

# Seattle Police Department

# Directive

**Effective Date: 04/01/2017**

**Directive Number 17-00011**

## **Manual Section 15.410 – Domestic Violence Investigation Added to the Seattle Police Manual**

The Department is committed to investigating domestic violence incidents, assisting the victims and arresting the suspects.

15.410-Domestic Violence Investigation is a new policy section that replaces TD14-00015 Domestic Violence Investigation. (Emphasized information is highlighted)

- Officers are now required to complete a Sworn Affirmation (form 25.3) when taking a statement from a domestic violence victim or witness. This form is available through the SPD Templates and included in this directive. If the person refuses to sign the Sworn Affirmation form, officers will still attempt to get a statement. Officers will record in the G.O. that the person refused to sign the form.

- **Mandatory arrest** required when:

- The person is eighteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW [10.99.020](#) and the officer believes:
  - A felonious assault has occurred;
  - An assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or
  - That any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death.

Please read the attached policy.

Questions may be directed to the Policy Unit or the Domestic Violence Unit

email: [SPD\\_aprs@seattle.gov](mailto:SPD_aprs@seattle.gov)

Phone (206-684-4116)

- Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer does not have to arrest both persons. The officer will arrest the person whom the officer believes to be the primary physical aggressor.

**- Arresting Juveniles**

- A police officer will, at the request of a parent or guardian, arrest the sixteen or seventeen-year-old child of that parent or guardian if the officer has probable cause to believe that the child has assaulted a family or household member as defined in RCW [10.99.020](#) in the preceding four hours.

Please read the attached policy.  
Questions may be directed to the Policy Unit  
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# Seattle Police Manual

## 15.410-Domestic Violence Investigation

Effective Date: 04/01/2017

### 15.410-POL

The Department is dedicated to assisting and protecting the people victimized by domestic violence and to identify and arrest the people who commit crimes of domestic violence.

Employees of the Department will support victims of domestic violence in their efforts to take action to protect themselves and their families by seeking alternative living arrangements, social services, utilization of the state's legal system to obtain protection, and to hold abusers accountable. (See [RCW10.99.010](#))

#### 1. Domestic Violence Terms are Defined by Statute ([RCW 10.99.020\(3\)](#))

**Domestic violence** includes, but is not limited to these crimes when committed by one family or household member against another:

- Assault 1<sup>st</sup> through 4<sup>th</sup>
- Reckless Endangerment
- Coercion
- Burglary 1<sup>st</sup> & 2<sup>nd</sup>
- Trespass 1<sup>st</sup> & 2<sup>nd</sup>
- Malicious Mischief 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup>
- Kidnapping 1<sup>st</sup> & 2<sup>nd</sup>
- Drive-by Shooting
- Unlawful Imprisonment
- Rape 1<sup>st</sup> & 2<sup>nd</sup>
- Stalking
- Interference with the Reporting of Domestic Violence

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- Violation of a Restraining Order
- Violation of a Protection Order
- Violation of a No Contact Order
- Residential Burglary

Domestic violence also means:

- Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members;
- Sexual assault of one family or household member by another; or
- Stalking as defined in [RCW 9A.46.110](#) of one family or household member by another family or household member.

**Family or household members** means:

- Spouses,
- Former spouses,
- State registered domestic partners,
- Former state registered domestic partners,
- Persons with a child in common regardless of whether they have been married or have lived together
- Adult persons related by blood or marriage,
- Adult persons presently residing together or who have resided together in the past,
- Persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship,
- Persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship,
- Persons with a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

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**Dating relationship** means a social romantic relationship. In making this determination include (See [RCW 26.50.010](#)):

- The time the relationship has existed;
- The nature of the relationship;
- The frequency of interaction between the parties."

**Victim** means a family or household member subjected to domestic violence. (See [RCW 10.99.020\(8\)](#))

## 2. Officers Make Arrests with Probable Cause ([RCW 10.31.100](#))

A police officer will arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

### **Assault-Mandatory Arrests:**

A mandatory arrest is required under RCW [10.31.100\(2\)\(c\)](#) when these factors are present:

- The person is eighteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW [10.99.020](#) and the officer believes:
  - A felonious assault has occurred;
  - An assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or
  - That any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death.
  - Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer does not have to arrest both persons. The officer will arrest the person whom the officer believes to be the primary physical aggressor.
- In making this determination of the primary physical aggressor, the officer will try to consider:

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- That the primary physical aggressor is not always the person that struck first<sup>1</sup>
- The intent to protect victims of domestic violence under RCW [10.99.010](#);
- The comparative extent of injuries inflicted or serious threats creating fear of physical injury; and
- The history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

**Violation of Court Orders** (See 15.400-Court Orders <link>)

## **Discretionary Arrests**

Even when arrest is not mandated by statute, a police officer with probable cause to believe that a person has committed or is committing a felony has the authority to arrest the person without a warrant. RCW 10.31.100.

A police officer may also arrest a person without a warrant for committing a misdemeanor or gross misdemeanor when:

- The offense is committed in the presence of the officer,
- The offense involves physical harm or threats of harm to any person or property,
- The offense involves the unlawful taking of property,
- The offense involves criminal trespass under RCW 9A.52.070 or 9A.52.080;
- The offense violates a chapter 10.14 RCW anti-harassment order.

## **Arresting Juveniles**

A police officer will, at the request of a parent or guardian, arrest the sixteen or seventeen-year-old child of that parent or guardian if the officer has probable cause to believe that the

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<sup>1</sup> - For example, if one party to an argument slaps the other and the person slapped responds by repeatedly punching, kicking etc., as retribution, the second party would be the primary physical aggressor.

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child has assaulted a family or household member as defined in RCW [10.99.020](#) in the preceding four hours.

## **3. Officers Will Make a Reasonable Effort to Protect the Victim and Arrest the Suspect**

When responding to a domestic violence incident, officers will:

- Determine if the call is a domestic violence incident. A call may be dispatched as domestic violence related, but upon further investigation the officer may find that the incident is not domestic violence as defined by statute.
- If it is determined that the DV call involves a sexual assault, officers will refer to [15.370-Sexual Assault Investigation](#). Both a DV and a Sexual Assault investigation will take place.
  - All domestic violence calls are handled with a minimum of two officers.
- Conduct a primary investigation.
- Arrest the offender if the officer has probable cause to believe that a crime has been committed for which arrest is mandatory, under RCW 10.31.100.
- Notify the victim that the suspect may be arrested at a later time even if he/she has left the scene prior to officers' arrival.
- Document appropriately.
- Advise the victim of resources available to prevent further abuse, such as shelters or other services in the community.
- Provide the victim the SPD DV Resource Guide ([RCW 10.99.030](#))
- Explain to the victim the process for seeking an order for protection from domestic violence.
- Ask the victim if there are firearms or other deadly weapons accessible to the suspect. (See [15.215-Seizing and Releasing Firearms](#))
- Facilitate transportation for the victim to a hospital for treatment or to a place of safety or shelter (VST, AMR, patrol vehicle)

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- If there is a report of, or evidence of, a neck compression of any form, officers will request that the Seattle Fire Department respond.
  - Officers will inform Communications to tell SFD that the victim suffered a neck compression/suffocation/strangulation.

## **4. The Department Utilizes the Victim Support Team (VST)**

Officers may request VST services to assist in meeting the immediate crisis needs of domestic violence victims and their children. VST respond city-wide and may provide on-scene and/or over-the-phone support for victims and their families.

The VST operate on weekdays through the VST Victim Advocate and weekends through the VST Volunteers. The VST Victim Advocate provides the same services for victims as the weekend VST Volunteers. VST personnel have unmarked vehicles, radios, cell phones and emergency resources for victims.

Officers may contact the weekday VST advocate by calling (206) 258-1008 or through Communications.

- Monday- Friday / 0800-1600 Hours

Officers may contact the weekend VST volunteers through Communications.

- Friday / 1900-0300 Hours
- Saturday / 1100-0300 Hours
- Sunday / 1100- 0000 Hours

Note: A VST Supervisor is on-call during the weekend hours

Officers may request that the VST respond to a domestic violence scene.

- If the suspect is at large, officers will stay with VST personnel at the scene until VST can relocate the victim.

If the VST does not respond to the scene, officers may refer the incident for VST follow-up by leaving a message on the VST voice mail (206)684-7721. Officers will leave the GO report number and specific instructions for the victim follow-up.



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Officers may also leave a copy of the GO report in the VST mailbox at the precinct.

VST personnel do not have access to Versdex or the MDT. Officers will assist VST personnel by providing printed GO reports when requested. VST has authority from the Chief of Police to access printed domestic violence police reports and officers will cooperate with these VST requests.

## **5. The Department is Committed to a Thorough Primary Investigation of Domestic Violence Incidents (See [15.180-Primary Investigations](#))**

The Department will support Patrol in completing a thorough primary investigation.

Besides following 15.180-Primary Investigations officers will:

- Attempt to obtain the domestic violence history of the involved suspect. This may include information about previous victims.
- Complete the Risk Assessment (form 5.11)
- Use the Sworn Affirmation (form 25.3) when taking a statement from a victim or witness.

See 15.410-TSK-1 Patrol Officer Primary Investigation of a Domestic Violence Incident and 15.410-TSK-2 Officer's GO Report and Narrative

## **6. Officers Will Standby to Assure the Peace**

Officers dispatched to standby to assure the peace will attempt to determine if unreported domestic violence has occurred and if a current court order involves any of the parties.

Officers will not determine disputed property ownership without specific court ordered instructions. [RCW 26.50.060](#)

- Officers will document the violation of a court ordered surrender of property on a GO.

Officers will not facilitate entering a locked premise without both resident's consent.

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Officers will stay present with both parties while property is being gathered and transported and will remain on the scene until the parties have separated.

Officers do not have to assist in moving property.

## 15.410-TSK-1 Patrol Officer Primary Investigation of a Domestic Violence Incident

When an officer is completing a domestic violence investigation they will:

1. **Respond** to the scene and **determine** the type of call and if additional resources are needed.

2. **Attend** to injured persons and request SFD if needed.

- If there is any indication or report of strangulation, suffocation or neck compression, **requests** SFD respond and **informs** Communications that the victim suffered a neck compression/choking/strangulation.

3. **Coordinate** the possible arrest of the suspect.

4. **Check** the victim and suspect for current court orders

5. **Follow** [15.180-Primary Investigations](#)

- See [15.080 – Follow-Up Unit Notification & Follow-Up Investigation](#) for information on requesting that a follow-up unit respond to a scene.

- See [14.060 – Serious Incident Plan](#) for information on responses to serious incidents.

- See [6.220 – Voluntary Contacts and Terry Stops](#) for information on non-probable cause investigative contacts.

- **Process** the scene for evidence

- **Capture** sufficient photographs (See [7.090 - Photographic Evidence](#))

- The scene to include any damaged or disrupted property and the presence of alcohol or drug use.

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- The victim's injuries and their appearance, such as, physical marks, torn or damaged clothing, evidence of a physical struggle such as damaged furniture, defects in walls, clumps of hair, blood spatter, etc."

- Only photograph a victim with their permission. If a victim wishes not to be photographed, document the reason photographs of the victim were not captured.

- The suspect's injuries and their appearance, such as torn or damaged clothing or pulled hair. Consider photographing the suspects hands.

- Flag the photographs in DEMS with the DV flag.

6. **Instruct** the victim to take additional photographs of injuries days after the incident to show bruising and to **call 911** to request an officer to place the photographs into evidence. (See [7.090-Photographic Evidence](#))

7. **Complete** victim and witness statements using the Sworn Affirmation.

8. **Complete** the Domestic Violence Risk Assessment (form 5.11) including an assessment of the presence/ownership of firearms.

9. **Ask** the victim, to sign an Authorization to Disclose Protected Health Information (form 3.2.2), this may be done at the scene or the hospital.

10. **Request** the Victim Support Team if needed.

11. **Provide** the victim with a copy of the Domestic Violence Resource Guide (form 18.6). The guide is available in English, Spanish, Chinese, Tagalog, Russian, Vietnamese and Korean.

12. **Assist** the victim in seeking shelter if needed.

13. **Canvass** the neighborhood for witnesses if applicable.

14. If a suspect is arrested, try to **obtain** a statement from the suspect. See [6.150-Advising Persons of Right to Counsel and Miranda](#)

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15. Ask the victims and witnesses if they want their identifying information disclosed or not disclosed. See [12.080-Department Records Access, Inspection and Dissemination](#)

16. **Complete** a GO for a domestic violence crime. See 15.410-TSK-2 Officer's GO Report and Narrative

## 15.410-TSK-2 Officer's GO Report and Narrative

When an officer is completing the GO report of a domestic violence investigation they will strive to **document**:

1. What information was dispatched with the call.
2. Where the victim was upon arrival
3. The victim's physical appearance upon arrival.
  - Initial indications of injuries, marks, redness
  - Disheveled clothing, lack of clothing, smeared makeup, etc.
  - Evidence or report of neck compression
4. The victim's demeanor or emotional state of mind to include:
  - Any of the victim's "excited utterances"
  - Direct quotes from the victim indicating state of mind and feeling of pain.
5. A description of the scene where the incident took place.
  - Damage to property or signs of a struggle
  - The presence of alcohol or drugs
  - Animals or signs of animal neglect
6. The history of the relationship between the victim and the suspect. The history includes:
  - Length of relationship
  - Type of relationship

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- Any other communities/states the couple has resided in
- Any past incidents of violence;
- The existence of any court orders
- If the suspect has ever been charged with a crime in the past and, if so, what charges were filed, where was the prosecution conducted and was the suspect ever convicted of the charges

7. The victim's injuries (Photographs are captured and submitted per [15.180-Primary Investigations](#))

- All injuries, regardless of how "insignificant".

8. All of the witness information and anyone that spoke with the victim or suspect.

9. Witness observations of the victim's appearance and demeanor.

10. The witness relationship to the victim and suspect.

11. All children present at the scene (name, DOB, etc).

12. Alternative contact information for the victim.

13. That statements were taken and the Sworn Affirmation is signed.

If a suspect is arrested.

14. The appearance of the suspect, emotional state and their demeanor.

- suspect description/address/ etc.

15. The sobriety of the suspect.

16. Their claim of self-defense (if stated).

17. Verify the victims current address. Witness address. Suspect address. Emergency contact information.

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## Sworn Affirmation form

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I declare under the penalty of perjury under the laws of the State of Washington, that the following is true and correct:

Check the box that applies to this statement:

1. I wrote this statement in my own handwriting.
2. I orally provided the officer with this statement and the officer wrote down what I said.

I have read, or have had read to me, each page of this statement which consists of \_\_\_\_\_ pages.

I have signed each page of the statement and placed my initials next to any corrections I have made.

3. I orally provided the officer with this statement and the officer made a recording of what I said. I gave the officer permission to record the statement.

I understand that this statement may be used in a court of law and may be used by a judge in determining the existence of probable cause for any charges that may be filed as a result of the described incident.

This statement is truthful and accurate; and was made voluntarily, knowingly, and intelligently, without any threats or promises of any kind.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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Print Name of Declarant

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Signature of Declarant

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Signature of Witness to Statement