

## Law Enforcement Domestic Violence Investigative Checklist Responding Officer/Deputy Responsibilities

This checklist is intended to be used as a tool/resource for law enforcement. It describes an initial response to a domestic violence call and does not represent a complete approach to these cases. This checklist does not supersede any existing general orders, policies, or procedures, and is designed to be used in conjunction with the Virginia Department of Criminal Justice Services (DCJS) model domestic violence policy. The model policy is available on the DCJS website at <http://www.dcjs.virginia.gov>.

### 1. SECURING THE SCENE / INITIAL CONTACT

- Identify the disputants and separate the parties. Sight and sound separation is recommended, as feasible.
- Identify primary language and obtain an interpreter.  
*Do not use children, family members, or friends for interpretation purposes.  
If no in-person interpreter is available, use of over-the-phone interpretation services is recommended.*
- Determine if children or other adults are present.
- Separate potential witnesses from each other.

### 2. INITIAL INVESTIGATION

- Inquire about the nature of the incident.  
*Examples may include physical assault, strangulation, sexual assault, stalking, destruction of property, threats.*
- Have the parties separately describe the incident without interruption.
- Have each party confirm relationship with each other.
- Have each party confirm location of incident, including City or County.
- Conduct follow-up interviews separately with the parties, as needed, to ensure that all of the following information has been obtained:
  - Details of the incident.
  - Any injuries, who caused them, and what weapons or objects were used.
  - Any threats made against any parties, children, pets, or others.
  - Any risk indicators present.  
*Examples may include use of or access to a firearm, relationship ending or recently ended, job problems/unemployment, use of strangulation, stalking conduct, child custody/visitation disputes, violence during pregnancy.*
  - Any non-consensual sexual contact.
  - Any pending court cases and/or current probation or parole status.
  - Any damage to property or injury to pets.
- Separately interview all witnesses to the incident, including children and other adults.
- Document names and contact information for all witnesses, including children.
- Determine if there is an active Protective Order and if respondent has been served.
  - Serve the Protective Order on the respondent, if necessary.
  - Determine if the incident constitutes a violation of an active Protective Order.
- In cases of assault & battery and violations of protective orders, determine the predominant physical aggressor (*as required by Code of Virginia § 19.2-81.3*).
- Make the arrest.  
*An arrest for assault & battery or a violation of a protective order may be made without a warrant if such arrest is based on 1) probable cause, 2) personal observation, 3) reasonable complaint of a witness to the offense, or 4) personal investigation (Code of Virginia § 19.2-81.3).*
  - Only a respondent listed on a protective order can be charged with a violation of that order.
  - Making a dual arrest is strongly discouraged.

- Regardless of arrest, seek an emergency protective order on behalf of the victim if you have probable cause to believe a danger of acts of family abuse exists (*as required by Code of Virginia § 19.2-81.3*). An emergency protective order can impose one or more of the following conditions on the respondent: prohibit acts of family abuse or criminal offenses; prohibit contact by the respondent with the abused person or that person's family or household members; grant the family or household member possession of the premises occupied by the parties to the exclusion of the respondent; grant the petitioner the possession of any companion animal.
- Complete an incident report. If an arrest is not made, document the special circumstances that dictated a course of action other than an arrest (*as required by Code of Virginia § 19.2-81.3*).
- Utilize a lethality screening tool, in accordance with local department protocol.
- Provide the victim with:
  - Local domestic violence program information (*as required by Code of Virginia § 19.2-81.3*).
  - Written crime victims' rights information (*as required by Code of Virginia § 19.2-11.01*).
  - Criminal Injuries Compensation Fund information (*as recommended by Code of Virginia § 19.2-368.17*).
  - If the victim attends college/university, inform them of their right to a criminal prosecution, a Title IX investigation, and/or the college/university judicial process.
- Upon request, transport or arrange transportation of the victim to a hospital, safe shelter, or magistrate (*as required by Code of Virginia § 19.2-81.3*).
- Evaluate other persons at the scene in accordance with law enforcement's mandated reporting requirements to report suspected abuse, neglect, or exploitation of a child, of an adult age 60 or older, or of an incapacitated adult age 18 or older (*as required by Code of Virginia §§ 63.2-1509 & 63.2-1606*).

### 3. GATHERING EVIDENCE

#### **Document the following:**

- Any excited utterances.
- Victim's account of injuries sustained, including injuries that are not immediately apparent.
- Any visible injuries.
- Any indicators of strangulation. If there are indicators, seek medical attention for the victim.  
*Indicators may include:*  
*difficulty breathing, speaking, or swallowing; light-headedness and/or headache; involuntary urination and/or defecation; nausea and/or vomiting; defensive injuries to neck and/or face; bruising behind ears; petechiae (pink/red/purple pinpoint round spots in eyes or under skin); redness or bruising to neck.*
- Any other risk factors relevant to the predominant physical aggressor.  
*Risk factors may include:*  
*stalking conduct; gun possession; job problems/unemployment; relationship ending or recently ended; disputed child custody/visitation; pending civil or criminal legal matters; and/or excessive jealousy or controlling behaviors.*
- Any potential human trafficking indicators.  
*Indicators of human trafficking may include:*  
*being disconnected from family and friends, or having no support system; appearing fearful, timid, or submissive; showing signs of having been denied food, water, sleep, or medical care; being with someone who is controlling or to whom she or he defers; living in unsuitable conditions; lacking personal possessions and/or identification documents; appearing to be coached on what to say.*
- The names of all officers/deputies on scene and collect any additional notes from them.
- The names and contact information of any medical personnel on scene.

#### **Photograph the following:**

- Injuries to all parties, with faces in images if possible. Include clothed full-body photographs of all parties. Obtain follow-up photos of injuries within 3-5 days.
- The crime scene prior to collecting any evidence.

#### **Physical evidence:**

- Identify, collect, document, and secure physical evidence prior to leaving the scene.  
*Examples may include:*  
*any objects used to threaten or cause harm; broken items (damaged or destroyed property); torn or bloody clothing; damaged or destroyed phones.*
- Collect and preserve the 9-1-1 call recording, if available.