

Cobb County Police Department

Policy 5.03

FAMILY VIOLENCE

Effective Date: February 1, 2015
Rescinds: Policy 5.03 (January 12, 2013)
Related Orders: None
Issued By: Chief J.R. Houser Page 1 of 3
The words “he, his, him,” which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all employees of the Department.

The purpose of this policy is to direct police response to family violence incidents.

I. FAMILY VIOLENCE DEFINITION (OCGA 19-13-1)

“Family Violence” means the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living, or formerly living, in the same household:

- Any felony; or
- Commission of the offenses of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass.

The term “family violence” shall not be deemed to include reasonable discipline administered by a parent to a child in the form of corporal punishment, restraint, or detention.

II. INVESTIGATION, ARREST, AND SCENE DOCUMENTATION

A. Investigation

1. Officers will respond to and investigate incidents of family violence as they would any other call for service. Additionally, personnel should:
 - a. Stand by at the victim’s residence while necessary personal items are removed.
 - b. Assist the victim in arranging transportation to an alternate shelter if the victim expresses safety concerns.
2. Domestic Violence and Stalking Unit (DVSU) detectives will respond and assume the investigation of a family violence incident when:

- a. The on-scene officer advises that an adult or child victim has suffered a serious injury or has been hospitalized;
 - b. The incident involves a CCPD employee, or a sworn officer from another jurisdiction; or
 - c. Requested to do so by field supervision.
3. The Domestic Violence and Stalking Unit will review all family violence and stalking cases, regardless of case status.

B. Arrest

1. Officers should make an arrest when probable cause exists to believe that there has been any one or combination of the following:
 - a. An incident of family violence (as defined in OCGA 19-13-1).
 - b. Interference with a 911 call during a family violence incident.
 - c. A violation of any protective order relating to an involved party.
2. The fact that a victim of family violence does not wish to pursue charges should not be a primary factor in determining whether an arrest is made.
3. An officer or detective should request that a “No Contact” bond condition be placed on the warrant in cases when it is appropriate to do so. This “No Contact” bond will have the same effect as a Temporary Protective Order, and will provide a measure of judicial protection to the victim until a TPO may be obtained.

C. Reporting System

1. The investigating officer will complete an Incident Report on all incidents that involve family violence, whether or not the incident results in an arrest. (OCGA 17-4-20.1)
2. A criminal investigation must be labeled with the crime committed, not “Domestic Dispute.”
3. If the victim has a fear of retaliation by the perpetrator, a “safe” contact number can be obtained from the victim. This number should be documented as such and listed on a supplemental report.

III. LAW ENFORCEMENT/EMPLOYEE FAMILY VIOLENCE INCIDENTS

- A.** When an allegation of Family Violence occurs within Cobb County Police Department (CCPD) jurisdiction, and the incident involves a CCPD employee, or a sworn officer from another jurisdiction:

1. The responding officer(s) will:
 - a. Request assistance from the DVSU.
 - b. Notify his supervisor, who will notify the chain of command.
2. A DVSU detective and supervisor will respond to the scene and be responsible for the criminal investigation, collection/submission of evidence, and any arrests. In the event that DVSU personnel are unavailable, a Crimes Against Persons detective and supervisor should perform the functions above.
 - a. If the incident involves a CCPD employee the Internal Affairs Unit will be notified immediately.
 - b. If the incident involved a sworn officer from another jurisdiction, the investigating detective will be responsible for notifying the involved officer's law enforcement agency.
 - c. Arrests should be made in accordance with Department policy.

B. When the incident occurs outside of the CCPD jurisdiction but involves a CCPD employee:

1. The involved CCPD employee shall notify his immediate supervisor, who shall in turn notify the chain of command and Internal Affairs.
2. Internal Affairs should make immediate contact with the involved agency to ensure that the Department is kept apprised of the investigation.
3. Internal Affairs should order the employee to advise them of all stages of the investigation and prosecution, if applicable.

C. Effect of Conviction of a Crime of Family Violence

When a sworn employee of this Department is convicted of a crime of domestic violence that engages the provisions of 18 U.S.C. § 922(g)(9), the employee may be subject to termination for not being able to perform the job for which he was hired. This section shall not be interpreted to prevent employee discipline up to and including termination for domestic misconduct whether or not a prosecution or conviction results.