

DAYTON POLICE DEPARTMENT
GENERAL ORDER
DOMESTIC VIOLENCE



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POLICY STATEMENT

The purpose of this policy is to provide guidelines for police officers when responding to Domestic Violence situations, Violations of Protection Orders, Felonious Assault, and Aggravated Assault situations occurring among family or household members. While this policy cannot address all situations, police officers must respond in the manner prescribed in the following sections. **ORC §2935.032 requires this policy to include certain information. Most of the information in this policy is included to satisfy statutory requirements.**

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I. DOMESTIC VIOLENCE ORC §2919.25

- A. No person shall knowingly cause or attempt to cause physical harm to a family or household member.
- B. No person shall recklessly cause serious physical harm to a family or household member.
- C. No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.
- D. Whoever violates this section is guilty of domestic violence. A violation of division (C) of this section is a misdemeanor of the fourth degree. A violation of division (A) or (B) of this section is a misdemeanor of the first degree. If the offender previously has been convicted of domestic violence or a violation of section 2903.11, 2903.12, 2903.13, 2903.211, or 2911.211 of the Revised Code involving a person who was a family or household member at the time of the violation, a violation of division (A) or (B) of this section is a felony of the fifth degree and a violation of division (C) of this section is a misdemeanor of the third degree.
- E. As used in this section and sections 2919.251 and 2919.26 of the Revised Code:
 - 1. "Family or household member" means any of the following:
 - a. Any of the following who is residing or has resided with the offender:
 - (1) A spouse, a person living as a spouse, or a former spouse of the offender;
 - (2) A parent or a child of the offender, or another person related by consanguinity or affinity to the offender;

- (3) A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, same sex domestic partner 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 PUTATIVE OTHER NATURAL PARENT.
2. "Person living as a spouse" and "same sex domestic partner" means 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.
3. The relationship of the involved parties must be noted in the DIBRS report.

II. FELONIOUS ASSAULT AND AGGRAVATED ASSAULT

Officers may encounter domestic situations where O.R.C. §2935.032 requires the charge of Felonious Assault or Aggravated Assault.

A. FELONIOUS ASSAULT

If the officer determines that there are reasonable grounds to believe that a person knowingly caused serious physical harm to another OR TO ANOTHER'S UNBORN or knowingly caused or attempted to cause physical harm to another OR TO ANOTHER'S UNBORN by means of a deadly weapon or dangerous ordnance, then, regardless of whether the victim of the offense was a family or household member of the offender, the officer will treat the incident as felonious assault.

B. AGGRAVATED ASSAULT

If the officer determines that there are reasonable grounds to believe that a person, while under the influence of sudden passion or in a sudden fit of rage, either of which is brought on by serious provocation occasioned by the victim that is reasonably sufficient to incite the person into using deadly force, knowingly caused serious physical harm to another OR TO ANOTHER'S UNBORN or knowingly caused or attempted to cause physical harm to another OR TO ANOTHER'S UNBORN by means of a deadly weapon or dangerous ordnance, then, regardless of whether the victim of the offense was a family or household member of the offender, the officer shall treat the incident as aggravated assault. The officer must comply with whichever of the following is applicable:

III. INVESTIGATIVE REQUIREMENTS

- A. Pursuant to ORC §2935.032, when responding to calls involving or alleging Domestic Violence or Violation of a Protection Order, officers must:
 1. Respond without undue delay.
 2. Separate the victim of the offense of domestic violence or the offense of violating a protection order and the alleged offender.
 3. Conduct separate interviews with the victim and the alleged offender in separate locations. Refer to section X of this order for more information about interviews
 4. Take a written statement from the victim that indicates:
 - a. The frequency and severity of any prior incidents of physical abuse of the victim by the alleged offender.
 - b. The number of times the victim has called officers for assistance, and the disposition of those calls, if known. (The number of times the person has called and the dispositions will be determined by the investigating detectives.)

- 5. Complete a **DIBRS Crime Report for Domestic Violence**. The report must document the officer's observations of the victim and the alleged offender, any visible injuries of the victim or alleged offender, any weapons at the scene, the actions of the alleged offender, any statements made by the victim or witnesses, and any other significant facts or circumstances. Note in the report the physical conditions at the crime scene such as overturned furniture or phones torn from the wall.
 - a. All Temporary Protection Orders issued by Dayton Municipal Court and Domestic Relations Court are being entered into N.C.I.C. by the Teletype Unit. N.C.I.C. will not accept a T.P.O. entry unless the dates of birth of the protected person and all additional protected persons are listed.
 - b. When officers complete offense/incident reports for Domestic Violence, Domestic Menacing, or Stalking, they must include, in the narrative of the report, the complainant's date of birth and the dates of birth of other family members likely to be included in a T.P.O.
 - c. Whenever a DIBRS Crime Report is made for Domestic Violence, a Dayton Police Department Domestic Violence Supplement (F-656) must also be completed. Page four (4) of this supplement contains a medical release. Officers should make every attempt to have all domestic violence victims, or their guardians, sign this form even if they claim they are not going to be treated. This release will help investigators and prosecutors obtain medical information for trial.

ALL DOMESTIC VIOLENCE AND PROTECTION ORDER CASES MUST INCLUDE [REDACTED]

PLEASE HANDWRITE THE FOLLOWING [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

*This information is not discoverable and must be on the medical release form in the DV kit.

- d. When completing a DIBRS crime report for Domestic Violence, the valid options for line 122 (victim relationship to offender) are as follows:

01	Spouse		
02	Common Law Spouse	10	Step Child
03	Parent	11	Step Sibling
04	Sibling	12	Other Family Member
05	Child	17	Boyfriend
06	Grandparent	18	Girlfriend
07	Grandchild	19	Child BF/GF
08	In Law	20	Same-sex Partner
09	Step Parent	21	Ex Spouse

- 6. **If the alleged offender has been granted pretrial release from custody** on a prior charge of the offense of domestic violence or the offense of violating a protection order and has violated one or more conditions of that pretrial release, document the facts and circumstances of the violation in the report.

7. The ORC states police officers must provide the following information to the victim:

- a. Advise the victim of the availability of a temporary protection order pursuant to section 2919.26 of the Revised Code or a protection order or pursuant to section 3113.31 of the Revised Code.
- b. The police officer's name and badge number.
- c. The report number for the incident.
- d. A telephone number the victim can call for information about the case (333-1123).
- e. A telephone number of a domestic violence shelter in the area (Montgomery County Prosecutor's Form 7-2015).
- f. Information about the local victim advocate program (Montgomery County Prosecutor's Form 7-2015).

8. **Crime Scene and Evidence Collection** - The police officer must conduct his/her Domestic Violence or Protection Order investigation in a manner allowing for successful prosecution without the availability or cooperation of the victim.
- a. Photograph any overturned furniture, ripped telephone lines, et cetera.
 - b. Photograph the suspect if they are still on scene or try to obtain a photograph from the victim and include with the Domestic Violence packet.
 - c. Photograph the victim's injuries. On the photo's reverse side, block print and date, time and victim's name. Take photographs regardless of whether victim's injuries are visible.
 - d. If strangulation is involved, look for the following signs:
 - Carefully observe the head and neck, for the typical signs of strangulation.
 - Look for Red Spots (signs of ruptured blood vessels), Blood in the eyes, Redness, Bruises, Scratches, Abrasions and Scrapes, Ligature marks, Loss of bodily functions, Coughing or spitting of blood, Neck swelling (swelling can indicate an internal injury that could lead to death), Breathing difficulty (could also indicate a life threatening injury).
 - Difficulty in speaking or a voice change.
 - Have the victim demonstrate how the strangulation occurred; did they use one or two hands? An object? How long did the strangulation last? How much force was used?
 - The officer taking the report should inquire as to whether the victim suffers from any of the above noted strangulation symptoms even if they have not complained of them.
 - Once an officer determines that victim may have been the victim of strangulation, it is critical that the victim be provided emergency medical services (medic or hospital emergency room).
 - e. Ensure the suspect's offensive injuries are photographed (bruised knuckles, et cetera).
 - f. Collect and photograph all related evidence, (torn clothing, objects thrown, et cetera.)
 - g. If there are weapons in the household, but they have not been used in the crime, police officers should attempt to impound the weapons using the Impounded Property Receipt Form (F-471). If the voluntary impoundment is denied, police officers should include a statement in the Incident Report describing any weapons in the household.
 - h. Take into evidence any threatening notes, tape recordings, et cetera.
 - i. Ensure that the medical release is signed so that investigative personnel can access medical records without delay.

All officers are required to copy digital Domestic Violence photographs to disc utilizing the digital card readers found in their respective POD headquarters.

- Once the transfer of the photos onto disc is complete, the officer will initial, date and note the corresponding DIBRS number on the face of the disc utilizing a permanent marker.
 - Officers will put the disc into a protective sleeve and place the disc into the Domestic Violence envelope which shall be turned in at the conclusion of their daily shift.
- B. Pages 1 and 2 of the Dayton Police Department Domestic Violence Supplement (F-656) must be faxed to pre-trial services immediately.
- C. ALL STATEMENTS, WITNESS STATEMENTS, PHOTOGRAPHS, COPIES OF INCIDENT REPORTS AND ANY OTHER PERTINENT INFORMATION/EVIDENCE GATHERED AT THE SCENE of the Domestic

Violence offense will be placed into a DOMESTIC VIOLENCE ENVELOPE (FORM F-659) at the end of each shift, after supervisory review and approval.

THE ENVELOPE MUST BE ROUTED TO THE COUNTER POSITION, LABELED "INVESTIGATIONS DIVISION", BY NO LATER THAN **0700 HOURS** THE FOLLOWING DAY.

D. Domestic Violence Incident Statistics Reports

O.R.C. 3113.32 requires that all law enforcement agencies in Ohio keep separate track of Domestic Violence Incident statistics. Crews responding to any call where a crime occurred and there is a Domestic Relationship between the suspect and victim will be required to complete the Domestic Violence information screen on the MDC. The MDC form incorporates 8 fields as required (for statistical purposes) by the State Attorney General's Office. Only one responding officer to a Domestic Violence call will be required to submit the form prior to the system allowing for clearance of the call.

If the call ends up resulting in no domestic violence occurring, then the call should be re-classified to a non-domestic call (E.g. DISJUV, Etc.).

E. Amy's Law Requirements

Amy's Law establishes additional procedures for a court to follow when making bond/bail determinations in domestic violence cases. Therefore, officers are required to complete the Montgomery County Jail Amy's Law Supplemental Booking Slip for all Misdemeanor Offense of Violence Cases (See appendix A).

If the investigating officer in a Domestic Violence offense is unable to make an arrest, and a lock-up broadcast for the suspect is initiated, the officer must still fill out the Amy's Law Supplemental Booking Slip and fax or deliver a copy (prior to their end of shift) to Records/Teletype. Once the defendant is arrested, Teletype will fax a copy of the Amy's Supplemental Booking Slip to the jail for proper dissemination.

The officer must note that the form was filled out and submitted to the jail or teletype in their DIBRS narrative.

F. See General Order 2.07-1 for call-out procedure for domestic violence situations.

G. **See General Order 1.02-7 for information on domestic violence situations where the suspect or victim is a police officer.**

IV. ESTABLISHING REASONABLE GROUNDS

According to **ORC §2935.03(B)(3)**, an officer can establish "reasonable grounds" that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that a particular person is guilty of committing the offense;

- A. Based on a written statement executed by a person alleging that the person in question has committed the offense of domestic violence or the offense of violating a protection order against the person who executes the statement or against a child of the person who executes the statement, or;
- B. Based upon the officer's own knowledge and observation of the facts and circumstances of the alleged incident, or;
- C. Based upon any other information, including, but not limited to, any reasonably trustworthy information given to the officer by the alleged victim of the offense or any witness of the offense including children, or;
- D. Based on the officer witnessing the person in question commit the offense of domestic violence or the offense of violating a protection order.

V. PREFERRED ACTION Pursuant to ORC §2935.032 and §2935.03

- A. If an officer has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that a particular person is guilty of committing the offense, it is the preferred course of action in this state that the officer arrest and

detain that person until a warrant can be obtained.

- B. If an officer has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that family or household members have committed the offense against each other, it is the preferred course of action in this state that the officer arrest the family or household member whom the officer has reasonable cause to believe is the primary physical aggressor.

There is no preferred course of action in this state regarding any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor, but, the officer may arrest any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor.

- C. **If an officer does not arrest and detain a person** whom the officer has reasonable cause to believe committed the offense of domestic violence or the offense of violating a protection order, the officer must articulate in the written report a clear statement of the officer's reasons for not arresting that person.
- D. A peace officer will not require, as a prerequisite to arresting or charging a person who has committed the offense of domestic violence or the offense of violating a protection order, that the victim of the offense specifically consent to the filing of charges against the person who has committed the offense or sign a complaint against the person who has committed the offense.
- E. If a person is arrested for or charged with committing the offense of domestic violence or violating a protection order and the victim does not cooperate with the involved law enforcement or prosecuting authorities, or wishes to drop charges, officers will complete the reports and take the appropriate actions outlined in this policy. **Prosecuting authorities will determine whether to continue with the prosecution of the offense and shall consider all facts and circumstances, including, but not limited to, the statements and observations of the officers who responded to the incident.**
- F. An officer will not consider any possible shortage of cell space at the jail as a factor in determining whether to arrest a person.
- G. If an officer responds to a report of an alleged incident of the offense of domestic violence or an alleged incident of violating a protection order and the circumstances of **the incident involved the use or threatened use of a deadly weapon or any person involved in the incident brandished a deadly weapon** during or in relation to the incident, the deadly weapon that was used, threatened to be used, or brandished constitutes contraband.

When possible, the officer must seize the deadly weapon as contraband pursuant to **ORC §2933.43**, upon the seizure of a deadly weapon pursuant to this division, **ORC §2933.43** shall apply regarding the treatment and disposition of the deadly weapon. For purposes of that section, the "underlying criminal offense" that was the basis of the seizure of a deadly weapon under this division and to which the deadly weapon had a relationship is any of the following that is applicable:

1. The alleged incident of the offense of domestic violence or the alleged incident of the offense of violation of a protection order to which the officer who seized the deadly weapon responded;
 2. Any offense that arose out of the same facts and circumstances as the report of the alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded.
- H. Officers should NEVER promise the victim(s) of a juvenile domestic violence offender that the situation will be remedied by physically incarcerating the offender at the Family Court Center. The police officer(s) CAN assure the victim(s) the final decision whether to physically detain the juvenile offender will be made by representatives of the Family Court Center and NOT the Dayton Police Department. When the juvenile is NOT incarcerated at FCC because of a denial by FCC staff, the intake officials NAME must be included in the Offense Report.

VI. DETERMINING WHICH FAMILY OR HOUSEHOLD MEMBER IS THE PRIMARY PHYSICAL AGGRESSOR

IN DETERMINING WHICH FAMILY OR HOUSEHOLD MEMBER IS THE PRIMARY PHYSICAL AGGRESSOR in a situation in which family or household members have committed the offense of domestic violence or the offense of violating a protection order against each other, OFFICERS SHOULD CONSIDER ALL OF THE FOLLOWING:

- A. Any history of domestic violence or of any other violent acts by either person involved in the alleged offense that the officer reasonably can ascertain;
- B. If violence is alleged, whether the alleged violence was caused by a person acting in self-defense;
- C. Each person's fear of physical harm, if any, resulting from the other person's threatened use of force against any person or resulting from the other person's use or history of the use of force against any person, and the reasonableness of that fear;
- D. The comparative severity of any injuries suffered by the persons involved in the alleged offense.

VII. DOMESTIC VIOLENCE CALLS WHEN THERE IS NO EVIDENCE OF A CRIME

When officers are dispatched on a Domestic Violence call where the alleged victim(s) are not cooperative and there is no physical or corroborating evidence of a crime. Officers will be required to document the call properly and ensure that the alleged victim(s) are provided with the Domestic Violence Victim Information Sheet. In the remarks section of the call disposition screen, officers will indicate "DV Info Sheet issued".

VIII. VIOLATION OF PROTECTION ORDER O.R.C. 2919.27.

O.R.C. 2919.27 [Sections (A) through (D) are the actual text of 2919.27 (as of 6/28/2017), Sections (E) through (H) are not.

- A. No person shall recklessly violate the terms of any of the following:
 1. A protection order issued or consent agreement approved pursuant to section [2919.26](#) or [3113.31](#) of the Revised Code;
 2. A protection order issued pursuant to section [2151.34](#), [2903.213](#), or 2903.214 of the Revised Code;
 3. A protection order issued by a court of another state.
- B.
 1. Whoever violates this section is guilty of violating a protection order.
 2. Except as otherwise provided in division (B)(3) or (4) of this section, violating a protection order is a misdemeanor of the first degree.
 3. Violating a protection order is a felony of the fifth degree if the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for any of the following:
 - a. A violation of a protection order issued or consent agreement approved pursuant to section [2151.34](#), [2903.213](#), or [2903.214](#), [2919.26](#), or [3113.31](#) of the Revised Code, two ;
 - b. Two or more violations of section [2903.21](#), [2903.211](#), [2903.22](#), or [2911.211](#) of the Revised Code , or any combination of those offenses, that involved the same person who is the subject of the protection order or consent agreement, or one ;
 - c. One or more violations of this section
 4. If the offender violates a protection order or consent agreement while committing a felony offense, violating a protection order is a felony of the third degree.

- C. It is an affirmative defense to a charge under division (A)(3) of this section that the protection order issued by a court of another state does not comply with the requirements specified in 18 U.S.C. 2265(b) for a protection order that must be accorded full faith and credit by a court of this state or that it is not entitled to full faith and credit under 18 U.S.C. 2265(c).
- D. As used in this section, "protection order issued by a court of another state" means an injunction or another order issued by a criminal court of another state for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person, including a temporary order, and means an injunction or order of that nature issued by a civil court of another state, including a temporary order and a final order issued in an independent action or as a "pendente lite" order in a proceeding for other relief, if the court issued it in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection. "Protection order issued by a court of another state" does not include an order for support or for custody of a child.
- E. The ORC requires the statewide enforcement of: (DVTPO) Domestic Violence Temporary Protection Order TPOs. It provides that "a complainant who obtains a Temporary Protection Order...may provide notice of the issuance of the DVTPO to the judicial and law enforcement officials in any county other than the county in which the order is issued." A complainant may register the DVTPO or Consent Agreement with that county's municipal or common pleas clerk's office (which shall place an "endorsement of registration" on the DVTPO and the filing of the registered DVTPO with that county's law enforcement agency), **ORC § 2919.26 (G) (3)** and **3113.31 (N)**. Police officers must enforce Ex Parte Orders, Domestic Violence Temporary Protection Orders and Consent Agreements.
- F. Officers must enforce Civil Protection Orders from Domestic Relations Court when officers recognize criminal sanctions are associated with the order.
- G. Regardless of whether a DVTPO has been registered in a police officer's county of venue, the police officer is required to enforce a DVTPO issued in any court in the state which includes removing the defendant from the premises. In other words, a complainant's failure to register the DVTPO in a police officer's county of venue does not remove the obligation of the police officer to enforce the DVTPO.
- H. If the complainant/victim violates the DVTPO by allowing the suspect access to the residence, et cetera, this information must be included in the D.I.B.R.S. Report. The suspect must be arrested in these situations. The Prosecutor will charge the complainant/victim with Contempt of Court.
- I. The Montgomery County Domestic Relations Court has recently begun issuing Civil Domestic Violence Protection Order Card to victims of domestic violence.

The card is a tool for victims to quickly alert law enforcement officers to the presence of a Civil Protection Order AND provide them with pertinent information to use in their investigation.

- The card does not CONFIRM the CPO. You still have to contact teletype to confirm and validate the protection order before making an arrest.
- These cards will NOT be issued for Temporary Protection Orders at this time. A victim can still have a valid protection order without a card.

These will be issued in new cases and persons with existing CPO's can request a card from the court. The absence of a card does not mean the absence of a valid protection order. Officers should call teletype and check LEADS to confirm protection order status.

IX. EX-PARTE TEMPORARY PROTECTION ORDERS

- A. In situations where the suspect has NOT been arrested, the City of Dayton Prosecutor's Office will issue Ex-Parte Domestic Violence Temporary Protection Orders.
- B. **ORC §2919.27** requires the enforcement of all DVTPOs. If a police officer finds the offender near the complainant/family household member and an Ex-Parte Domestic Violence Temporary Protection Order was issued, it may be served on the offender at this time (complainant will be provided copies of the DVTPO for this eventuality). The offender is to be ordered from the premises and if the offender refuses to leave after the Ex-Parte DVTPO has been served, the police officer can make a WARRANTLESS arrest for violation of the Protection Order (ORC 2919.27).

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

C. INTERVIEWING OTHER WITNESSES

1. [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

XI. REFUSED ENTRY

- A. When refused entry to a residence, be persistent, explaining that a complaint was received and must be verified. If entry is still refused, request the Dispatcher to use the "call back" procedure to contact the complainant.
- B. If entry is still refused, contact your supervisor and explain the situation. The supervisor, or senior police officer on the scene, will decide whether to remain or depart.
- C. There may be times when enough probable cause exists to indicate that a Felony is occurring, has just occurred, or that a life is in danger. In these cases, if entry is refused, or there is no reply from the premises, forced entry may be necessary to protect a life or make an arrest.
 1. Use forced entry ONLY as a last resort when NO other reasonable alternative exists.
 2. If forced entry is necessary and time permits, notify your supervisor of the circumstances and await his/her arrival on the scene before forcing entry.
 3. However, if the senior police officer on the scene determines that immediate action is necessary, forced entry may be made.
 4. As soon as all threats to the safety of those present are eliminated, advise the supervisor of the forced entry.
 5. Report the forced entry by police officers via an Internal Investigation Incident Report. This report must document why the forced entry was made.

XII. ORDER IN PROCEDURES

- A. If the crime is a misdemeanor offense of domestic violence, or violation of a protection order, order in the complainant(s) to the prosecutor's office at 0800 hours the next business day following the incident (Except Saturdays).

- C. If a domestic violence homicide occurs and children under the age of 18 are part of the family, the Domestic Violence Hotline has staff available to help the child cope with what has occurred.
- Contact the Domestic Violence Hotline at 222-SAFE (7233).
- D. If the victim is 60 or older or has disabilities, there is a specific emergency shelter plan that has been developed by the Adult Protective Services.

Victims of Domestic violence who cannot meet their own personal or medical care needs, and who are seeking emergency shelter from their abusers can be housed temporarily in local assisted living or nursing home facilities, if they have a medical evaluation at a hospital.

1. Persons who fall under the above guidelines are defined as:
 - a. Represents a substantial and immediate risk of serious physical impairment or injury to themselves as manifested by evidence that the person is unable to provide for and is not providing for their basic physical needs; or
 - b. Represents a substantial risk of physical harm as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm (See also General Order 2.04-5 Response to the Mentally Ill); or
 - c. Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness.
2. The victim will be transported to a hospital for evaluation (Every effort will be made to transport any service dog or adaptive equipment, such as a wheelchair or walker, to the hospital along with the victim).
 - a. Method of Transport to Hospital:
 - 1) If the victim has been injured or requires immediate medical attention, transport will be made by Dayton Fire Department Medic. Note: Dayton Fire Department Medics are unable to transport service dogs and/or adaptive equipment.
 - 2) Officers may transport a victim, service dog and/or adaptive equipment to the hospital if the victim, dog or equipment can be safely and comfortably transported in the rear seat of a police cruiser.
 - 3) If an officer is unable to transport the victim and service dog for any reason, they are to notify the Communications Center and request that a private ambulance be sent to the scene for transport. Private ambulance companies that will provide transport at certain times are listed below: (**Note:** These companies must be notified in advance if they are being asked to transport a service dog or wheelchair)
 - American Ambulette and Ambulance Service – 937-237-1105. Vans capable of transporting wheelchairs are available Monday – Saturday, 0600-1800 hours.
 - Med Trans – 937-845-3270. Vans capable of transporting wheelchairs are available Monday – Saturday, 0500-1800 hours, except on holidays.
 - EMT – 1-800-566-6125. A van capable of transporting wheelchairs is available 365 days a year, 24 hours a day.
 - b. Where victims will be transported:
 - Miami Valley Hospital, 1 Wyoming Street, Dayton, OH.
 - Good Samaritan Hospital, 2222 Philadelphia Drive, Dayton, OH.
 - Grandview Hospital, 405 W. Grand Ave., Dayton, OH.
 - Kettering Memorial Hospital, 3535 Southern Blvd., Kettering, OH.

- c. Hospital social workers will work with the victim and Adult Protective Services, if applicable, to determine the best placement once the victim is ready to leave the hospital. The following facilities are available to accept victims for temporary housing:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Personnel from the above facilities will transport victims, service dogs and/or adaptive equipment from hospitals to their facilities.

- 1) If a victim who uses a service dog requires hospitalization, the service dog can be placed free of charge on a temporary basis with any of the following organizations:
- The Humane Society of Greater Dayton – 937-268-7387. Ask for the Executive Director or Adoption Coordinator. If after hours, leave a message.
 - The Montgomery County Animal Resource Center – 937-898-4457, then press “0” to connect to the operator.
 - Society for the Improvement of Conditions for Stray Animals (SICSA) – 937-294-6505, then ask for extension 10 or 13.

Refer to General Order 2.04-3 - Response to Calls Involving Animals for further information on Emergency placement.

- 2) These organizations will pick up service dogs at hospitals and transport them to their location. If service dogs are temporarily placed with any of the above organizations, the victim or a representative must contact the organization once a week to provide information about the continued need for placement.
- 3) Some companies that train service dogs can shelter the animals for an extended period of time. These companies can often be identified through microchips implanted in the dogs. The Humane Society and the Animal Shelter both have chip readers.
- 4) If the service dog is injured or needs medical attention, contact the Humane Society.
3. If a suspected abuser has not been taken into custody and the victim is being temporarily sheltered in an assisted living or nursing care facility, the assigned case detective will notify the facility of any potential danger to the victim and provide a photograph of the suspect if possible.
- a. Staff of any facility that admits a domestic violence victim should be encouraged to contact the assigned case detective or the supervisor of the Special Victims Unit at [REDACTED] to discuss the circumstances that led to the victim being placed in their facility.
- b. Staff should be advised that they may also call the Montgomery County Jail’s Records Department at [REDACTED] to determine if the suspected abuser has been released from Jail.
4. Any social services or care facility worker who returns to the victim’s home to retrieve personal belongings for the victim should request a peace officer standby if the suspected abuser is not in custody. That request will be made by calling the Dayton Police Department’s non-emergency number at 937-333-2677.

XV. IMMUNITY

If, in good faith, an officer arrests a person for the offense of domestic violence or violation of a protection order of this state or any other state that on its face is valid, or seizes a deadly weapon (in accordance with section 9.86 or 2744.03), is immune from liability in a civil action for damages for injury, death, or loss to person or property that allegedly was caused by or related to the arrest or the seizure. Remember, the immunity law means if a police officer makes an arrest in good faith he is protected, if no arrest is made in situations requiring an arrest, there is no protection.

XVI. PROSECUTION UNDER FEDERAL LAW

Each political subdivision in Ohio that arrests an offender for an alleged incident of the offense of domestic violence or an alleged incident of the offense of violating a protection order must consider referring the case to federal authorities for prosecution under federal law if the incident constitutes a violation of 18 U.S.C. 2261. This decision to initiate such a referral will be the responsibility of the Prosecutor's Office.

XVII. PROTECTION ORDERS ISSUED BY CRIMINAL AND CIVIL COURTS - WEAPONS CLAUSE

- A. Protection Orders issued by Criminal and Civil Courts after 1/1/98 will contain the following clause:

"Defendant shall not possess, use, carry, or obtain any deadly weapon. Defendant shall turn over any deadly weapon in defendant's possession at the earliest possible opportunity to a law enforcement officer or as follows _____. Law enforcement officers receiving deadly weapons shall hold them in protective custody until further order of the court."

- B. The only time a defendant is required to surrender weapons is when the judge who issued the protection order has indicated on that order that the clause applies to that defendant. If officers are sent to see a defendant regarding this clause, they should confiscate the deadly weapon, mark and tag the weapon according to policy, and place the weapon in the Property Room. **NOTE: Officers must specify in the narrative of the Gun Envelope that the weapon was seized pursuant to a Domestic Violence Protection Order.**

Appendix A.

DATE: _____

**MONTGOMERY COUNTY JAIL
AMY'S LAW SUPPLEMENTAL BOOKING SLIP FOR MISDEMEANOR CASES**

SUSPECT'S NAME _____ DOB _____ SSN _____

ARRESTING OFFICER/AGENCY _____

IS CHARGE A MISDEMEANOR OFFENSE OF VIOLENCE i.e., one of the following:

- | | | | | | |
|----------|----------------------|---------|----------------------|----------------------------------|--------------|
| 2903.13 | Assault | 2909.24 | Terrorism | 2921.03 | Intimidation |
| 2903.21 | Aggravated Menacing | 2917.01 | Inciting to Violence | 2921.34 | Escape |
| 2903.211 | Menacing by Stalking | 2917.03 | Riot | 2919.22(B)(1), (2), (3) or (4) | |
| 2903.22 | Menacing | 2917.31 | Inducing Panic | Endangering Children – note (A), | |
| 2909.03 | Arson | 2919.25 | Domestic Violence | (B)(5) and (C) are NOT included | |

IS VICTIM OF OFFENSE A FAMILY OR HOUSEHOLD MEMBER OF THE ARRESTED?

"Family or household member" means any of the following who is or has resided with the arrested:

- A spouse, a person living as a spouse*, or a former spouse of the arrested;
- A parent or child of the arrested (or another person related by consanguinity or affinity to the arrested)
- A parent or child of a spouse, person living as a spouse*, or former spouse of the arrested (or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the arrested)
- The natural parent of any child of whom the arrested is the other natural or putative natural parent

*"Person living as a spouse" means:

- A person who is living or has lived with the arrested in a common law marital relationship, OR
- Who otherwise is cohabiting with the arrested, OR
- Who otherwise has cohabited with the arrested within five years prior to the date of the alleged commission of the act in question.

IF BOTH OF THE ABOVE ARE CHECKED, AND ANY ONE OR MORE OF THE FOLLOWING FACTORS ARE CHECKED, §2919.251 BOND AMOUNT (AMY'S LAW) FOR THE OFFENSE APPLIES, AS PER COURT'S BOND SCHEDULE.

- Arrested was subject to a protection order at time of arrest.
- Arrested was previously convicted of (1) domestic violence; (2) violation of a protection order; or any of the following involving a family/household member; (3) criminal damaging or endangering; (4) criminal mischief; (4) burglary; (5) aggravated trespass; or (6) any offense of violence;
- Officer observed on victim "physical harm" from the alleged offense;
- The arrested had on his person at the time of the offense a deadly weapon or dangerous ordnance;
- Arresting officer reasonably believes the arrested presents a credible threat of "serious physical harm" if released on bail.

IF NONE OF THE ABOVE FACTORS APPLY, REGULAR BOND AMOUNT APPLIES.

**FAX TO PRE-TRIAL SERVICES [REDACTED] IMMEDIATELY
or put copy in Pre-Trial Services' bin @ Montgomery County Jail.**

Montgomery County Jail Booking Slip Rev. 3/8/12