

DEFIANCE COUNTY PROTOCOL
ON
DOMESTIC VIOLENCE AND STALKING

Updated 2002

THE DEFIANCE COUNTY DOMESTIC VIOLENCE TASKFORCE

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**THIS PROTOCOL IS BASED ON THE LAW AS IT WAS ON JANUARY 1, 2002.
LAWS CHANGE FREQUENTLY SO BE SURE TO GET THE LATEST INFORMATION.**

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PREFACE

This Protocol represents the work product of Defiance County law enforcement officers, probation officers, Clerk of Court, judges, prosecutors, legal services, shelter advocates, social service and medical providers who work with survivors of violence and recognize the need for a uniform enforcement of existing domestic violence laws by all actors in the law enforcement network.

This Protocol is not intended to mandate the duties or practices of the actors described within. It does, however, set forth a model of response for the uniform enforcement of domestic violence laws and effective protection of victims.

Article 1. TERMS AND DEFINITIONS

Section A. Victim and Offender

"Victim" and "Offender" are used throughout this protocol in order to conserve space and promote readability, even though at most stages of a domestic violence prosecution these persons are actually "alleged" victims and offenders.

Section B. Crimes of Domestic Violence

Domestic violence include the crimes of domestic violence, menacing by stalking, aggravated trespass, and violation of protection orders.

Section C. Domestic Violence

"Domestic Violence" occurs when a person:

1. Knowingly causes or attempts to cause physical harm to a family or household member;
2. Recklessly causes serious physical harm to a family or household member;
3. By threat of force, knowingly causes a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

O.R.C. 2919.25

Section D. Menacing By Stalking

"Menacing by Stalking" occurs when: a person engages in a pattern of conduct knowingly causing another to believe that the offender will cause physical harm to the other person or cause mental distress to the other person.

O.R.C. 2903.211

Section E. Aggravated Trespass

"Aggravated Trespass" occurs when: a person enters or remains on the land or premises of another with the purpose to commit on that land or those premises a misdemeanor, the elements of which involve causing another person to believe that the offender will cause physical harm to that person.

O.R.C. 2911.211

Section F. Violating A Protection Order

"Violating A Protection Order" occurs when: a person recklessly violates the terms of any of the following: (1) A protection order issued or consent agreement approved pursuant to 2919.26 (Temporary Protection Order) or 3113.31 (Civil Protection Order) of the Revised Code; (2) An anti-stalking protection order issued pursuant to section 2903.213 or 2903.214 of the Revised Code; (3) A protection order issued by a court of another state.

O.R.C. 2919.27.

Section G. **What Constitutes A Family Or Household Member**

"Family or Household Member" is:

- (A) Any of the following persons, who is residing or has resided with the offender:
 - 1. The offender's current or former spouse, or a person who has lived or is now living with the offender as a spouse;
 - 2. The offender's parent or child, or another person related by consanguinity (blood), or affinity (marriage), to the offender;
 - 3. A parent or a child of a spouse, person living as a spouse or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender.
- (B) The natural parent of any child of whom the offender is the putative other natural parent. It does not matter whether they have resided together in the past or present.

Section H. **Person Living As A Spouse**

"Person Living As A Spouse" means a person:

- 1. Who is living or has lived with the offender in a common law marital relationship;
- 2. Who otherwise is cohabiting with the offender;
- 3. Who otherwise has cohabited with the offender within five year prior to the date of the alleged domestic violence in question.

ORC 2919.25

Section I. **Probable Cause**

“Probable Cause” means that combination of facts which leads a police officer to believe a crime has been committed.

Probable cause exists when facts and circumstances within the officer's knowledge, and of which he or she has reasonably trustworthy information, are sufficient to warrant a person of reasonable caution to believe the offense has been or is being committed, and the accused is or has committed the offense.

ORC 2935.03(B)(3)(a)(ii).

Probable cause can be established from all the facts and circumstances observed by or known to the officers, including but not limited to: statements of victims or witnesses; admissions by alleged perpetrators; the appearance of physical evidence [blood, bruises, disheveled or torn clothing, broken furniture, etc.]; statements of neighbors or children of appropriate maturity; etc.

If no such circumstances are known of or can be discerned, or if these circumstances are inconclusive, probable cause is established if a person signs a written statement alleging domestic violence or violation of a protection order against the person or against a child of the person, and naming the alleged perpetrator. O.R.C. 2935.03(B).

Section J. **Primary Physical Aggressor**

Primary Physical Aggressor: In a situation in which family or household members have committed the offense of domestic violence against each other, an officer will consider, in addition to any other relevant information, the following:

- (1) Any history of domestic violence or any other violent acts by either person involved in the alleged offense that the officer reasonably can ascertain;
- (2) If violence is alleged, whether the alleged violence was caused by a person acting in self-defense;
- (3) Each person's fear of physical harm, if any, resulting from the other person's threatened use of force against any person or resulting from the other person's use or history of the use of force against any person, and the reasonableness of that fear;
- (4) The comparative severity of any injuries suffered by the persons involved in the alleged offense.

Article 2. COMMUNICATIONS OFFICERS

Section A. Dispatcher

The dispatcher who receives a family violence call can provide the responding officers with vital information that could save the victim's and the officer's life. The dispatcher will give a family violence call the same priority as any other life threatening call and will, whenever possible, dispatch two officers to the scene.

Section B. Procedures

During the initial call for assistance. The call taker will obtain at least the following information.

1. Where is the emergency? What address? What phone? If an apartment, What number?
2. What has happened?
3. Who am I speaking to/
4. Are you the victim? If no, are you a witness?
5. Has anyone been injured? If yes, is an ambulance needed?
6. Is the suspect present? If not, a description of the suspect, his or her expected whereabouts, and description of a vehicle.
7. Are weapons involved? If yes, what kind?
8. Is the offender under the influence of drugs or alcohol? If yes, what substance?
9. Are children present? Are they all right?
10. Does the victim have a current protection order?

◆ **Police should be dispatched as soon as enough information is obtained to determine the priority of the situation. Any remaining information can be gathered while the unit is on the way.**

◆ **The above also pertains to rescue personnel.**

Section C. Dispatch Priority

1. Dispatcher will dispatch domestic calls in the same manner as any other life threatening call and the officer shall respond to the call without unreasonable delay (promptly).
2. Whenever possible, the dispatcher should assign a back up unit to respond to domestic call.
3. Dispatch shall not cancel officer response to a domestic violence complaint based solely on a follow-up call from the residence requesting such cancellation. However, the dispatcher shall advise the officers of the complainant's request.
4. Dispatcher should inform the caller of the intended response and how long it will take for an officer to arrive at the household.

Section D. Victim Safety

In volatile situations, the dispatcher will keep the victim on the line until an officer arrives at the household or will ask the victim to meet the officer at a secure location, such as a neighbor's house.

Section E. Domestic Violence Binder

By otherwise maintained by use of an automated system, the dispatcher shall keep the domestic violence file containing prior offense reports, CPO's, TPO's anti-stalking protection orders, and bond orders readily accessible for review when a domestic violence call is received.

Section F. **Check Previous Incidents and Protection Orders**

The dispatcher shall check the domestic violence file to determine whether the parties involved in the incident have been involved previously in domestic incidents, or that indicate whether there is a protection order involving the parties in effect. The dispatcher should then consult such records and radio any relevant information to the responding officer.

Section G. **If The Dispatcher Receives A Second Call**

If the dispatcher receives a second call to cancel the original call, they will still send the officer to the location to make sure the family is safe.

The officer shall privately and individually speak with the person who made the first call, or if the call was not from that household or the caller was unidentified, with other adults present who were not identified in the call as the assailant, and with one or more age appropriate children (if present) to verify that there is no need for police intervention.

- ◆ **Dispatch shall complete the following dispatch checklist for every domestic violence call received, that contains the following information: (SEE NEXT PAGE)**

VICTIMS NAME: _____

SUSPECT NAME: _____

Date: _____ Time: _____ Complaint Number: _____

COMMUNICATIONS OFFICER'S CHECK LIST

1. Address: _____
2. Phone: _____
3. Speaking to: _____
4. Victim: _____
5. Injuries: _____
6. Suspect: _____
Whereabouts: _____
Vehicle: _____
7. Weapons: Yes _____ No _____
8. Drugs/Alcohol: Yes _____ No _____
9. Children: Yes _____ No _____
10. Protection Order: Yes _____ No _____ Active: Yes _____ No _____
11. Witness: _____
Address: _____

OTHER FACILITIES CALLED

1. Rescue: Yes _____ No _____ Time _____
2. Hospital: Yes _____ No _____ Time _____
3. Center for Abuse Prevention & Treatment Inc: Yes ___ No ___ Time ___
4. First Call for help: Yes _____ No _____ Time _____
5. Human Services: Yes _____ No _____ Time _____
6. Women and Family Services
Victim Assistance: Yes _____ No _____ Time _____
7. Other: _____ Time _____
8. Officer Assigned: _____ Unit _____
9. Other law enforcement called for back up: Yes _____ No _____
Who _____ Officer _____
10. Dispatcher: _____

ARTICLE 3 LAW ENFORCEMENT

Section A. Approaching The Conflict Scene And Gaining Entry

Respond without undue delay to a report of an alleged incident of the offense of domestic violence or the offense of violating a protection order or consent agreement.

Officers should employ standard precautionary measures and police practice for dealing with any conflict in which violence is alleged and the existence of weapons is a possibility. In addition, because domestic violence is a family crime, officers should try to ascertain prior to gaining entry whether there are children on the premises and take appropriate precautions for their safety.

Officers should listen outside of the premises, if possible, for any sounds, and look through windows to see what is going on inside. Such action is covered by the plain view doctrine, and it (1) increases officer safety, and (2) can establish probable cause that a crime is in progress or has been committed.

Section B. Officer Approaching The Scene

1. Park a reasonable distance away from the residence.
2. Approach with caution.
3. Listen through the door and observe through the windows.
4. Try to ascertain prior to gaining entry whether there are children on the premises and take appropriate precautions for their safety.
5. Determine a plan of action prior to knocking or entering the building.
6. Stand to the side of the door when knocking or announcing your presence.

Section C. On-Scene Investigation And Procedures

The purpose of the on-scene investigation is to establish “probable cause” and make a good criminal case through: interviewing of all parties, recording statements, preserving the crime scene, and collecting evidence.

Section D. Entering the Residence

1. Quickly get the attention of the disputant-victim and offender.
2. Identify yourself and your partner.
3. Identify potential weapons in the surroundings.
4. State the reason for your call.

Section E. Assess Injuries

1. Assess injuries, including inquiry about possible internal injuries.
2. Administer first aid and/or notify emergency medical services.
3. If the victim shows evidence of serious injury but refuses medical attention, call emergency medical services anyway. It is the responsibility of medical personnel to determine the exact extent of injuries and the need for medical care. Carefully document any observed injuries as well as the refusal for medical treatment.
4. Victims can sustain internal injuries to the stomach, breast area, portions of the head covered by hair, and the back. Pregnant women are often hit or kicked in the stomach. The absence of external injury does not mean the victim has not been assaulted.

Section F. **Investigation When the Offender Has Fled the Scene**

If the offender has left the scene and there exists probable cause that a crime was committed, the officer should, in addition to interviewing the victim and witnesses and collecting physical evidence:

1. Conduct a search of the immediate area for the offender;
2. Obtain information from the victim and witnesses as to where the offender might be (at his or her job, a relative's or friend's house, a local business establishment); and
3. Remain on the scene until safety plan is established, or the victim or parent of the children has stated that he or she desires to remain on the premises.
4. Transport victim's children to a safe place, if necessary.
5. If the offender has fled the scene, the officer shall determine whether the facts and circumstances indicate a high risk that the offender will return to the residence and threaten or physically harm the victim.
6. The officer shall consider taking steps to pursue and arrest the offender immediately. If necessary, the officer shall obtain and execute a warrant as soon as practical.
 - NOTE: If the only probable cause is an affidavit, consider further investigation prior to arrest.

Section G **Separate The Victim And The Offender**

1. **Separate the victim of the offense of domestic violence or the offense of violating a protection order or consent agreement and the alleged offender, conduct separate interviews with the victim and the alleged offender in separate locations, and take a written statement from the victim that indicates the frequency and severity of any prior incidents of physical abuse of the victim by the alleged offender, the number of times the victim has called peace officers for assistance, and the disposition of those calls, if known.**
2. Identify all occupants/ witnesses on the premises.
3. Separate the occupants/witnesses from the offender and keep them out of hearing range (to avoid compromising their witness status).
4. If the parties are in a corridor, lobby, or other public place escort them to a private area.
5. Each officer should take charge of one disputant.
6. At minimum keep the disputants back to back.

Section H. **Presence Of Children or Elderly At The Conflict Scene**

Presence of Children

1. If children are present, they should be separated from the parties.
2. Children should be interviewed about the domestic violence abuse in a careful, gentle manner appropriate to the child's age and his or her emotional state. Children should be asked only very general questions about the alleged violence. If children show signs of trauma or distress, the questioning should stop.
3. If a child is the suspected victim of domestic violence, child abuse or neglect, the officer should make a report to the County Children's Services, as required by Ohio law. If the child is a suspected victim of abuse, the officer should follow the procedures spelled out in the "County Plan of Cooperation" (required in each county by ORC 2151.421) for interviewing child abuse victims.

4. After initial evaluation of the situation, officers should not keep children separated from their non-offending caretaker.
5. If the arrest of the accused or the hospitalization of the victim will leave a child without a caretaker, the officer should contact Children's Protective Services and when practical remain at the residence until a protective service worker arrives, or should take the child into custody pursuant to Children's Protective Services law.
6. Officers are required to report suspected incidents of child abuse or neglect, even when concluding that there is no probable cause that domestic violence was committed. Contact the Department of Human Services if you suspect child abuse or neglect.
7. If the officer determines violence took place while children were in the household, without unnecessary delay, the officer shall cause a copy of the report to be submitted to Children's Protective Services.

Elderly Victims and Dependents

1. When responding to a report of domestic violence perpetrated upon an elderly person, the officer must take special precautions to avoid leaving a physically dependent elder alone in the residence without assistance. This may arise when the officer arrests the elder's only caretaker, or when the caretaker is the victim of domestic violence and he or she can no longer provide care (because of hospitalization or fleeing to the shelter).
2. Before leaving the residence, the officer should determine if the elder is physically endangered, either as a result of the abuse, a pre-existing medical condition, or the removal of the caretaker.
3. If the elder is found to be in danger, yet is mentally alert, the officer should ask the elder for the name a friend or relative who can be contacted immediately to assist the elder.
4. If there is no one available to assist the elder, or if the elder appears not to be mentally alert, the officer should make an emergency referral to the County Adult Protective Services.

Section I. Interviewing The Parties And Witnesses.

The responding officer should interview the victim and the offender as fully as circumstances allow. Officers must take great care not to confuse the effects of the violent behavior, i.e. unkempt and hysterical victim, as the cause of the violence. The victim's physical and emotional deterioration may be the result of abusive behavior which can result in feelings of guilt and self-blame. Either the victim or the assailant may deny or minimize the seriousness of the violence, attempting to appear in control to convince the officer that no problem exists. Either may also state that the victim is drunk, on drugs, mentally ill, or just fell down the stairs.

1. The officer should be alert to possible incriminating statements of the assailant and record them in the offense report. These statements may (1) establish probable cause and (2) constitute "admissions" that the court will consider as evidence that the accused committed the crime. The officer should be aware that his or her own statements at the scene may be repeated at trial, thereby undermining the prosecutor's case, especially where the officer expresses reluctance for enforcing the law. Examples are statements such as "I don't want to do this, but..." and "I don't think you ought to be arrested, but I have to". (Of course, at times such, "soothing" statements may be necessary for officer's own safety.
2. In questioning the victim, the officer should use supportive interview techniques. The officer should ensure the victim's safety and privacy by interviewing the victim in an area apart from the assailant, witnesses, and bystanders. The officer should avoid questions or statements that are judgmental or have the effect of blaming the victim. E.g., "why did you let him in if you knew he was drunk?" and "why didn't you press charges the first time this happened?" The officer should also ask the victim about the history of any previous violence involving the offender.

Remember to take statements from the parties regarding the type of relationship of the victim and the alleged offender, i.e. find out if they lived together, when, for how long, if either lives elsewhere occasionally, if they have a child in common.

3. Find out if there is a protection order in effect. The officer should ask the victim whether there is a civil or criminal protection order in effect and whether the victim can produce a copy. If the victim cannot produce a copy of the order, the officer will verify the existence and effective period of the order by calling dispatch. The officer should note carefully the restrictions imposed by the order so that the officer may determine whether there is probable cause to believe that the order has been violated.
4. The officer should interview any witnesses as fully and as soon as circumstances allow about the current incident, any statements they heard from either party and their knowledge of the relationship between the victim and the alleged offender. Additionally, if witnesses provide information about prior incidents which they have observed, the officer should document such incidents to establish a pattern, and note the same in the bond information sheet.

Section J. Collecting Evidence

The purpose of any on-scene investigation is to determine whether there is reasonable cause to believe that domestic violence, stalking, or violation of a protection order, or any other crime has been committed by using the same techniques that officers have been trained to use to investigate other types of crime.

When investigating a domestic violence report, officers should remember that the victim may not be available or cooperate at the time of trial. Independent evidence of the offense is therefore critical. The officer should collect and preserve all physical evidence reasonably necessary to support prosecution, including:

1. **PHOTOGRAPH ALL INJURIES IMMEDIATELY.** Preserve evidence substantiating the victim's injuries. Officers should attempt to collect evidence of serious injury which can be verified by an examining emergency room physician. Detailed information about each cut, bruise, scrape, or fracture should be recorded along with the physician's judgment about the type of weapon or amount of force needed to inflict such injury.

Officers should arrange to take color photographs of the victim's injuries and any injuries observed on the alleged offender.

Officers should also make a narrative record in the police report of all observed injuries, no matter how slight.

Officers should take additional pictures one or two days after the incident when the injuries are more visible.

2. Advise the victim to seek **MEDICAL ATTENTION** if there are any visible injuries or if the victim is experiencing any pain. If EMS is called, obtain a copy of the EMS report. If physician or hospital treatment is required, obtain copies of the medical reports. Consider having the victim sign a release form at the crime scene.
3. **COLLECT AND PRESERVE PHYSICAL EVIDENCE.** Collect evidentiary articles that substantiate the occurrence of violence or imminent threat of violence: weapons, torn or bloodstained clothing, broken window glass fragments or damaged furniture.

If consent cannot be obtained, a **search warrant** may be required.

4. **PHOTOGRAPH THE CRIME SCENE.** Preserve evidence recording the crime scene, such as a photograph or video of the crime scene showing evidence of a struggle, e.g., a

forced door lock, broken window, broken or overturned furniture, blood stains, torn curtains, and general disarray or even statements from witnesses regarding the condition of the scene can help to establish that an offense took place. Officers should record any evidence of a struggle, such as a forced door lock, broken or overturned furniture and general disarray.

5. **COLLECT APPLICABLE 911 TAPES** as evidence.
6. **OBTAIN TAPE STATEMENTS FROM THE VICTIM AND THE OFFENDER IF POSSIBLE.**
7. **COLLECT EVIDENCE RELEVANT TO A DETERMINATION THAT THE VICTIM AND THE ALLEGED OFFENDER ARE FAMILY OR HOUSEHOLD MEMBERS.**
8. **COLLECTING AND PRESERVING EVIDENCE RELEVANT TO DETERMINATION OF PRIMARY PHYSICAL AGGRESSOR.** Because it is possible that there will be mutual allegations of domestic violence, the officer should collect or record evidence to determine which party is the primary physical aggressor in order to comply with ORC 2935.03 and 2935.032. Therefore collect and record evidence relevant to:
 1. Any history of domestic violence or other violent acts;
 2. If violence is alleged, whether the alleged violence was caused by a person acting in self-defense;
 3. Each person's fear of physical harm;
 4. The comparative severity of any injuries; and
 5. Any other relevant evidence.
9. **COLLECT PRIOR INCIDENT/POLICE REPORTS/CONVICTIONS**
10. **SEIZURE AND FORFEITURE OF ANY DEADLY WEAPON** present at the scene of a domestic violence dispute as contraband. ORC 2935.03(b)(3)(h).
11. **ALL PHYSICAL EVIDENCE SHOULD BE COLLECTED**, noted in officer's report, and vouchered as in other criminal investigations.

Section K. Immediate Arrest

This response states a "preferred arrest" policy, wherein the preferred response to domestic violence or the violation of a domestic violence protection order, once probable cause has been established, is to arrest the offender. "Preferred" arrest means that arrest is the preferred course of action, and non-arrest measures are the exception. In contrast with a "mandatory arrest" policy, "preferred" leaves some degree of discretion with the officer in deciding whether to arrest or take other action. The officer's discretion, however, shall be exercised in accordance with the principles outlined below. (examples of reasons for not arresting are contained in ORC 2935.03 (B)(3)(b) and must be articulated in a report if no arrest is made).

NOTE: Sanctions may be imposed upon a peace officer who fails to comply with any provision in a policy or with division (B) (1) or (B)(3) of Section 2935.03 of the ORC or other applicable Ohio law concerning domestic violence.

Law enforcement's preferred course of action shall be to arrest and detain when:

1. There is probable cause to believe that the offender committed a crime of domestic violence.
2. There is probable cause to believe that the offender violated a temporary protection order or a civil protection order, or **stalking protection order, or out of state protection**

order.

3. When it is believed that family or household members committed the offense against each other, it is the preferred course of action that the officer arrest and detain until a warrant can be obtained the family or household member who committed the offense and whom the officer has reasonable cause to believe is the primary physical aggressor. There is no preferred course of action regarding any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor, but the peace officer may arrest such other person and detain him/her until a warrant can be obtained after consulting with the prosecutor (see section on Dual Complaints).
4. There is reasonable grounds to believe that a felonious assault or aggravated assault was committed, whether or not the victim was a family or household member. ORC 2935.032(A)(1)(a)(b).

NOTE: The officer shall not require the victim to sign or consent to the criminal complaint and the officer shall be the signature thereof. When possible, the officer should attempt to have the victim sign the victim statement; however, this shall not be required of a victim if the officer has reasonable grounds to arrest based on the facts and circumstances.

NOTE: It is the officer's responsibility to decide whether an arrest should be made. No consent of the victim is needed. The officer, therefore, should not give controlling weight to the victim's opposition to arrest. The officer should emphasize to the victim and to the offender that criminal prosecution is an action by the state and is not the victim's action.

NOTE: When an arrest is not made for any domestic violence or violation of TPO's, CPO's, or anti-stalking protection orders, felonious assaults or aggravated assaults, the officer shall clearly state reasons on the report why the person was not arrested and detained until a warrant could be obtained. ORC 2935.03(B)(3)(c).

NOTE: Every alleged incident of the offense of domestic violence will be considered by the law enforcement agencies for referral to federal authorities for prosecution under the federal law if the incident constitutes a violation of 18 U.S.C.2261.(ORC 2935.032 (G)).

CORPORAL PUNISHMENT EXCEPTION: (Based on Ohio Case Law)

If the victim is a child, law enforcement shall immediately contact Children's Protective Services and follow the procedures in the County Plan of Cooperation for interviewing the child. If it is alleged that a parent, guardian, or person acting in loco parentis administered proper and reasonable corporal punishment or the threat of proper and reasonable punishment to a child under the age of eighteen or a mentally handicapped person under the age of twenty-one, there is no preferred course of action by law enforcement.

SUGGESTED GUIDELINES:

1. If the officer has reasonable grounds to believe that the incident involved reasonable and proper corporal punishment, the officer shall not arrest and shall not file charges. However, the officer shall contact Children's Protective Services and should act in accordance with the assessment of Children's Protective Services.
2. If the officer has reasonable grounds to believe that the incident involved excessive corporal punishment, the officer may consider filing child endangering charges.
3. If the officer has reasonable grounds to believe that the incident was not corporal punishment and has reasonable grounds to believe that a crime of domestic violence has occurred, the officer should immediately arrest the alleged offender and file the appropriate charge.

If the officer is unable to determine whether the incident was reasonable and proper corporal punishment after reviewing all available evidence, the officer shall contact human services and the prosecutor.

JUVENILE OFFENDERS :

If the officer has probable cause to believe that a crime of domestic violence was committed and a juvenile was the alleged offender:

1. Law Enforcement shall take the juvenile offender into custody pursuant to the laws of arrest.
2. Law Enforcement shall immediately contact Juvenile Probation to determine placement of the juvenile or detention if appropriate. The Probation Officer shall make the call on detention.
3. If detention is not appropriate/or necessary, child shall be returned to residence and custody of parents/guardian. If such return is not possible due to parents refusal, or serious risk of physical harm resulting to any person, the arresting agency shall contact Children Services, who shall make an alternate placement pending hearing in Juvenile Court.
4. **IF THE VICTIM IS A CHILD:** Law Enforcement shall immediately contact Children's Protective Services and follow the procedures spelled out in the "County Plan of Cooperation" for interviewing child abuse victims.
5. **IF THE VICTIM IS AN ADULT:** Law Enforcement shall contact Crisis Line within one hour of responding to the call.
6. Law Enforcement shall complete the Field Report and Arrest Forms.

Section L.

Immediate Arrest Felonies

When there is probable cause to believe a felonious assault or aggravated assault has been committed or where a felony domestic violence has been committed:

1. If the officer determines that there are reasonable grounds to believe that a person knowingly caused or attempted to cause physical harm to another by means of a deadly weapon or dangerous ordnance, as defined in Section 2923.11 of the ORC, regardless of whether the victim of the offense was a family or household member of the offender, the officer shall treat the incident as a felonious assault and shall consider the offender to have committed the offense and shall consider the victim to have been the victim of a felonious assault. In determining how the offender of a felonious assault should be treated the officer shall comply with whichever of the following is applicable:
 - a. If the officer has reasonable cause to believe that, during the incident, the offender committed the felonious assault, without a crime of violence being committed against him/her (the offender), then the officer shall arrest the offender who committed the felonious assault pursuant to Section 2935.03 of the Revised code and shall detain him/her pursuant to that section until a warrant can be obtained, and the arrest shall be for felonious assault.
 - b. If the officer has reasonable cause to believe that, during the incident, the offender who committed the felonious assault had an offense of violence committed against him/her (the offender) (crimes against each other), then the officer shall determine in accordance with these guidelines which of those persons is the primary physical aggressor. If the offender who committed the felonious assault is the primary aggressor, then the officer shall arrest that offender for felonious assault pursuant to

Section 2935.03 of the Revised Code and shall detain him/her pursuant to that section until a warrant can be obtained. The officer is not required to arrest but may arrest pursuant to Section 2935.03 of the Revised Code any other person who committed an offense of violence but who is not the primary physical aggressor after consulting with the prosecutor. If the offender who committed the felonious assault is not the primary physical aggressor, the officer is not required to arrest that offender or any other person who committed an offense of violence during the incident, but may arrest any of them pursuant to Section 2935.03 of the Revised Code and detain them pursuant to that section until a warrant can be obtained.

2. If the officer determines that there are reasonable grounds to believe that a person, while under the influence of sudden passion or in a sudden fit of rage, either of which is brought on by serious provocation occasioned by the victim that is reasonably sufficient to incite the person into using deadly force, knowingly caused serious physical harm to another or knowingly caused or attempted to cause physical harm to another by means of a deadly weapon or dangerous ordnance, as defined in Section 2923.11 of the Revised code, then, regardless of whether the victim of the offense was a family or household member or the offender, the officer shall treat the incident as an aggravated assault. The officer shall consider the offender to have committed the offense and the victim to have been the victim of an aggravated assault. In determining how the offender of an aggravated assault should be treated, the officer shall comply with whichever of the following is applicable:
 - a. If the officer has reasonable cause to believe that, during the incident, the offender committed an aggravated assault, without a violent crime being committed against him/her (the offender), then the officer shall arrest the offender who committed the aggravated assault pursuant to Section 2935.03 of the Revised Code and shall detain him/her pursuant to that section until a warrant can be obtained, and the arrest shall be for aggravated assault.
 - b. If the officer has reasonable cause to believe that, during the incident, the offender who committed the aggravated assault had an offense of violence committed against him/her (the offender) (crimes against each other), then the officer shall determine in accordance with these guidelines which of those persons is the primary physical aggressor. If the offender who committed the aggravated assault is the primary physical aggressor, then the officer shall arrest that offender for aggravated assault pursuant to Section 2935.03 of the Revised Code and shall detain him/her pursuant to that section until a warrant can be obtained; the officer is not required to arrest but may arrest pursuant to Section 2935.03 of the Revised Code any other person who committed an offense of violence but who is not the primary physical aggressor. If the offender who committed the aggravated is not the primary physical aggressor, the officer is not required to arrest that offender or any other person who committed an offense of violence during the incident but may arrest any of them pursuant to Section 2935.03 of the Revised Code and detain them pursuant to that section until a warrant can be obtained after consulting with the prosecutor.
2. If the officer determines that there are reasonable grounds to believe that a person committed a felony domestic violence, the officer shall consider the offender to have committed the offense and the victim to have been the victim of felony domestic violence. In determining how the offender of a felony domestic violence should be treated, the officer shall comply with whichever of the following is applicable:
 - a. If the officer has reasonable cause to believe that, during the incident, the offender committed a felony domestic violence, without a violent crime being committed against him/her (the offender), then the officer shall arrest the offender who committed the felony domestic violence and shall detain him/her until a warrant can be obtained; and the arrest shall be for felony domestic violence.

b. If the officer has reasonable cause to believe that, during the incident, the offender who committed the felony domestic violence had an offense of violence committed against him/her (the offender) (crimes against each other), then the officer shall determine in accordance with these guidelines which of those persons is the primary physical aggressor. If the officer who committed the felony domestic violence is the primary physical aggressor, the officer shall detain him/her until a warrant can be obtained. The officer is not required to arrest but may arrest any other person who committed an offense of violence but who is not the primary physical aggressor. If the offender who committed the felony domestic violence is not the primary physical aggressor, then the officer is not required to arrest that offender or any other person who committed an offense of violence during the incident but may arrest any of them and detain them pursuant until a warrant can be obtained after consulting with the prosecutor.

- To constitute a felony domestic violence, there must be a prior “conviction” of domestic violence or assault against a family or household member.

Section M. Guidelines For Determining Primary Aggressor

When it is believed that a family or household member committed the offense against each other, officers shall arrest the family or household member who committed the offense and whom the officer has reasonable cause to believe is the primary physical aggressor. The officer shall use the following guidelines for determining the primary aggressor:

1. Any **history of domestic violence** or any other violent acts by either person involved in the alleged offense that the officer reasonably can ascertain;
2. If violence is alleged, whether the alleged violence was caused by a person acting in **self-defense**;
3. Each person's **fear of physical harm**, if any, resulting from the other person's threatened use of force against any person, and the reasonableness of that fear;
4. The comparative **severity of any injuries** suffered by the persons involved in the alleged offense.
5. Any other relevant factors

If both parties allege domestic violence and there is evidence that both parties may have committed some form of violence against the other, the officer **must** determine who is the primary aggressor based on the guidelines under 2935.032(a)(1)(b). ORC 2935.03(b)(3)(d).

The purpose of arrest is to protect the parties from further harm. It is not necessary to arrest both parties to serve that purpose. Mutual arrest should rarely if ever be used. Law enforcement must contact the prosecutor before deciding to arrest both parties. If there is concern that both parties should be charged with domestic violence, the prosecutor can make that decision at a later date. It is not necessary to arrest both parties for purposes of protection even if both parties are eventually charged with domestic violence unless there are other persons in danger.

Section N. Dual Complaints

A batterer often claims that the victim also is guilty of domestic violence in order to direct the blame away from him or herself. Except as provided in Section “L” (Immediate Arrest Felonies), the officer should exercise discretion in determining whether to arrest either or both parties or refer either or both parties to the prosecutor keeping in mind the following:

1. If both parties allege domestic violence and there is evidence that both parties may have

committed some form of violence against the other, the officer must evaluate whether one party acted in self-defense. If the officer so concludes, the party acting in self-defense should not be arrested.

2. If there is evidence of violence on the part of both parties and the officer concludes that one party was the primary aggressor or that one party is likely to re-initiate the violence, the officer should arrest and detain until a warrant can be obtained for only that person. If the "primary physical aggressor" persists in demanding that the victim be arrested also, the officer should tell the "primary physical aggressor" to contact the appropriate prosecutor's office. The prosecutor will evaluate the "primary physical aggressor's" complaint after the charges against him or her have been resolved.
3. Officers should remember that victims of violence often strike out in their own defense. Officers should also remember that assailants will attempt to file charges against the person they have injured in order to use the charges as negotiating pressure or leverage to have the charges against them dropped.
4. The officer may allow both parties to sign the victim's statement, thereby establishing probable cause for arrest when there is independent evidence that both parties are offenders or when the officer cannot make a determination and both parties are equally aggressive.
5. The officer may refer one or both parties to the Center for Child and Family Advocacy, LSNO , or a Private Attorney to seek a civil protection order.

Section O: What Is Probable Cause?

Probable cause means that combination of facts which leads an officer to believe a crime has been committed.

Probable cause exists when facts and circumstances within the officer's knowledge, and of which he or she has reasonable trustworthy information, sufficient to warrant a person of reasonable caution to believe the offense has been or is being committed, and the offender is or has committed the offense.

- The officer does not have to observe the act of domestic violence or the act of violating a protection order for probable cause to exist.

You have probable cause to arrest if all the facts and circumstances observed by or known to the officer, leads you to believe that domestic violence or protection order violation has been committed, including but not limited to:

- a. Statements of victims or witnesses;
- b. Admissions by alleged perpetrator
- c. The appearance of physical evidence (blood, bruises, disheveled or torn clothes, broken furniture, etc.)
- d. Statements of neighbors or children of appropriate maturity.

PROBABLE CAUSE EXISTS WHEN a person signs a written statement alleging domestic violence against the person or against a child of the person or violating a protection order or consent agreement and naming the alleged perpetrator. ORC 2935.03(B)(3)(a)(i).

Section P. Factors Not To Be Considered In The Probable Cause

The following must not be considered in determining probable cause because, while they may play a role in the ultimate outcome of the case, they are irrelevant to the determination of whether a crime has been committed:

1. Race, ethnicity, sexual preference, social class, occupation, or prominence in the community;
2. Marital status of the parties (except the extent necessary to determine if the parties fall within the statutory definition of domestic violence);
3. Previous court dispositions regarding these same persons;
4. The possibility that the victim will not want to prosecute;
5. Assurance by one or both parties that the violence will stop;
6. Denial by the offender that the violence occurred when the facts and circumstances show otherwise. (Of course, when the victim denies any violence occurred, the officer must determine if there is any independent evidence from which to establish probable cause, e.g., admissions by the offender, injuries, statements of witnesses).

Section Q. Factors Not To Be Considered In Arrest Decision

Violence against a family or household member is a crime, and the officer must not allow this fact to be clouded by myths or stereotypes about domestic violence, or by the belief (however likely in a particular case) that “they will just drop the charges anyway.” Assuming that probable cause has been established, the following factors must not be considered in determining whether to arrest the offender:

1. The marital status of the parties (except to the extent necessary to determine whether the parties fit within a relationship covered by the domestic violence statutes);
2. Verbal assurances that the domestic violence will stop;
3. A claim by the offender that the victim provoked or perpetuated the violence (this is different from the offender claiming that he or she acted in self-defense);
4. Speculation that the victim will not follow through or cooperate with criminal prosecution (whether based on prior incidents involving the same victim, the victim’s hesitancy about pursuing prosecution, or any other factor);
5. The disposition of any previous police calls involving the same victim or offender except to the extent necessary to establish credibility);
6. Speculation that the arrest may not lead to a conviction;
7. The existence or non-existence of a current protection order (except insofar as the violation of such an order might justify arrest);
8. The victim’s emotional state;
9. Concern about reprisals against the victim;
10. Adverse financial consequences that might result from the arrest;
11. The racial, cultural, social, political or professional position, or the sexual orientation of either the victim or the offender.

12. Jail overcrowding.

Section R. Law Enforcement Shall Assess All The Facts And Circumstances As To Whether A Crime Has Been Committed

Law enforcement shall assess all the facts and circumstances to determine whether there is probable cause to believe that a crime has been committed.

Law enforcement shall consider:

1. Injuries;
2. Disheveled or torn clothes;
3. Broken furniture;
4. Ripped out phone;
5. Broken locks, windows, doors;
6. Statement of victims or witnesses;
7. Admissions by alleged offenders;
8. Statements of neighbors or children of appropriate maturity;
9. Observations;
10. Any other facts and circumstances observed by or known to the officer which leads you to believe that domestic violence has been committed.

◆ **Remember: law enforcement does not have to observe the act of domestic violence or act of a protection order violation for probable cause to exist.**

Section S. Law Enforcement Shall Assess All The Facts and Circumstances As To Whether A Protection Order Has Been Violated

Law enforcement shall assess all the facts and circumstances to determine whether there is probable cause to believe that a protection order has been violated. If the victim alleges that a temporary protection order (TPO) or civil protection order (CPO), consent agreement or anti-stalking protection order has been violated:

1. Ask the victim to produce a copy of the order.
2. If the victim produces a copy of the order, check the parties, the expiration date, and the terms of the order.
3. If the victim is unable to produce a copy of the order, the officer shall contact dispatch to verify the existence of the order from the crime scene.
4. Dispatch shall check the domestic violence files for a valid TPO, CPO, consent agreement, stalking protection order or bond order. Dispatch shall verify the parties, the expiration date, and the terms of the order.
5. If the victim produces a certified copy of an order from another county, law enforcement shall check the parties, expiration date, terms of the order, and enforce the order as instructed in the order.
6. The officer shall determine, based on the facts and circumstances whether there is a probable cause to believe that a protection order has been violated.

Section T If Law Enforcement Is Unable To Find Probable Cause

If law enforcement is unable to find probable cause that a crime was committed or that a protection order was violated by assessing all the facts and circumstances, law enforcement shall fully document why the officer did not have probable cause in the field report.

Section U **If Law Enforcement Finds Probable Cause**

If law enforcement has probable cause that a crime was committed or that a protection order was violated by assessing all the facts and circumstances, and law enforcement and the offender are present or otherwise immediately available for arrest, then law enforcement should arrest the offender and do the following:

1. Document the facts and circumstances which are the basis of the arrest and note all physical evidence that is collected.
2. If the victim signed the victim statement, document it, and attach it to the offense report.
3. Take pictures of the injuries and the crime scene.
4. Collect all physical evidence.
5. Obtain medical release of information from the victim if the victim obtains medical treatment.

◆ **NOTE: The officer should arrest the offender if there is probable cause that a crime was committed even if the victim opposes the arrest.**

Section V **Advising the Victim**

1. Upon first contact, give the victim, victim's family, or victim's dependents, a copy of the Defiance domestic violence booklet (yellow booklet) and Victim of Crime Booklet from the Attorney General's Office with your name, unit number, the incident report number if available, and follow-up telephone number written on the front cover. Also provide victim with the shelter number, and number of any available local victim advocate program.
2. Inform the victim that law enforcement will be contacting the Shelter within one hour and the Shelter will be contacting the victim to explain the various services that are available. Law enforcement will obtain the best telephone number to reach the victim.
3. Inform the victim of the availability of a Temporary Protection Order (TPO) if charges are available and the availability of a Civil Protection Order (CPO).
4. Advise the victim that once the offender is arrested, he or she may be in custody a short time and that she or he should have a safety plan in place.
5. Encourage the victim to articulate a safety plan to follow if the offender is released.

Section W **Complete Forms In The File**

The law enforcement field packet contains:

1. State Reporting Form
2. Domestic Violence Field Report
3. Victim Statement
4. Victim Information Brochure (Yellow Booklet)
5. Victims of Crime Pamphlet from the Attorney General's Office

Section X **Complete The State and Field Reporting Form**

Complete the state and field reporting form even when the offender is not arrested and detained until a warrant was obtained.

Fully document the reasons why the offender was or was not charged, arrested and detained until a warrant was obtained in the filed report.

A field report must be filled out for each and every response to a domestic violence dispute, whether or not the charges will be filed. The officer must complete the form to the best of his or her ability using all available information. ORC 2935.03(B)(3)(c).

Section Y **Deadly Weapons and Domestic Violence**

If an officer responds to a report of an alleged incident of domestic violence or an alleged incident of violation of a TPO, CPO or consent agreement and the circumstances involve the use or threatened use of a deadly weapon or any person involved in the incident brandished a deadly weapon during or in relation to the incident, the weapon shall be seized as contraband and should also be treated as evidence.

· **Note: H.B. 335 makes such deadly weapon contraband under 2933.43 ORC and the weapon may be forfeited.**

Section Z **Responsibility of Law Enforcement for Victim Notification**

Within a reasonable time after the defendant's arrest the law enforcement agency shall provide [ORC 2930.05]:

- (1) Notice of the arrest;
- (2) The defendant's eligibility for pretrial release;
- (3) The telephone number of the custodial agency;
- (4) The victim's right to telephone the agency to determine if the defendant has been released.

Section ZZ **Prompt return of property [ORC 2930.11]**

Except as otherwise provided in sections 2930.11, 2933.41 or 2933.43 of the ORC, the law enforcement agency responsible for investigating a crime shall promptly return to the victim of the crime any property of the victim that was taken in the course of the investigation. In accordance with criminal rule 26, the law enforcement agency may take photographs of the property for use as evidence. If the ownership of the property is in dispute, the agency shall not return the property until the dispute is resolved.

The law enforcement agency responsible for investigating a crime shall retain any property of the victim of the crime that is needed as evidence in the case, including any weapon used in the commission of the crime, if the prosecutor certifies to the Court a need to retain the property in lieu of a photograph of the property or of another evidentiary substitute for the property itself.

If the defendant in a case files a motion requesting the Court to order the law enforcement agency to retain property of the victim because the property is needed for the defense in the case, the agency shall retain the property until the court rules on the Motion. The court, in making a determination on the motion, shall weigh the victim's need for the property against the defendant's assertion that the property has evidentiary value for the defense. The court shall rule on the motion in a timely fashion.

Article 4. **LAW ENFORCEMENT RESPONSE TO MENACING BY STALKING**

Section A. **Purpose**

The Stalking Law was enacted to provide protection from stalking behavior, by ensuring that harassing and/or threatening behavior is properly identified and prosecuted to the fullest extent of the law. This protocol defines the role a law enforcement officer shall take when confronted with such a situation and reaffirms the police officer's authority and responsibility to make arrest decisions in accordance with established probable cause standards. The purpose of this policy is to establish uniform guidelines for handling stalking calls.

Section B. Policy

Stalking cases are unique for several reasons. They involve ongoing behavior by a suspect that can literally last for years. Stalking cases present a unique and ongoing threat to the victim, the seriousness of which is difficult to predict. Due to the difficult and dangerous nature of this conduct, it shall be the policy of this police department to investigate all harassment, threatening and stalking calls in a manner that will facilitate the arrest of the stalker and the protection of the victim. Emphasis shall be on determining if probable cause exists for an arrest and then taking the appropriate action. Police officers shall convey sensitivity to victims, and an attitude that stalking is criminal behavior and will not be tolerated. The officer shall treat all acts of stalking as criminal conduct. The officer shall make efforts to ensure that victims are informed of services available to victims of crime.

Section C. Definitions

Menacing by Stalking (ORC 2903.211) Menacing by stalking occurs when a person engages in a pattern of conduct that knowingly causes another to believe that the offender will cause physical harm to the other person or causes mental distress to the other person.

Pattern of Conduct (ORC 2903.211) means two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents.

Mental Distress (ORC 2903.211) means any mental illness or condition that involves some temporary substantial incapacity or mental illness or condition that would normally

Violation of a Protection Order (ORC 2919.27) A violation of a protection order exists when a person recklessly violates the terms of a protection order issued by any court in this state under ORC 2919.26 (temporary protection order) or 3113.31 (civil protection order); a protection order issued by any court in this state under ORC 2903.213 (anti-stalking protection order) or 2903.214 (civil anti-stalking protection order); or a protection order issued by a court of another state.

Probable Cause (ORC 2935.03) Probable cause exists when the facts and circumstances within the officer's knowledge, and of which the officer has reasonable trustworthy information, are sufficient to warrant a person of reasonable caution to believe the offense has been or is being committed and the accused has committed or is committing the offense.

Section D. Recognizing a Stalking Case

Any time a victim reports **any type of "harassing or menacing"** behavior, the responding officer should be thinking about the possibility of stalking. Additional inquiry must be made to determine whether this is an isolated incident or repeated conduct. (NOTE: it is not uncommon for a victim to put up with harassing behavior for some time before finally calling the police. Therefore, whenever a report is made you can assume the likelihood of prior behavior.)

When inquiring about prior behavior officers should always determine whether any prior police reports have been made and in which jurisdiction, ask whether any friends or members of the

victim's family have filed reports. Any time the suspect has engaged in "more than one" incident of some type of harassment, the case should be evaluated as a potential stalking case.

Section E. **Procedure: Dispatch**

Dispatch must give a potential stalking call the same priority as any other life threatening call.

1. During the initial call for assistance, the dispatcher will obtain at least the following information:
 - a. The specific location of the emergency; address, apartment, etc.
 - b. A call back telephone number should you be disconnected.
 - c. The caller's name.
 - d. Whether the caller is the victim or a witness.
 - e. The nature of the incident.
 - f. Whether there are injuries and the extent or description of the injuries (if an ambulance is needed dispatch immediately).
 - g. Is the suspect present (if not, a description of the suspect, his/her expected whereabouts, and a description of any vehicle involved)?
 - h. Are weapons involved or present (if yes, what kind)?
 - i. Are any of the parties under the influence of alcohol or drugs?
 - j. Are children present (are they all right)?
 - k. Does anyone have a current protection order?

2. Dispatch priority:
 - a. Whenever possible two officers will be dispatched immediately. (Additional information may be gathered while the unit is enroute and passed onto the officers).
 - b. A supervisor must be alerted to the incident and will respond, if necessary.
 - c. Dispatchers should inform the caller of the intended response and provide an estimated time of arrival for law enforcement assistance. If distance or officer availability becomes a factor in providing adequate response time, the caller shall be notified of this and safety planning should commence.
 - d. In volatile situations, the dispatcher will keep the caller on the line, if it is safe to do so, until an officer arrives at the location, or if the caller is the victim, will ask the victim for a safe location for the officer to meet her/him.

3. Check for previously reported incidents and protection orders:

4. When a call is received that could be stalking, the dispatcher shall review the departments records containing prior reports, CPOS, TPOS and bond orders to determine whether there is any records of the parties having been involved previously in a stalking incident, other related offense, or having a protection order in-effect. Any relevant information is radioed to the responding officers and supervisor. Dispatch must complete (type in your own system of recording/documenting calls).

Section F. **Investigation of the stalking case**

Assessing the stalker

It is vital that the investigator learns as much as possible about the stalker and his/her method of operation. The investigator must assess the potential threat posed by a suspect. Information that should be documented includes:

1. Any prior threats made.
2. Any actual pursuit or following of the victim.

3. Any history of violence against the victim or others.
4. Any information regarding the suspect's tendency towards emotional outburst or rage.
5. Prior history of mental illness.
6. Substance abuse problems.
7. Possession, knowledge of, or fascination with weapons.
8. Any history of Protection Order violations.
9. Suspect's prior criminal history and/or prior contacts with law enforcement.

In addition, every stalking investigation should include a thorough research of the suspect's prior criminal history and/or prior contacts with law enforcement.

Gathering Evidence:

1. **Interviewing the victim:** Stalking is a different crime because quite often nothing physical has happen to the victim yet. For the stalking victim, however, the fear that something will happen is over whelming. Acknowledging the legitimacy of the victim's fear and recognizing that stalking behavior can indeed be the precursor of significant violence is a critical first step in interviewing the victim. The initial interview should attempt to establish the elements of the crime and should include the following:
 - a. What incidents of harassment, threats or other have happened?
 - b. When did these incidents happen?
 - c. Where did these incidents happen? (Any trespass involved?)
 - d. Who did them?
 - e. What, is any, relationship between the victim and suspect?
 - f. Is the victim a minor?
 - g. What has been the effect on the victim?
 - h. Any prior acts of violence toward the victim or anyone else?
 - i. Was a deadly weapon involved?
 - j. Was there a protection order in existence at the time of the incident?
 - k. Did the suspect ever do any serious physical harm to the property of the victim?
 - l. Any prior threats toward the victim?
 - m. Any fear of physical harm or mental distress?
 - n. Does the victim know of any previous convictions for stalking or criminal trespass by the suspect?

Although it is dangerous to generalize about what behavior a victim should have regarding a suspect, it is important to encourage the victim to not initiate any contact with suspect and make clear and consistent statements that "I want no contact with you".

2. **Evidence of victim's state of mind:** The crime of stalking often requires that the victim suffer mental distress because of the stalker's conduct. Investigators must document any evidence of the victim's response to the harassment. For example, has the victim:
 - o. Changed route to/from work, school, etc.
 - p. Alerted friends, family, co-workers to the situation.
 - q. Avoided going out alone.
 - r. Changed residence/job/etc.
 - s. Changed the telephone number.
 - t. Asked security from work/school for assistance.
 - u. Installed an alarm, changed locks, added locks, etc.
 - v. Changed work schedule, requested a transfer.
 - w. Moved to a shelter, stayed with a friend, had a friend stay with him/her.
 - x. Changed behavior, places where he/she goes, events attended, where shops, where socializes.
 - y. Taken a self-defense course, purchased a gun, carries pepper spray.
 - z. Any other changes the victim has made.

3. **Items from the victim:** Seize any tangible items of evidence from the victim that substantiates the stalking behavior such as:
 - aa. Any taped telephone messages.
 - bb. Any letters or notes written by the suspect to the victim.
 - cc. Any e-mail sent by the suspect to the victim.
 - dd. Any objects sent to or left for the victim.
 - ee. Any “Caller ID” telephone records.

5. **Obtaining corroboration:** Corroborative evidence is crucial for a successful prosecution for stalking. Investigators should:
 - a. Photograph any items vandalized, damaged, written on, etc.
 - b. Check for fingerprints on vandalized items or other objects sent to or left for the victim.
 - c. Advise the victim to save any telephone messages, items, and report all incidents immediately.
 - d. Obtain telephone records from the victim and suspect’s residence.
 - e. Determine if any witnesses were ever present and obtain witness statements.

6. **Suspect Interview:** Suspect interviews can be extremely important in assessing the dangerousness of the suspect and in obtaining information that will ultimately help prove a stalking case. Consider:
 - a. Video taping the interview whenever possible. Body language, gestures, voice tone, eye contact, etc. are important aspects in evaluating the stalker.
 - b. Record any admissions, partial admissions.
 - c. Research suspect’s background before the interview, if possible.
 - d. Gather as much information as possible about the suspect’s thinking, behavior patterns, and activities regarding the victim.
 - e. Gather information about the defendants whereabouts at the time of the incidents and follow up on verifying the “alibi’s”
 - f. **CAVEAT:** Be aware that in some cases, interviewing the suspect may serve to intensify his interest in the victim. Precautions must be taken whenever a suspect interview takes place.

6. **Search Warrants:** Items to look for when serving warrants include:
 - g. Photographs of the victim.
 - h. Photos, diagrams, or drawings of the victim’s home or workplace.
 - i. Writings, logs, diaries (hard copy or computer copy) kept by the suspect that describe his/her stalking activities or thoughts/fantasies about the victim or other victims.
 - j. Personal items belonging to the victim.
 - k. Video or audio tapes that might have information concerning the stalking, such as surveillance footage.
 - l. Books describing stalking techniques or have subject matter dealing with stalking, harassment or violence.
 - m. Any equipment that appears to have been used to “stalk” the victim, such as cameras, binoculars, video recorders, etc.

7. **BE AWARE:** Stalking suspects can be very intelligent, manipulative and cunning. They come in all shapes and sizes and from all occupations. They often are very good liars. They will commonly attempt to deny or rationalize their behavior or try to “outsmart” the investigator.

Section G.

Arrest and Charging:

The purpose of the investigation is to determine if there is “probable cause” to believe that the crime of menacing by stalking, aggravated trespass, or violation of a protection order has occurred, and that an individual or individuals committed the offense.

1. Officers should arrest and detain a person, until a warrant can be obtained, when there is probable cause to believe that the officer committed a crime of menacing by stalking or aggravated trespass;
2. Probable cause may be obtained by a written statement from a person alleging that an alleged offender has committed menacing by stalking or aggravated trespass.
3. Menacing by stalking is a first-degree misdemeanor unless one of the following factors is present. It is then a fourth degree felony.
 - n. The offender has a prior conviction for stalking or criminal trespass;
 - o. The offender threatened physical harm;
 - p. The offender trespassed upon the victim’s residence, place of employment or school;
 - q. The victim is a minor;
 - r. The offender has a history of violence or violent acts;
 - s. The offender had a deadly weapon on or about his/her person;
 - t. The offender was subject to an anti-stalking protection order;
 - u. The offender caused serious physical harm to the property of the victim;
 - v. The offender has been found to be mentally ill and subject to hospitalization for being a harm to self or others.
4. Inquire as to whether a civil or criminal protection order is in effect presently and, if so, ask for a copy of the order. If the victim cannot produce copy of the order, obtain information about the court that granted the order and call dispatch to attempt to verify the existence and effective period of the order.
5. Upon receipt of a protection order, note carefully the restrictions imposed by the order to determine whether there is probable cause to believe that the order has been violated. Officers shall enforce an anti-stalking, temporary, or a civil protection order issued by any court in the state or any other state, in accordance with the provisions of the order, including arrest or removing the defendant from the premises, regardless of the reason given for being at the premises.
6. If children are present, children should be separated from the parties, if possible. Children should be interviewed about the stalking in a careful, gentle manner appropriate to the child’s age and emotional state. Be on the alert for excited utterances from children while interviewing adult parties and witnesses.
7. Officers investigating a menacing by stalking or aggravated trespass shall do all of the following:
 - w. Advise the victim of the availability of criminal and civil anti-stalking protection orders.
 - x. Give the victim in writing the officer’s name, badge number, the report number for the incident if a report number is available, and a telephone number that the victim can call for information about the case on the top of the yellow booklet
 - y. Give out a copy of the crime victim’s pamphlet from the State Attorney General’s office.

- z. Assist any victim that deems it necessary or advisable as a protective measure to leave the residence with transportation and location of lodging with family, friends, shelter, or public accommodation.
8. When an officer determines there is probable cause to arrest and the suspect has left the scene, the officer should promptly seek a warrant for the arrest of that person.

Section H. Reporting and Filing Procedures:

1. Officers shall make a written report for any incident of harassment, threat, stalking, violation of a protection order, or for any other offense arising out of a call to a scene involving an event or incident that may be a pattern of conduct, whether or not an arrest has been made. In the case of an arrest or when seeking a warrant, the officer shall document the facts and circumstances which are the basis for establishing probable cause.
2. When an arrest is made for menacing by stalking or aggravated trespass, the officer shall inform the victim of the right to request a protection order and assist the victim in filing the motion for the order, (If the victim is a family or household member, the offices shall inform the victim of the right to request a temporary protection order under ORC 2919.26.
7. Officers shall also advise a victim of the availability of a civil protection order pursuant to ORC 2903.214, or if the victim is a family or household member a civil protection order under ORC 3113.31, whether or not an arrest has been made.
4. When a protection order is requested, the officer shall inform the victim of the necessity to appear in court within 24 hours for a hearing on the motion.
5. The officer shall also inform the victim of the availability of a victim advocate to be present in court with the victim and/or to provide assistance with safety planning and additional services. In addition to providing the victim with the required inform indicated in section 9 above, the officer shall call The Center for Child and Family Advocacy. The officer will provide the victim's name, address, telephone number, defendant's name, the time and date for arraignment or hearing on a motion for a protection order to the advocate answering the telephone, unless requested by the victim not to disclose this information.
6. When an immediate arrest is not possible and a warrant has been issued, the officer shall make the victim aware of the warrant and of steps to take should the victim know of the offender's whereabouts.

Section I. Qualified immunity:

Ohio Revised Code 2744.03 provides peace officers with the affirmative defense of qualified immunity against civil liability, including alleged violations of federal civil rights law i.e. false arrest, malicious prosecution, etc. The affirmative defense is available to government officials, including law enforcement, who perform discretionary functions and whose conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known i.e., the "good faith" defense.

Article 5. PROTECTION ORDERS

Section A. Temporary Protection Order ORC 2919.26 (TPO)

A temporary protection order is available upon the filing of a complaint that alleges a violation of section 2919.25 (domestic violence) , a violation of a municipal ordinance substantially similar to that section, a violation of section 2903.11 (felonious assault), 2903.12 (aggravated assault), 2903.13 (assault), 2903.211 (menacing by stalking), or 2911.211 (aggravated trespass) of the revised code that involves a person who was a family or household member at the time of the violation or a municipal ordinance that is substantially similar to section 2903.13, 2903.211 or 2911.211 of the revised code that involve a person who was a family or household member at the time of the violation.

A TPO will generally be ordered by the Judge at the initial appearance as a pretrial condition of release. The Judge on his or her own motion, the victim, the complainant, a family or household member on behalf of the victim or an officer in an emergency can request a TPO. A temporary protection order can order the offender to stay away from the victim's residence, workplace, or school. It can order the offender to refrain from telephoning, harassing, or threatening the victim directly or through another person. It can also include any other terms necessary to ensure the victim's safety and protection. The order will clearly state that the order cannot be waived or nullified by the invitation to the alleged offender from the complainant or family or household member to enter any or the specified places. If the offender violates the order, even with the victim's permission, the offender may be arrested. If the offender or victim wants to modify the TPO, the court must be asked to modify the order.

Section B. Criminal Stalking Protection Order ORC 2903.213 (SPO)

Upon the filing of a complaint that alleges that a crime of aggravated menacing (2903.21) or menacing by stalking (2903.211) or menacing (2903.22) or aggravated trespass (2911.211) or felonious assault (2903.11) or aggravated assault (2903.12) or assault (2903.13) or a municipal ordinance substantially similar, the complainant may file a motion or the Judge on his own motion may request an anti-stalking protection order as a pretrial condition of release in addition to any bail set. If the complainant involves a person who is a family or household member, the complainant may not file a criminal stalking protection order, but may file a motion for a TPO pursuant to 2919.26.

If the court finds that the safety and protection of the complainant may be impaired by the continued presence of the alleged offender, the court may issue an anti-stalking protection order designed to ensure the safety and protection of the complainant, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant. The order shall clearly state that the order cannot be waived or nullified by an invitation to the alleged offender from the complainant to enter the residence, school, business, or place of employment of by the alleged offender's entry into one of those places otherwise upon the consent of the complainant. If the offender violates the order, even with the victim's permission, the offender may be arrested. If the offender or victim wants to modify the protection order, the court must be asked to modify the order.

Section C. How To File A Motion For A Temporary Protection Order (TPO)

1. In most instances, the Judge will issue a TPO as a pretrial condition of release on his or her own Motion.
2. When the arresting officer signs the domestic violence charge, such officer shall request a TPO if the victim is at risk of further harm. If the officer arrests the offender, the officer may request a TPO at arraignment if the victim requests a TPO.

3. In rare, if any cases, when the victim is signing the domestic violence charge, the officer should then also recommend that the victim requests a TPO.
4. Regardless of who request the TPO, the victim, when possible, should appear at the protection order hearing.
5. If the victim is the signing complainant and is not physically or emotionally able to appear at the protection order hearing, an officer should appear on the victim's behalf.
6. The TPO is effective only until dismissal or sentencing.
7. The complainant or petitioner may be accompanied to court by a victim advocate.

Section D. Civil Protection Order ORC 3113.31 (CPO)

A person may file a petition for a CPO for him/herself or on behalf of any other family or household member. The Petition must allege that the respondent engaged in domestic violence against a family or household member including a description of the nature and extent of the domestic violence. Domestic violence includes (a) attempting to cause or recklessly causing bodily injury; (b) placing another person by the threat of force in fear of imminent serious physical harm; (c) committing a violation of menacing by stalking (2903.211) or aggravated trespass (2911.211); (d) committing an act with respect to a child that would result in the child being an abused child under ORC 2151.031. The complainant must be a family or household member. The filing of criminal charges or a criminal conviction is not a requirement to get a CPO.

In a civil protection order, the judge can order the abuser to refrain from abusing, telephoning, harassing, or threatening the victim directly or through a third party. The judge can designate the residential parent and legal custodian of the children, or establish parenting time with regard to the children. The judge can order child support, spousal support, counseling, use of a motor vehicle, division of property, and any other relief necessary for the victim protection. The order will clearly state that the order cannot be waived or nullified by an invitation to the alleged offender from the complainant or family or household member to enter any of the specified places. The CPO is effective for up to five years.

Section E. Stalking Civil Protection Order ORC 2903.214 (SCPO)

A person may file a petition for a Stalking Civil Protection Order for him/herself or any parent or adult household member may seek relief on behalf of any other family or household member. The Petition must allege that the Respondent engaged in a violation of section 2903.211 (menacing by stalking) of the revised code against the person to be protected by the protection order including a description of the nature and extent of the violation and a request for relief. The complainant does not have to be a family or household member of the Respondent. The SCPO is effective for up to five years.

The Court may issue a SCPO designed to ensure the safety and protection of the person to be protected. If the Court issues a requirement that the alleged offender refrain from entering the residence, school, place of employment of the petitioner or a family or household member of the petitioner, the order shall clearly state that the order cannot be waived or nullified by an invitation to the alleged offender from the complainant or with the consent of the complainant to enter any of the specified places.

Section F. **How To File a Petition For A Civil Protection Order Or Stalking Civil Protection Order**

2. The victim can call House of Ruth (the domestic violence shelter), or Legal Services of Northwest Ohio (LSNO), or a private attorney to file for a civil protection order.
3. The House of Ruth, LSNO, or a private attorney will discuss the case with the victim to determine if the victim may qualify for a CPO or SCPO.
4. If it appears that the victim may qualify for a CPO or SCPO, The House of Ruth, LSNO or a private attorney will assist the victim in preparing the petition and filing the petition in the Common Pleas Court.
5. The victim can ask the Court to grant an ex-parte order when the petition is filed. An ex-parte order is a protection order that goes into effect before a full hearing. If the ex-parte order is granted, it will remain in effect until the hearing on the civil protection order.
6. A full hearing for the civil protection order will be scheduled within seven (7) to ten (10) days of filing a petition for CPO or SCPO. At the hearing, the victim must explain to the judge why a CPO or SCPO is necessary to protect the victim or a family member from further harm by the respondent. If the victim fails to appear at the hearing, the judge will not grant a CPO or SCPO.
7. Both the ex-parte order and final order are fully enforceable.
8. It is a common misconception that CPO's expires when a divorce is filed. This is not true. Only the child support, spousal support, and provisions regarding allocation of parental rights and responsibilities expire, and they do so on the date that a court in an action for divorce, dissolution, or legal separation issues an order allocating parental rights and responsibilities for the care of the children and support or on the date that a juvenile court issues an order awarding legal custody of minor children and support.
9. It should be noted that a CPO is available even when there are criminal charges pending and a criminal TPO is in place. 2919.26(E)(2)(b) provides that the TPO is effective until the issuance of a civil protection order or the approval of a consent agreement, arising out of the same activities as those that were the basis of the complaint upon which the TPO is based under section 3113.31 of the revised code. There may be cases where it is advisable for the victim to obtain a CPO. The advantages of a CPO are that the Court of Common Pleas may also make orders concerning temporary custody of minor children, and temporary orders of child and spousal support. Further the CPO is effective for up to five years. By contrast, the criminal TPO is only effective until the criminal case is concluded.
10. It should be noted that an ex parte CPO does not expire because of a failure to serve notice upon the respondent before the date set for the full hearing or because the court grants a continuance. ORC 3113.31 (D)(2)(b).

Section G. **Divorce Restraining Orders Distinguished**

Divorce restraining orders distinguished from domestic violence protection orders (TPO) and (CPO).

Do not confuse the civil protection order with a "restraining order" that is issued by the Common Pleas Court pursuant to its inherent authority in divorce cases. (Note, however, that in some jurisdictions a CPO may be issued in conjunction with a pending divorce case. Law enforcement agencies have no duty or authority to enforce the restraining order in a divorce action.

Divorce related restraining orders (unless a CPO) do not fall under the domestic violence statutes,

and are enforceable only by a motion for contempt filed by the aggrieved party with the Common Pleas Court. Officers should advise the person alleging that his or her divorce related restraining order has been violated to contact their attorney.

Keep in mind, however, that an act by one party that is a violation of a divorce related restraining order may also independently constitute an act of domestic violence, and should be charged as such. Parties to a divorce are entitled to no less protection than other victims of domestic violence. Also, the officer should consider whether there is probable cause that any other crimes have been committed, such as trespass or property damage crimes.

Section H. Violating A Protection Order

The preferred arrest policy is extended to violations of temporary protection orders, civil protection orders, criminal stalking protection orders, and stalking civil protection orders. Reckless violation of a protection order is a criminal offense in itself and should be treated as such. (ORC 2919.27)

1. If the victim or other person alleges that a TPO, CPO, SPO or SCPO has been violated, but cannot produce a copy of it, the officer should make every effort to verify the existence of the order from the scene of the conflict by contacting dispatch.
11. Upon a finding of probable cause that a valid TPO, CPO, SPO or SCPO has been violated, and if the offender is still on the scene or otherwise immediately available for arrest, an arrest should be made. If the offender has fled and is not immediately available, the officer should obtain a warrant after establishing a safety plan with the victim.
12. If the victim produces a valid certified copy of a TPO, CPO, SPO or SCPO from another county and there is probable cause that a term of the protection order was violated, the offender should be arrested.
13. Violations of a TPO, CPO, SPO, or SCPO including those issued by a court of another state should be charged as a criminal offense. ORC 2919.27. Moreover, a person is permitted to provide notice of a protection order obtained from another state to judicial and law enforcement officials by registering the order with the court and filing a copy of the registered order with a law enforcement agency. Law enforcement is to enforce the provisions of a protection order regardless of whether the order is registered. See 2919.272 and 3113.31 and 2903.214(M).
14. Every alleged incident of the offense of violating a CPO, TPO, SPO and SCPO will be considered by the law enforcement agencies for referral to federal authorities for prosecution under the federal law if the incident constitutes a violation of 18 U.S.C.2261 or 18 U.S.C. 2262. (ORC 2935.032(G)).
15. Because of the escalation of penalties, it is important to check to see if there have been prior convictions for violating a protection order before charging the offender. If the officer is obtaining a warrant, he or she should indicate and verify that there have been prior convictions. ORC 2935.032(F) provides a new immunity for a peace officer who arrests an offender for the offense of violating a protection order with respect to a protection order or consent agreement of Ohio or another state that on its face is valid, from liability in a civil action for damages for injury, death, or loss of person or property allegedly caused by or related to the offense to the same as it is provided under the existing State Officer or Employee immunity law or the existing Political Subdivision Employee immunity law.
16. ORC 1901.18A (9) and 1901A(6) and (7) grants the municipal court or county court original jurisdiction within their territories in any action concerning the enforcement of protection orders issued by another state.

Article 6: PROSECUTOR

Section A. Ethics and Advocacy

The prosecuting attorney's highest ethical responsibility is the duty to seek justice, not merely to convict. This special duty exists because the prosecutor represents the sovereign and therefore should use restraint in the discretionary exercise of governmental powers such as the selection of cases to prosecute. During trial the prosecutor is not only an advocate, but he or she may make decisions normally made by an individual client in a civil case. In our system of criminal justice, the accused is to be given the benefit of all reasonable doubts. Further, the prosecutor should not intentionally avoid pursuit of evidence merely because he or she believes it will damage the prosecution's case or aid the accused.

Section B. Vertical Prosecution

The prosecuting attorney who handles a domestic violence case at arraignment will be responsible for that case throughout the entire prosecution.

Section C. "No Drop" Policy

It will be made clear to the victim and the offender from first contact through sentencing, and by every person associated with the prosecutor's office, that the victim in a domestic violence case cannot "drop" or "press" charges. It will be made clear that domestic violence is a crime against the state and that only the Judge can dismiss a case.

Section D. Charging Procedure

Although some misdemeanor domestic violence cases originate with local law enforcement departments, some originate in the Prosecutor's Office intake or complaint unit. The following guidelines apply to cases originating there:

1. Filing criteria. In determining whether to file a misdemeanor charge, the prosecuting attorney will determine if the Offender has a prior domestic violence conviction and if there is sufficient evidence to prove the elements of the crime. If the offender has a prior conviction, the offender will normally be charged with a felony.
2. Referral to the Victim Advocacy Service. Early consistent contact between the prosecuting attorney and the victim, and referral of the victim to an appropriate support service agency, is important to effective prosecution of domestic violence cases. The following steps should be taken:
 - a. The prosecutor's office, upon first contact with a victim, will contact the Center for Child and Family Advocacy/Victim Assistance, if this has not already been done. The victim advocacy service will assist the victim throughout the prosecution of the case and inform him or her of the availability of support and treatment.
 - b. The prosecuting attorney will attempt to contact or interview the victim as soon

as possible prior to hearing.

- c. The prosecuting attorney will inform the victim that the Prosecutor's Office is responsible for charging and prosecuting the case.
- d. The Prosecutor will stress that the victim is an important witness in the case.
- e. The victim will be instructed to report his/her address and phone number (and any changes) to the prosecutor's office and The Center for Child and Family Advocacy/Victim Assistance.

Section E. **Decline Prosecutions**

If the Prosecutor declines to prosecute the case for reasons other than insufficient evidence to obtain a conviction, written reasons shall be provided for the file. The Prosecutor will then refer the matter to The Center For Child and Family Advocacy or other appropriate agency for follow-up.

Section F. **Bond**

- 1. Marshal Information

The prosecutor should provide all relevant information reasonably accessible to the court for consideration on bond-setting and establishing terms of the temporary protection order. Such information includes: the victim's and defendant's statements, the "bond information form," physical evidence (injuries, weapons), information obtained from the advocate or victim, and any criminal history or lack thereof.

- 2. Fully utilize domestic violence bail statute.

The prosecutor will request that the Court consider all factors described in O.R.C. 2919.251 before setting bail. These factors -- the offender's history of violence or of violating court orders, mental health, potential threat to others -- must be considered when the offender is charged with committing domestic violence or related crimes while subject to the terms of a protection order, or has previously been convicted of domestic violence or a related crime.

- 3. Based on an affidavit by the victim that acts or threats of violence or intimidation were made by the defendant or at his/her direction, against the victim, the victim's family or representative, the prosecutor may make a motion that the bond of the defendant be revoked. [ORC 2930.05].

Section G. **Subpoenas and Notice of Hearing**

Victims and all other witnesses will be subpoenaed at the earliest possible date to allow sufficient time to achieve service of the subpoenas.

The Prosecutor shall notify the victim of all scheduled hearings.

Section H. **Uncooperative Victims**

Cases in which the victim is uncooperative will be dealt with individually.

- 1. A victim advocacy service should be contacted for assistance in case where the prosecuting attorney determines that the victim is reluctant to testify.

2. If the victim fails to appear for trial and his or her testimony is not essential to successful prosecution (i.e., there is sufficient independent corroboration of the crime to prove the charges without the victim's full involvement), the matter should proceed to trial. ORC 2935.03(B)(e)(ii).
3. If the victim refuses to testify and/or fails to appear for trial and his or her testimony is essential to successful prosecution, the prosecuting attorney will determine on a case by case basis whether to seek to enforce a subpoena.
4. If the victim refuses to testify, the prosecutor may nonetheless subpoena him/her to court and call the victim to testify under oath, seeking a declaration that he/she is hostile witness, if necessary.
5. If the victim refuses to testify and his or her testimony is essential to successful prosecution, the case may be recommended for dismissal.
6. In cases where the prosecutor chooses to dismiss, based on the victim's refusal to testify, the victim will be required to appear in court to explain the reason for refusing to testify on the record. The Prosecutor will encourage the victim to file charges again if the violence reoccurs.

Section I. Plea Negotiations

1. Restrictive Plea Bargain Policy. Reduction of charges will be limited to those cases in which evidentiary deficiencies suggest that a conviction for the charged offense has become unlikely. In these situations, and consistent with prosecutor discretion, there will be an offer to amend the complaint or to plea bargain to the court. Dismissals are appropriate in cases where evidentiary problems preclude the possibility of proving all elements of the crime and whenever it appears that the defendant did not commit the offense.
2. Prior to the reduction or dismissal of a domestic violence case, the prosecutor should contact the victim and, in some cases, the victim advocacy service, to explain the decision and allow the victim to express his/her feelings about this.
3. The prosecuting attorney or victim advocate shall attempt to personally contact the victim prior to disposition.
4. There shall be no pleas offered or dismissal solely because a victim so requests. Reluctant or refusal of the victim or a witness to testify shall not be sufficient basis in itself for reduction or dismissal. Cases in which the victim is uncooperative will be dealt with on an individual basis.
5. Plea offers on domestic violence charges shall not be used in domestic relations negotiations.

Section J. Alternative Dispositions

Alternative dispositions and diversion in family violence cases are frequently inappropriate, and send a message to both the victim and the offender that the crime is less serious than comparable crimes against non-family members. When a victim asks to have the complaint withdrawn or is reluctant to testify, the prosecutor should inquire about coercion and intimidation. (This may be especially true where a divorce is pending or contemplated. Victims are often coerced into "dropping" charges by empty, unenforceable promises of a favorable divorce settlement.) In cases where the victim refuses to testify, it may be possible to prove the case with other evidence.

Section K. **Pretrial Conference**

Given the dynamics of family violence and the existence of an ongoing intimate relationship between the defendant and the victim, speedy resolution of the case will serve to better protect the victim as well as increase the efficiency of the entire process. Therefore, the pretrial conference should take place as expediently as possible.

Cases of family violence shall not be dismissed at the pretrial conference stage if the sole reason for dismissal is the victim's unwillingness or reluctance to testify and there is other substantial evidence constituting proof of guilt beyond a reasonable doubt available for presentation at trial. The decision to subpoena such a victim to appear at trial shall be left to the discretion of the prosecutor.

Section L. **Trial**

If the victim who appears at trial indicates a continuing reluctance to testify, indicates that the previous statement regarding the assault was untrue, indicates she or he was mistaken as to the previous information given, or indicate that she/he can no longer remember what occurred, the prosecutor should inquire of the victim as to the reasons for the purported changes in testimony and to remind the victim of the victim's obligation to testify truthfully as to what occurred on the incident in question. The prosecutor should not unethically or illegally coerce a witness to testify contrary to the truth. If the victim continues to insist that the previous statements are untrue or unreliable, the prosecutor should re-assess the evidence to determine whether there still exists substantial independent evidence constituting proof beyond a reasonable doubt of the defendant's guilt and consequently whether to proceed to trial. If the prosecutor decides to proceed to trial, the prosecutor shall in accordance with his or her ethical obligations as a public prosecutor immediately notify defense counsel that the victim now states that her allegations against the defendant are untrue or unreliable or whatever.

Section M. **Continuances**

1. The prosecutor will proceed with as few continuances as possible to increase the likelihood of conviction and to protect the victim and society.
2. If a victim fails to appear for trial and the victim's testimony is essential, a continuance should be requested. If the defendant requests a continuance, it should be opposed.
3. If a continuance is granted, it should be brought to the attention of the court and made clear to the defendant on the record that any conditions of bond or order of protection remain in effect. If there has not been a previous order of protection and the victim desires one, it should be requested from the court.

Section N. **Advocates Role**

Advocates should be permitted to attend hearings with the victims and to act as advocates at any and all pretrial conferences. Prosecutors should explain to defense attorneys that advocates may be present and that the prosecutors support the advocacy role. Advocates may be asked by the Court or by the Prosecutor to provide input.

Section O. **Sentencing Recommendations**

1. In the case of first-time offenders, the assigned prosecuting attorney should request, at a minimum, that the court (1) impose a sentence of supervised probation; (2) order an appropriate fine and costs; and (3) order the defendant to make restitution to the victim,

including payment for her stay at a protective shelter; and (4) order the defendant to participate in a domestic violence treatment program. When required by the ends of justice, the prosecuting attorney should request that the court impose a period of incarceration.

2. In the case of second or repeat offenders, when required by the ends of justice, the prosecuting attorney should request that the court impose a period of incarceration. Further, special conditions of probation may be recommended, including, but not limited to, a psychiatric or psychological evaluation, substance abuse evaluation, and counseling or treatment as appropriate.
3. Prosecutors should make case by case evaluations in preparing arguments concerning post-conviction sentences. If, in the view of the prosecutor, the defendant deserves incarceration, he or she should keep in mind that the appropriate penalty may be the maximum penalty allowed: Six months incarceration and/or a fine of \$1,000.00 for an MI.

However, in the event that the prosecutor believes that the defendant is an especially good candidate for treatment as a batterer, he or she should recommend that the defendant be placed on long term probation, with the condition that such defendant complete a long term batterers treatment program. Under no circumstances will prosecutors agree to generalized "family counseling" in which the convicted defendant himself will be allowed to decide when he is "cured".

There should be a relationship between the treatment program and the probation department, such that the treatment provider is required to report the defendant's non-participation to his/her probation officer or the Court. Pre-conviction diversion programs should be avoided.

Section P. Notice, Case Disposition And Participation In Sentencing [ORC 2930.12]

At the victim's request the prosecutor shall notify the victim of the case disposition. In the case of a conviction, notification shall include the crimes of which the defendant was convicted, the address and telephone number of the probation office or other persons, if any, that will prepare the pre sentence investigation and the telephone number and address of the person, if any, who is to prepare the victim impact statement pursuant to 2947.051.

1. Notice that the victim may make a statement for inclusion in the pre sentence investigation report or a victim impact statement, and that either will be made available to the defendant unless exempted from disclosure by the court;
2. Notice of the victim's right to make an impact statement to the Court before sentencing;
3. Notice of date, time and place of sentencing;
4. Notice of sentence imposed and any modification of sentence.

Section Q. Notice Of Appeal [ORC 2930.15]

If the victim requests notice of the filing of an appeal, the prosecutor shall notify the victim and shall give the victim the following information:

1. A brief explanation of the appellate process;
2. If the defendant has been released;

3. The results of the appeal;
4. If the defendant's conviction is reversed and the case is returned to the trial court the victim may exercise all previously requested rights.

Section R. Notice Of Incarceration [ORC 2930.16]

If the victim has requested notification, after sentencing the prosecutor shall promptly notify the victim of the defendant's incarceration. Notification must include the date of release, or the reasonably expected date of release, and information on how to contact the custodial agency. The victim shall keep the custodial agency informed of current address and phone number.

* The prosecutor shall promptly notify the victim of any motion for early release or modification of the sentence, and of the court's ruling on each.

Section S. Victim/Witness Protection Measures (ORC 2945.04)

Victim protection measures should include filing charges for victim or witness intimidation, requesting criminal protection orders, requesting bail revocation, charging probation violations, and/or seeking criminal contempt orders, as the circumstances of the case require.

ARTICLE 7. CLERK OF COURT (CRIMINAL)

Section A. Victim Advocates Support Services

The Center for Child and Family Advocacy shall call the Clerk of Court for the arraignment schedule on any domestic violence related cases pending for that week in order to provide support, court escort, and advocacy to victims.

Section B. Provide Certified Copies of Protection Order

The clerk of court shall provide victims and Defiance County law enforcement agencies with a certified copy of TPO, CPO, criminal-stalking protection orders, stalking civil protection orders and/or bond order. The clerk shall have delivered a copy to the defendant on the same day the order is entered.

Upon the request of the victim, the Clerk of Court shall provide the victim with a certified copy of the protection order for registering in another county.

The Clerk of Court shall accept a certified copy of out of county or out of state protection orders for registration. The Clerk shall place an endorsement of registration on the order and give the victim a copy of the order that bears proof of registration. The Clerk shall maintain a registry of certified copies of protection orders that have been issued or approved by courts in other counties or states that have been registered with the Clerk. The Clerk of Court shall provide Defiance County law enforcement agencies with a certified copy of the registered protection order.

The Clerk shall not charge a fee for the filing of a protection order ORC 2919.26 (I).

Section C. Make Victim Brochure Available

The clerk of court shall make victim brochures available in the immediate proximity.

ARTICLE 8: THE JUDICIARY (CRIMINAL)

Section A. The Judiciary

The cooperation of the courts is essential to the success of any coordinated effort toward reduction of the incidence of domestic violence cases. Research has consistently shown that "when the bench is serious about domestic violence, the rest of the justice system cooperates," However, it would be counterproductive (and questionable on legal grounds) to attempt to mandate rules for the judges which would dictate how every domestic violence case should be handled. Each case is unique on its own facts and, within the parameters of the law, each judge must bring to bear his or her individual discretion in deciding how the cases which appear before him or her should be handled.

The following, then, constitutes a suggested framework for a consistent overall approach to the unique problems which domestic violence cases present to the criminal justice system, while leaving intact the full range of judicial responses to those problems.

Section B. Motion For Temporary Protection Order (TPO)**1. Ex Parte Appearance by the Complainant**

Since the purpose of the TPO is to maintain the peace and prevent the possibility of further violence, pending a judicial determination of, at a minimum, probable cause, these orders are in the nature of injunctive relief and should be liberally granted.

2. Appearance of Defendant Following Summons or Arrest

(a) A formal hearing with full due process protection should be afforded the defendant, if he or she so requests, to allow him or her to challenge the allegation made in the motion for TPO.

(b) While the law requires that the hearing be had within 24 hours of the granting of the motion for TPO, to do so in some cases is impractical because the defendant is still at large at that time. To hold the hearing within 24 hours of apprehension is clearly the better practice.

(c) At the conclusion of the hearing, if the motion is granted, the defendant will be given a copy of the TPO, and the court will request that he or she sign the TPO to acknowledge its receipt.

3. This is not, and should not be, a trial on the merits. The purpose of the order is to keep the parties separated in order to prevent further violence, while the court sorts out the equities.

4. The **terms of the TPO** must be carefully and completely spelled out, since law enforcement officers can enforce only the exact terms of the order. The victim should be given an opportunity to inspect the TPO, to point out any errors (such as address(es) from which defendant is restrained), and to ask any questions before court is adjourned.

5. **Admonishing the Defendant.**

The judge should explain the terms of the TPO to the defendant and warn him or her that law enforcement officers shall immediately arrest for violation of a TPO. If the victim is present, the judge should explain (within hearing of the defendant) what steps he or she should take to enforce the TPO.

Section C. Defendant's Appearance At Arraignment

The judge should require the appearance of the defendant at arraignment. The appearance of the defendant will give the Court an opportunity to remind the defendant of the potential consequences of future violence and may therefore deter pre-trial violence directed at the victim. Factors to consider in authorizing overnight confinement include:

1. What is the officer's statement or prosecutor's recommendation as to bond?
2. Is this the first call or report of this type involving this Defendant? If the parties have a history or if law enforcement has been called out previously, it might be wise to take the defendant into custody and hold him/her until he/she is arraigned to prevent future problems.
17. Is the victim afraid of the Defendant? If so, the defendant should be taken into custody.
18. Has there been a history of prior complaints being filed and later dismissed? If so, there might be a question concerning the voluntariness of the victim's decision. Custody might be appropriate to remove the victim from a coercive situation.
19. Has the Defendant previously been convicted of an offense involving violence (i.e., domestic violence, assault) or threats of violence (i.e., menacing, stalking)? If so, then the Defendant should be taken into custody.

At arraignment, the Court will inform the defendant of his or her constitutional rights. The Court will inform the victim of the advocacy services available if a victim advocate is not present with the victim. The Court will provide the victim with a copy of the yellow booklet if the victim did not receive one prior to arraignment and order a TPO as a pretrial condition of release when appropriate on the Motion of the Court.

If the Defendant wishes to plea at arraignment, defendant shall be allowed to do so. The Defendant will be advised of the enhancement to a F5 if charged with a second offense and advised of the Federal Gun Law restrictions upon a conviction for domestic violence.

Section D. Bond

Consistent with Criminal Rule 46, the judge should request and consider all available information in deciding what type of bond will be set. Such information should include, at minimum:

- (1) Input from the victim about the nature of the current violence, the history of violence and injuries, history of violation of protection orders, and whether he or she fears further assault pending trial;
- (2) The defendant's record of prior arrests and convictions for violent behavior;
- (3) The police offense report or bond recommendation;

- (4) If applicable, the pre-release investigation report;
- (5) The prosecutor's recommendation.

When a TPO has not been issued for some reason, the judge should impose a "no-contact" order as a condition of bond. If the violent incident involved children, they should be named in the TPO or no contact order.

The victim should be given an opportunity to request special orders for the temporary disposition of such matters as requiring the defendant to turn over the family house or car keys, and confiscation of weapons.

For second offenses as described in ORC 2919.251, the Court should request and consider all available information related to the considerations enumerated in the statute.

Section E. Dismissal or reduction of charges

Judges should not accept civil compromises, deferred prosecutions, reduced charges, or dismissals where justice is not served by these devices. If a dismissal is filed, the court should have all parties in court to make an independent determination.

Alternative dispositions and diversion in family violence cases are frequently inappropriate, and send a message to both the victim and the offender that the crime is less serious than comparable crimes against non-family members. When these alternatives are proposed, judges should ascertain that they are in the interest of justice and not simply devices for docket management. When a victim asks to have the complaint withdrawn or is reluctant to testify, the judge should inquire about coercion and intimidation. (this may be especially true where a divorce is pending or contemplated. Victims are often coerced into "dropping" charges by empty, unenforceable promises of a favorable divorce settlement.) In cases where the victim refuses to testify, it is often possible to prove the case with other evidence. Sometimes the judge should deny motions for dismissal and schedule the case for trial.

Section F. Pretrial conference

Given the dynamics of family violence and the existence of an ongoing intimate relationship between the defendant and the victim, speedy resolution of the case will serve to better protect the victim as well as increase the efficiency of the entire process. Therefore, the pretrial conference should take place as expediently as possible not later than 30 days of the arraignment.

Cases of family violence shall not be dismissed at the pretrial conference stage if the sole reason for dismissal is the victim's unwillingness or reluctance to testify. (the victim shall be subpoenaed to appear at trial). Where possible, the victim shall be informed that a sheriff or police officer will be available to escort her/him to the trial. If the prosecutor insists on dismissing the charge solely on the basis of the victim's reluctance to testify, judicial disapproval of the dismissal shall be stated on the record and the victim shall state the reasons for refusing to testify on the record. Inappropriate pleas to reduced charges will not be accepted.

Section G. Pre-trial Conference/Notice [ORC 2930.06]

The prosecutor, to the extent practicable, shall confer with the victim before a trial, amending, or dismissing a charge, or agreeing to negotiated pleas.

Failure of the prosecutor to confer with the victim shall be noted on the court record. Such notation will include the reason for the failure to confer with the victim. However, failure to confer does not in any way invalidate any disposition of the case.

Section H. Trial

If the victim has been subpoenaed and appears but indicates a continuing reluctance to testify, the judge should order the victim to testify. If, after being ordered to testify, the victim indicates that the previous information regarding the assault was untrue and she/he was mistaken, the prosecutor should point out the facts as they were sworn to in the complaint. The prosecutor should also, at this point, confront the victim with other evidence previously gathered regarding the assault. However, if there is independent evidence of the assault, even if the victim refuses to testify or does not appear at the trial, the prosecutor should proceed with the case. If the prosecutor refuses to proceed, even though there is independent evidence, and agrees to dismiss, judicial disapproval of the dismissal should be noted in the record.

Section I. Pre sentence Investigations and Recommendations

1. If the defendant is set for a change of pleas hearing or trial on a charge of domestic violence, or any allied offense, the judge should request the probation department to conduct a pre sentence investigation and report. Pre sentence investigations should be requested if the defendant pleads at the initial arraignment if the facts and circumstances indicate that this information should be obtained.
2. The judge should require that every reasonable effort be made to contact the victim or the victim's advocate in order to:
 - (a) Inform the victim of the sentencing options and/or release conditions available to the court, and obtain a statement from the victim regarding the case. Any verbal or written statement from a victim must be included in the victim impact statement and may include an explanation of the nature and extent or any physical, psychological, or emotional harm suffered; the extent of any property damage or other economic loss; an opinion regarding the need for restitution and information on whether the victim has applied for or received any compensation, and the victim's recommendation for an appropriate sanction. [ORC 2930.13(c)].
 - (b) Allow the victim to be heard at a pleas hearing or trial to raise any objections or concerns to the court regarding sentencing;
 - (c) Discuss the need for conditions of probation or release which will provide for the ongoing safety of the victim, i.e., limited contact by the assailant with the victim, temporary removal of weapons from the household, continued absence of assailant;
 - (d) Inform the victim of the resources available, including Ohio Victims of Crime Compensation Act monies, legal advocacy, emergency shelter, and support/counseling groups;
 - (e) Obtain information from the victim regarding any aggravating circumstances, including but not limited to:
 1. Serious bodily injury or threat thereof to any adult or minor child in the household;
 2. Forced sexual contact or threat thereof to any adult or minor in the household or any prohibited intra familial sexual contact;
 3. Use of, or threat with, a dangerous weapon;

4. Verifiable history of physical abuse by the offender to the victim;
5. On-going harassment of the victim by phone, mail or in person by the assailant.

Section J. Sentencing

Before imposing sentence upon the defendant, the court shall permit the victim to make a statement regarding the impact of the crime on the victim. At the judge's option, the victim can present the statement in writing prior to the sentencing hearing, orally at the hearing, or both. If written, copies of the statement will go to the prosecutor and the defendant. (ORC 2930.14).

The court shall consider the statement along with other factors, in determining the sentence. If the statement contains new material facts upon which the court intends to rely the court shall continue the sentencing proceeding to allow the defendant adequate opportunity to respond.

1. The Court must comply with the statutory sentencing requirements. If not otherwise in violation of law, the following will be considered at sentencing:
 - (a) Hold the offender accountable;
 - (b) Order offender involvement in activities specifically designed to reduce future violence;
 - (c) Require an alcohol and drug evaluation where appropriate, mandate successful completion of treatment, and provide for mandatory chemical testing;
 - (d) Provide for formal supervision and monitoring of compliance;
 - (e) Place restrictions on the defendant as needed to protect the victim and other family members.

Key to this recommendation is the principle that all of these items must be a part of every sentence or court order. Offender accountability may be accomplished in a variety of ways, including restitution (for lost wages, shelter costs, medical, counseling and treatment fees, and replacement cost of destroyed property), supervised probation, and/or jail time.

2. The sentence for first offenders (except in aggravated cases) should include the following elements:
 - (a) Imposition of maximum jail term;
 - (b) Suspension of all or most of the jail term, depending on the facts;
 - (c) A supervised probationary period of a least one year;
 - (d) Specific conditions of probation prohibiting any act of violence, no contact with the victim and, where appropriate, the use of all mind-altering substances;
 - (e) Mandated counseling and treatment, as appropriate, including:
 - * education/therapy
 - * substance abuse rehabilitation
 - * mental health treatment
 - * prompt payment of any associated fees.

Treatment programs should be designed specifically to deal with battering and violent behavior. Individual or couples counseling does not address these issues or remedy the problems of violence, power and control. Alcohol and drug evaluations are also usually appropriate. While treatment for the alcohol and drug problems will not solve the violence problem, it is often a necessary prerequisite. Urine testing for alcohol and drug abuse as a condition of probation is absolutely necessary to monitor compliance.

Provision must be made for formal supervision and monitoring of the offender's behavior. Unsupervised bench probation is not appropriate or effective. In addition to offender accountability, formal supervision provides a measure of protection for the victim who will have an officer of the court to turn to in the event of subsequent threats or assaults.

If the defendant is ordered to attend any treatment programs, the court will strive to find programs that will address the battering issue or other issues of violence and/or substance abuse. Generally, the defendant is required to have an assessment report to the court within a 30 day period and then is scheduled to come back to court to review that assessment. If the court orders the defendant to complete treatment, monthly reports are required and defendant's compliance is monitored by the court probation officer.

Enhanced sentences may be called for in a number of circumstances such as the presence of children; use of a dangerous weapon; elderly, pregnancy, youthful or handicapped victim; sexual assault; serious injuries requiring hospitalization; or threats of death or serious bodily injury.

3. The court will inform all defendants convicted of domestic violence [2919.25 (a) or (b)] that a subsequent conviction on a domestic violence charge is a felony and the Federal Firearm restrictions. Defendant's shall sign a written statement acknowledging that a subsequent conviction of domestic violence is a felony and the Federal Firearm restrictions.

Section K. **Victim's Statement Prior to Judicial Release (ORC 2930.17)**

Prior to releasing the defendant from a term of incarceration, the court shall permit a victim to make an additional statement, orally or in writing at the court's discretion, concerning the impact of the crime on the victim. Copies will be given to the defendant and the parole authority.

The court shall consider this statement or the statement made under ORC 2930.14 in deciding whether to release the defendant.

Section L. **Protection of Victim Participation From Employer Discipline (ORC 2930.18)**

No employer shall discharge, discipline, or otherwise retaliate against the victim, a member of the victim's family or the victim's representative, for participation, at the prosecutor's request, in the criminal proceeding.

Any employer who knowingly violates this section is in contempt of court.

Section M. **Confidentiality of Victim Information (ORC 2930.07).**

- (1) If the prosecutor believes there are reasonable grounds for the victim to be apprehensive of acts or threats of harm, or intimidation by the defendant, the prosecutor may make a motion that the victim or witness not be compelled in any phase of the criminal process to testify for purposes of identifying the victim's address, employer or other personal identification. The court shall hold a hearing on the motion in chambers, and a court reporter shall make a record of the proceeding.

- (2) The court file or court documents in a case shall not contain the address of the victim unless it is used to describe the location of the crime. The file shall not contain the phone number of a victim unless it is contained in a transcript of the trial.

Section N. Victim's Interest in Speedy Prosecution (ORC 2930.08)

If practicable the prosecutor shall inform the victim of any delay in the progress of the prosecution. The prosecutor shall inform the court of the victim's objections to the delay and the court shall consider the objection in ruling on the motion.

Section O. Victim's Presence at Court Proceedings (ORC 2930.09)

The victim may be present whenever the defendant is present during any critical stage of a criminal case, that is conducted on the record, other than a grand jury proceeding.

At the victim's request, the court shall permit any other person to accompany the victim to provide support, unless the court determines that the presence of that individual would deny the defendant's right to a fair trial.

Section P. Separate Waiting Area (ORC 2930.10)

The court that hears a criminal case shall make a reasonable effort to minimize unwanted contact between the victim and defendant before, during, and immediately after court proceedings.

Section Q. Victim/Witness Protection (ORC 2945.04)

If a motion is filed with a court before which a criminal case is pending alleging that the defendant or a person acting in concert with the offender has committed or is reasonably likely to commit any act prohibited by section 2921.04 of the revised code in relation to the case, or any act that would constitute an offense against the person or property of the complainant, his/her ward or child, if the court holds a hearing on the motion, and if the court determines that the allegations made in the motion are true, the court may issue any order protecting the victim, his/her ward or child, subpoenaed witness or other person entering the courtroom from the defendant or another person acting in concert with the offender, or a person other than the defendant who is before the court, including but not limited to a subpoenaed witness or other person entering the courtroom in compliance with ORC 2945.04.

A person who violates an order issued pursuant to ORC 2945.04 (a) or (b) is subject to the following sanctions:

1. Criminal prosecution for a violation of section 2921.04 of the revised code or a violation of the section of the revised code that constitutes an offense against the person or property of the complainant, his/her ward or child;
2. Punishment for contempt of court.
3. The punishment of a person for contempt of court pursuant to division (a) or (b) of ORC 2945.04 does not bar criminal prosecution.

ARTICLE 9. CLERK OF COURTS (CIVIL)

Section A. Facilitating Petitions For Civil Protection Orders and Civil Stalking Protection Orders

- (1) Upon initial contact, the clerk will refer the petitioner to The Center for Child and Family Advocacy, Legal Services of Northwest Ohio, or a private attorney for assistance in filing a petition for a Civil Protection Order of Civil Stalking Protection Order. The Clerk shall not charge a fee for the filing of a protection order ORC 3113.31(J).
- (2) The clerk shall have in the immediate proximity a literature display, stocked with free written information about victims' rights and remedies, as well as pamphlets and the like from The Center for Family and Child Advocacy and Women and Family Services.
- (3) The clerk will promptly provide certified copies of ex parte and final protection orders to the appropriate law enforcement agencies.
- (4) The clerk will promptly respond to request from law enforcement to verify the existence and terms of protection orders.
- (5) Upon the request of the victim or petitioner, the clerk of court shall provide the victim or petitioner with a certified copy of the protection order for registering in another county or state. If the victim submits proof of indigency, the clerk may waive the fee otherwise required for obtaining a certified copy.
- (6) The clerk of court shall accept a certified copy of out of county or out of state protection orders for registration. The clerk shall place an endorsement of registration on the order and give the victim or petitioner a copy of the order that bears that proof of registration. The clerk shall maintain a registry of protection orders that have been issued or approved by courts in other counties or states and that have been registered with the clerk.
- (7) The clerk of court shall distribute a certified copy of registered protections orders to Defiance county law enforcement agencies.

ARTICLE 10. THE JUDICIARY (CIVIL)

Section A. Civil Protection Orders and Stalking Civil Protection Orders

The Court shall only accept Protection Orders in compliance with Rule 10 of the Rules of Superintendent of Ohio requiring use of the Protection Order forms issued by the Supreme Court Taskforce or forms substantially similar to the Supreme Court Forms.

Section B. Civil Protection Orders

Civil Protection Orders should be issued ex parte upon request when family violence has occurred or is threatened. Such order should be clear and specific and should address:

1. The safety of victims at home, school, work, and other places where the victim is subject to harassment or potential violence;
2. Allocation of parental rights and responsibilities and parenting time;
3. Telephone threats or harassment;
4. Removal of the perpetrator from the home;
5. Financial support and maintenance for the victim and family members;
6. Weapons in the home or in the possession of the offender;
7. Physical description of the offender;
8. Expiration date;
9. Method of modification;
10. Provision for service upon offender together with notice and an opportunity for a speedy hearing.

Ohio law requires that the court hold an ex parte hearing on the same day that the petition for ex parte relief is filed. The court should thus prioritize such hearings and permit interruption of proceedings in progress in order to achieve compliance with this statutory requirement.

Section C. Civil Stalking Protection Orders

Civil Stalking Protection Orders should be issued ex parte upon request when violence has occurred or is threatened. Such order should be clear and specific and should address:

1. The safety of victims at home, school, work, and other places where the victim is subject to harassment or potential violence;
2. Telephone threats or harassment;
3. Weapons in the home or in the possession of the offender;
4. Physical description of the offender;
5. Expiration date;
6. Method of modification;
7. Provision for service upon offender together with notice and an opportunity for a speedy

hearing.

Ohio law requires that the court hold an ex parte hearing on the same day that the petition for ex parte relief is filed. The court should thus prioritize such hearings and permit interruption of proceedings in progress in order to achieve compliance with this statutory requirement.

Section D. **Role Of Victim Advocate**

The court shall permit the victim advocate to accompany the victim at all times during civil proceedings.

Section E. **Judges Shall Not Issue Mutual Protective Or Restraining Orders**

Issuance of mutual restraining orders raises issues of due process, enforcement, and gender bias. This practice emerged as a major problem in some areas, and has been cited in several states' gender bias reports as evidence of continued bias in the court's response to family violence.

In some cases, mutual order of protection are issued even when the respondent has filed no cross petition nor alleged any violence by the petitioner. Thus, both parties are labeled as abuser and are treated as equally blameworthy. The message to the batterer is that such behavior is excusable, was perhaps provoked, and he or she will not be held accountable for the violence. Victims who have not engaged in violent behavior are confused, humiliated, and stigmatized when such orders are issued against them.

Mutual restraining orders create due process problems as they are issued without prior notice, written application, or finding of good cause. The petitioner of the original request for restraining order now finds himself or herself a subject of the order of protection, having had no opportunity to prepare a response or consult with an attorney.

Mutual restraining orders create significant problems of enforcement which render them ineffective in preventing further abuse. They are confusing to law enforcement and unenforceable. When an order is violated, police have no way of determining who needs to be arrested. Often, they will arrest both parties, further victimizing the real victim.

If both parties are alleged offenders, there should be two separate applications, hearings, findings of good cause, and separate orders issued.

Should a respondent appear with or without counsel and request a trial, the original order should be extended, a continuance given, and the victim referred for representation.

Section F. **Words To The Parties**

Respondent. The judge should explain the terms of the protection order to the respondent at a full hearing. The judge should warn the respondent about the penalties for violation of the protection order and the Federal Firearm restrictions.

Petitioner. The judge should explain the victim's options if the protection order is violated (motion for contempt or filing a new criminal charge) and how the victim should pursue these. He or she should also be given the victim brochure.

Section G. **Victim Safety At The Courthouse**

Since domestic relations courts are civil courts, it is unusual for security measures, such as police presence, to be in place. Therefore, courts should permit domestic violence victims, their families, and victim's advocates to use separate and secure facilities while waiting for hearings to begin and permit police escorts when necessary.

ARTICLE 11. SUPPORT SERVICES

Section A. DOMESTIC VIOLENCE SUPPORT SERVICE PROTOCOL:**RESPONDING TO LAW ENFORCEMENT NOTIFICATION OF VICTIM REQUEST FOR SERVICES AT THE TIME OF ARREST**

1. The purpose of this response is to offer support to the victim and present options for services.

Benefits of the procedure include: promoting safety for the victim, reducing the likelihood of recurring incidents, and increasing cooperation among respondents.

2. At the time of a domestic violence arrest, the dispatcher, investigating officer, or communications officer will call Center for Family and Child Advocacy at 782-1100.
3. Upon notification, the on duty staff person will telephone the victim at the phone number provided within one hour.
4. The Center for Child and Family Advocacy will assess by telephone the immediate needs of the victim. This assessment will include consideration of the need for shelter, emotional support, medical care in the event that the victim has not been treated at a hospital or clinic, the need for court escort to attend an arraignment and application for a protection order, the need for out of shelter support, including, but not limited to domestic violence prevention education.
5. The Center for Child and Family Advocacy staff will assist the victim of domestic violence in obtaining appropriate support services immediately after the crime and provide follow-up service to the victim to determine what additional referrals are appropriate.

Center for Child and Family Advocacy will:**1. Clarify and document on police protocol sheet:**

- a. Referring agency
- b. Victim's name, address, telephone number, support person, emergency number
- c. Responding Officers Statement, Victim's Statement, Services requested.

2. Arrange for response:

- a. If the victim is interested in shelter, the Center for Child and Family Advocacy staff will meet the victim at the sheriff/police department, or, if the victim has own transportation and has arrived at the police station, the victim can be given directions to shelter. Upon meeting the victim, staff will:
 1. Introduce self and agency affiliation,
 2. State the purpose of offering support for client decisions regarding safety and services,
 3. Present client rights and responsibilities with Center for Child and Family Advocacy Brochure and card,
 4. Confirm shelter if the victim is a consenting adult who poses

5. no risk to the safety and welfare of self or others,
Arrange transport or escort to shelter if the victim does not have transportation.
- b. If client declines shelter, The Center for Child and Family Advocacy will either meet with the victim face to face or will attempt to reach the victim by phone and discuss the following:
 1. Introduce self and agency affiliation
 2. Present options for out-of-shelter services,
 3. Confirm safety plan and follow-up arrangements.
 4. Sign consent form and releases, as appropriate, for linkage to community resources;
 5. Provide contact number and procedures for other community agencies recommended for follow-up.
 6. Discuss role and services provided by the victim court advocate.
 - b. If the victim cannot be reached or has no telephone, written information will be sent to the victim identifying available services.

THE CENTER FOR CHILD AND FAMILY ADVOCACY INTER-AGENCY PROTOCOL:

1. Upon receipt of any call or referral, the Center for Child and Family Advocacy will complete the following:
 - a. Services requested by victims and eligibility and consent for shelter or support services.
Need for immediate response by law enforcement, medical personnel and/or agency staff if there is an immediate concern for the safety of the victim or others.
 8. Request dispatch of law enforcement agents or emergency medical team to the scene.
 - c. Arrange for agency intervention at the medical facility, sheriff or police department or shelter site.
 - d. Appropriateness of referral to other victim advocate or service provider
 - e. Coordination of transportation to Sheriff Office or Police Department or other designated service location.
- B. Within 72 hours of the initial intake, the orientation period for shelter clients, the director or shelter advocate will involve the client in developing an individualized Service Plan (ISP) to outline needs and services in the areas of safe housing, income source, support systems and information/education. Client identification of needed assistance and service direction define the agency's advocate and support response which includes contact, cooperation, and follow-up with legal, medical, mental health, and protective services. Service activities can include:
 1. Assistance with housing search and safety planning;
 2. Arrangements for employment or public assistance;
 3. Contacts for legal action and representation (criminal or civil), preparation of Protection Orders and expert testimony as requested, and escort for court or legal appointments (on a priority basis);
 4. Arrangements for medical evaluation, treatment and follow-up;
 5. Consultation, initiation on continuation with mental health and specialized treatment providers;

6. Reports to and follow-up with protective service agencies for continuation of investigation or necessary support;
 7. Coordination of community education, school transfers, specialized programming as well as facilitation of prevention groups.
 8. Negotiations for transportation to and from service appointments identified in the ISP. (Agency provision of transportation is limited to situations involving sheltered clients or emergency response. Assistance is offered in exploring or contacting possible alternatives).
 9. Or other services as identified by the victim.
- C. Follow-up contacts are maintained to support the individual and continue linkages to support services for up to 90 days upon exit from shelter if a telephone number is provided.

ARTICLE 12. BATTERERS TREATMENT PROGRAM

Section A. BATTERERS TREATMENT PROTOCOL

The Center for Child and Family Advocacy subscribes to the following philosophy of batterer's treatment work:

1. First goal of any intervention, once safety has been achieved for the victims of the behavior, is to respond to the need for behavioral changes;
2. Intervention with individuals who abuse is a goal directed approach requiring an understanding of the values that support the intervention;
3. Intervention with individuals who abuse is a complex process requiring a multitude of interventions and the coordination of services within a community;
4. Batterers treatment service providers are licensed specialists requiring a set of skills;
5. Long term (one year minimum) is the optimal frame for achieving the goals of batterers treatment;
6. Group therapy is the preferred form of treatment for individuals who batter;
7. Battering is a crime.

Section B. THE CENTER FOR CHILD AND FAMILY ADVOCACY WILL:

1. Receive referrals of individuals accused and/or convicted of domestic violence from courts, children's protective services, law enforcement and other referral sources;
2. Require that referred individuals call the Center for an initial appointment;
3. Schedule and conduct the initial appointment (diagnostic assessment) within one
4. week of the request from the referred individual;
5. Refer the individual to group therapy;
6. Provide referral sources with monthly reports indicating attendance, level of participation and concerns. In addition, the Municipal Court Judge will receive a fax on the day the individual misses a scheduled appointment and will indicate whether this absence is excused or unexcused.
7. Unsuccessfully discharge an individual who has missed two unexcused group therapy sessions in a twelve week period and will recommend incarceration.

ARTICLE 13. THE MEETING PLACE: A SUPERVISED PARENTING EXCHANGE CENTER

Section A. Supervising Parenting Time/Exchanges

1. The purpose of this service is to provide a safe, neutral setting for non residential parents/adults to visit with their child(ren) or grandchild(ren) or to exchange a child(ren) for parenting time.

Benefits include:
 - a. The convenience of locations in all four counties;
 - b. Objective, written, monitoring reports;
 - c. No contact between the residential and non-residential adults;
 - d. Hands-on parenting skills instruction;
 - e. Reporting to referring agencies.

1. Referral for services is made by the local court system, Department of Job & Family Services, interagency, and consenting parental parties.

2. Upon receipt of a referral, potential participants are required to schedule and complete a one time orientation, which includes parenting instruction.

3. The Meeting Place adheres to any court orders in place for scheduling time, duration and location of parenting time/exchange.

4. Written monitoring reports are completed for each parenting time/exchange. These reports are made available to all agreed upon parties such as referring agencies and/or attorneys.

ARTICLE 14. LEGAL SERVICES OF NORTHWEST OHIO

Section A. Taskforce Coordination, Education, and Monitoring

1. LSNO will collaborate with Taskforce members in writing and updating the Defiance County Protocol on Domestic Violence.
2. LSNO will schedule taskforce meetings and committee meetings as needed.
3. LSNO will keep Taskforce members updated on changes in the domestic violence and stalking laws and protection order forms.
4. LSNO will monitor the domestic violence and stalking cases that are filed in Municipal Court, keeping Taskforce members informed of the number of charges filed and their disposition.
5. LSNO will update the “Yellow Booklet” that law enforcement distribute to every domestic violence victim that they serve.

Section B. Trainings

1. LSNO will draft training manuals and conduct at least four law enforcement trainings a year on domestic violence in collaboration with the Defiance County Sheriff and the Defiance Police Department.
2. LSNO will draft a training manual for advocates and conduct at least one training a year for victim advocates – i.e. Women and Family Services, Rape Crisis, House of Ruth, Victim Assistance and the Center for Family and Child Advocacy on protection orders.
3. LSNO will draft a Manual on Protection Orders and provides at least one training a year for attorneys.

Section C. Victim Safety

1. LSNO will participate on an emergency team with other taskforce members when collaborative safety planning is necessary for victim safety.
2. LSNO will work in collaboration with law enforcement, the prosecutors office and victim advocacy agencies in providing civil legal services necessary for victim safety and stability.

ARTICLE 15. SAMPLE HOSPITAL PROTOCOL

Section A. Domestic Violence Policy and Procedure:**1. POLICY**

Domestic violence may take the form of physical, sexual, and psychological abuse, is generally repeated, and often escalates within relationships. Cases of domestic violence will be reported according to state law.

2. PROCEDURE**A. Signs of possible domestic violence**

1. Injuries to face, neck, throat, chest, abdomen, and genitals
2. Evidence of sexual assault
3. Chronic pain
4. Injuries during pregnancy
5. Substantial delay between onset of injury and presentation for treatment
6. Multiple injuries in various stages of healing
7. Injury inconsistent with patient's explanation
8. Repeated use of Emergency Department
9. Evidence of alcohol or drug use
10. Suicidal ideation or attempts
11. Overly attentive partner or aggressive partner accompanying the patient
12. Eating disorders
13. Report of self-mutilation
14. Marital discord
15. Lacerations and burns

B. Assessment

1. Interview the patient in privacy. Questioning a patient about battering in the presence of the abuser may put the patient in extreme danger.
2. Ask the patient directly if the injuries or complaints are the result of an assault by someone known.
3. Preserve physical evidence. Photograph any visible injuries.
4. Help the victim assess the need for immediate safety.

C. Reporting

1. Any doctor of medicine or osteopathic medicine, hospital intern or resident, registered or licensed practical nurse, psychologist, social worker, independent social worker, social work assistant, licensed professional clinical counselor, licensed professional counselor, or licensed counselor's assistant who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence, as defined in section 3113.31, shall note that knowledge or belief and the basis for it in the patient's or client's records and create, whenever possible a photographic record of the injuries. ORC 3727.08 and ORC 2921.22(f)(1).

2. Document in the medical record any facts or suggesting domestic violence or justifying a belief or suspicion that DV has occurred.
3. Offer to call law enforcement. Reporting is not mandatory unless serious physical harm has resulted. Refer to "Law Enforcement Cases" policy. The patient must consent to release of information to law enforcement if the case does not qualify for mandatory reporting.
4. Distribute domestic violence booklet to victim. This will explain the victim's legal rights.
5. If any law enforcement officer submits in writing a statement to a health care provider that states that an official criminal investigation has begun regarding a specified person or that a criminal action or proceeding has commenced against a specified person, that requests the provider to supply to the officer copies of any records that the provider possess that pertains to any test or the results of any tests administered to the specified person to determine the presence or concentration of alcohol, a drug abuse, or alcohol and a drug abuse in the person's blood, breath, or urine at anytime relevant to the criminal offense in question, and conforms with section ORC 2317.022, the provider, except where specifically prohibited by law, shall supply the same to the officer, or provide a written statement that none exists in provider's possession. ORC 2317.02(2).

D. Make appropriate referrals

1. Offer to notify representative from the Victim's Assistance Program.
2. Notify the Center for Child and Family Advocacy if shelter is needed.

AUTHORIZATION FOR RELEASE OF INFORMATION

I, _____, _____,
print full name date of birth

hereby authorize _____ to
individual/facility making disclosure

release the following information contained in my medical record to:

1. Name of individual or facility to WHOM disclosure is to be made:

Address

2. Specify the extent and type of information to be disclosed.

3. The purpose or need for such disclosure is:

4. I release the above cited individual or facility of any legal liability that may arise from the release of the information requested. I understand that information cannot be released from other sources. I also understand that the individual or facility receiving this information may NOT re-release it to any other individual or facility. As such, the individual or facility releasing the information is not responsible for any unauthorized release of information by any other individual or facility.

5. This consent is subject to revocation at any time unless the information pursuant to this authorization has already been released. I understand that the revocation must be signed and dated by me or my legal guardian.

6. Without expressed revocation, this consent expires ninety (90) days from the date

signed, unless an earlier date, event or condition is specified below in writing.

7. Once information is disclosed/released, no further information pursuant to this consent can be disclosed.

Signature of Parent/legal Guardian
OR/SIGNATURE OF PATIENT

Date _____

Witness

Date

.....
I hereby revoke my consent for the release of the above information.

Signature of Patient/Parent/
Legal Guardian

Date _____

Relationship to patient

Signature of Witness

Date _____

.....
FOR HOSPITAL USE ONLY

Information released _____

To whom: _____, Date released _____

By whom: _____, Signature _____
 print name

ARTICLE 16. OHIO STATE MEDICAL ASSOCIATION STANDARDS

Section A. Ohio Physicians' Domestic Violence Prevention Project: Standards

The Ohio State Medical Association, in an effort to lesson the toll of domestic violence in Ohio, is asking all of its members to:

1. Assume that at least a portion of your patients are experiencing partner or spouse abuse and act accordingly.
2. Routinely ask your women patients, either as part of medical history taking, as part of the physical exam or when an injury suggests abuse, if they are experiencing abuse from a partner or spouse.
3. If the patient indicates she is being abused, take the time to talk with her about her options. Give her the name and telephone number of the local shelter and tell her about the services it offers.
4. Document the patient's injury thoroughly. Not all abusive situations end up in court, but accurate, well-documented medical records are a big advantage if they do.
5. Don't get angry or upset with a patient if she denies what is obviously abuse or if she fails to follow-up on your advice. Nationally, 75% of battered women first identified in a medical setting will go on to suffer repeated abuse. Just remember to remain supportive and hope that the next time she will take your advice.

Section B. Questions To Ask

Routine questions about violence not only identify women who are currently being abused, but also serve to assess the safety of women who have not been in abusive relationships. Routine assessment is particularly important for women who have recently left a violent relationship. Leaving an abusive partner or finalizing a divorce may increase her risk for abuse.

A medical encounter may provide the only opportunity to stop the cycle of violence before more serious injuries occur, and intervention begins by gathering information. Providing the woman with a different kind of experience – one in which she is respected and taken seriously, one that lets her know she does not deserve to be abuse, one that offers the possibility of support and safety and one that encourages her own choices and decision-making is, in itself, therapeutic and an important step.

1. Are you in a relationship in which you have been physically hurt or threatened by your partner? Have you ever been in such a relationship?
2. Are you (have you ever been) in a relationship in which you felt you were treated badly? In what ways?
3. Has your partner ever destroyed things that you cared about?
4. Has your partner ever threatened or abused your children?

5. Has your partner ever forced you to have sex when you didn't want to? Does he ever force you to engage in sex that makes you feel uncomfortable?
6. You mentioned that your partner uses drugs/alcohol. How does he act when he is drinking or using drugs? Is he ever verbally or physically abusive?
7. Do you have guns in your home? Has your partner ever threatened to use them when he was angry?

Denial: Some patients may deny being in an abusive situation even though all indicators point to the fact that they are. It may take a series of office visits before the patient feels comfortable discussing the problem. Physicians should not become angry or upset with these patients.

Section C.

Diagnoses And Clinical Findings

A. Physical Injuries

Episodes of physical assault characterize abusive relationships. Physicians should consider the possibility of assault when the woman's explanation of how an injury occurred does not seem plausible or when there has been a delay in seeking medical care. Common types of injury include:

1. Contusions, abrasions and minor lacerations, as well as fractures or sprains;
2. Injuries to the head, neck, chest, breasts, and abdomen;
3. Injuries during pregnancy (especially to the breasts and abdomen);
4. Numerous injuries at multiple sites (unless the patient has been involved in an auto accident or other catastrophe);
5. Repeated or chronic injuries.

B. Related Medical Findings

The stress of living in an ongoing abusive relationship may cause any of the following:

1. Chronic pain, psychogenic pain or pain due to diffuse trauma without visible evidence;
2. Physical symptoms related to stress, chronic post-traumatic stress disorder, other anxiety disorders or depression. Examples are:
 - a. Sleep and appetite disturbances;
 - b. Fatigue, decreased concentration, sexual dysfunction;
 - c. Chronic headaches;
 - d. Abdominal and gastrointestinal complaints;
 - e. Palpitations, dizziness, paresthesias, dyspnea;

- f. Atypical chest pain.
- 3. Gynecologic problems, frequent vaginal and urinary tract infections, dyspareunia, pelvic pain;
- 4. Frequent use of prescribed minor tranquilizers or pain medication;
- 5. Frequent visits with vague complaints or symptoms without evidence of physiologic abnormality.

Many practitioners have noted that chronic illnesses such as asthma, seizure disorders, diabetes, arthritis, hypertension and heart disease may be exacerbated or poorly controlled in women who are being abused.

Sexual coercion and assault are common expressions of domestic violence. Assessment for sexual abuse and rape should be addressed in the sexual or social history taken during routine primary care visits, in discussions of birth control and safer sexual practices and in evaluations during gynecologic and obstetric visits.

C. Medical Signs During Pregnancy

Because of the risk to the mother and fetus, assessment for abuse should be incorporated into routine prenatal and postpartum care. Presentations include:

- 1. Injuries, particularly to the breasts, abdomen, and genital area, or unexplained pain;
- 2. Substance abuse, poor nutrition, depression, and late or sporadic access to prenatal care;
- 3. “Spontaneous” abortions, miscarriages and premature labor.

D. Mental Health/Psychiatric Symptoms

Assessment for domestic violence should be included as a routine part of psychiatric intakes and evaluations. The stress of domestic violence may aggravate comorbid psychiatric disorders. Psychiatric symptoms of abuse include the following:

- 1. Feelings of isolation and inability to cope;
- 2. Suicide attempts or gestures;
- 3. Depression;
- 4. Panic attacks and other anxiety symptoms;
- 5. Alcohol or drug abuse;
- 6. Post-traumatic stress reactions and /or disorder.

Routine assessment of domestic violence in the patient’s family is important for both men and women in alcohol and drug rehabilitation programs. Nearly 75% of all wives of alcoholics have been threatened, and 45% have been assaulted by their addicted partners.

Section D. Patients’ and Partners’ Behavioral Signs

Battered women exhibit a variety of responses to the stress of ongoing abuse. Such patients may appear frightened, ashamed, evasive or embarrassed. A battered woman

may believe she deserves the abuse because the abuser tells her so, and she may take responsibility for his violence to maintain some sense of control over her situation. Other findings may include the following:

1. Partner accompanies patient, insists on staying close and answers all questions directed to her;
2. Reluctance of a patient to speak or disagree in front of her partner;
3. Intense irrational jealousy or possessiveness expressed by partner or reported by patient;
4. Denial or minimization of violence by partner or by patient;
5. Exaggerated sense of personal responsibility for the relationship, including self-blame for her partner's violence.

Section E. **Issues For Medical Treatment Compliance**

An abusive partner's use of control within a violent relationship may result in:

1. Limited access to routine and/or emergency medical care;
2. Noncompliance with treatment regimens;
3. Not being allowed to obtain or take medication;
4. Missed appointments;
5. Lack of independent transportation, access to finances, ability to communicate by phone;
6. Failure to use condoms or other contraceptive methods;
7. Not being told by a partner that he is infected with HIV or other sexually transmitted diseases.

Section F. **Patient Safety**

It is imperative that the physician inquire about a battered woman's safety before she leaves the medical setting. The severity of current or past injury is not an accurate predictor of future violence and many women minimize the danger they face. After assessing the situation, plans for the woman's safety should be discussed before she leaves the physician's office. Various options should be considered:

1. Does she have friends and family with whom she can stay?
2. Does she want immediate access to a shelter?
 - If none is available, can she be admitted to the hospital?
 - If she doesn't need immediate access to a shelter, give her written information about shelters and other resources if it is safe to do so.
3. Does she need immediate medical or psychiatric intervention?

4. Does she want immediate access to counseling to help her deal with the stress caused by the abuse?
5. Does she want to return to her partner, with a follow-up appointment at a later date?
6. Does she need referrals to local domestic violence organizations?

If the patient feels it is safe to do so, provide her with information on how to seek help and, if needed, provide her with a private place in your office to make the call. If the patient does not feel safe, have someone in your office place a call to one of the shelters in your community while she is still in the office.

Section G. Leaving The Abusive Situation

For many women, deciding to leave an abusive relationship is one of the most difficult decisions they will ever make. Depending on the situation, some women may have to bolt from the home with no notice, others have some time to plan what they will need to take with them. The following items will be helpful to the woman after she leaves:

1. As much cash as possible (at least \$50) a checkbook, an ATM card and credit cards.
2. A small bag of extra clothing for the woman and her children.
3. Extra keys for the car and house
4. Documents:
 - a. Bank accounts
 - b. Marriage license
 - c. Insurance policies
 - d. Birth certificates
 - e. List of important phone numbers (family and friends)
 - f. Sentimental valuables.

Section H. Documentation

Thorough, well documented medical records can provide concrete evidence of violence and abuse and may prove to be crucial to the outcome of any legal case. If the medical record and testimony at trial are in conflict, the medical record may be considered more credible. Records should be kept in a precise, professional manner and should include the following:

1. Date and time of arrival;
2. Name, address and phone number of anyone accompanying the victim;
3. Chief complaint and description of the abusive event, using the patient's own words whenever possible rather than the physician's assessment. "My husband hit me with a bat" is preferable to "Patient has been abused."
4. Complete medical history;

5. Relevant social history;
6. A detailed description of the injuries, including type, number, size, location, resolution, possible causes, and explanations given. Where applicable, the location and nature of the injuries should be recorded on a body chart or drawing.
7. An opinion on whether the injuries were adequately explained;
8. Documentation if explanation of injuries given is inappropriate;
9. Documentation that the physician asked the patient about domestic violence, and noting the patient's response;
10. Results of all pertinent laboratory and other diagnostic procedures;
11. Color photographs and imaging studies, if applicable;
12. If the police are called, the name, badge number and phone number of the investigating officer and any action taken;
13. Name of physician and /or nurse who treated the victim.

APPENDICES

14. Field Reporting Form
15. Victim Statements
 - a. Domestic Violence
 - b. Stalking
 - c. Violating a Protection Order
 - d. Aggravated Trespass

1. Current Protection Order Forms
 - a. Temporary Protection Order
 - b. Criminal Stalking Protection Order
 - c. Civil Protection Order
 - d. Stalking Civil Protection Order
 - e. Warning Cover for Domestic Violence Protection Order
 - f. Warning Cover for Stalking Protection Order
 - g. Form 10-A: Notice To NCIC

Field Reporting Form

Victim Statements

Domestic Violence

Stalking

Violating a Protection Order

Aggravated Trespass

Temporary Protection Order Forms

Criminal Stalking Protection Order Forms

Civil Protection Order Forms

Stalking Civil Protection Order Forms

**Warning Cover
for
Domestic Violence Protection Order**

**Warning Cover
for
Stalking Protection Order**

Form 10-A: Notice To NCIC