursuant to the CODE of Alabama §15-13-190;
       3. An order issued by another state or territory which may be enforced in the CODE of Alabama §30-5B-1 through §§30-5B-10. Restraining or protection orders not issued pursuant to the Protection from Abuse Act, CODE of Alabama §30-5-1 through §30-5-11, inclusive must specify that a history of violence or abuse exists for the provisions of this chapter to apply.
8. Victim: An individual who is related in any of the following ways to the person who commits domestic violence: a current or former spouse; parent, stepparent, child, or stepchild, grandparents, step-grandparents, grandchild and step grandchild; any person with whom the defendant has a child in common; a present household member; or a person who has or had a dating relationship with the defendant; CODE of Alabama §13A-6-130 through §13A-6-132, inclusive, and §13A-6-138. NOTE: There are slight differences in the definition of victim for Violation of Protection Order; CODE of Alabama §30-5-2; however, if the officer has a reasonable belief that a valid protection order exists, the officer shall respond as provided herein.

**IV. PROCEDURE**

The following procedures outline steps personnel should take when responding to, investigating, or otherwise involved with incidents of domestic violence as defined herein.

A. Communications Operator Response:

1. Upon reports of a domestic violence incident, including incomplete 9-1-1 calls, a minimum of two officers should be dispatched as soon as practicable. The communications operator shall give domestic violence calls the same priority as any other life-threatening call regardless of whether the suspect is present.

2. The following information should be obtained whenever possible to increase responding officer’s awareness and assessment of the situation:

1. The exact location of the incident.
2. What has happened and the immediate safety of persons at the scene.
3. The complainant's name, involvement, and relationship to the suspect.
4. If any injuries have occurred, and if so, if medical assistance is required.
5. Whether the suspect is present and, if not, their description, possible whereabouts, mode of travel, etc.
6. Were there any firearms or other weapons used, or at the scene, in the home, or on the person? Advise responding officers of the type and location, if known.
7. Whether the involved persons are under the influence of alcohol or drugs.
8. Whether other persons are involved, or children or witnesses at the scene.
9. Whether there is a valid protection order against the suspect or whether there have been orders in the past.
10. Any previous history of domestic violence or response to this location.
11. If it will not jeopardize the caller’s safety, keep the complainant on the telephone to relay ongoing information to responding officers until their arrival on the scene. An alternative may be to ask the caller to place the phone down but leave the line open if possible and safe to do so.
12. In addition, any other information received or known by the communications operator that would assist the responding officers upon their arrival, i.e., background noises, outstanding warrants, involved law enforcement officer, etc., should be provided to the responding officers.
13. A response to a domestic violence complaint shall not be terminated based upon a follow-up call from the complainant requesting cancellation. If a caller requests that law enforcement response be canceled, advise the responding officers of the request; however, officers should continue to respond, investigate, and assess the situation to ensure the safety of all parties.

3. If the domestic violence call involves or appears to involve a member of law enforcement, immediately notify responding officers, and dispatch a supervisor, regardless of the involved individual’s jurisdiction.

B. Initial Law Enforcement Officer Response:

* 1. Officers will respond to and investigate complaints of domestic violence safely and expeditiously. All domestic violence calls should be regarded as potentially "HIGH RISK" and officers shall always use extreme caution and proven safety procedures.
  2. When responding to a report of domestic violence, officers should follow standard incident response procedures. In addition, officers should do the following:
     1. Avoid parking in front of the residence or disturbance site, when possible.
     2. Wait on the second responding officer and approach the scene together. However, if the scene appears to be life-threatening and urgent intervention is necessary, the first officer on-scene should use full officer safety measures to make contact and use the minimum amount of force necessary to stop the threat.
     3. Upon initial contact, with body-worn cameras activated, officers should indicate they are responding to a call for service, without revealing the name of the caller or the caller’s whereabouts.
     4. Request entry in the event the incident is at a private residence. A warrantless entry is permissible if there is an objectively reasonable basis to believe the safety of an occupant may be in jeopardy.
     5. Gain control of the situation and restore order.
     6. Take control of all weapons used or threatened. Firearms or weapons should be taken into temporary custody for safekeeping or collected as evidence.
     7. Separate all involved persons to prevent further injury or threat of injury but make every effort to remain in view of the other officers, if practical.
     8. Assess for physical injuries and administer first aid if appropriate. Ask about strangulation or suffocation, and/or possible internal, nonvisible injuries, and sexual violence. Request medical services if:

1. The severity of injuries is uncertain; or,
2. An individual requests medical attention; or,
3. It is believed that strangulation or suffocation has occurred.
4. On-scene Investigation:
   1. The purpose of any investigation is to establish probable cause through preserving the crime scene, interviewing all parties, recording statements, and collecting evidence. The probable cause standard applied to domestic violence crimes is the same standard applied to any other crime.
5. When practicable, interview all victims, witnesses, and suspects as thoroughly as possible, and document an account of the events from all parties.
   1. Conduct victim interviews in an area away from others at the scene and out of sight of the alleged perpetrator.
   2. Interviews should be recorded whenever reasonable, practical, and legally permitted. Audio recordings do not reduce the requirement to provide thorough written documentation of an incident.
   3. Interviews should include questions about:
      1. Acts of intimidation intended to prevent the victim from calling law enforcement or seeking other assistance;
      2. Recent or previous stalking behaviors, and,
      3. Unwanted contact by the suspect that frightened or threatened the victim.
   4. If witnesses have left the scene reasonable efforts to locate them should be made. If the witness(es) cannot be located, list their name(s) and other contact information on the Incident/Offense Report.
6. Collect and preserve any evidence that establishes the facts of the crime.
7. Photograph the scene, the victim and suspect (hands, arms, neck, and face) whether or not there are any visible injuries, including any healing or old injuries.
   1. Ideally, photographs of injuries should also be taken 24, 48, and 72 hours after in the event, as they become more visible and pronounced.
   2. Descriptive and specific documentation of any injuries or property damage should accompany the photos.
   3. Officers should be sensitive to the victim’s need for privacy, which may include the use of an officer of the same sex as the victim to photograph injuries.

5. Officers shall not do the following:

* 1. Make any statement that would discourage a victim from reporting an act of domestic violence.
  2. Threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage future requests for intervention by law enforcement personnel; CODE of Alabama §13A-6-134.
  3. After each person has been interviewed, the responding officers should confer to determine if a crime has been committed and probable cause exists for an arrest.
  4. If evidence of a felony domestic violence exists, the supervisor shall be notified and notify the on-call investigator.

D. The Arrest Decision:

1. Officers will initiate appropriate enforcement action when there is probable cause to believe a domestic violence offense has occurred. The following factors should not influence an officer’s actions:

1. Characteristics or traits of the persons involved such as race, ethnicity, sexual preference or orientation, economic, political, or community status, occupation, age, or the marital or residency status of the victim or suspect.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. Whether there is a valid protection order against either party; however, officers may consider whether the actions of a person violate a valid protection order.
4. The potential financial, child custody, or employment consequences of arrest.
5. Assurances that the problem is settled, or that the violence will cease.
6. Either party’s emotional or physical state.
7. Denial by either person that violence occurred when there is opposing evidence.
8. Concern about reprisals against the victim by the offender.
9. The specific consent or request of the victim, lack of cooperation, or an officer’s perception that the victim or a witness is unwilling to prosecute or testify; CODE of Alabama §13A-6-134.
10. If a complaint is received from two or more opposing persons, or if both parties have injuries, the officer shall evaluate each complaint separately to determine who was the predominant aggressor; CODE of Alabama §13-A-6-134.
11. Officers shall consider all the following:
12. Prior complaints of domestic violence.
13. The relative severity of the injuries inflicted on each person, including whether the injuries are offensive versus defensive in nature.
14. The likelihood of future injury to each person.
15. Whether the person had reasonable cause to believe they or another family or household member was in imminent danger of becoming a victim of any act of domestic violence.
16. Whether one of the persons acted in self-defense.
17. Dual arrests are strongly discouraged. If no person acted in self-defense and an officer has probable cause to believe that each person committed a crime independent of the other person’s actions, the arresting officer shall contact the on-duty supervisor before proceeding with the arrests.
18. In the event of a dual arrest, a separate Incident/Offense Report for each complaint and arrest should be written and filed. Each report should cross-reference case numbers and include a detailed explanation indicating the probable cause for each arrest.
19. Officers shall make a warrantless arrest consistent with applicable law as part of the preferred arrest response if probable cause exists to believe that a person has committed a crime involving domestic violence as defined by law or has violated a protection order.
    1. If an arrest is made without a warrant, the victim or the arresting officer shall obtain a warrant as soon as practicable.
       1. Victims should be provided instructions for obtaining a warrant.
    2. NOTE: Certain persons are forbidden to possess a firearm, including anyone convicted of committing a crime of violence, a misdemeanor offense of domestic violence, or offense listed in the CODE of Alabama §12-25-32(15), or anyone subject to a valid protection order for domestic violence; CODE of Alabama §13A-11-72. Officers shall take enforcement action as permitted.
20. The responding officers shall compile the necessary evidence and information required and provide the prosecuting agency with completed and/or approved reports and supplements in a timely manner.
21. If probable cause is not established or the officer is unable to make an arrest for any reason, that officer shall document an explanation and any resolution in the Incident/Offense report. In addition, the officer should:
    1. Explain to the involved parties the reasons an arrest is not being made, e.g., lack of probable causes, self-defense, etc.;
    2. Advise the victim of their right and instructions on how to present their case at the appropriate court office for warrant consideration; and,
    3. Provide information regarding local domestic violence service providers, counseling services or other resources.
22. Domestic Violence Call Where Offender Leaves Prior to Police Arrival:
    1. If the offender is not on the scene, the officer should:
       1. Conduct a preliminary investigation, as if the offender were present.
       2. Gather all available information concerning the offender, i.e., description, possible destination, mode of transportation, etc.
       3. Advise the shift supervisor of the situation.
       4. Conduct a search of the immediate area.
       5. If located, provide the suspect with the opportunity to make a statement, and make an arrest if probable cause exists.
    2. If probable cause that a crime has occurred exists, and the offender is not immediately available for arrest, the victim should be referred to an investigator for follow-up. The officer should also provide the victim with information on obtaining a warrant or the officer may obtain the warrant.

1. Role of the Supervisor:
   1. Respond to assist in the investigation of a domestic violence incident upon request, when the incident involves a felony domestic violence offense, or whenever the incident appears to involve a member of law enforcement, prominent community member, or public official.
   2. Respond when both persons receive injuries and neither self-defense nor the likelihood to re-initiate the violence can be determined. The supervisor will determine if one or both parties should be arrested.
   3. Supervise the on-scene investigation, if not already completed, to ensure that appropriate action is taken. Contact the on-call investigator if evidence of a felony domestic violence exists.
   4. Ensure officers are conducting assessments for other intimate partner or personal violence crimes including but not limited to stalking, sexual violence, strangulation, suffocation, firearms prohibitions, protection order violations, human trafficking, intimidation and threats, and abuse of children, elders, or animals.
   5. Review all domestic violence reports for accuracy and consistency and conduct after-action reviews to ensure officers are conducting comprehensive, victim-centered, perpetrator-focused investigations.
2. Protection Order Enforcement:
   1. In accordance with CODE of Alabama §30-5-1, officers will ensure protection orders are enforced. A person commits the crime of violation of a domestic violence protection order if the person knowingly commits any act prohibited by a domestic violence protection order or willfully fails to abide by any term of a domestic violence protection order, including violations of conditions of release as noted in the definition of Protection Order herein CODE of Alabama §13A-6-142.
   2. Knowledge of the existence of, or presentation of a protection order, shall constitute prima facie evidence of the validity of the order; CODE of Alabama §13A-6-143.
      1. Any protection order issued by a court of another state, shall be enforced by officers as if it were the order of a court in this state. Presentation of the foreign protection order currently in effect and identifying both the protected individual and the subject of the order constitutes probable cause of its validity; CODE of Alabama §30-5B-4.
3. Includes a protection order issued under Tribal or Territory law.
   1. If officers obtain a copy of the order in physical, electronic, or any other detectable form, they shall review the order to determine any acts prohibited or restrictions the order specifies.
   2. If a protection order is not presented, the officers should attempt available means to verify and establish the terms and conditions as well as service of the order, including, but not limited to:
      1. Ask the complainant and/or the protected individual about the order.
      2. Check the National Crime Information Center (NCIC) Protection Order File, Law Enforcement Tactical System (LETS), or other State and local registries in the issuing jurisdiction.
      3. Contact the issuing court to confirm the order’s existence and validity.
      4. Contact a law enforcement agency from the issuing jurisdiction to confirm the order’s existence and validity or other information.
4. A copy of the order is not required for enforcement and officers should not avoid taking action because the victim does not have a copy of the order.
   * 1. Officers should document in the Incident/Offense Report any efforts to confirm the order’s validity, regardless of whether an arrest is made.
     2. Officers should contact a supervisor for clarification when needed.
   1. Violation of any act prohibited by a domestic violence protection order is a Class A misdemeanor; CODE of Alabama §13A-6-142. An officer may arrest any person in violation of such order without a warrant if probable cause exists, even if the officer did not personally see the violation; CODE of Alabama §13A-6-143.
   2. A protection order is not rendered invalid because the protected person that obtained the order allows the subject’s presence. If probable cause exists that a violation of the order has occurred, an arrest of the subject shall be made even if the protected person invited, encouraged, or allowed the subject’s presence.
   3. The protected person cannot violate the order or be arrested for inviting, encouraging, or inviting the subject’s presence. A protection order signed by a judge is enforced by order of the court and not the victim.
   4. If probable cause cannot be determined, then the officer shall complete an Incident/Offense Report listing the incident/offense as “Violation of a Domestic Violence Protection Order” and CODE of Alabama §13A -6-142. A statement that probable cause could not be established and why included in the narrative.
      1. Refer the complainant to the Criminal Investigations Division for follow up and additional investigation into whether probable cause can be developed.
   5. If available, attach a copy of the protection order to the Incident/Offense Report and detail any allegations that the protected person reports such as a family dispute, harassment, criminal trespassing, harassing communication, etc.
   6. If an officer determines that a valid protection order cannot be enforced because the subject has not been served, the officer shall inform the subject of the order’s existence and allow them a reasonable opportunity to comply with the order before taking enforcement action; CODE of Alabama §13A-6-143 or §30-5B-4.
      1. In the event the officer provides notice of a protection order to the subject of the order, the officer shall document with particularity when, where, by whom, and any other details surrounding the service in the Incident/Offense Report; CODE of Alabama §13A-6-143.
      2. In addition, officers should document the alleged violation on the Incident/Offense Report, and attach a copy of the order, if available.
5. Domestic Violence Where Children Are Present:
   1. Additional safeguards may be required when minor children are present at the scene of a domestic violence call. Reasonable efforts shall be made to provide for their safety throughout and following the response consistent with department guidelines.
   2. Officers should document any signs of trauma, any apparent wounds, or healing of wounds and take appropriate action consistent with applicable law to prevent imminent harm to the children, such as notifying the State Department of Human Resources.
   3. Document the full names, dates of birth, and name of schools attended for any child under the age of 18 who resides in the home of each party, and the name and details above of any child who was present in the home and was in a position to see or hear the act in the Incident/Offense Report; CODE of Alabama §13A-6-130 and §13A-6-131.
   4. Officers shall follow department policy on identifying and responding appropriately to any child under the age of 18 whose parent or caregiver is arrested. Officers should strive to minimize potential trauma and support a child’s safety and well-being following an arrest of a parent or caregiver.
6. To assist in minimizing the negative effects of the incident and if safe to do so, officers should perform actions such as handcuffing, restraining, or questioning, of the parent or caregiver in a location away from the child’s sight and hearing.
7. Officers should ensure that a law enforcement presence remains at the scene until such time as the child is safely placed with a suitable caregiver.
   1. If possible, at the conclusion of the response, officers should spend time talking at eye level with the child(ren) about the incident and what may happen next. Taking the extra minute” can help a traumatized child who has experienced violence in the home cope with the situation and promote feelings of safety and order.
8. Domestic Incident/Violence Involving Law Enforcement:
9. In cases where a member(s) of law enforcement is reported as having involvement in a domestic violence incident, responding officers shall follow standard domestic violence procedures as outlined in this policy, regardless of jurisdiction.
10. In addition, the following procedures shall be followed:
    1. If previously unaware, responding officers shall immediately notify communication personnel upon learning of the involvement of a member of law enforcement in the domestic violence incident The responding officer(s) shall request that a supervisor of higher rank than the involved respond to the scene, if available.
    2. If a member of law enforcement is involved as a victim or offender, the on-scene supervisor shall notify the Chief of Police or their designee, as soon as practicable. The jurisdiction of the involved member of law enforcement shall not affect notification.
       * 1. If the involved member of law enforcement is employed with another agency, the Chief of Police or their designee will notify that agency.
         2. If the reported incident involves the chief executive of a law enforcement agency, the individual with direct oversight of the involved individual shall be notified, as soon as practicable.
         3. All notifications and attempts to notify shall be fully documented.
11. A domestic violence arrest warrant or protection order issued after further investigation against a member of law enforcement shall be served by no fewer than two officers, with at least one being of senior rank, if possible.
12. In cases where an involved member of law enforcement is arrested and firearms have not previously been seized, firearms should be secured for safekeeping and/or evidence as allowed by applicable law.
    * 1. A supervisor shall relieve the arrested officer of all department-issued service weapons regardless of the agency at which the officer is employed.
      2. If the accused officer is a member of an agency in another jurisdiction, the service weapon shall be relinquished to officials of that agency.
13. The department policy regarding administrative investigations of alleged misconduct shall be followed. This may include taking administrative action if it is determined that agency policy was violated.
14. Reporting:
    1. Prepare an Incident/Offense Report for all domestic violence calls, fully documenting what actions were taken, regardless of whether an arrest is made, including a statement of the complainant, and the disposition of the case; CODE of Alabama §15-10-3.
    2. Complete and accurate information initially obtained at the scene is not only required but may provide for an evidenced-based prosecution, allowing the State to move forward in the event the victim is uncooperative with prosecution.
    3. Key information in the report should include, but not limited to:
15. The relationship between the offender and victim.
16. Any injuries sustained by either party.
17. Any damage to property.
18. Factors used to determine the predominant aggressor, if applicable.
19. Details of the offender if not on the scene (description, route of travel, potential location, vehicle used, etc.).
20. The presence or use of any weapons.
21. The offender’s access to additional weapons.
22. Any history of domestic violence calls to the address or the parties.
23. Service or notification to the offender of a protection order.
24. Documentation of notification to the victim of any support services.
25. Statements from the victim, offender, and any witnesses present. If possible, to have each person write their statement and using the body-worn camera record their verbal statement.
26. If it is determined that a crime has not occurred, the incident/offense should be listed as "Domestic Incident". The officer shall list both parties on the reverse side, detail lack of probable cause for an arrest, and personally sign the report.
27. If a crime has been committed, the incident/offense should be listed as whatever crime has occurred and "Domestic Violence" in parenthesis. The victim should read and sign the Incident/Offense Report. If the victim refuses to cooperate, the officer should note this information in the report and personally sign the report.
28. Victim Safety, Protection, and Assistance:
29. Domestic Violence is a pattern of behavior used to gain or maintain power and control over another. Victims may not realize the behavior or abuse is a domestic violence crime, and/or they may be unaware of available resources and remedies. The offender may have threatened further violence, or other circumstances may induce the victim to remain with the offender. Officers are required under Alabama law to provide assistance to all involved parties.
30. The following assistance is available and shall be provided:
    1. Advise all persons about the criminal nature of domestic violence, its potential for escalation, and that help is available.
    2. Secure medical treatment, if needed; CODE of Alabama §30-6-9.
    3. Ensure the safety of all involved persons, including children or dependent adults.
    4. If an arrest is made, advise the victim of the arrest, bond, and court process. Do not tell the victim that the suspect will be held for a specific time-period (24/48 hours).
    5. Remain on the scene until there is no visible threat to the victim.
    6. Remain on the scene while an involved person removes personal property.
    7. Aid the victim in locating a place to stay and provide transportation, if needed.
    8. Provide the statewide domestic violence notice of legal rights and remedies on all calls to domestic violence; CODE of Alabama §13A-6-134.
    9. Provide information on emergency or crisis services, victim services and victim’s rights, shelter information, and information on legal support, as provided by referral agencies, etc.; CODE of Alabama §15-23-62 and §30-6-9.
    10. Advise the victim to contact law enforcement if the offender or others harass or intimidates the victim or witnesses or commits additional acts of violence.
    11. Assist the victim in creating a safety plan to help the victim prepare to leave or immediately leave the perpetrator safely.
31. Post-Incident Follow-Up:
32. Following an arrest for domestic violence or violation of a protection order, the offender may not be admitted to bail until after an appearance before the court; CODE of Alabama §15-13-190 and §15-10-3(c).
    1. This time period is not for ‘safekeeping” or “cooling off” but provides for a hearing to set any conditions of release. As soon as the offender appears before the court, they become eligible for bail and release.
33. If a bond is issued by the court (standing order or staff coordination) and an Order of Release is signed (conditions of release), the defendant is eligible for bail and to make bond.
    1. Absent a hearing before the court, the circumstance of the arrest determines the timeframe before the offender may be admitted to bail:
       1. 48 hours for a warrantless arrest for a domestic violence offense in violation of a protection order; CODE of Alabama §15-10-3(c).
       2. 24 hours for an arrest for a domestic violence offense without a violation of a protection order, or an arrest for violation of a protection order; CODE of Alabama §15-13-190.
    2. If the offender does not appear before the court within the required time from arrest, they shall be afforded an opportunity to make bail; CODE of Alabama §15-13-190 and §15-10-3(c).
34. If conditions of release are imposed, the court shall issue a written order for conditional release, immediately distribute a copy of the order to the law enforcement agency having custody of the arrested or charged person, place information pertaining to the order in the domestic violence protection order registry, and provide the law enforcement agency with any available information concerning the location of the alleged victim in a manner that protects the safety of the victim. Law enforcement shall provide a copy of the written order to the victim within 24 hours of receipt, provided that the victim provides law enforcement with current and accurate contact information; CODE of Alabama §15-13-190.
    1. If the victim cannot be located for service of this order an Incident/Offices Report Supplement shall be completed detailing the efforts made, along with notification to other shifts and/or investigators for follow-up.
35. Any subsequent incident(s) or violations shall be treated as separate events, assigned a new case number, and investigated consistent with this policy.
    1. Victims should be advised of their right to request revocation of bail from the prosecutor’s office if a new offense occurs or any conditions of release are violated.
36. Collaboration and Training:

1. This agency will establish and maintain ongoing partnerships with local community stakeholders and victim advocacy organizations to develop an integrated approach to domestic violence response and ensure notification to victims of health and safety resources.

2. All agency personnel shall receive initial comprehensive instruction on this policy and on a biennial basis or when changes to Federal, State, local law, or policy occur.

APPROVED: CHIEF OF POLICE DATE

I HAVE READ AND UNDERSTAND THIS ORDER

SIGNATURE OF OFFICER DATE

***DISCLAIMER***

***NOTE****: These documents are being provided to you from the AMIC/MWCF Loss Control Division and are not intended to be legal advice. They do not identify all the issues surrounding a particular topic. Laws and “Best Practices” change and policies must be continually reviewed and updated as needed. Public agencies are encouraged to review their procedures with an expert or an attorney who is knowledgeable about the topic. Reliance on this information is at the sole risk of the user.*