

Atlanta Police Department Policy Manual		Standard Operating Procedure
Effective Date: June 1, 2015		APD.SOP.3083 Family Violence
Applicable To: All sworn employees		
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Signature: Signed by GNT		Date Signed: 5/26/2015

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1. PURPOSE

To establish a uniform procedure for handling family violence calls.

2. POLICY

It is the policy of the Atlanta Police Department that officers handling family violence calls provide police services necessary to ensure the safety of parties involved and to identify and arrest the primary aggressor(s).

3. RESPONSIBILITIES

3.1 Investigating officers shall be responsible for investigations in accordance with this directive.

3.2 Supervisors shall monitor their subordinates in accordance with this directive.

4. ACTION

4.1 The Communications Section shall:

1. Upon receiving a request for police services in a domestic violence incident, follow procedures set forth in APD.SOP.6010 "Communications" and prioritize the incident as necessary;
2. Notify the responding officer if there had been a prior call for service at that same location within the prior 24 hours;
3. Provide updated information via radio to responding officers as it becomes available.

4.2 The officer handling the domestic violence call:



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1. Shall treat all parties involved with dignity and respect.
2. Shall not use the relationship of the parties involved solely as a factor for determining if an arrest or successful prosecution can be made.
3. Shall employ the same professional investigative techniques in this complaint as he or she would employ in any other crime of violence or potential crime of violence.
4. Shall verify the welfare and safety of all children present in the home by visual inspection.
5. Shall make an arrest in all incidents in which a felony has been committed by an involved party and probable cause exists.
6. Shall make an arrest in non-felony incidents when legal cause for an arrest without a warrant exists.
7. Shall, when legal cause for an arrest without a warrant does not exist, assist the victim in obtaining a warrant by:
 - a. Advising the victim of the location of the nearest available judicial officer authorized to issue a warrant.
 - b. Transporting the victim to the nearest available judicial officer when no other means of transportation is available and the potential for violence is high. The officer must have the permission of the immediate supervisor when such a transport is made.
8. Shall make an arrest in all incidents where the complainant has a valid protection order. The officer will verify that specific conditions of the order have been violated. The officer shall execute such order when the subject of the order is at the location or has made contact with the complainant within a reasonable time frame and there is confirmation that the subject had been served. **If the subject had not been served with the valid protection order, then the following items shall be documented:**
 - a. The responding officer shall serve the subject either in writing or orally with the valid protective order (in accordance to OCGA 17-4-24); transporting the subject to a safe location; and documenting all information in a report with the incident number given by dispatch for the incident.
 - b. The officer shall also notify the issuing court that the subject had been served by giving the court the incident number that was assigned to the incident.
9. Shall complete an incident report on all incidents of Family Violence and attempt to obtain a written statement from the victim and/or witnesses using the Family Violence victim/witness statement APD Form (319). The completed statement form shall be forwarded to the appropriate Criminal Investigations Unit and Investigator.
10. Shall, when appropriate, refer one or more of the disputants to a social agency or mental health clinic (see APD.SOP.3200 "Criminal Justice and Social Services Diversion Programs").

4.3 Arrests as a Result of Family Violence:



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1. Whenever a law enforcement officer responds to an incident in which an act of family violence has occurred, the officer shall not base the decision of whether to arrest and charge a person on the specific consent of the victim or on a request by the victim solely, or on consideration of the relationship of the parties. (see O.C.G.A 17-4-20.1a)
2. No officer investigating an incident of family violence shall threaten, suggest, or otherwise imply that all parties shall be arrested for the purpose of discouraging requests for police services (see O.C.G.A 17-4-20.1a).
3. When complaints of family violence are received from two or more opposing parties, the officer shall evaluate each complaint separately to attempt to determine the primary aggressor. If the officer determines that one of the parties was the primary physical aggressor, the officer shall not be required to arrest any other person believed to have committed an act of family violence during the incident (see O.C.G.A 17-4-20.1b). In determining whether a person is a primary aggressor, an officer shall consider:
 - a. Prior family violence involving either party;
 - b. The relative severity of the injuries inflicted on each person;
 - c. The potential for future injury; and
 - d. Whether one of the parties acted in self-defense.
4. Officers shall follow all related procedures that deal with Family Violence Incidents as outlined in APD.SOP.5010 "Criminal Investigation Division."

4.4 Reporting Incidents of Family Violence:

1. Whenever a law enforcement officer investigates an incident of family violence, whether or not an arrest is made, the officer shall prepare and submit to the supervisor an incident report with "Family Violence Report", in the "Describe How Crime Committed" section. The report shall include the following (see O.C.G.A 17-4-20.1c):
 - a. Name of the parties;
 - b. Relationship of the parties;
 - c. Sex of the parties;
 - d. Date of birth of the parties;
 - e. Time, place, and date of the incident;
 - f. Whether children were involved or whether the act of family violence was committed in the presence of children;
 - g. Type and extent of the alleged abuse;
 - h. Existence of substance abuse;
 - i. Number and types of weapons involved;
 - j. Existence of any prior court orders;



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- k. Type of police action taken in disposition of case, the reasons for the officer's determination that one party was the primary physical aggressor, and mitigating circumstances for why an arrest was not made;
 - l. Whether the victim was apprised of available remedies and services; and
 - m. Any other information that may be pertinent.
2. This report must be completed regardless of whether a referral was made, a warrant was advised, or the victim did not wish to prosecute.

4.5 Supervisor Notification

1. Officers responding to Domestic Violence calls shall notify his or her supervisor when one or more of the following conditions exist:
 - a. A repeat call for police services to the same location involving the same disputants within a 24-hour period, regardless of whether or not the original call was handled by the responding officer.
 - b. One or more of the disputants is a City of Atlanta employee.
 - c. The aggressor has left prior to arrival by the responding officer and the officer believes the victim is in grave danger of being seriously physically injured by the perpetrator.

4.6 All calls which are domestic in origin must be identified as following:

1. All calls which are domestic in origin must be identified by the following pull-in codes:
Code 5a - A domestic incident with a referral.
2. When an arrest is made on a domestic situation, an incident report shall be made. All officers shall clearly identify this incident as "domestic" on the incident report.
3. When an arrest is not made on a domestic situation and a follow-up investigation of a criminal offense is necessary, an incident report shall be completed. On this report, the officer shall clearly identify this incident as "domestic".

4.7 Victim Notification

Employees shall follow all notification procedures as outlined in APD.SOP.4025 "Field Operations Division (FOD) Investigators" Section 4.12. CALEA 5th ed. standard 42.2.3.

4.8 Victim-Witness Advocates

Victim-Witness Advocates may be available to follow up on referrals, participate in the training of officers and provide liaison with regard to the outcomes of their referrals.

4.9 Primary investigator

The primary investigator shall continue his or her preliminary investigation or review the investigation initiated by the first responding officer and make a determination if additional investigation is needed as set forth in APD.SOP.5010 "Criminal Investigations Division."



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5. DEFINITIONS

5.1 Family Violence: 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, step-parents and step-children, foster parents and foster children, or other persons living or formerly living in the same household: (OCGA § 19-13-1 "Family Violence Defined")

1. Any felony; or
2. Commission of offenses of battery, simple battery, simple assault, assault, and stalking, criminal damage to property, unlawful restraint, or criminal trespass.
3. 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.

6. CANCELLATIONS

APD.SOP.3083 "Family Violence" dated October 1, 2011

7. REFERENCES

APD.SOP.4025 Field Operations Division (FOD) Investigators
APD.SOP.5010 Criminal Investigation
APD.SOP.5060 Fugitive Unit
APD.SOP.6010 Communications
OCGA § 19-13-1 Family Violence Defined
O.C.G.A 17-4-20.1
O.C.G.A 17-4-24
Commission on Accreditation for Law Enforcement Agencies 5th Edition Standard 42.2.3