

<p>RABUN COUNTY SHERIFF'S OFFICE</p>  <p>General Order Number: 4.20</p>	<p>Date of Issue</p> <p>2/23/2016</p>	<p>Effective Date</p> <p>2/23/2016</p>	<p>Revision Date</p>
<p>Subject: DOMESTIC VIOLENCE</p>	<p>Amends:</p>	<p>Rescinds:</p>	
<p>Index as:</p> <ul style="list-style-type: none"> Domestic Violence Family Violence Situations General Policies and Procedures 	<p>State Certification Standards: 1.13, 6.12</p>		
<p>Special Instructions:</p>			

PURPOSE

The purpose of this General Order is to prescribe the policies and procedures of the Rabun County Sheriff's Office regarding response to Family Violence Situations.

STATEMENT OF POLICY

It shall be the policy of the Rabun County Sheriff's Office that all members of this department fully support and enforce all applicable statutes concerning family violence.

DISCUSSION

Family violence is a crime that differs from other crimes because of the intimate relationship between the victim and the accused. The primary objective in responding to a family violence, is to de-escalate violent situations, protect victims from further harm, reduce repeat calls, and to enforce the law against criminal violators.

DEFINITIONS

ARREST — To deprive a person of his/her liberty by legal authority. (Black's Law Dictionary). Or the restraint of the liberty to come or go as he or she pleases, no matter how slight. An individual has been arrested when he or she is not free to go, regardless of whether formal words of arrest have been used.

ARRESTING OFFICER — A sworn law enforcement officer who takes a person into custody, with or without a warrant.

CHILD — A person under 18 years of age (OCGA 19-14-2).

DFACS — Department of Family and Children's Service.

FAMILY VIOLENCE — As used in this General Order, is the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household:

(1) Any felony;

(2) Commission of offenses of battery, simple battery, assault, simple assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass.

The term "family violence" shall not be deemed to include reasonable discipline administered by a parent to a child in the form of corporal punishment, restraint, or detention. (OCGA 19-13-1)

FULL CUSTODY ARREST — Arrest authority, with or without a warrant, which includes the legal authority to physically remove a person from the location and taking that person to a place of confinement or judicial authority. A full custody arrest includes the authority to deny persons their freedom, using force if necessary, to effect the arrest.

O.C.G.A. — The Official Code of Georgia Annotated

PROTECTIVE CUSTODY —The taking of a child into custody if there are reasonable grounds to believe that the child is suffering from illness or injury, or is in immediate danger from his surroundings and that his/her removal is necessary. (OCGA 15-11-17)

VICTIM — A person who suffers physical, financial or emotional harm as a direct result of a specified crime committed upon his or her person or property. Any of the following constitutes a specified crime: all felonies, all misdemeanor crimes against persons, and upon the recommendation of the responding officer, other crimes. Also regarded as victims are (1) a child, parent, or legal guardian of minor victim, and (2) a spouse, child, sibling, parent, or legal guardian of a homicide victim. The definition excludes any person involved in a crime as a perpetrator or accomplice.

I. GENERAL POLICY

- A. The response to incidents of family violence must be guided by the nature of the abusive act, not the relationship between the victim and the abuser. Acts of domestic violence, abuse, and neglect are crimes.
- B. Officers will make an arrest whenever probable cause and legal authority exist in accordance with OCGA 19-13-1.
- C. The fact that the victim does not want to press charges will not be a factor in determining whether an arrest is made.
- D. Full Custody Arrest will be made when grounds for an arrest are present.
- E. When an arrest is made, officers will inform the offender and victim that the criminal action is being initiated by the State of Georgia and not by the victim.

II. JUVENILES

- A. Members of the Rabun County Sheriff's Office have a special obligation to protect juveniles from harmful circumstances or to provide immediate assistance to those who may be the victims of crime, physical abuse, neglect, sexual abuse, or emotional maltreatment.
- B. If a child's well being is in jeopardy, he/she will be placed in protective custody, given the appropriate medical care and, referred to the Department of Family and Children Services (DFACS).
- C. The protection of children does not include the use of reasonable discipline administered by a parent or guardian in the form of corporal punishment or restraint of liberty.

III. RABUN COUNTY CENTRAL COMMUNICATIONS CENTER PROCEDURES:

- A. Normally, dispatch personnel will be the first to receive notification of a possible family violence situation. It is vital that complete information be obtained from the victim and/or complainant so that an appropriate response decision (Code 1, Code 2, or Code 3) can be made.
- B. Dispatchers are responsible for obtaining the following information:
 - 1. The identity of the complainant;
 - 2. Whether the crime is in-progress;
 - 3. Whether weapons or violence is involved;
 - 4. The specific location of the incident;
 - 5. Whether anyone has been injured and their exact location;
 - 6. The exact location and general description of the offender;
 - 7. At this point, if there is evidence of injury, the threat of violence, or the possible use of weapons, officers and medical personnel will be dispatched to the scene;
 - 8. The dispatcher will attempt to maintain telephone contact with the victim and/or complainant to monitor the incident, provide support for the victim, and report any changes in the situation to responding emergency personnel;
 - 9. The dispatcher should listen for background noises (such as screams, shouts, threats, breaking glass and furniture) that may assist in evaluating the situation. Such sounds will raise the potential danger level and can help provide the probable cause the officers may need to believe an act of family violence has occurred; and
 - 10. The dispatcher will advise the responding officer(s) if there is a history of domestic violence calls at the location.

IV. INITIAL RESPONSE

- A. Officers will respond immediately to all family violence calls:
 - 1. **Code 1 Response** will be used in all other situations where there is no indication that the perpetrator is on the scene and no indication that the victim is in immediate harm or danger;
 - 2. **Code 2 Response** may be used when there is a reasonable belief that a nonviolent offense is being committed or there is a possibility of apprehending a perpetrator of family violence at the scene; and
 - 3. **Code 3 Response** will be used when there is a reasonable belief that the life or safety of another is threatened or it is necessary to prevent a forcible felony.
- B. A back-up unit will be dispatched for code 2 & code 3 response situations.
- C. Approaching The Scene
 - 1. Responding units should coordinate a simultaneous arrival whenever possible.
 - 2. In Code 2 and Code 3 situations avoid the use of sirens and emergency lights in the vicinity of the offense. Emergency warning equipment may increase the tension of persons emotionally out of control and may result in an attack upon the officers or others involved.
 - 3. Persons encountered while approaching the dispute location should be briefly questioned as potential witnesses and told to remain at a safe location.
 - 4. Be alert for an assailant/perpetrator leaving the scene.
 - 5. Observe the dispute location before contacting the complainant. Consider the immediate surroundings; listen and look to obtain additional information about the situation; if time permits, conduct a visual inspection around the premises to locate other entrances to the building.
 - 6. Officers must be concerned for their own safety.
- D. Initial Contact
 - 1. To minimize the possibility of injury, stand on the side of the door when knocking. The unexpected may occur when the door opens.
 - 2. Immediately identify yourself by name as a peace officer and give a brief explanation for your presence at the scene. Request entry into the home. If the complainant is present, ask to see him or her.
 - 3. If refused entry to a residence, be persistent by explaining that a complaint was received and must be verified for the safety of those concerned.
 - 4. If entry is still refused, contact the dispatcher and request a call be placed to the complainant to explain why entry is necessary.

5. If entry is still refused, proceed to public property and explain the situation to the Shift Supervisor. Continue to observe the premises until directed by the Shift Supervisor to leave or conduct a forced entry.
- E. If **probable cause exists** to indicate that a potential life-threatening situation exists or that a felony is/has just occurred, forced entry may be necessary to protect life or make an arrest. Some of the indicators that provide probable cause and justify a forced entry are:
1. Cries for help;
 2. Weapons displayed;
 3. Obvious signs that a struggle has occurred; and
 4. An eyewitness account that a felony has occurred and the victim is still on the premises.
- F. Officers must evaluate the following elements when considering a forced/warrantless entry:
1. The degree of urgency involved and the time required to obtain a warrant;
 2. The possibility of danger to others, including deputies left to guard the scene;
 3. Whether the offense involved violence and there is a reasonable belief that injured victims may be present and unable to respond; and
 4. Whether there is reasonable belief that an armed offender may be present and that violence may be imminent.
- If violence is in-progress and/or injuries suspected, request immediate dispatch of medical assistance.
- G. Once the decision to forcibly enter the premises is made, reasonable force will be used. Only under the most pressing of circumstances will one officer conduct a forced entry. Whenever possible, a supervisor and back-up personnel will be present.

V. ACTIONS INSIDE THE DWELLING

- A. Immediately establish control by using whatever force is reasonably necessary for the protection of all concerned.
- B. Identify the disputants.
- C. Be alert for potential weapons.
- D. Conduct an initial sweep of the premises for officer safety to determine if persons are in other rooms.
- E. Separate all involved parties.
- F. Request consent to conduct a search of the dwelling to identify any evidence to substantiate that violence has occurred. If two individuals have joint ownership of the home, either one may give a valid consent. However, **consent must be freely and voluntarily given.**

- G. A spouse can consent to the search of the premises used jointly by both the husband and wife. This is also true if the individuals are only cohabitants.
- H. If one of the individuals exercises sole control over part of the premises, the other person cannot give a valid consent to search that portion of the dwelling.

VI. PROTECTING THE VICTIM

- A. Protect the victim(s) from further harm and injury. Administer first aid until medical assistance arrives.
- B. The absence of external injury does not mean the victim has not been assaulted.
- C. The victim may have sustained internal injuries to the stomach, breast area, portions of the head covered by hair, and the back.
- D. Pregnant women are often hit or kicked in the stomach.
- E. If an adult victim appears injured and yet refuses medical assistance, carefully document any observed injuries and the refusal for medical treatment.
- F. If a child appears to be injured and an adult refuses medical assistance, take the child into protective custody for treatment.
- G. If a child appears to be physically/sexually abused, suffering from neglect, or emotional maltreatment:
 - 1. Immediately take the child into protective custody;
 - 2. Obtain medical assistance if necessary;
 - 3. Notify the Criminal Investigations Division; and
 - 4. Contact Rabun County Central Communications Center and request the on-call DFACS representative be notified in order to obtain assistance in securing the appropriate care and protection for the child.
- H. If an adult victim has been or appears to have been sexually abused, the Criminal Investigations Division will be notified.

VII. INTERVIEWS

The Disputants

- 1. Ensure safety and privacy by interviewing the victim in a separate area away from the assailant, witnesses, and by-standers.
- 2. Critical to the success of the investigation is the manner in which the interview is conducted. Officers must show interest through effective listening and remain aware of non-verbal communications signals.

3. Allow the parties to describe the incident individually without interruption at the beginning of the interview. Expect the parties to ventilate their emotions to relieve tension and hostility.
4. Following the initial description of the incident, officers should ask follow-up questions in order to obtain details and points of clarification. If any violent act is alleged or suspected, ask for detailed information about the facts and circumstances, the exact method, where it was administered, who was present, if there were any signs of physical damage to property, and the location of any weapon used.
5. Obtain information about any previous disputes, the use of violence, and whether it has been reported to authorities. This may help establish a pattern.
6. If children are directly involved in the dispute as either the victim or perpetrator, they should be interviewed with care and kindness. Sit, kneel, or otherwise be at their eye level when speaking to them. Be observant for any indications of trauma or the apparent healing/signs of abuse wounds.

The Witnesses

7. Witnesses to the incident, children, other family members, and neighbors should be interviewed as soon as possible.
8. If witnesses provide information about prior assaults, document the incidents to help establish a pattern.
9. Be sure to ask witnesses if they know of any other individuals who may have knowledge of the incident or of any previous domestic difficulties involving the parties.

VIII. CRIMINAL INVESTIGATIONS DIVISION NOTIFICATION

Criminal Investigations Division notification will be made in all cases involving rape, sexual assault or battery, or child sexual or physical abuse.

IX. ARREST DECISIONS (OCGA 17-4-20.1)

- A. Officers will make an arrest, based upon probable cause, whether or not the offense occurred in his/her presence, under the following circumstances:
 1. Where a felony has been committed;
 2. For the commission of the offenses of battery, simple battery, assault, simple assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass;
 3. When an individual has violated the provisions of a current valid Temporary Protective Order (TPO), which excludes and/or evicts the individual from a particular residence or household. (OCGA 19-13-4);
 4. For any offense committed in the presence of the officer;
 5. When valid arrest warrants are on file for either party; or

6. The probable cause will be supported by the statements of the victim, suspect, or witnesses, and/or other physical evidence at the scene.
- B. The decision to arrest will not be based upon the consent or request of the victim.
 - C. No officer shall threaten, suggest, or otherwise indicate the arrest of all parties for the purpose of discouraging requests for further law enforcement intervention. (OCGA 17-4-20.1(a))
 - D. When complaints of family violence are received from two or more opposing parties, officers will evaluate the situation and attempt to determine who was the primary aggressor. If the officer can determine who was the primary aggressor, he/she is not required to arrest any other person believed to have committed an act of family violence during the incident. (OCGA 17-4-20.1(b))
 - E. When an arrest is made officers will:
 1. Inform the offender and victim that the criminal action is being initiated by the State of Georgia and not the victim;
 2. Inform the victim that she/he may have to appear before a magistrate at a hearing when scheduled;
 3. Secure the offender;
 4. Conduct a search incident to the arrest;
 5. Transport the offender to the Rabun County Jail for required booking; and
 6. Complete all required paperwork.
 7. When an arrest is justified and the offender is not present, officers will:
 - a. Complete the Family Violence Incident report and apply for any necessary warrants;
 - b. Make an attempt to locate the perpetrator; and
 - c. Advise the victim how to obtain an arrest warrant for misdemeanor violations.

Evidence in family violence situations normally consists of physical injuries, articles substantiating an act of violence, and the characteristics of the general crime scene. When the circumstances indicate a sexual attack has occurred, additional evidence will have to be obtained by medical personnel.

- F. The Criminal Investigations Division will assist in the processing of all crime scenes involving felony cases and/or when an arrest is made. Officers will isolate and secure the crime scene until the arrival of the Criminal Investigation Division if needed.

X. REPORTS

- A. A "family violence incident report "will be prepared of all family violence situations, whether or not an arrest is made.

- B. If an arrest is not made, the reporting officer will fully document his/her reasoning for this decision.
- C. All "Family Violence Incident Reports" will be forwarded to the Records Division.
- D. In any incident with injuries, the responding officer may contact the Criminal Investigations Division for possible assistance.

XI. VICTIM ASSISTANCE

- A. In recognition of the difference between family violence situations and other crimes, officers will provide the victims with special care and assistance appropriate to the situation.
- B. Officers will provide transportation to the victims of family violence if no other reasonable arrangements can be made.
- C. Under circumstances when the victim expresses fear for her/his safety because the perpetrator is not present on the scene or because an arrest is not justifiable and the victim cannot provide or obtain transportation from a friend or relative, then officers will transport the victim to a location of the individual's choice.
- D. Transportation will not be provided outside Rabun County.
- E. The following are several sources that can provide assistance to family violence victims:
 - 1. Department of Family and Children Services; and
 - 2. Faith.

XII. DUTIES AND RESPONSIBILITIES

- A. Shift Supervisor
 - 1. The Shift Supervisor will, whenever possible, respond to Code 1 or Code 2 family violence situations to ensure the matter is being handled in accordance with prescribed procedures.
 - 2. Ensure that the crime scene is being properly secured.
 - 3. Review "Family Violence Incident Reports" to ensure appropriate arrest action has been taken when justified.
 - 4. Review "Family Violence Incident Reports" to ensure that sufficient information and justification are provided when an arrest is not made.
 - 5. Advise victims of appropriate assistance measures.
 - 6. Evaluate the need for CID notification and initiate contact when required.

Criminal Investigation Division

7. Respond to all Family Violence situations involving rape, sexual assault, and child physical or sexual abuse.
8. Conduct victim "follow-up" actions on all reported family violence cases involving rape, sexual assault, and child physical or sexual abuse.

XIII. NON-CRIMINAL DISPUTES

- A. The role of officers in non-criminal or civil matters is to be an "impartial keeper of the peace." A civil dispute means that there is a non-violent confrontation between two or more family members where there is no breach of the peace or no commission of a criminal act.
- B. Law enforcement personnel may be dispatched to "stand-by" to protect individuals from possible injury or to prevent a breach of the peace in situations when one or more family members may be removing personal belongings from a location (i.e., home, apartment, business). When the "stand-by" occurs on private property and the officer is admitted by at least one of the lawful residents who are claimants to the property in question, the following procedures will be followed:

Prior to conducting a domestic standby for an individual, an officer must attempt to verify that the claimant is a lawful resident of the premises. Although there is no absolute certain way that this can be accomplished, especially under the normal circumstances of such requests, officers should take reasonable measures by asking the person requesting the stand-by:

1. "Are you a resident at this address?"
 2. "How long have you lived here?"
 3. "What is your relationship with the individual who presently lives here?"
 4. "Is there anyone in the immediate area who can confirm that you are a resident here?"
 5. "Can you produce any letters or other correspondence addressed to you at this address?"
- C. Once the officer is reasonably satisfied the individual is a lawful resident, advise the claimant that only claims to personal property (i.e., clothes, toiletry items, children's clothing, medicines) can be enforced without an order from the court.
 - D. Also advise the claimant that if a confrontation develops between the parties, which leads to a breach of the peace, all involved individuals are subject to an arrest under the provisions of the Family Violence Act as appropriate.
 - E. Officers will not:
 1. Allow or conduct forced entry into any residence even if the claimant is a lawful resident. The claimant will be advised to obtain a court order.
 2. Participate in a domestic stand-by situation if the claimant is not a lawful resident. Under such circumstances, the individual will be advised that trespassing upon the property of another for purposes of removing or recovering property without a court order cannot be allowed. The claimant will be further advised on how to obtain a court order or to obtain a civil remedy.

- F. Officers will enforce only those orders of the court, which specifically direct the Sheriff to execute the order of judgment.
- G. Officers will make warrantless arrests for violations of temporary protective orders (TPO's) (OCGA 19-13-6):
 - 1. An arrest order shall not be executed unless the order is current and verification can be established at the time of arrest; and
 - 2. After a local restraining order has been served, subsequent violations of the order must be reported by the complainant to the court, which issued the order so that other civil or criminal measures can be taken.

XIV. CHILD ABUSE

A. Clues To Recognizing Child Abuse And Neglect

- 1. Some cases of child abuse and neglect are easily recognized; an infant left alone in a hot car, a three-year old with multiple facial bruises, a child who is repeatedly locked out of the house for long periods of time. However, these cases represent only a fraction of the children who are in desperate need of help.
 - 2. There are more subtle forms of abuse or neglect such as verbal abuse, poor supervision, and overly strict discipline. There is physical abuse that occurs behind closed doors, is obscured by clothing, is attributed to "accidents," is denied or concealed by the victim. Early identification as well as public and professional education in the ways in which children can be abused or neglected and signs to look for.
 - 3. Maltreatment of children usually falls into one or more of four general areas:
 - a. Physical abuse;
 - b. Neglect;
 - c. Emotional maltreatment; and
 - d. Sexual abuse.
- B. Although some forms of abuse and neglect are more difficult to detect than others, there are always signs or indicators that, singly or together, suggest that a child may be in need of help. These indicators basically are of three types:**
- 1. Physical indicators, such as the child's appearance (including the presence of physical injury);
 - 2. Behavioral indicators, such as behavior which the child exhibits as the result of maltreatment; and
 - 3. Environmental/circumstantial indicators, including social, cultural, or familial factors, which are known to correlate with various kinds of abuse and neglect.

- C. In being alert to the signs of abuse and neglect, it is important to keep in mind that the indicators presented here are not all-inclusive. Neglect, for example, can occur among the rich and highly educated, just as children from impoverished families can receive superior parenting.
- D. These indicators are clues. They should help you be tuned in to a child's possible need. It is not necessary to be sure a child is abused or neglected before reporting your concern. In fact, if you are among the professionals mandated by Georgia law to report, you must report any suspicion you have. Anyone who reports possible abuse or neglect is immune from all civil and criminal liability regardless of whether later assessment substantiates or fails to substantiate the report.
- E. Your suspicions might be wrong, but, if they are not, you could be the only chance that a child has to be happy and productive. You might also save a life.
- F. Reports of possible neglect or abuse should be made to your County Department of Family and Children Services.
- G. These and other physical indicators should be considered in light of their consistency with the child's medical history, the developmental ability of the child to injure himself/herself, and any other indicators, such as behavioral or environmental indicators.
- H. The behavioral indicators of physical abuse are varied and are influenced by the severity and frequency of the abuse, the age of the child at onset, the nature of the child's relationship to the abuser, the availability of supportive persons, and the child's genetic endowment for coping.
- I. A child who is abused at an early age, frequently and severely, will likely exhibit these "low profile" behavioral characteristics:
 1. Unusually neat in eating habits;
 2. Overly compliant to avoid confrontation;
 3. Lacking in curiosity;
 4. Fearful of physical contact;
 5. Excessively self-controlled;
 6. Lacking in development due to efforts all being directed to self-protection;
 7. Cries little;
 8. Enjoys little or nothing;
 9. Can perform motor skills but does not want to; and
 10. May appear autistic
- J. A child who is less severely abused, less often, and is a little older at onset, will likely exhibit some of these behavioral characteristics:
 1. Timid, easily frightened;

2. Psychosomatic complaints, such as enuresis and vomiting;
 3. Craves affection;
 4. Continues to affirm love for abusing parent;
 5. Experiences language delay;
 6. Has difficulty with school in spite of normal ability (energy is misdirected);
 7. Exhibits sporadic temper tantrums;
 8. Assumes the role of parent in the parent-child relationship or is extremely immature in parent-child interactions; and
 9. Shows indiscriminate attachment to strangers.
- K. A child who is mildly, infrequently, or inconsistently abused at an older age will likely exhibit these characteristics:
1. Hurts other children;
 2. May try to "make happen" what he/she expects in order to gain feeling of control;
 3. Shows extreme aggressiveness;
 4. Has raging temper tantrums;
 5. Is hyperactive;
 6. Has short attention span;
 7. Is demanding;
 8. Shows lag in development; and
 9. May seem accident-prone or clumsy.
- L. These physical indicators should be considered on light of poverty, cultural values, and parental capacity.
- M. The child, who is neglected, like the child who is abused, will exhibit one or more behavioral indicators. These commonly are:
1. Failure to thrive among infants;
 2. Falling asleep in school;
 3. Poor learning;

4. Poor school attendance or chronic lateness;
 5. Chronic hunger or tiredness;
 6. Begging or collecting leftovers or stealing other children's lunches;
 7. Coming to school early and staying late;
 8. Dull, apathetic appearance;
 9. Squinting;
 10. Use of drugs or alcohol;
 11. Engaging in vandalism; and
 12. Engaging in sexual misconduct.
- N. The neglected child is often, although not always, living in an environment characterized by one or more of the following elements:
1. A large family with marital disruption;
 2. Poverty;
 3. Long-term parental illness;
 4. Indifferent parental attitude;
 5. Situational stress, such as unemployment;
 6. Lack of material resources; and
 7. Parental characteristics stemming from neglect.
- O. As with abusive parents, neglectful parents frequently were victims of the same type of parenting that they provide for their children. Following are personal characteristics or behaviors of neglectful parents:
1. Apathetic;
 2. Craving for excitement, change;
 3. Desire to be rid of the demands of the child;
 4. Lack of interest in child's activities;
 5. Low acceptance of child's dependency needs;
 6. Unskilled as parents;
 7. Little planning or organization; and

8. Frequently unkempt.



By Order of the Sheriff: **Chad K. Nichols**
Sheriff, Rabun County