

TEXARKANA POLICE DEPARTMENT

GENERAL ORDERS MANUAL

SUBJECT	Domestic Violence Investigations		
NUMBER	1106.03	EFFECTIVE DATE	May 18, 2011
Scheduled Review Date	September 30, 2020	ISSUE DATE	May 18, 2011
Date Reviewed	March 15, 2019	REVISION DATE	March 15, 2019
APPROVED BY		ALEAP Standards	7.10; 13.20

I. Purpose and Scope

- A. The purpose of this policy is to establish a set of guidelines to prescribe a course of action that officers of the Texarkana Police Department will initiate when responding to reports of domestic violence and abuse.

II. Policy

- A. It shall remain the policy of the Texarkana Police Department to respond to all reports of domestic violence and abuse in a manner consistent with the established tenets of Arkansas Law while taking actions to intervene in an effort to prevent future incidents of violence.
- B. It shall be the policy of the Texarkana Police Department to promote the reduction and severity of domestic violence and abuse; protect victims of domestic violence while providing the victim with support through a combination of law enforcement and community services; and ensure the officers of the Department remain fully prepared to respond to all reports of domestic violence and abuse.
- C. All officers of the Texarkana Police Department shall recognize and adhere to the guidelines set forth within this policy.
- D. Offense reports shall be generated to document the following incidents:
 - 1. All felony crimes;
 - 2. All incidents surrounding domestic violence and those instances that involve violence among individuals who reside within a common household. Under these circumstances, offense reports are required whether or not an arrest is made and regardless of the victim’s choice not to pursue criminal charges;

III. Definitions

- A. **Domestic Abuse**—Physical harm, bodily injury, assault or the infliction of fear of imminent physical harm, bodily injury or assault occurring between family or household members. Domestic abuse also includes any sexual conduct between family or household members, whether minors or adults, which constitutes a crime under the laws of the State of Arkansas.

Page 1 of 6	Number: 1106.03	Effective Date: May 18, 2011
Subject: Domestic Violence Investigations		Revision Date: March 15, 2019

- B. **Family or Household Member**— means: (A) Spouse, (B) former spouse; (C) A parent; (D) A child, including any minor residing in the household; (E)(i) Persons related by blood within the fourth degree of consanguinity. (ii) The degree of consanguinity is computed pursuant to § 28-9-212; (F) Persons who presently or in the past have resided or cohabited together; (G) Persons who have or have had a child in common; or (H) Persons who are presently or in the past have been in a dating relationship together.
- C. **Dating Relationship**—Romantic or intimate social relationship between two (2) individuals which shall be determined by examining the following factors. The term dating relationship shall not include a casual relationship or ordinary fraternization in a business or social context between two (2) individuals:
1. The length of the relationship;
 2. The type of relationship; and
 3. The frequency of interaction between the two (2) individuals involved in the relationship.
- D. **Consanguinity Determination**—Consanguinity is defined as the lineage of origin by blood relationships. In computing the degrees of relationship between any two (2) kinsmen who are not related in a direct line of ascent or descent, it is proper to start with the common ancestor of the kinsmen and count downwards. In whatever degree the kinsmen or the more remote of them is distant from the common ancestor, that is the degree in which they are related to each other. Thus two (2) or more children of a common parent are related to each other in the first degree, because from the common parent to each of the children is counted only one (1) degree. But a person and his or her nephew are related in the second degree, for the nephew is two (2) degrees removed from his or her grandparent who is the common ancestor. A person and his or her second cousin are related in the third degree, for they are both three (3) degrees removed from the great-grandparent who is their common ancestor. In computing the degrees of relationship between any two (2) kinsmen related in a direct line of ascent or descent, the degree of relationship shall be determined by starting with one of the persons and counting up or down to the other. Thus, a person and his or her:
1. Parent or child are related in the first degree;
 2. Grandparent or grandchild are related in the second degree; and
 3. Great-grandparent or great-grandchild are related in the third degree
- E. **Physical Injury**—The impairment of physical condition, infliction of substantial pain or the infliction of bruising, swelling, or a visible mark associated with trauma.

IV. **Domestic Violence Enforcement** [ALEAP 7.10](#)

- A. In addition to other arrest authority granted by Arkansas Law, when law enforcement officers have probable cause to believe a person has committed acts which constitute a crime under the laws of the State of Arkansas and which constitute domestic abuse as defined above against a family or household member the officer may arrest the person without a warrant—even though the incident took place outside of the officer’s presence:
1. If the law enforcement officer has probable cause to believe the person has committed those acts within the preceding four (4) hours; or
 2. For those cases involving evidence of physical injury, within the preceding twelve (12) hours.
- B. When evidence indicates that domestic abuse has occurred, officers of the Texarkana Police Department shall consider the offender’s arrest as the preferred enforcement action.

Page 2 of 6	Number: 1106.03	Effective Date: May 18, 2011
Subject: Domestic Violence Investigations		Revision Date: March 15, 2019

- C. When determining if one (1) party to an act of domestic abuse is the predominant aggressor, officers of the Texarkana Police Department shall consider the following factors based upon the officer's observations at the time of investigation:
1. Statements from parties to the act of domestic abuse and other witnesses;
 2. The extent of personal injuries received by parties to the act of domestic abuse;
 3. Evidence that a party to the act of domestic abuse acted in self-defense;
 4. Prior complaints of domestic abuse if the history of complaints of domestic abuse can be reasonably determined by the investigating officer; and
 5. Any other relevant factors that will assist the officer in determining if one (1) party involved in the domestic abuse act is the predominant aggressor.
- D. When an officer has probable cause to believe a person that is a party to an act of domestic abuse is the predominant aggressor and the act of domestic abuse would constitute a felony under the laws of this state, the officer shall arrest the person who was the predominant aggressor with or without a warrant if:
1. The officer has probable cause to believe the person has committed the act of domestic abuse within the preceding four (4) hours or within the preceding twelve (12) hours for cases involving physical injury even if the incident did not take place in the presence of the officer.
- E. When an officer has probable cause to believe a person who is a party to an act of domestic abuse is the predominant aggressor, and the act of domestic abuse would constitute a misdemeanor under the laws of this state, the arrest with or without a warrant of the person who was the predominant aggressor shall be considered the preferred action by officers of the Texarkana Police Department if:
1. There is reason to believe that there is an imminent threat of further injury to any party to the act of domestic abuse; and
 2. The officer has probable cause to believe the person has committed the act of domestic abuse within the preceding four (4) hours or within the preceding twelve (12) hours for cases involving physical injury, even if the incident did not take place in the presence of the officer.
- F. Pursuant to A.C.A. §12-12-507, the investigating officer shall ensure the Child Abuse Hotline is immediately notified whenever the officer develops reasonable cause to believe a child is the subject of maltreatment. The number for the Child Abuse Hotline is on file in the communication's center. [ALEAP 13.20](#)
- G. Any law enforcement officer acting in good faith and exercising due care in making an arrest for domestic abuse shall have immunity from civil liability.
- H. In addition to the standard Victim's Information Guide (VIG), the investigating officer must provide all domestic violence with a Domestic Violence Resource Guide, a process mandated within A.C.A. §16-90-1107(a). The resource guide provides contains information that will assist the victim within obtaining additional services, such as emergency shelter.
1. The Domestic Violence Resource Guide is comprised of a carbon-copied form. The top copy of the resource guide will be retained by the investigating officer while the carbon copy (bottom copy) of the resource guide will be provided to the victim. Officers shall ensure the victim endorses the top copy acknowledging their receipt of the form.
 2. In accordance with A.C.A. §12-12-108, the reverse side of the white copy contains a Domestic Violence Lethality Assessment that must be completed by the investigating officer. This

Page 3 of 6	Number: 1106.03	Effective Date: May 18, 2011
Subject: Domestic Violence Investigations		Revision Date: March 15, 2019

assessment consists of a matrix and a series of questions that must be answered by the investigating officer during his/her investigation.

- a. Once completed, the top copy of the resource guide will be placed in the in-coming paperwork box where the shift supervisor will ensure the form is scanned (double-sided) and attached electronically to the ADSI report. Once scanned, the original copy will be placed in CID's incoming paperwork box which is located in the patrol debriefing room.

V. Domestic Violence Resource Guide

TEXARKANA ARKANSAS POLICE DEPARTMENT Domestic Violence Investigations Unit Domestic Violence Victim Resource Guide

INCIDENT OR CCN NUMBER _____

INVESTIGATING OFFICER: _____

It is a crime for any person to cause you any physical injury or harm, **EVEN IF THAT PERSON IS A MEMBER OR FORMER MEMBER OF YOUR FAMILY OR HOUSEHOLD.**

Please tell the investigating officer:

1. IF you, your child or any other household resident has been injured; or
2. IF you feel you are going to be in danger when the officer leaves.

You have the right to:

1. ASK the local prosecutor to file a criminal complaint against the person committing the family violence;
2. ACCESS all public records related to your domestic violence case; and

APPLY for a court order to protect you. (You should consult a domestic violence prevention agency, legal aid office, prosecuting attorney, or private attorney.) If a stalking, harassing communications or terroristic threat offense has occurred and the suspect has been arrested, you may request that a "no contact" condition of bond be required. You may do this through the prosecutor's office.

You cannot be charged a fee by a court in connection with filing, serving, or entering a protective order. The court can implement the following conditions:

1. The abuser not commit further acts of violence;
2. The abuser not threaten, harass, or contact you at home;
3. Directs the abuser to leave your household;
4. Establishes temporary custody of the children and directs the abuser not to interfere with the children or any property; and
5. Establishes child support for your children.

Access to emergency shelter, medical needs, housing, counseling, financial, social, legal advocacy and other emergency services can be obtained through the Domestic Violence Prevention office listed below. Should you need additional protection or assistance in seeking an Order of Protection, please contact the Texarkana Arkansas Police Department or the Prosecuting Attorney using the information listed below:

Domestic Violence Prevention, Inc.
424 Spruce Street
Texarkana, TX. 75501
(903) 794-4000

Texarkana Arkansas Police Department
100 N. State Line Avenue
Texarkana, AR. 71854
(903) 798-3130

Miller County Prosecuting Attorney
400 Laurel Street, Suite 6
Texarkana, AR. 71854
(870) 774-1002

Please refer to the Victim Information Guide provided by the investigating officer for additional information concerning your rights as a crime victim. For additional information connected to the status of your case, or should you require additional information concerning victim or child advocacy needs or other concerns unique to the investigation of your case, please contact the following:

Texarkana Police Domestic Violence Investigations Unit
(903) 798-3154

Victim Acknowledgement

DATE: _____

On the above listed date, Officer _____ employee number _____ of the Texarkana Arkansas Police Department did provide to me legal notice of my rights as a victim of domestic violence.

COMPLAINANT

Page 4 of 6	Number: 1106.03	Effective Date: May 18, 2011
Subject: Domestic Violence Investigations		Revision Date: March 15, 2019

TEXARKANA ARKANSAS POLICE DEPARTMENT
Domestic Violence Investigations Unit
Domestic Violence Lethality Assessment

*** The following assessment must be completed by the investigating officer during the officer's initial interaction with the domestic violence victim.

YES NO

		Has the offender ever used a weapon or threatened to use a weapon against the victim?
		Has the offender threatened to kill the victim or the victim's children?
		Does the victim believe the offender will try to kill him / her?
		Has the offender ever tried to choke the victim?
		Is the offender violently or consistently jealous?
		Does the offender control most of the victim's daily activities?
		Is the victim employed?
		Has the offender ever attempted suicide to the knowledge of the victim?
		Does the victim have a child whom the offender believes is not the offender's biological child?
		Does the offender follow, spy-on or leave threatening messages for the victim?
LIVING SITUATION		
		Does the victim currently live with the offender?
		Has the victim recently left or separated from the offender after living together or being married?
		Does the victim have a safe place to stay?
ADDITIONAL INFORMATION		

Page 6 of 6	Number: 1106.03	Effective Date: May 18, 2011
Subject: Domestic Violence Investigations		Revision Date: March 15, 2019