

YORK-POQUOSON SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Domestic Violence	NUMBER: GO 2-32
EFFECTIVE DATE: August 24, 2020	DATE REVIEWED: July 6, 2020
AMENDS/SUPERSEDES: GO 2-32, March 13, 2019	APPROVED:  Sheriff
VLEPSC: OPR.13.01	

1 **INDEX WORDS**

- 2
- 3 Arrests
- 4 Dispatcher responsibilities
- 5 Domestic Violence Screens (DVS)
- 6 Family violence
- 7 Firearm; purchase or transport while subject to a protective order
- 8 Forensic Nurse Examiner (FNE)
- 9 Interviewing (participants of domestic disputes)
- 10 Lethality Assessment Program (LAP)
- 11 Patrol deputy's responsibilities
- 12 Predominant physical aggressor
- 13 Protective orders
- 14 Search of premises
- 15 Sexual Assault Nurse Examiner (SANE)
- 16 Stalking/serious bodily injury
- 17 Strangulation
- 18 Victims of domestic violence

19

20 **POLICY**

21

22 The Sheriff gives domestic or family violence calls a high priority. The nature and seriousness

23 of crimes committed between family or household members are not mitigated because of the

24 relationships or living arrangements of those involved. Therefore, deputies must exercise

25 leadership in the community when responding to domestic violence. An immediate criminal

26 justice response can make a major difference in the disputants' lives. With all due consideration

27 for their own safety, deputies responding to a domestic disturbance call shall attempt to restore

28 order, arrest persons when probable cause exists that a crime has occurred, provide safety and

29 security for the crime victim(s), and help participants contact appropriate agencies to help

30 prevent future occurrences.

31

32 **PURPOSE**

33

34 The purpose of this directive is to define domestic violence and related offenses, outline a safe

35 procedure for handling violent incidents and calls, describe measures to end violence and protect

36 victims.

37

38 **DEFINITIONS**

39

- 40
- 41 • Domestic or Family Assault
 - 42 ○ Section [18.2-57.2](#), Code of Virginia, states that any person who commits an assault
 - 43 and battery against a family or household member is guilty of a Class 1 misdemeanor.
 - 44 ○ In any combination that such person has been previously convicted of two offenses
 - 45 against a family or household member, all of which occurred within a period of 20
 - 46 years, and each of which occurred on a different date, such person is guilty of a Class
 - 47 6 felony.
 - 48 ○ Section [18.2-60](#), Code of Virginia states that any person who sends a letter to a
 - 49 member of their family or to anyone threatening death or injury is guilty of a Class 6
 - 50 felony.
 - 51 ○ Section [18.2-57.2](#), Code of Virginia provides that a magistrate issuing a warrant for
 - 52 violation shall also issue an emergency protective order, unless the offender is a
 - 53 minor, then an emergency protective order shall not be required.
 - 54 • Family Abuse
 - 55 ○ Section [16.1-228](#), Code of Virginia, defines family abuse as:
 - 56 ■ Any act involving violence, force, or threat which results in bodily injury or
 - 57 places one in reasonable apprehension of death, sexual assault or bodily injury
 - 58 and that is committed by a person against such person's family or household
 - 59 member.
 - 60 ■ Family abuse includes but is not limited to:
 - 61 ❖ Any forceful detention,
 - 62 ❖ Stalking,
 - 63 ❖ Criminal sexual assault,
 - 64 ❖ Any criminal offense that results in bodily injury, or
 - 65 ❖ Places one in reasonable apprehension of:
 - 66 ➤ Death,
 - 67 ➤ Sexual Assault, or
 - 68 ➤ Bodily Injury.
 - 69 • Family or Household Members
 - 70 ○ Section [16.1-228](#), Code of Virginia defines family or household member as the
 - 71 following whether or not they reside in the same home with the offender:
 - 72 ■ A Spouse,
 - 73 ■ A Former Spouse
 - 74 ■ Parents,
 - 75 ■ Stepparents,
 - 76 ■ Children,
 - 77 ■ Stepchildren,
 - 78 ■ Brothers,
 - 79 ■ Sisters,
 - 80 ■ Half-brothers,
 - 81 ■ Half-sisters,
 - 82 ■ Grandparents,
 - 83 ■ Grandchildren,
 - 84
 - 85

- 86 ○ The same code section further defines family or household members as the following
87 when they live in the same household with the offender:
88 ▪ Mother-in-law,
89 ▪ Father-in-law,
90
91 ○ Additionally this code section defines household members who currently or have
92 previously lived together as:
93 ▪ Any individual, who has a child in common with the person, whether or not the
94 person and the offender have been married or have resided together at any time,
95 ▪ Any individual, who cohabits or who, within the previous 12 months, cohabited
96 with the offender,
97 ▪ The children, of either the victim or offender residing in the same home.
98
99 ● **Predominant Physical Aggressor**
100 ○ Section [19.2-81.3.B](#), Code of Virginia, states that a law-enforcement officer having
101 probable cause to believe that a violation of Section [18.2-57.2](#), Code of Virginia,
102 (Assault and battery against a family or household member) or Section [16.1-253.2](#),
103 Code of Virginia, (Violations of provisions of protective orders) has occurred shall
104 arrest and take into custody the person he has probable cause to believe, based on the
105 totality of the circumstances, was the predominant physical aggressor unless there are
106 special circumstances which would dictate a course of action other than an arrest.
107 ○ The standards for determining who the predominant physical aggressor is may be
108 based on the following considerations:
109 ▪ Who was the first aggressor,
110 ▪ The protection of the health and safety of family and household members,
111 ▪ Prior complaints of family abuse by the allegedly abusing person involving the
112 family or household members,
113 ▪ The relative severity of the injuries inflicted on persons involved in the incident,
114 ▪ The physical size of the persons involved in the altercation,
115 ▪ Whether any injuries were inflicted in self-defense,
116 ▪ Witness statements,
117 ▪ Other observations,
118
119 ○ Deputies are discouraged, but not prohibited, from making dual arrests.
120 ○ Before making dual arrests, deputies should contact the shift supervisor for guidance
121 when possible.
122
123 ● **Protective Orders**
124 ○ A court order of protection on behalf of any person or an abused family or household
125 member that restrains the offender from further acts of violence.
126 ○ Once issued and served a Protective Order automatically prohibits the offender from
127 purchasing, possessing or transporting a firearm while the order is in effect.
128 ○ Protective orders may also order the offender:
129 ▪ To refrain from further contact,
130 ▪ Vacate the residence,
131 ▪ Relinquish custody of a vehicle,

- 132 ▪ Provide temporary child support,
- 133 ▪ Other measures as defined in Section [16.1-279.1](#), Code of Virginia.
- 134
- 135 ○ A protective order may be valid up to two years.
- 136 ○ Types of protective orders:
 - 137 ▪ Emergency Protective Order (EPO)
 - 138 ❖ Typically issued by the magistrate following an act of family abuse or
 - 139 stalking, or commission of crime involving serious bodily injury.
 - 140 ❖ May be issued by the judge of the Circuit, General District or Juvenile and
 - 141 Domestic Relations District Court.
 - 142 ❖ For family abuse or other act of violence, force, threat or there is other
 - 143 evidence there is probable danger of further such acts being committed by the
 - 144 offender.
 - 145 ❖ For stalking or violent crimes resulting in serious bodily injury.
 - 146 ❖ An EPO, once issued and served, automatically prohibits the offender from
 - 147 purchasing, possessing or transporting a firearm while the order is in effect.
 - 148 ❖ The EPO may also provide for the following:
 - 149 ➤ Prohibit acts of further violence or threats,
 - 150 ➤ Prohibit contact with the alleged victim or the victim's family,
 - 151 ➤ Prohibit being in the physical presence of the victim or the victim's
 - 152 family,
 - 153 ➤ Prohibit communications with the victim or victim's family,
 - 154 ➤ Grant petitioner possession of companion animals,
 - 155 ➤ Grant petitioner temporary possession of the residence,
 - 156 ➤ Grant the petitioner temporary possession of vehicles.
 - 157
 - 158 ❖ Typically valid for 72 hours.
 - 159 ➤ The EPO expires at 11:59 pm on the 3rd day after being issued.
 - 160 ➤ If the expiration would occur when court is not in session, then the EPO
 - 161 expiration is delayed until 11:59 p.m. of the next day the Juvenile and
 - 162 Domestic Relations District Court is in session.
 - 163 ✓ A law-enforcement officer may request, either in person, orally or
 - 164 electronically, an extension of an EPO if the person in need of
 - 165 protection is mentally or physically incapable of doing so.
 - 166
 - 167 ❖ The victim can petition the appropriate court for a preliminary protective
 - 168 order before the expiration of an EPO.
 - 169
 - 170 ▪ Preliminary Protective Order (PPO)
 - 171 ❖ Issued by the Juvenile and Domestic Relations District Court judge, in family
 - 172 abuse cases following a hearing.
 - 173 ❖ Issued by the General District Court judge in bodily injury, threats and
 - 174 stalking cases when the offenses do not involve family abuse.
 - 175 ❖ The victim must petition the court for a PPO
 - 176 ❖ For domestic violence or other act of violence force or threat.
 - 177 ❖ For stalking or violent crimes resulting in serious bodily injury.

- 178 ❖ Once issued and served a PPO automatically prohibits the offender from
179 purchasing, possessing or transporting a firearm while the order is in effect.
180 ❖ The PPO may include one or more of the following additional conditions to be
181 imposed upon the respondent:
182 ➤ Prohibition against further acts of violence, threats or other criminal
183 offenses that may result in injury to persons or property,
184 ➤ Prohibiting contact or communications with the victim or victim's family,
185 ➤ Grant temporary possession of companion animals,
186 ➤ Grant temporary possession of dwellings,
187 ➤ Grant temporary possession of vehicles.
188
189 ❖ A PPO is valid for 15 days.
190 ➤ The court may extend the PPO up to six months in the event the
191 respondent has not been served with the PPO.
192
193 ■ Full Protective Order (PO)
194 ❖ Issued by a judge following a hearing.
195 ➤ Hearing for a full protective order must be held within 15 days following
196 the issuance of a PPO unless the hearing date has been extended up to 6
197 months due to the respondent not being served the PPO.
198
199 ❖ For domestic violence, stalking or violent crimes resulting in serious bodily
200 injury
201 ❖ Once issued and served a full protective order (PO) automatically prohibits
202 the offender from purchasing, possessing or transporting a firearm while the
203 order is in effect.
204 ❖ A full protective order may impose the same sanctions against the respondent
205 as a EPO or PPO as well as:
206 ➤ Grant petitioner possession of the residence to the exclusion of the
207 respondent or provide suitable housing for the petitioner,
208 ➤ Grant petitioner use of a motor vehicle to the exclusion of the respondent,
209 ➤ Grant petitioner possession of any companion animals,
210 ➤ Enjoining respondent from disconnecting any utility service,
211 ➤ Grant petitioner or family members use of cellular telephones and prevent
212 respondent from cancelling cellular service,
213 ➤ Prohibit respondent from using cellular services to locate petitioner or
214 petitioner's family members,
215 ➤ Order temporary custody and child support for children in common with
216 the petitioner.
217
218 • Statutes relevant to protective orders include:
219 ○ Section [52.45](#), Code of Virginia, (Protective order registry established),
220 ○ Section [16.1-278.14](#), Code of Virginia (Criminal jurisdiction; protective orders;
221 family offenses)
222 ○ Section [16.1-279.1](#), Code of Virginia (Protective orders in cases of family abuse),
223 ○ Section [18.2-60.4](#), Code of Virginia, (Violation of protective orders),

- 224 ○ Section [18.2-308.1:4](#), Code of Virginia (purchase or transportation of firearms by
- 225 persons subject to protective orders),
- 226 ○ Section [19.2-152.8](#), Code of Virginia (Emergency protective orders authorized)
- 227 ○ Section [19.2-152.9](#), Code of Virginia (Preliminary protective orders)
- 228 ○ Section [19.2-152.10](#), Code of Virginia (Protective order)
- 229 ○ Section [19.2-152.11](#), Code of Virginia (Venue for protective orders)
- 230 ○ Section [19.2-387.1](#), Code of Virginia (Protective order registry; maintenance; access).

231

232 **Laws Related to Domestic Violence**

233

- 234 ● The following are Virginia code sections that may apply to domestic violence cases:
- 235 ○ Section [18.2-51.6](#), Code of Virginia, (Strangulation of another).
- 236 ○ Section [18.2-164](#), Code of Virginia, (Unlawful use of, or injury to, telephone and
- 237 telegraph lines; copying obstructing messages).
- 238 ○ Section [18.2-47](#), Code of Virginia, (Abduction).

239

240 **PROCEDURES**

241

- 242 ● General responsibilities
- 243 ○ Deputies shall refer victims of domestic violence, stalking, strangulation, or serious
- 244 bodily injury crimes to appropriate community resources which include:
- 245 ■ Mental health agencies,
- 246 ■ Medical doctors,
- 247 ■ Legal assistance agencies,
- 248 ■ Victim/witness assistance programs, and
- 249 ❖ York County Victim-Witness Assistance Program (757-890-3402)
- 250
- 251 ■ Domestic violence shelters/programs
- 252 ❖ AVALON Center (757-258-5022)
- 253 ❖ The Center for Sexual Assault Survivors (757-236-5260)
- 254
- 255 ○ See [GO 2-28, Victim Services](#), [GO 2-30, Sexual Assault](#), and [GO 2-30, Child Abuse](#),
- 256 for additional information.
- 257 ○ Deputies shall provide victims with the name, address and telephone number of the
- 258 Commonwealth’s Attorney and the investigating law enforcement agency.
- 259 ○ Where possible, deputies shall help victims directly access referral agencies.
- 260 ○ Deputies shall be trained about domestic violence and its impact, and must be well-
- 261 trained to confront unexpected violence.
- 262 ○ Domestic disturbance calls can be dangerous to responding deputies.
- 263 ○ Deputies shall, in accordance with Section [19.2-81.3.D](#), Code of Virginia, whether an
- 264 arrest is made or not made, provide the abused person or person protected by an order
- 265 of protection information regarding the legal and community resources available.
- 266 ■ Information shall be provided both orally and in writing.
- 267 ■ See [GO 2-28, Victim Services](#).

268

- 269
- 270
- 271
- 272
- 273
- 274
- 275
- 276
- 277
- 278
- 279
- 280
- 281
- 282
- 283
- 284
- 285
- 286
- 287
- 288
- 289
- 290
- 291
- 292
- 293
- 294
- 295
- 296
- 297
- 298
- 299
- 300
- 301
- 302
- 303
- 304
- 305
- 306
- 307
- 308
- 309
- 310
- 311
- 312
- 313
- 314
- Deputies shall write an incident report for all offenses under this policy which shall at a minimum state:
 - Whether any arrests were made,
 - If so, the number of arrests,
 - Describing in the report narrative any incident in which probable cause is believed that family abuse has occurred, or
 - A statement in the report narrative that there were special circumstances which dictated a course of action other than an arrest.
 - The York-Poquoson Sheriff's Office shall make a summary of domestic violence incident reports available to the allegedly abused person or person protected by an order.
 - Patrol responsibilities
 - Arrival at the scene
 - Obtain all available information from the dispatcher before arrival.
 - Approaching the scene
 - When possible, deputies should wait for back-up, discuss a strategy, and approach the dispute scene in pairs.
 - Avoid the use of sirens and other alarms in the vicinity of the scene. The suspect might be dangerous and could turn a weapon upon arriving deputies or further injure the victim.
 - Observe the location of the dispute before contacting the complainant.
 - Consider the surroundings. Park the marked car a short distance away.
 - Each deputy should follow a separate approach to the scene of the dispute, maintaining maximum cover and an escape route. From this point on, deputies should remain within sight of one another, if possible.
 - Before knocking on the door, listen and look in any nearby window to obtain additional information about the situation (e.g., layout of the house, number of people, weapons, evidence of violence or damage).
 - ❖ Deputies must be concerned for their own safety as well as the disputants.
 - ❖ To minimize the possibility of injury, stand to the side of the door and not in front of windows when knocking.
 - ❖ The unexpected may occur when the door opens.
 - Initial contact with occupant(s)
 - Record any initial outcry by person(s) you approach or in the vicinity.
 - ❖ Statements may be admissible as excited utterances by victims or witnesses.
 - Identify yourself as a deputy sheriff and by name.
 - Explain your presence, and request entry into the home (when conditions permit).
 - Ascertain the identity of the complainant, and ask to see him or her and any other person at the home.
 - Deputies shall not accept statements from any disputant or witness that the call was a mistake without investigating further.

- 315
- 316
- 317
- 318
- 319
- 320
- 321
- 322
- 323
- 324
- 325
- 326
- 327
- 328
- 329
- 330
- 331
- 332
- 333
- 334
- 335
- 336
- 337
- 338
- 339
- 340
- 341
- 342
- 343
- 344
- 345
- 346
- 347
- 348
- 349
- 350
- 351
- 352
- 353
- 354
- 355
- 356
- 357
- 358
- 359
- Deputies shall not leave without interviewing the complainant.
 - If entry is refused, deputies must explain that they must make sure there are no injured persons inside.
 - If no one responds to knocking, deputies shall try to establish voice contact by shouting for an answer.
 - ❖ Refusal of entry or no response to a knock at the door may require a forced entrance only if deputies have a reasonable suspicion that the safety of people inside may be in jeopardy.
 - ❖ See [GO 2-1, Constitutional Safeguards](#), for additional information.
 - Protect the victim from further abuse.
 - ❖ Separate the victim from the suspect and arrange for medical attention if victim is hurt.
 - ❖ If the victim appears injured and refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment.
 - ❖ Photograph the victim's injuries.
 - ❖ In any instance where the victim reports currently being strangled or choked:
 - With the consent of the victim, the victim shall be transported or transportation arranged for the victim to Riverside Regional Medical Center for a strangulation examination by a SANE (Sexual Assault Nurse Examiner) regardless, if visible injuries are present.
 - Documentation of the injury from the SANE may be used in probable cause determination for a strangulation charge Section [18.2-51.6](#), Code of Virginia, Strangulation.
 - Riverside Regional Medical Center shall be contacted for strangulation cases so that the victim can be offered assistance and/or resources immediately.
 - ✓ To contact the on-call SANE Nurse at 757-881-3375.
 - The Victim Witness Assistance program can assist the victim in completing the request for reimbursement for the cost the SANE exam through the VA Victims Fund.
 - ✓ The VA Victims Fund is the payer of last resort and the solely responsible party to decide on reimbursement.
 - ❖ If the victim refuses immediate medical treatment, the deputy shall contact the on-call Riverside Regional Medical Center SANE nurse via pager (757) 881-3375 and put the victim on the phone with the nurse.
 - ❖ If the victim refuses medical treatment or refuses to speak with the SANE nurse on the phone, the deputy shall leave the strangulation information card with the victim.
 - ❖ The victim will also be given a strangulation information card if he/she reports past strangulation or choking.
 - Ascertain whether a protective order has been violated.

- 360 ▪ If weapons (whether firearms, knives, or any other object which could be used as
- 361 a weapon) are present, secure them away from the disputants, if practicable, while
- 362 the disputants are being interviewed.
- 363 ▪ If appropriate, seize weapons for evidence.
- 364 ▪ Refer to Section [18.2-308.1:4](#), Code of Virginia, which prohibits persons under
- 365 protective orders from purchasing, possessing or transporting firearms.
- 366 ▪ Follow Lethality Assessment Protocol and utilize [Domestic Violence Lethality](#)
- 367 [Screening form](#) found in the forms folder of Power DMS and described on pages
- 368 24-26 of this policy.
- 369 ▪ Deputies shall complete the Domestic Violence Lethality Assessment Protocol
- 370 Screening, if applicable.
- 371
- 372 ○ Transporting family/household members to the hospital, safe shelter, or magistrate.
- 373 ▪ See Section [19.2-81.3](#), Code of Virginia and GO [2-28, Victim Services](#),
- 374 concerning transportation services for victims.
- 375 ❖ Deputies shall, if requested by the victim, transport victims to:
- 376 ➤ A hospital,
- 377 ➤ A safe shelter, or
- 378 ➤ To appear before a Magistrate.
- 379
- 380 ❖ Deputies shall document the following in the incident report:
- 381 ➤ Any time transportation is provided to the victim by the deputy, or
- 382 ➤ Any time transportation is arranged for the victim by the deputy, or
- 383 ➤ Any time transportation or transportation arrangements is offered to the
- 384 victim by the deputy, but the victim declines.
- 385
- 386 ○ If a complainant seeks a deputy's help in entering his or her residence to obtain
- 387 personal property, the deputy must determine that the complainant has lawful
- 388 authority to do so.
- 389 ▪ He/she must advise all parties that they are accompanying the complainant to
- 390 obtain items for immediate personal (or children's) use and that the deputy's
- 391 function is to maintain order, and that any dispute over property is a matter for the
- 392 courts to decide.
- 393
- 394

395 **PROCEDURES**

- 396
- 397 • Obtaining an emergency protective order – Family Abuse
- 398 ○ A deputy can petition for an EPO by telephone or in person.
- 399 ○ The deputy shall complete form DC-626, Emergency Protective Order – Family
- 400 Abuse, and once issued serve a copy to the petitioner and respondent as soon as
- 401 possible.
- 402 ▪ The order cannot be enforced until the respondent/abuser has been served.
- 403 ▪ The clerk of court, if the order is issued by a judge, or dispatcher, if the order is
- 404 issued by a magistrate, shall enter the relevant information into VCIN upon
- 405 receipt of the order, and update the entry upon service of the order.

- 406 ▪ Deputies shall record on the tracking sheet accompanying the EPO all attempts
407 and addresses of attempted service on the respondent.
408
- 409 ○ In the event the deputy is unable to effect service of the order on the respondent,
410 ▪ The deputy shall submit the original order and accompanying tracking sheet to the
411 Juvenile and Domestic Relations District Court, and provide a copy to the victim,
412 and attach a copy of the EPO and tracking sheet to the incident report.
413
- 414 ● Obtaining an Emergency Protective Order – Stalking or Serious bodily injury
415 ○ The victim of stalking or a violent crime resulting in serious bodily injury may obtain
416 an EPO once he or she has sworn out an arrest warrant for the offense under Section
417 [18.2-60.3](#), Code of Virginia.
418 ▪ The abuser in a stalking case can be anyone, not necessarily a family or household
419 member.
420 ▪ An EPO for stalking or serious bodily injury crimes may order the respondent to
421 stop the threatening behavior, prohibit the stalker from contacting the victim in
422 any way, and provide other relief.
423
- 424 ○ A deputy can request a warrant and an EPO by telephone or in person under a
425 reasonable belief that stalking or a violent crime resulting in serious bodily injury has
426 occurred and/or will occur in the future.
427 ○ Further, the victim can request an EPO in person at the office of a magistrate or the
428 General District Court Clerk's Office.
429
- 430 ● Preliminary Protective Order (PPO) - Domestic Violence
431 ○ An abused family household member may petition the Juvenile and Domestic
432 Relations Court for a PPO in accordance with Section [16.1-253.1](#), Code of Virginia.
433 ○ After an ex parte hearing and based on immediate and present danger of family abuse
434 or evidence sufficient to establish probable cause that family abuse has recently
435 occurred, the court may issue a PPO (protecting the petitioner or his or her family, or
436 both).
437 ○ At the hearing where the PPO is issued, a hearing date for a permanent protective
438 order will be set.
439 ○ The PPO is valid for up to 15 days.
440 ▪ The court may extend the PPO up to six months in the event the respondent has
441 not been served with the PPO.
442
- 443 ○ A victim does not have to have an EPO in order to obtain a PPO.
444 ○ The victim must petition the Juvenile and Domestic Relations Court for a PPO.
445
- 446 ● Preliminary Protective Order (PPO) – Stalking or Serious bodily injury
447 ○ Any victim who has been, within a reasonable period of time, subjected to violence,
448 force, or threat, or a warrant has been issued for the arrest of the alleged perpetrator
449 for any criminal offense resulting in serious bodily injury from the commission of an
450 act of violence, stalked or threatened, may petition the court for a Preliminary
451 Protective Order.

- 452 ▪ The victim must go to the General District Court of the jurisdiction where the
- 453 stalking or serious bodily injury crime occurred to petition for the PPO.
- 454
- 455 ○ A PPO may order the respondent to:
- 456 ▪ Stop stalking, or
- 457 ▪ Cease the violent behavior,
- 458 ▪ Prohibit contact between parties, and
- 459 ▪ Provide other relief as necessary.
- 460
- 461 • Permanent Protective Orders
- 462 ○ Domestic violence
- 463 ▪ In addition to the restrictions and prohibitions placed in a PPO, the permanent
- 464 protective order may require an abuser to pay for the victim and children to live
- 465 elsewhere, and for the abuser to receive treatment or counseling.
- 466 ▪ The victim must attend a protective order hearing at the Juvenile and Domestic
- 467 Relations Court.
- 468 ▪ The respondent must have notice and opportunity to attend the hearing.
- 469 ▪ The permanent protective order is valid until 11:59 pm on the last day specified in
- 470 the order or 11:59 pm on the last day of the two-year period if no date is specified
- 471 in the order.
- 472
- 473 ○ Stalking or Serious Bodily Injury
- 474 ▪ The permanent protective order observes the same general restrictions and
- 475 prohibitions of a protective order for domestic violence.
- 476 ▪ The victim must attend a protective order hearing at the General District Court.
- 477 The abuser must have notice and opportunity to attend the hearing.
- 478
- 479 • Enforcement of Protective Orders - Full faith and credit
- 480 ○ Deputies shall enforce protective orders from other states or possessions of the United
- 481 States as if they were issued in Virginia.
- 482 ▪ This applies to all orders in which the respondent has received notice and
- 483 opportunity to attend a protective order hearing.
- 484 ▪ Enforcement of out-of-state protective orders does not require that they be
- 485 registered in Virginia.
- 486 ▪ If deputies are unable to verify an outstanding protective order, they must
- 487 nevertheless honor it.
- 488 ▪ Deputies cannot arrest for violation of the order, however, if the violator has not
- 489 been served with it.
- 490

491 **PROCEDURES**

- 492
- 493 • Arrests
- 494 ○ Deputies may make an arrest without a warrant if they have probable cause to believe
- 495 that a felony has been committed in or out of his or her presence.
- 496 ○ Section [19.2-81.3](#), Code of Virginia, authorizes arrest without a warrant in cases of:
- 497 ▪ Assault and Battery against a family or household member,

- 498
- 499
- 500
- 501
- 502
- 503
- 504
- 505
- 506
- 507
- 508
- 509
- 510
- 511
- 512
- 513
- 514
- 515
- 516
- 517
- 518
- 519
- 520
- 521
- 522
- 523
- 524
- 525
- 526
- 527
- 528
- 529
- 530
- 531
- 532
- 533
- 534
- 535
- 536
- 537
- 538
- 539
- 540
- 541
- 542
- 543
- Stalking,
 - Violations of protective orders.
- The Sheriff promotes a policy of arrest when the elements of the above listed offenses are present.
 - Deputies are reminded that they cannot release the abuser on a summons, but must take the abuser before a magistrate.
 - Deputies who develop probable cause that a person was the predominant physical aggressor in a violation of Section [18.2-57.2](#), Code of Virginia, (Assault/battery against a family/household member) or Section [16.1-253.2](#), Code of Virginia, (Violation of a protective order), shall arrest and take him or her into custody.
 - Deputies who develop probable cause that a person has violated a stalking/serious bodily injury protective order may arrest and take him or her into custody.
 - If the "no contact," "no trespass," or "no further abuse" provision of a protective order is violated, then it is treated as its own Class 1 misdemeanor offense.
 - Knowing that the safety of the complainant or victim probably will be compromised by an arrest, and recognizing that circumstances may preclude physical arrest, the deputy must decide, within his or her discretion, whether to arrest.
 - Deputies shall not instruct victims to obtain their own warrants for the applicable offenses; deputies themselves shall obtain the warrants if circumstances so require.
 - If circumstances nevertheless dictate no arrests, the circumstances of the incident as well as an explanation why no arrest was made shall be documented in the incident report.
 - If an arrest is made, advise the victim that the case may be prosecuted even if the victim later declines to testify.
 - Deputies making arrests for domestic violence, stalking, serious bodily injury offenses shall petition for an emergency protective order.
 - The following shall not be considered in making probable cause decisions to arrest:
 - Whether the parties are:
 - ❖ Married or living together, or
 - ❖ Their race,
 - ❖ Their sex,
 - ❖ Their ethnicity,
 - ❖ Their social class, or
 - ❖ Their sexual orientation.
 - Whether the complainant has not sought or obtained a protective order.
 - The deputy's own preference to reconcile the parties despite the complainant's insistence that an arrest be made.
 - That the complainant has called for law enforcement protection previously and has not pursued or has withdrawn the criminal complaint against the abuser.
 - That the complainant has not begun divorce proceedings
 - Assurances of either disputant that violence will stop
 - Denial by either disputant that violence occurred

- 544 ○ Deputies shall document reported incidents of domestic violence, stalking and
545 violation of protective orders, in the form of an incident report whether an arrest is
546 made or not made.
547 ▪ See [GO 2-50, Field Reporting](#) and [GO 2-42, Mobile Video/Audio Recording](#).
548
- 549 ● If the abusive person is not arrested
 - 550 ○ Complete an incident report and give a copy or arrange to have a copy given or made
551 available to the victim.
 - 552 ▪ This procedure applies for both domestic violence and stalking/serious bodily
553 injury.
 - 554 ○ Inform the victim that he or she can begin criminal proceedings at a later time.
 - 555 ○ Provide information about how to file a criminal charge, including time, location, and
556 case number, if available, and offer to help in filing charges at a later time.
 - 557 ○ Advise the victim of the importance of preserving evidence.
 - 558 ○ Explain to the victim about protective orders and how to obtain them and offer to help
559 the victim obtain them later.
 - 560 ○ Deputies may consult with the commonwealth's attorney to determine what advice or
561 guidance to give victims about protective orders.
 - 562 ○ If the victim wants to leave the premises to ensure safety, remain at the scene while
563 the victim packs essentials.
 - 564 ○ Advise the victim to take only personal items and important papers.
 - 565 ○ Give the victim telephone numbers of emergency shelters in the area and the name,
566 address and telephone number of the Commonwealth's Attorney, Victim Witness
567 Assistance Program, and the York-Poquoson Sheriff's Office.
 - 568 ○ Assure the victim that the York-Poquoson Sheriff's Office will assist in future
569 emergencies and explain measures for enhancing his or her own safety.
 - 570
 - 571
 - 572 ● Gathering evidence:
 - 573 ○ Physical evidence takes three forms in domestic violence cases:
 - 574 ▪ The injuries of the victim,
 - 575 ▪ Evidentiary articles that substantiate an attack, and
 - 576 ▪ The crime scene itself.
 - 577
 - 578 ○ The victim's account of injuries sustained should be corroborated, when necessary, by
579 a physician or other qualified medical personnel.
 - 580 ○ When feasible, take photographs of injuries.
 - 581 ▪ Patrol deputies are issued digital cameras.
 - 582 ❖ In instances of serious injuries or where a camera is not available, an
583 Investigator can be called.
 - 584
 - 585 ○ In the event that injuries involve victim's private areas and the photographer is of an
586 opposite sex, a same sex deputy or investigator should be contacted to photograph the
587 victim.
 - 588 ○ The Sexual Assault Nurse Examiner (SANE) at designated hospitals also have
589 photographic capabilities.

- 590 ○ Photograph the crime scene to show that a struggle occurred.
- 591 ▪ If photography is not possible, write a full description of it.
- 592 ▪ Collect evidence according to the same principles as applied to any crime scene.
- 593 ▪ See [GO 2-14, Criminal Investigations](#).
- 594
- 595 ○ If the suspect is under a domestic violence or stalking/serious bodily injury protective
- 596 order and appears to have purchased or transported a firearm, confiscate it as
- 597 evidence.
- 598 ○ Seize any weapons that the predominant physical aggressor used or threatened to use
- 599 in the commission of any crime.
- 600 ○ Obtain statements from all witnesses, particularly noting any excited utterances that
- 601 bear on the incident.
- 602 ○ In any instance where the victim reports being strangled or choked, with the consent
- 603 of the victim, the victim shall be transported or transportation arranged for the victim
- 604 to be transported, for a strangulation examination by a Sexual Assault Nurse
- 605 Examiner (SANE), to:
- 606 ▪ Riverside Regional Medical Center, or
- 607 ▪ Riverside Doctor's Hospital.
- 608
- 609 ○ The strangulation examination shall be offered regardless if visible injuries are
- 610 present or not.
- 611 ▪ Documentation of the injury from the SANE may be used in probable cause
- 612 determination for a strangulation charge.
- 613 ▪ The Victim Witness Assistance program can assist the victim in completing the
- 614 request for reimbursement for the cost the SANE exam through the VA Victims
- 615 Fund.
- 616 ❖ The VA Victims Fund is the payer of last resort and the solely responsible
- 617 party to decide on reimbursement.
- 618
- 619 ○ Prior to transporting the victim, the Riverside Regional Medical Center SANE shall
- 620 be contacted for strangulation cases so that the victim can be offered assistance and/or
- 621 resources immediately.
- 622 ▪ To contact Riverside, page the SANE Nurse using 757-881-3375.
- 623
- 624 ○ If the victim refuses immediate medical treatment, the deputy shall contact the on-call
- 625 Riverside Regional Medical Center SANE nurse via pager 757-881-3375 and put the
- 626 victim on the phone with the nurse.
- 627 ○ If the victim refuses medical treatment or refuses to speak with the SANE nurse on
- 628 the phone, the deputy shall leave the strangulation information card with the victim.
- 629 ○ The victim will also be given a strangulation information card if he/she reports past
- 630 strangulation or choking.
- 631
- 632 ● Documenting the incident
- 633 ○ All incident reports on domestic violence and stalking/serious bodily injury shall
- 634 follow general reporting procedures.

- 635 ○ A domestic violence worksheet will be completed and attached to the report for the
636 Commonwealth Attorney's Office and noted in the offense report that it was
637 completed.
- 638 ○ Include in all reports of domestic violence:
- 639 ▪ Facts and circumstances of domestic violence including a description of why one
640 disputant was deemed the predominant physical aggressor.
 - 641 ▪ Victim's statements as to the frequency and severity of prior incidents of abuse by
642 the same family or household member.
 - 643 ▪ The victim's statements as to the number of prior calls for law enforcement
644 assistance.
 - 645 ▪ The disposition of the investigation,
 - 646 ▪ Results of the Lethality Assessment Protocol (LAP), if utilized.
 - 647 ❖ A copy of the completed LAP form shall be attached to the incident report.
 - 648
 - 649 ▪ Witness identification and documentation with contact information
- 650
- 651 ○ In any case involving domestic violence, stalking, serious bodily injury or related
652 crimes, thoroughly document probable cause to arrest.
- 653 ○ If an arrest is not made for domestic violence, stalking, or serious bodily injury the
654 incident must still be documented, where either no probable cause existed, or
655 circumstances dictated another course of action.
- 656 ▪ In such cases, in addition to the above considerations, deputies shall note:
 - 657 ❖ What referral information was given,
 - 658 ❖ The name of any crisis organization and counselor contacted,
 - 659 ❖ Why no arrest was made, nor any warrant issued.
- 660
- 661 ○ If a child was the victim, make a report of abuse or neglect, if appropriate, and
662 contact Child Protective Services.
- 663 ○ If a child was a witness to the abuse contact, include that fact in the report and contact
664 Child Protective services.
- 665 ○ If a child was present in the home where the abuse occurred but was not the victim
666 nor a witness to abuse, note that in the report and forward a copy of the report Child
667 Protective services.
- 668 ○ At the conclusion of legal proceedings, return evidentiary property to the victim in
669 accordance with [GO 2-15, Evidence Procedures](#).
- 670

671 **PROCEDURES**

- 672
- 673 • Arrests of law enforcement personnel
 - 674 ○ If the predominant physical aggressor or abuser is an employee of this agency, the
675 responding deputy shall summon the shift supervisor, who shall in turn notify his or
676 her chain of command.
 - 677 ▪ The on duty supervisor shall notify the Investigations Division Commander who
678 shall assume responsibility for the investigation and respond to the scene or
679 designate an investigator to respond to the scene to conduct the investigation.
- 680

- 681 ○ The scene shall be secured and medical attention summoned, if required.
- 682 ○ The employee shall be disarmed or removed from access to weapons.
- 683 ▪ The possibility exists that the employee's issued weapon may be evidence of an
- 684 offense.
- 685
- 686 ○ Responding deputies will ensure that the victim receives:
- 687 ▪ Medical attention, if necessary,
- 688 ▪ If requested, by the victim, is transported to a hospital, Magistrate, safe shelter.
- 689
- 690 ○ The Investigations Division Commander or assigned investigator will insure that all
- 691 evidence is gathered, and photographs taken.
- 692 ○ The Investigations Division Commander or assigned investigator shall assist in
- 693 obtaining an emergency protective order.
- 694 ○ The Chief Deputy shall be notified and shall cause either a criminal investigation or
- 695 internal investigation, or both to be initiated in accordance with [RR 1-9, Complaints-](#)
- 696 [Internal Affairs](#).
- 697 ○ If probable cause to arrest exists, the Investigations Division Commander or assigned
- 698 investigator shall arrest on-scene.
- 699 ○ If an immediate on-scene arrest is not justified, the Investigations Division
- 700 Commander or assigned investigator shall present the case to the Commonwealth's
- 701 Attorney at the earliest opportunity once the investigation is completed.
- 702 ○ The Sheriff may suspend the employee pending the outcome of the investigation in
- 703 accordance with [RR 1-2, Rules of Conduct](#) and [RR 1-7, Appointee Discipline](#).
- 704 ○ If the internal administrative investigation supports a violation of agency policy, the
- 705 Sheriff shall take appropriate action consistent with Sheriff's Office ~~and County~~
- 706 policy.
- 707 ○ Deputies who are the subject of a protective order shall not carry firearms.
- 708 ○ Deputies who are the subject of a protective order shall turn in all agency-issued
- 709 weapons.
- 710 ○ Refer to [RR 1-2, Rules of Conduct](#), for guidance on arresting law enforcement
- 711 officers of other jurisdictions.
- 712 ○ Refer to [RR 1-2, Rules of Conduct](#), for requirements that employees report arrests
- 713 and court actions to which they have been a party.
- 714

715 **LETHALITY ASSESSMENT PROGRAM (LAP) and DOMESTIC VIOLENCE**

716 **LETHALITY SCREENS**

- 717
- 718 ● The York-Poquoson Sheriff's Office participates in the Lethality Assessment Program
- 719 referred to herein as LAP.
- 720 ○ The LAP is a process designed to identify victims of domestic violence who are in
- 721 danger of being killed.
- 722 ○ Through this process, once the greatest risk victim is identified they are encouraged to
- 723 utilize the domestic violence service program.
- 724 ○ Deputies will utilize the hotline for:
- 725 ▪ Avalon 757-258-5501
- 726

- 727 ○ This protocol shall only apply to adult intimate partner situations.
- 728 ○ This protocol will be initiated on calls where it is determined that there has been an
- 729 assault and the deputy believes:
- 730 ▪ The victim will in danger if the deputy leaves,
- 731 ▪ Parties are repeat offenders, or
- 732 ▪ Other indicators are present to warrant concern.
- 733
- 734 ● Domestic Violence Lethality Screening Procedure
- 735 ○ The deputy will speak privately with the victim if the situation allows.
- 736 ○ The body worn camera will continue to be utilized
- 737 ○ The deputy will advise the victim that he/she would like to ask him/her questions to
- 738 get a more detailed understanding of the situation
- 739 ○ Deputy will refer to the [Domestic Violence Lethality Screening form](#), located in the
- 740 forms folder in Power DMS, and read the questions as written
- 741 ▪ There are 11 questions on the screen and 3 possible answers:
- 742 ❖ Yes,
- 743 ❖ No, or
- 744 ❖ Not answered.
- 745
- 746 ○ As described on the form, a “yes” answer for any of questions 1-3 trigger an
- 747 automatic protocol referral.
- 748 ○ As described on the form, negative answers for questions 1-3 but 4 or more “yes”
- 749 answers for questions 4-11 trigger a protocol referral.
- 750 ○ Additionally, regardless of responses to questions 1-11, the deputy may initiate a
- 751 referral if they believe that the victim is in a potentially lethal situation based on:
- 752 ▪ Training,
- 753 ▪ Experience,
- 754 ▪ History, or
- 755 ▪ Additional information.
- 756
- 757 ○ The deputy will complete the checklist and answer all questions.
- 758 ○ If protocol referral is triggered, the Avalon Hotline will be contacted and the victim
- 759 will be put in phone contact with a counselor immediately.
- 760 ▪ If the subject refuses to speak to the representative from the Avalon Hotline or
- 761 utilize the services offered, the deputy will complete the worksheet and notate the
- 762 victim’s choice
- 763
- 764 ○ If strangulation is indicated under #5, the following shall occur:
- 765 ▪ The victim shall be advised of the need of a strangulation examination.
- 766 ▪ The victim should be transported to either:
- 767 ❖ Riverside Regional Medical Center, or
- 768 ❖ Riverside Doctors Hospital.
- 769 ❖ The on-call Riverside Regional Medical Center SANE nurse shall be
- 770 contacted at 757-881-3375 and alerted that a strangulation victim is in route.
- 771
- 772 ○ If the victim refuses medical care the following shall occur:

- 773 ▪ The on-call Riverside Regional Medical Center SANE nurse shall be contacted at:
774 757-881-3375, to speak with the victim about the strangulation examination and
775 signs and symptoms to be aware of.
776 ▪ A strangulation information card shall be left with the victim as described.
777
778 ○ Document in the narrative of the report the following:
779 ▪ That the DVS was administered,
780 ▪ The results of the screen,
781 ▪ If the victim spoke with a counselor,
782 ❖ Whether the victim utilize shelter options.
783
784 ○ The deputy will scan a copy of the DVS and attach it to the report within RMS.
785 ○ The original copy of the Domestic Violence Screening form shall be forwarded to the
786 LAP Coordinator for tracking purposes.
787
788 ● LAP Coordinator
789 ○ The LAP Coordinator will be designated by the Sheriff or his designee.
790 ○ He/she will be responsible for reporting all data to DCJS
791
792 ● Domestic violence shelters/programs
793 ○ Services are provided (usually 24 hours a day) for women and their children who
794 have been physically or emotionally abused, or who have been threatened with abuse
795 by their spouses or partners.
796 ○ Services include crisis intervention, counseling, provisions for shelter, an escort to
797 court, food, clothing, and transportation.
798 ○ See [GO 2-28, Victim Services](#), for information on Shelters and services available for
799 victims of domestic abuse or sexual assault.
800

Firearms Seized or Surrendered in Relation to a Protective Order

- 801
802
803 ● Seized Firearms
804 ○ Firearms seized from a person subject to a Protective Order shall be handled in
805 accordance with [GO 2-15 Evidence Procedures](#), and Section [18.2-308.1:4.](#), Code of
806 Virginia.
807
808 ● Surrendered Firearms
809 ○ Firearms surrendered from a person subject to a Protective Order shall be handled in
810 accordance with [GO 2-17 Disposal of Non Evidentiary Property](#) and Section [18.2-](#)
811 [308.1:14.](#), Code of Virginia.