

**Virginia Tech Police Department  
Directives Manual**

**Subject:** Domestic Violence/ Stalking

**Number:** D-1.12

**Approved By:** ~~Wendell R. Flinchum~~ Kevin L. Foust  
Chief of Police

**Effective Date:** ~~July 1, 2008~~ January 1, 2016

**Amends:** ~~July 1, 2008~~, October 18, 2007, April 27, 2005, September 27, 2002, September 4, 2000, September 11, 1997

**Rescinds:**

I. Purpose

The purpose of this directive is to establish procedures when responding to cases of domestic assault and battery/family violence.

II. Policy

It is the policy of the Virginia Tech Police Department to provide equal protection under the law to victims of family abuse regardless of the relationship between the violator and the victim. A domestic disturbance call will be considered a high priority call. It is the responsibility of the officer to terminate the conflict, determine if a crime has been committed, identify the predominant aggressor, make an arrest when probable cause exists, provide safety for any victim, and make referrals to appropriate agencies for future services.

III. Definitions

A. Assault

See *Virginia Code* §§ 18.2-57 and 18.2-57.2 ("Assault and Battery Against a Family or Household Member," which upon a third or subsequent conviction of the same or similar offense of any jurisdiction within a ten-year period shall be treated as a Class 6 felony).

1. A related matter, § 18.2-60 criminalizes the sending of letters to anyone threatening death or injury (Class 6 felony).
2. A magistrate issuing a warrant for violation of § 18.2-57.2 shall also issue an emergency protective order.

B. Domestic violence shelters/programs

Services that are provided (usually 24 hours a day) for women and their children who have been physically or emotionally abused, or who have been threatened with abuse by their spouses or partners. Services include crisis intervention, counseling, shelter, escort to court, food, clothing, and transportation.

C. Family abuse

Any threat or act of violence, including forceful detention, which results in physical injury or places one in reasonable apprehension of bodily injury and which is committed by a person against such person's family or household member (§ 16.1-228).

D. Family or household member

Per §§ 18.2-57.2, 16.1-228, and 19.2-81.3, includes:

1. Spouses, whether or not residing in the same home.
2. Former spouses, whether or not residing in the same home.
3. Persons who have a child in common, whether or not they have ever been married or resided together.
4. Parents, children, stepparents, stepchildren, grandparents, grandchildren, brothers and sisters, half-brothers and half-sisters, regardless of whether they reside in the same home with the suspect.
5. Parents-in-law, children-in-law, brothers- and sisters-in-law who reside in the same home with the suspect.
6. Persons who cohabit or who, within the previous 12 months cohabited with the suspect, and any children of either who then resided in the same home as the suspect.

E. Predominant physical aggressor

~~(See § 19.2-81.3) The party that poses the greatest threat. The predominant aggressor is not necessarily the first disputant to engage in assaultive behavior,~~

but the one with the most ability and inclination to inflict physical injury.

1. ~~Evidence that any of the parties acted in self-defense.~~
2. ~~A history of violence (prior assault convictions) of the parties involved, including history of calls for service.~~
3. ~~The relative severity of injuries inflicted on all parties, plus consideration whether the injuries were offensive or defensive.~~
4. ~~The relative size, bulk, and strength of the parties involved.~~
5. ~~Evidence from persons involved in or witnesses to the incident.~~
6. ~~The likelihood of future injury to any party.~~
7. ~~Current or previous protection orders filed against either party.~~

*[Note: This directive discourages officers from making dual arrests. Officers are reminded that they may need to make special arrangements for handling small children where the predominant caregiver has been arrested or injured. Notification for social services assistance or contact with a close family member in reference to arrangements maybe necessary.]*

A person subject to mandatory arrest for violation of Code of Virginia 18.2-57.2 or 16.1-253.2 based on the totality of the circumstances. The standards for determining who is the “predominant physical aggressor” shall be based on the following considerations:

1. who was the first aggressor
2. the protection of health and safety of family and household members
3. prior complaints of family abuse by the allegedly abusing person involving the family or household members
4. the relative severity of the injuries in self-defense
5. whether any injuries were inflicted in self-defense
6. statements from persons involved
7. witness statements
8. other observations

Officers are encouraged to conduct a thorough investigation in order to determine the true, predominant physical aggressor in the incident. Dual arrests can result from situations of mutual combat where no primary aggressor can be determined and both parties appear to have actively assaulted the other. Officers are reminded of the complexities of dealing with small children and the possible need to involve social services as a result of the arrest if no other caregiver is present.

#### F. Protective order

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A court order of protection on behalf of an abused family/household member that restrains the abuser from further acts of violence, may order the abuser to refrain from further contact, vacate the residence, relinquish custody of a vehicle, plus other measures (see § 16.1-279.1). A protective order may be valid up to two years. Types of protective orders:

1. Emergency protective order/EPO for stalking.
2. Preliminary protective order/PPO for stalking.
3. Full protective order/PO for stalking.

Statutes relevant to protective orders include §§ 16.1-251, -253.1, -253.2, -253.4, -279.1, 18.2-60.4, 19.2-81.3, 152.8 through -152.10). For further discussion of protective orders, see section VI.

#### G. Stalking

Any person who on more than one occasion engages in conduct directed at another person with the intent to place, or with the knowledge that the conduct places, that other person or the person's family or household member in reasonable fear of death, criminal sexual assault, or bodily injury (a Class 1 misdemeanor, § 18.2-60.3).

1. Stalking behaviors include following a person to home, work, and other places, parking outside home or office, threatening notes or telephone calls, threats, or computer-based, on-line threats.
2. A person who violates any provision of a protective order related to stalking is guilty of a Class 1 misdemeanor (§ 18.2-60.4).

#### IV. Procedures - General responsibilities

- A. Agency personnel shall refer victims of domestic violence and stalking to appropriate community resources (mental health agencies, medical doctors, legal assistance agencies, victim/witness assistance programs, and domestic violence shelters/programs). Where possible, officers shall help victims directly access referral agencies. (See also VII.G.5.) Referrals help prevent future disturbances.
- B. Agency personnel shall be trained about domestic violence and its impact. Personnel must be well trained to confront unexpected violence. Disturbance calls can be dangerous to responding officers. Officers are encouraged to consult community resources such as the local domestic violence shelter and the local victim/witness advocacy program.

C. Communications Center responsibilities

1. Upon receipt of a call involving domestic violence. The communication officer shall determine the following, if possible:
  - a. Who is complaining? Phone number? Whereabouts and identity of the suspect/aggressor?
  - b. Name of caller and location of incident? Location of caller and complainant, if different? Phone numbers?
  - c. Is the crime (incident) in progress or when did it occur?
  - d. Is a weapon involved?
  - e. Have people at the scene been injured? Is an ambulance needed?
  - f. Presence of children? Witnesses?
2. At this point, if evidence of injury or a weapon exists, someone has threatened violence, or the complainant requests an officer, dispatch one immediately (two officers should be sent to the scene if the violator is still there or close by) and an ambulance, if needed. Keep the caller on the telephone, if possible, and obtain additional information:
  - a. Suspect's whereabouts? If not known, obtain vehicle description, direction of travel, and elapsed time and access to weapons.
  - b. Are alcohol or drugs involved?
  - c. A history of calls to this address? Outstanding warrants on disputants? Probation/parole status of suspect/aggressor?
  - d. A history of previous arrests?
  - e. A protective order in effect?
3. The communications officer shall maintain telephone contact until the officers arrive in order to monitor the incident and provide support to the victim. The communications officer shall advise the victim of the intended response.
4. The communications officer shall provide the responding officer with as much information as possible to identify risks at the scene.

V. Procedures - Patrol responsibilities

A. Arrival at the scene

1. Obtain all available information from the communication officer before arrival.
2. Approaching the scene.
  - a. When possible, officers should wait for back-up help, discuss a strategy, and approach the dispute scene in pairs.

~~b. Avoid the use of sirens and other alarms in the vicinity of the scene.~~

~~eb. When possible, Observe the location of the dispute and listen for additional information before contacting the complainant.~~

~~d. 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).~~

~~e. Officers 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.~~

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3. Initial contact with occupant(s).

- a. Identify selves as law enforcement officers by name, give an explanation of your presence, and request entry into the home ~~(when conditions permit)~~. Ascertain identity of complainant, and ask to see him or her and any other person at the home.

(1) Officers shall not accept statements from any disputant or witness that the call was a mistake without investigating further. Officers shall not leave without interviewing the complainant.

~~b(2).~~ If entry is refused, officers must explain that they must make sure there are no injured persons inside. If no one responds to knocking, officers shall try to establish voice contact by shouting for an answer.

~~be.~~ Refusal of entry or no response to a knock at the door may require a forced entrance **only** if officers have a reasonable suspicion that the safety of people inside may be in jeopardy.

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- (l) In deciding to make a forced warrantless entry, officers shall evaluate the following elements:

(a) Information supporting beliefs that the residence is occupied.

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~~(a)~~ (b) —The degree of urgency involved and the time required getting a warrant.

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~~(b)~~ The possibility of danger to others, including officers left to guard the site.

~~(d)~~ Whether the suspected offense is ongoing and/or involves violence.

~~(e)~~ Whether officers reasonably believe that persons may be armed.

~~c.~~ Officers may conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership or possession of a place or thing, **either one** may give a valid consent.

(l) A spouse can consent to the search of premises used jointly by both husband and wife. This also applies if the man and woman are unmarried cohabitants. If one of them exercises sole control over part of the premises, the other cannot give valid consent to search that part.

(2) If the complainant has asked for law enforcement assistance in retrieving personal property from his or her residence, the officers must first determine if the complainant has lawful authority to do so. If so, the officers shall stand by to preserve the peace, but may advise the disputants that rights to any disputed property can only be determined by the courts.

(3) If one of the parties objects to the consent of a common area, a search warrant must be obtained unless there are exigent circumstances.

(4) Officers are not required to seek out both parties to obtain consent.

- ed.** Officers may also make a warrantless entry to conduct a search if an emergency exists. Officers must have a reasonable belief that such an emergency does exist (example: officers believe that someone, perhaps children, is in need of emergency assistance).
- (1) Officers shall evaluate the following elements when considering a warrantless entry:
    - (a) The degree of urgency involved and the time required to get a warrant.
    - (b) The possibility of danger to others, including officers left to guard the site.
    - (c) Whether the suspected offense is serious or involves violence.
    - (d) Whether officers reasonably believe that persons may be armed.
  - (2) Finally, officers are reminded that they have a lawful right to investigate any situation which they reasonably believe to be an emergency.
- fe.** Once inside, establish control by:
- (1) Inquiring about the nature of the dispute.
  - (2) Identifying disputants.
  - (3) Being aware of potential weapons in surroundings.
  - (4) Determining if persons are in other rooms, whether children or adults, and the extent of any injuries (these persons should be separated from the parties involved and kept out of hearing range so their status as possible witnesses won't be compromised).
- ef.** 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 yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment. Photograph the victim's injuries.
- hg.** Ascertain whether a protective order has been violated.



i-h. If weapons (whether firearms, knives, or any other object which could be used as a weapon) are present, secure them away from the disputants, if practicable, while the disputants are being interviewed. If officers determine that weapons should be removed from the premises, contact the field supervisor. Refer to II.A.7 regarding § 18.2-308.1:4 which prohibits persons under protective orders from purchasing or transporting firearms.

4. Transporting family/household members to the hospital, safe shelter, or magistrate. See § 16.1-253.2.
  - a. Officers shall transport victims or assist in arranging for transportation as they wish or as the circumstances require. Officers are required to transport or arrange for transport victims to hospital, safe shelter, or magistrate, upon request. (See §§ 19.2-81.3, 19.2 -81.4.)

B. Interviewing all disputants

1. Ensure safety and privacy by interviewing the victim in a place separate from the suspect, if identifiable.
2. Critical to the success of the interview is the officer's manner. Officers must listen, show interest in the disputants and their problem, and remain aware of nonverbal communications signals.
3. Officers shall attempt a low-key approach in domestic violence cases. Maintain good eye contact through natural spontaneous glances. (Fixed gazes or staring increase fear and hostility) A relaxed stance and appropriate facial and head movements demonstrate interest and encourages victim to continue speaking.
4. If possible, separate the parties so that they can individually describe the incident without interruption. Although the disputants may be separated, officers shall remain within sight and hearing in close proximity of each other.
5. After the parties have given their statements, the officers should ask about details for clarification, and summarize the stated accounts.
6. Be aware that parties may make excited utterances, which may have evidentiary value. Record these utterances when practicable and note them in your report.

C. Interviewing the victim

Ascertain the following information from the victim:

1. What happened?
2. Any injuries, who caused them, and what weapons or objects were used.
3. Relationship to suspect.
4. Any threats made against victim or others.
5. Forced sexual contact against victim's will.
6. Any court cases pending against suspect or any protective orders in effect.
7. Is suspect on probation or parole?
8. Did suspect threaten others, particularly children, damage property, or hurt pets.

D. Interviewing witnesses

1. Interview any witnesses to the incident--children, other family members, and neighbors--as soon as possible.
2. Remember that witnesses may be experiencing significant emotional crises that might influence the accuracy of their accounts.
3. If witnesses provide information about prior assaults, document them to help establish a pattern.
4. Children of disputants should be interviewed with care and kindness. Sit, kneel, or otherwise be at their level when speaking to them. Signs of trauma or abuse should be noted.

VI. Procedures - Issuing an emergency protective order

A. Emergency protective orders (EPO) (domestic violence)

1. The EPO aims to protect the health or safety of any person. Regardless of a decision to arrest, if an officer has at least a reasonable belief that family abuse has occurred and there exists probable danger of further abuse, the officers shall petition a judge or magistrate to issue an EPO. (See § 16.1-253.4.)

- a. If circumstances make it impossible or inappropriate for an officer to obtain the EPO, the officer shall advise the victim that he or she can request an EPO directly from a magistrate or the Juvenile and Domestic Relations Court.
  - b. The victim does not need to press charges or swear a warrant. The presence of the victim or suspect is immaterial to obtaining an EPO.
  - c. An EPO may order a stop to abusive behavior, prohibit contact between parties, order the abuser out of a shared home, and provide other relief.
- 2. Officers can petition for an EPO by telephone or in person.
  - 3. The EPO expires 72 hours after issuance. If the expiration would occur when court is not in session, then the EPO expiration is delayed until 5 p.m. of the next business day. Note that a law-enforcement officer may request an extension of an EPO if the person in need of protection is mentally or physically incapable of doing so. The victim can petition for a preliminary protective order before the expiration of an EPO.
  - 4. The officer shall complete form DC-626 and serve a copy to the respondent as soon as possible. **The order cannot be enforced until the abuser has been served.** The communication officer shall enter the relevant information into VCIN upon receipt and update the entry upon service of the order.
  - 5. The officer shall submit the original order to the issuing judge or magistrate, provide a copy to the victim, and attach a copy to the incident report.
- B. Emergency protective order (EPO) (stalking)
- 1. The victim may obtain an EPO once he or she has sworn an arrest warrant for the stalking offense or a serious bodily injury crime under § 18.2-60.3 and § 19.2-152.9-.10. The abuser can be anyone, not necessarily a family or household member. **The EPO cannot be issued until an arrest warrant has been obtained.**
    - a. An EPO for stalking may order the respondent to stop the threatening behavior, prohibit the respondent from contacting the victim in any way, and provide other relief.

2. An officer can request a warrant and an EPO by telephone or in person under a reasonable belief that stalking has occurred and will occur in the future or in cases where a violent act has resulted in serious bodily injury to the victim. Further, the victim can request an EPO in person at the office of a magistrate or the General District Court Clerk's Office.
3. Provisions A.3 through 5 above apply.

C. Preliminary protective order (PPO) (domestic violence)

1. An abused/family household member may petition the Juvenile and Domestic Relations Court for a PPO (see § 16.1-253.1). After an *ex parte* hearing and based on immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred, the court may issue a PPO (protecting the petitioner **or** his or her family, or both). At the hearing where the PPO is issued, a hearing date for a permanent or full protective order shall be set. The PPO is valid for 15 days.
  - a. The PPO may order the suspect to stop the abusive behavior, prohibit contact between parties, order the abuser out of a shared home, grant exclusive possession over a home or car, and award temporary custody of children.
  - b. A victim does not have to have an EPO in order to obtain a PPO.
  - c. **The victim** must petition the Juvenile and Domestic Relations Court for a PPO.
2. The communication officer shall enter the order into VCIN upon receipt, which record shall be updated upon service of the order.

***The PPO shall be served on the abuser as soon as possible.***

D. Preliminary protective order (PPO) (stalking)

1. Generally, the provisions of C above apply in stalking or serious bodily injury cases. The victim must go to the Juvenile and Domestic Relations Court of the jurisdiction where the stalking or violent crime occurred to petition for the PPO.
2. A PPO may order the abuser to stop stalking or violent behavior, prohibit contact between parties, and provide other relief as necessary.

E. Full protective orders (domestic violence and stalking)

1. Domestic violence: In addition to the restrictions and prohibitions placed in a PPO, the full protective order may require an abuser to pay for the victim and children to live elsewhere, and for the abuser to receive treatment or counseling.
  - a. The victim and the abuser must attend a protective order hearing at the Juvenile and Domestic Relations Court.
  - b. The full order is valid for up to two years.
2. Stalking: The full protective order for stalking or serious bodily injury crimes observes the same general restrictions and prohibitions of a protective order for domestic violence.
  - a. The victim and the abuser must attend a protective order hearing at the Juvenile and Domestic Relations Court.
  - b. The full order is valid for up to two years.

F. Full faith and credit

Officers shall enforce **all** protective orders from other states or possessions of the United States as if they were issued in Virginia (16.1-279.1). Enforcement of out-of-state protective orders **does not** require that they be registered in Virginia. If officers are unable to verify an outstanding protective order, they must nevertheless honor it. Officers cannot arrest for violation of the order, however, if the violator has not been served with it.

*Officers are allowed an extra measure of security if they cannot validate a foreign protective order. If they are not satisfied that the order is valid, then they may ask victims to sign a statement specifying what court, jurisdiction, conditions, and expiration apply.*

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G. Purchase or transportation of a firearm by a person subject to protective orders

§ 18.2-308.1:4 prohibits any person subject to a protective order for domestic violence or stalking (as defined in the statutes cited in this order) from purchasing or transporting a firearm while the order is in effect, punishable as a Class 1 misdemeanor. Firearms transported or purchased in violation of this law shall be confiscated and subject to forfeiture.

## VII. PROCEDURES - Arrests

- A. ~~Officers may make an arrest without a warrant if they have probable cause to believe that a felony has been committed in or out of his or her presence (§ 19.2-81, 81.3). The Code specifies the misdemeanors for which officers can arrest~~

~~for offenses not committed in their presence. Further, the Virginia Tech Police~~

- BA.** Officers who develop probable cause that a person was the predominant physical aggressor in a violation of § 18.2-57.2 (assault/battery against a family/household member), § 16.1-253.2 (violation of a protective order), shall arrest and take him or her into custody (§ 19.2-81.3). Officers who develop probable cause that a person has committed stalking (§ 18.2-60.4 or -603) shall 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.)
1. 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 officer must decide, within his or her discretion, whether to arrest. Officers shall not instruct victims to obtain warrants for applicable offenses; officers themselves shall obtain the warrants if circumstances so require. If circumstances nevertheless dictate no arrests, see VII.E below.
    - a. If an arrest is made, advise the victim that the case **may** be prosecuted even if the victim later declines to testify.
    - b. If officers cannot identify a predominant physical aggressor and do not make an arrest, they shall nevertheless thoroughly document the incident. Further, officers shall not threaten to arrest all parties involved for the purpose of discouraging future requests for law enforcement intervention.
  2. In cases where the conditions of a protective order have been violated (§ 18.2-119, or protective order/stalking, § 19.2-152.8, § 18.2-60.4), officers shall review the victim's copy of the order, checking it for validity. If a protective order exists and its terms ("no contact," "no trespass," or "no further abuse") are violated then the officer shall arrest the violator if probable cause exists. Note: when the respondent is convicted of a protective order violation, the court is required to issue a new protective order.
  3. Officers making arrests under § 19.2-81.3 (and § 18.2-60.3, stalking) shall petition for an emergency protective order (§ 16.1-253.4, and § 19.2-152.8 for stalking or serious bodily injury crimes). If the officer does not arrest but a danger of family abuse still exists, the officer shall petition for an emergency protective order.
    - a. If children are involved in the incident, officers shall contact the on-call Child Protective Services worker **if** a child is abused **or** neither parent can reasonably look after the child's safety and well-being (neglect is a separate, reportable offense).

*[Note: If a child has not been abused but neither parent can reasonably look after the child's safety (possible neglect), Child Protective Services may be the best contact. If neither abuse nor neglect seem evident but a child is present at the scene of a domestic disturbance, document the child's presence in the report.]*

- b. If the abuser is not present, officers shall try to serve the protective order as soon as possible and shall so advise the victim once service has been made. Officers shall arrange to have the order entered into VCIN upon receipt.
4. In determining probable cause, the officer **shall not** consider:
- a. Whether the parties are married or living together, or their race, sex, ethnicity, social class, or sexual orientation.
  - b. Whether the complainant has not sought or obtained a protective order.
  - c. The officer's own preference to reconcile the parties despite the complainant's insistence that an arrest be made.
  - d. That the complainant has called for law enforcement protection previously and has not pursued or has withdrawn the criminal complaint against the abuser.
  - e. That the complainant has not begun divorce proceedings.
  - f. Assurances of either disputant that violence will stop.
  - g. The lack of visible bruises or injuries.
  - h. Denial by either disputant that violence occurred.
5. Officers shall be alert to the elements of a stalking arrest. Ask victims:
- a. Is the suspect following you or did he or she follow you?
  - b. Is the suspect harassing you or did he or she harass you?
  - c. Is the suspect threatening you or did he or she threaten you?
6. The possibility of other offenses shall not be overlooked. Other related offenses include:
- a. ~~Marital sexual assault (§ 18.2-67.2:1).~~

- ba. Violation of a stalking protective order (§§ 18.2-60.4, 19.2-152.8, -152.9, 152.10).

**BE.** Factors favoring the decision to arrest

Arrest is the most appropriate response when these factors are present:

1. Serious, intense conflict.
2. Use of a weapon.
3. Previous injury or damage.
4. Previous court appearance against the offending party (repeat offender).
5. Previous attempt to sever the relationship.
6. Previous calls for law enforcement help.
7. When a felony has occurred.
8. Evidence of drugs or alcohol use at the assault.
9. Offenses committed with the officer present.
10. Valid warrants on file for other crimes.
11. A protective order has been violated. Charge as a Class 1 misdemeanor under § 16.1-253.2.
12. Aggressive behavior toward anyone, pets, anything, or threatening behavior.

**D.** Making the arrest

1. Arrest the suspect if he or she is present, apply handcuffs, inform him or her that the decision to arrest is a law enforcement one, and transport securely to the magistrate.
2. If the suspect is absent or has been arrested, transport (or arrange transportation for) the victim to a safe shelter or other appropriate place (if needed). Issue a "BOL" describing the suspect and arrange for an arrest warrant.



3. If an arrest must be made because a protective order has been violated, verify its validity by:
  - a. Examining the victim's copy, if available.
  - b. Having communications search VCIN or contact the jurisdiction that issued the order to confirm its currency (see V.B.2).

***[Note: As noted under VII.B.2, if officers cannot validate a foreign protective order, then they may ask victims to sign a statement specifying what court, jurisdiction, conditions, and expiration apply.]***

E. If the abusive person is not arrested

1. Complete an incident report and give a copy or arrange to have a copy given to the victim upon request (§ 19.2-81.3 applies). This procedure applies both for domestic violence and stalking.
2. Inform the victim that he or she can begin criminal proceedings at a later time. Provide information about how to file a criminal charge, including time, location, and case number, and offer to help in filing charges at a later time.
3. Advise the victim of the importance of preserving evidence.
4. Explain to the victim about protective orders and how to obtain them and offer to help the victim obtain them later.
5. If the victim wants to leave the premises to ensure safety, remain at the scene while the victim packs essentials.
6. Provide the victim with victim/witness information.
7. Assure the victim that this office shall assist in future emergencies and explain measures for enhancing his or her own safety.

F. Gathering evidence:

1. Physical evidence takes three forms in domestic violence cases: the injuries of the victim, evidentiary articles that substantiate an attack, and the crime scene itself.
2. The victim's account of injuries sustained should be corroborated by a physician.
3. When feasible, take photographs of injuries.

4. Photograph the crime scene to show that a struggle occurred; if photography is not possible, write a description of it.
5. Collect evidence according to the same principles as applied to any crime scene.
6. If the suspect is under a domestic violence or stalking protective order and appears to have purchased or transported a firearm, confiscate it as evidence of § 18.2-308.1:4.
7. Seize any weapons that the predominant physical aggressor used or threatened to use in the commission of any crime.
8. Obtain statements from all witnesses, particularly noting any excited utterances that bear on the incident.

G. Documenting the incident

1. All incident reports on domestic violence and stalking shall follow general reporting procedures.
2. Include in all reports of domestic violence:
  - a. Facts and circumstances of domestic violence including a description of why one disputant was deemed the predominant physical aggressor.
  - b. Victim's statements as to the frequency and severity of prior incidents of abuse by the same family or household member.
  - c. The victim's statements as to the number of prior calls for law enforcement assistance.
  - d. The disposition of the investigation.
3. In any case involving domestic violence, stalking, or related crimes, thoroughly document probable cause to arrest.
4. If an arrest is not made for domestic violence or stalking, the incident must still be documented, where either no probable cause existed, or circumstances dictated another course of action. In such cases, in addition to the above considerations, officers shall note:
  - a. What referral information was given?
  - b. Why no arrest was made, nor any warrant issued.

5. If children were present, make a report of abuse or neglect, if appropriate, and forward it to Child Protective Services (see VII.B.3.a above).
6. Regardless of whether an arrest is made, the officer shall provide appropriate information to the victim about legal and community resources available along with a VTPD Victim/Witness Referral Card.-
7. At the conclusion of legal proceedings, return evidentiary property to the victim.

#### VIII. Special Circumstances

- A. Repeat offenders, if determined to be the primary aggressor, will be charged as applicable according to the Code of Virginia 18.2-572. All other elements of this directive apply.
- B. ~~Law enforcement officers~~Employees with the Virginia Tech Police Department who have been criminally charged with domestic violence, or have a protective order against them for domestic violence/family abuse, will be immediately suspended without pay, for a period not to exceed ninety (90) calendar days, in accordance with State Policy 1.60, Standards of Conduct. ~~It is in violation of § 18.2-308.1-4 to purchase or transport (possess) a firearm while being subject to a protective order.~~The department will follow guidelines established in State Policy 1.60 until the issue is brought to conclusion.

Effective Date:

This policy will become effective ~~July 1, 2008~~October 1, 2015

By order of:

~~Wendell R. Flinchum~~Kevin L. Foust  
Chief of Police