

STATE OF MICHIGAN

Model Policy

THE LAW ENFORCEMENT RESPONSE

TO

DOMESTIC VIOLENCE



July 2009

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| The Law Enforcement Response to Domestic Violence | Revision Date: 7/15/09 |

The Michigan Domestic Violence Law Enforcement Training Project

All products of the Michigan Domestic Violence Law Enforcement Training Project were produced in cooperation with law enforcement practitioners, law enforcement trainers, domestic violence service agencies and prosecutorial and judicial representatives.

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Points of view in this document are those of the authors and producers and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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**MICHIGAN
DOMESTIC VIOLENCE
PREVENTION &
TREATMENT BOARD**



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OVERVIEW

Domestic violence is criminal behavior that affects the entire community. Race, age, marital status, socioeconomic class, educational level or occupation does not limit it. Our most important societal interests are at stake. Data from the National Crime Survey indicate that injuries inflicted in domestic violence are as serious as, or more serious than, injuries inflicted in 90% of all violent felonies. The data also show that the severity of injuries sustained in domestic violence assaults is significantly greater than that sustained in stranger assaults. Every year, thousands of deaths in this country are the result of domestic violence.

It is imperative that those involved in the criminal justice system work toward applying the most sensible and effective measures to confront the problem of domestic violence. Domestic violence differs from other crimes because of the intimate relationship between the victim and the accused. Notwithstanding this difference, the criminal justice system should respond to domestic violence as it would respond to any crime. Police should arrest and pursue criminal remedies appropriate to the crime that they have probable cause to believe the accused has committed.

INTENT AND USAGE

We created the State of Michigan Model Policy Committee to address concerns about how law enforcement could further improve its response to domestic violence. The committee developed and published this model policy to assist law enforcement administrators in their efforts to develop a domestic violence response policy specific to their own community.

In formulating this model policy the committee drew from the best available information, existing policies and the extensive expertise of the committee members. We formed subcommittees and each addressed one major component of this model policy. The group formulated policy statements and recommended procedures to properly implement these policy statements. We brought the work of each subcommittee before the entire committee for review before it was included in the model policy. This process was met with enthusiasm and the dedicated participation of committee members.

The model policy consists of seventeen sections. These sections meet specific requirements of the law mandating each law enforcement agency to develop and publish a response policy. Note that statements of policy in each section appear in **bold, upper case print**. The committee agreed that these policy statements are essential for any domestic violence law enforcement response policy. Where a policy statement required further explanation, the explanation follows the policy statement in normal print. The committee also felt it of critical importance to include recommended implementation

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procedures for some statements of policy in order to give as much guidance as possible, while still allowing local law enforcement administrators the ability to customize the policy to meet their local community's needs. These recommended procedures appear in italic print following the statement of policy to which they are related.

As additional legislation was enacted to assist the criminal justice system in responding to domestic violence, we added the new requirements and the specific Michigan Compiled Laws. The gray shaded areas indicate new additions to each edition of the policy. These remain until the committee publishes the next edition. We also cited other authorities to clarify the requirements, such as opinions from the Attorney General.

The foundation of this model policy is the provision that police should arrest the domestic violence assailant whenever arrest is authorized. Law enforcement administrators, while using this model policy as a guide, can apply more stringent requirements for their own agencies.

The committee members believe that this model policy provides for an effective law enforcement response to domestic violence. The committee encourages all Michigan law enforcement agencies to use this model policy in developing their own written policy for responding to domestic violence.

To be most effective, a preferred arrest policy of police response to domestic violence must be coupled with other criminal justice policies aimed at ensuring that offenders are prosecuted, punished, and (when appropriate) encouraged to enter rehabilitation programs. In addition, officers must offer victims necessary information, support and services.

The committee also felt strongly that it is of critical importance that law enforcement and other professionals involved in the criminal justice response receive specialized training in the response to domestic violence and that steps be taken to help assess the scope of the problem and the impact of policy changes. The law mandates that such training and evaluation components be included in the written policy and implemented by all Michigan law enforcement agencies (MCLA 776.22).

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THE MICHIGAN LAW ENFORCEMENT RESPONSE TO DOMESTIC VIOLENCE MODEL POLICY

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**STATE OF MICHIGAN MODEL POLICY
THE LAW ENFORCEMENT RESPONSE TO DOMESTIC
VIOLENCE**

I. PURPOSE AND GOALS

Purpose

Domestic violence is criminal behavior. This policy defines the agency's commitment to and the officer's responsibility in responding to domestic violence. The establishment of this policy is intended to help eliminate indecision in the minds of agency personnel and to create confidence in officers when exercising judgment in the performance of their duties.

Goals

The goals of this agency's domestic violence response policy are to:

1. Protect victims and their children;
2. Hold assailants accountable;
3. Reduce domestic homicides;
4. Reduce domestic assaults;
5. Establish arrest as the preferred response to domestic violence;
6. Reduce police callbacks;
7. Reduce injuries to officers; and
8. Reduce liability risks for the department.

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II. RESPONSE AND INVESTIGATION

Dispatch Policy

The officer or dispatcher who receives the initial domestic violence call can provide the responding officers with vital information that could save the lives of the officers and persons at the scene.

- A. DOMESTIC VIOLENCE CALL SHALL BE GIVEN THE SAME PRIORITY AS ANY OTHER LIFE THREATENING CALL. TWO OFFICERS SHOULD BE DISPATCHED WHENEVER POSSIBLE. ONE OFFICER RESPONSES SHOULD BE AVOIDED.**
- B. THE CALL SHALL NOT BE CANCELED AT THE REQUEST OF THE CALLER OR ANY OTHER PARTY. RESPONDING OFFICERS SHALL CONTINUE TO THE SCENE TO VERIFY THAT ASSISTANCE IS NOT NEEDED.**

Recommended Procedures

- 1. Domestic violence calls should not be referred to other dispatch numbers or personnel since a victim may be unable to wait or return a call for help due to the possibility of detection by the assailant.*
- 2. The call taker should attempt to obtain as much of the following information from the caller as possible:*

Address/location of the domestic violence scene

Call back number

Caller's name - is caller the victim?

Nature of the current incident:

Is this incident in progress?

Are there weapons involved? What kind?

Is the suspect present?

What is the suspect's name?

Are there children present?

Are there weapons in the house? What kind? Where?

Is there a history of domestic violence at this location?

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II. RESPONSE AND INVESTIGATION (continued)

Recommended Procedures (continued)

- 3. The call taker should keep the caller on the phone as long as possible, reassuring the caller that help is en route and updating responding officers as additional information is received. The call taker should avoid placing blame or making judgments. If contact with the caller is broken, an attempt to reestablish contact shall be made. The call taker should advise the responding officers if contact is lost.*
- 4. Medical assistance should be dispatched as soon as it is determined to be needed.*
- 5. The call taker should access agency records to determine history and the existence of personal protection orders to assist officers in their response when possible.*

Officer Response

RESPONDING OFFICERS SHALL APPROACH THE SCENE AS A CRIMINAL INVESTIGATION. RESPONDING OFFICERS SHALL USE APPROPRIATE PRECAUTIONARY PROCEDURES AND TACTICS WHEN APPROACHING AND ENTERING THE SCENE.

Recommended Procedures

- 1. Upon arrival officers shall establish contact with all parties involved, separating the parties while remaining in sight of each other. Officers shall identify and secure weapons and objects that can be used as weapons.*
- 2. Officers should attempt to create a calm, safe environment in which to conduct the criminal investigation.*
- 3. Officers should determine the need for medical attention (if not already dispatched).*

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II. RESPONSE AND INVESTIGATION (continued)

Recommended Procedures (continued)

4. *Officers should attempt to provide for the safety and care of children when necessary (e.g., by other family members, contact with DHS, etc.)*

On-Scene Investigation

A. OFFICERS SHALL ALWAYS CONDUCT A THOROUGH CRIMINAL INVESTIGATION. THIS INVESTIGATION SHALL INCLUDE INTERVIEWING ALL WITNESSES AND COLLECTING EVIDENCE OF ALL POSSIBLE CRIMES COMMITTED.

Recommended Procedures

1. *Officers should interview the victim, suspect and other witnesses, including children, separately and as fully as circumstances allow. Officers should be aware that the presence of the assailant might intimidate the victim, children, and other witnesses.*
2. *In order to respond effectively to the present incident, the officer will need to know historical information. The officer should ask the victim questions such as the following, using supportive interview techniques:*

When was the first time this happened? How often has it happened?

What was the worst incident? When did it occur?

What weapons were used?

Has the suspect ever been arrested for assaulting you or another family member?

When was the last time you were treated by a doctor or hospitalized for injuries inflicted by the suspect?

Has the suspect been following, calling, threatening, (stalking) you?

Have family members or friends of the suspect been following, calling, threatening, (stalking) you?

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II. RESPONSE AND INVESTIGATION (continued)

Recommended Procedures (continued)

3. Officers should identify and collect all possible evidence, including:

Documentation of excited utterances made by those present;
Statements from the parties and other witnesses;
Documentation of injuries - both visible and complained of;
Description of the victim's general appearance;
Description of the scene;
Photographs of any injuries and of the scene;
Photographs of victim and children at the scene whenever possible;
Weapons and objects used as weapons.

B. OFFICERS SHOULD REQUEST THE RECORDING OF THE ORIGINAL CALL BE HELD AND TAGGED AS EVIDENCE.

C. OFFICERS SHOULD ASSESS THE LETHALITY OF THE SITUATION BY CONSIDERING INDICATORS OF A LIFE THREATENING ATTACK SUCH AS THE ASSAILANT HAS:

THREATENED TO KILL;
THREATENED TO TAKE THE VICTIM HOSTAGE;
THREATENED THE CHILDREN;
USED OR THREATENED TO USE A WEAPON;
KILLED OR MUTILATED A PET;
KNOWLEDGE THAT THE VICTIM IS LEAVING OR FILING FOR DIVORCE;
ACCESS TO WEAPONS;
A HISTORY OF WEAPONS USE;
A HISTORY OF DOMESTIC VIOLENCE;
A HISTORY OF ASSAULTIVE BEHAVIOR;
ENGAGED IN STALKING BEHAVIOR;
ACCESS TO THE VICTIM AND/OR THE VICTIM'S FAMILY;
THREATENED SUICIDE; OR
ALCOHOL OR DRUG ADDICTION.

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II. RESPONSE AND INVESTIGATION (continued)

When an arrest is made, documentation of lethality factors can provide critical information later when a magistrate sets bond or as the basis for holding the assailant longer based on a determination that it is unsafe to release the assailant (MCL 780.581).

If the assailant has access to firearms, officers should request the court require, as a condition of the assailant's release, the removal of all firearms from the home in accordance with agency policy. (See section IV of this policy.)

Recommended Procedures

- 1. If the assailant has threatened suicide consider taking the assailant for a psychiatric evaluation, where appropriate.*
- 2. If the assailant has engaged in stalking behavior the victim should be advised to seek a Personal Protection Order (PPO).*
- 3. Officers should document all conduct that constitutes stalking behavior.*
- 4. Officers should seek a warrant for stalking if the assailant has engaged in two or more acts of unconsented contact.*
- 5. If the assailant has threatened the children, a report to children's protective services may be required.*
- 6. If indicators of lethality are identified, officers should determine if new probable cause for an arrest has been established based upon the lethality assessment.*
- 7. Officers should document the presence of weapons and ask for removal of the weapons from the home as a condition of bond.*

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II. RESPONSE AND INVESTIGATION (continued)

D. OFFICERS SHOULD DETERMINE WHAT CRIMES THEY HAVE PROBABLE CAUSE TO BELIEVE WERE COMMITTED AND WHO COMMITTED THEM.

E. OFFICERS SHOULD DETERMINE IF THEY HAVE PROBABLE CAUSE TO BELIEVE THAT THERE IS OR HAS BEEN A VIOLATION OF A PERSONAL PROTECTION ORDER (PPO) OR “FOREIGN PROTECTION ORDER”, WHICH INCLUDES AN INJUNCTION OR OTHER ORDER ISSUED BY A COURT OF ANOTHER STATE, INDIAN TRIBE, OR UNITED STATES TERRITORY (MCL 600.2950).

F. OFFICERS SHOULD DETERMINE IF THEY HAVE PROBABLE CAUSE TO BELIEVE THERE IS OR HAS BEEN A VIOLATION OF A CONDITION OF RELEASE (CONDITIONAL BOND), PROBATION OR PAROLE. A PERSON WHO VIOLATES A “FOREIGN PROTECTION ORDER” THAT IS A CONDITIONAL RELEASE ORDER OR A PROBATION ORDER ISSUED BY A COURT IN A CRIMINAL PROCEEDING IS GUILTY OF A MISDEMEANOR. (SEE MCL 600.2950m)

G. COMPLAINTS OF CHILD ABUSE BY A PARENT OR GUARDIAN

When investigating complaints of child abuse officers should refer to the Michigan Penal Code, section 750.136b for guidance. It states, in part: “This section does not prohibit a parent or guardian, or other person permitted by law or authorized by the parent or guardian, from taking steps to reasonably discipline a child including the use of reasonable force.”

Crimes committed against children:

Officers should determine whether the abuser has committed any crimes against children (such as child abuse or assault/battery). Officers should document thoroughly the information in the incident report and request criminal charges against the abuser for these crimes against children. The documentation and criminal charges

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II. RESPONSE AND INVESTIGATION (continued)

regarding crimes against children assist courts to enter appropriate orders for the safety of the children and non-offending parent. Children are best protected when the abuser is held accountable for abuse against the children and the non-offending parent.

Children witnessing domestic violence:

Officers should not automatically contact child protective services when children are present at a domestic violence incident.

There are unintended and harmful consequences resulting from automatic referrals to CPS for children witnessing domestic violence, which include:

- deterring children and victims from contacting law enforcement for protection;
- shifting blame for the abuse to the non-offending parent; and
- undermining the goals of providing safety and stability for children and victims, and accountability for the abuser.

H. COMPLAINTS OF ELDER ABUSE

When investigating complaints of elder abuse, the complaint shall be investigated and treated the same as any other domestic violence complaint. A custodial arrest should be made and all domestic violence response procedures should be followed. If the victim is a "vulnerable adult", a report to the Department of Human Services may be required. For legal guidance, see MCL 400.11.

I. COMPLAINTS OF ABUSE PERPETRATED BY A MINOR CHILD

When investigating complaints of abuse by a minor child, the complaint shall be investigated and treated the same as any other domestic violence complaint. A custodial arrest should be made and local procedures for lodging a minor should be followed.

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III. PROBABLE CAUSE

Reasonable cause is defined in Michigan law as synonymous with probable cause. The probable cause standard applied to domestic violence crimes is no different from the standard applied to all other crimes. Probable cause means any facts and circumstances that would cause a fair-minded person of average intelligence to believe that the suspect has committed or is committing a crime.

There is no requirement that there be corroborating physical evidence or visible injury to establish probable cause. This means that the word of the victim alone, if believed, is sufficient ground for establishing reasonable cause.

A. OFFICERS SHOULD NOT BASE A DECISION NOT TO ARREST SOLELY ON THE ABSENCE OF VISIBLE INDICATIONS OF INJURY.
(MCL 776.22) (See also Attorney General Opinion number 6822, issued November 23, 1994).

B. WHEN DETERMINING WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT A CRIME HAS BEEN COMMITTED AN OFFICER SHOULD CONSIDER FACTORS SUCH AS:

STATEMENTS MADE BY THE VICTIM, ASSAILANT, CHILDREN OR OTHER WITNESSES;

INFORMATION RELAYED BY THE DISPATCHER;

PHYSICAL EVIDENCE THAT A CRIME OCCURRED;

AGGRESSIVE BEHAVIOR BY THE ASSAILANT;

INFORMATION GATHERED BY INVESTIGATING WOUNDS TO DETERMINE:

1. OFFENSIVE WOUNDS;

2. DEFENSIVE WOUNDS;

DAMAGED OR BROKEN PROPERTY IN THE HOUSE;

BRANDISHING A WEAPON;

EXISTENCE OF A PERSONAL PROTECTION ORDER (PPO);

EXISTENCE OF A SEXUAL ASSAULT PERSONAL PROTECTION ORDER; AND

EXISTENCE OF A FOREIGN PROTECTION ORDER.

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III. PROBABLE CAUSE (continued)

C. WHEN DETERMINING WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT A CRIME HAS BEEN COMMITTED AN OFFICER SHOULD NOT CONSIDER ANY OF THE FOLLOWING FACTORS:

the lack of a personal protection order (PPO);
the lack of a foreign protection order;
the fact that no arrests were made previously;
the victim's unwillingness to prosecute (MCL 776.22(3)(b)(iii));
the officer's belief that there will be no prosecution;
verbal assurances by either party that the violence will stop;
the possibility of reprisals against the victim;
the race, ethnicity, sexual preference, social class and/or occupation of the victim or the assailant;
threats by the assailant to sue the police; or
negative consequences to the assailant's status in the community.

D. OFFICERS SHOULD NOT ARREST AN INDIVIDUAL IF THE OFFICER HAS PROBABLE CAUSE TO BELIEVE THE INDIVIDUAL WAS ACTING IN LAWFUL SELF-DEFENSE OR IN THE LAWFUL DEFENSE OF ANOTHER PERSON (MCL 776.22(3)(B)(ii)).

A person may lawfully use:

1. whatever force the person honestly and reasonably believes is necessary for self-protection or to protect another person from danger; or
2. deadly force, when the person honestly and reasonably believes oneself or another person is in imminent danger of being killed, seriously injured or forcibly sexually penetrated.

A person has no duty to retreat from:

1. an assault in one's home, or
2. a forcible entry of one's home

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III. PROBABLE CAUSE (continued)

Where there is a claim of self-defense the officer should determine if there is probable cause to believe that the party was acting in lawful self-defense or in lawful defense of another by considering:

1. the size, strength and bulk of the parties;
2. the apparent ability of each party to do what was alleged;
3. witness statements;
4. offensive and defensive wounds;
5. any history of domestic violence between the individuals; and
6. other evidence (e.g., physical, circumstantial, etc.).

E. A DETERMINATION BY THE RESPONDING OFFICER THAT EACH PARTY HAS COMMITTED ASSAULTS AGAINST THE OTHER AND NEITHER WAS ACTING IN SELF-DEFENSE MUST NOT AUTOMATICALLY LEAD TO DUAL ARRESTS.

When the officer has probable cause to believe spouses, former spouses, individuals who have had a child in common, other individuals who reside together or formerly resided together or individuals who have or have had a dating relationship are committing or have committed crimes against each other, the officer, when determining whether to make an arrest of one or both individuals, should consider:

1. the intent of the law to protect victims of domestic violence;
2. the degree of injury inflicted on the individuals involved;
3. the extent to which the individuals have been put in fear of physical injury to themselves or other members of the household; and
4. any history of domestic violence between the individuals, if that history can reasonably be ascertained by the officer.

Only in the rare cases where, after ruling out self-defense and determining through observation of these factors neither party is a victim of domestic violence, should a dual arrest be considered.

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IV. ARREST

A. OFFICERS RESPONDING TO THE SCENE OF DOMESTIC VIOLENCE SHOULD ARREST THE ASSAILANT IN ALL OF THE FOLLOWING CIRCUMSTANCES:

When a warrant exists;

A felony, misdemeanor, or ordinance violation is committed in the officer's presence (MCL 764.15 (1)(a)); or

Probable cause exists to believe:

- **a felony has been committed;**
- **a misdemeanor assault, assault and battery, aggravated assault, or a violation of a substantially corresponding local ordinance occurred or is occurring, and the assailant is the spouse or former spouse of the victim, has had a child in common with the victim, is a person who resides or has resided in the same household as the victim, or is a person who has or has had a dating relationship with the victim (MCL 764.15a);**
- **the person is violating or has violated a personal protection order (PPO) or a valid foreign protection order, (MCL 764.15b (1));**
- **the person is violating or has violated a condition of release (MCL 764.15e);the person has violated 1 or more conditions of a probation or parole order imposed by a court of this state, another state, Indian tribe, or United States territory (MCL 764.15(1)(g)); or**
- **the officer has received positive information broadcast from a recognized police or other governmental radio station, or teletype, that gives the officer reasonable cause to believe a misdemeanor punishable by more than 92 days or a felony has been committed and reasonable cause that the assailant committed it (MCL 764.15(1)(f)).**

1. Warrantless arrest for violation of a personal protection order (PPO) or valid foreign protection order:

MCL 764.15b (1) Grants an officer the authority to make an arrest without a warrant if the officer has probable cause to believe:

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IV. ARREST (continued)

- a. a domestic relationship PPO, non-domestic stalking PPO, or valid foreign protection order exists;
- b. if the personal protection order was issued under MCL 600.2950 or MCL 600.2950a, the PPO states on its face that violation subjects the violator to immediate arrest and criminal contempt punishable by not more than 93 days and/or a fine of not more than \$500;
- c. the individual is violating or has violated the PPO by engaging in or having engaged in conduct restrained or enjoined by the PPO (MCL 764.15b(1));
- d. for enforcement procedures for a foreign protection order see Section VI.

2. Warrantless arrest for violation of a Michigan condition of release (conditional bond):

MCL 764.15e(1) grants an officer the authority to make an arrest without a warrant if the officer has probable cause to believe the individual is violating or has violated a condition of release imposed under MCL 765.6b.

3. Warrantless arrest for violation of a condition or probation or parole:

MCL 764.15(1)(g) grants an officer the authority to make an arrest without a warrant if the officer has probable cause to believe the individual has violated a condition of parole or has violated 1 or more conditions of a conditional release order or probation order imposed by a court of this state, another state, Indian tribe, or United States territory.

B. THE DECISION TO ARREST RESIDES WITH THE OFFICER AND SHOULD NOT BE BASED UPON WHETHER OR NOT THE VICTIM WILL CONSENT TO PARTICIPATE IN ANY SUBSEQUENT PROSECUTION (MCL 776.22).

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IV. ARREST (continued)

Recommended Procedures

1. *Whenever possible, officers should avoid surprising the victim or making a physical arrest of the assailant in the victim's presence.*
2. *Officers should emphasize to the victim and the assailant that the criminal action is being initiated by the officers, not the victim.*

C. OFFICERS MAKING AN ARREST FOR A FELONY, A MISDEMEANOR, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO ASSAULT OR ASSAULT AND BATTERY SHALL ACT AS THE COMPLAINANT AND SHALL SWEAR TO THE COMPLAINT AND WARRANT ON INFORMATION AND BELIEF AS NECESSARY.

MCL 764.1a provides that a magistrate shall not refuse to accept a complaint alleging an assault, assault and battery, violation of a substantially corresponding local ordinance, or aggravated assault by a spouse or former spouse of the victim, an individual with whom the victim has had a child in common, or an individual residing or having resided in the same household as the victim on grounds that the complaint is signed upon information and belief by an individual other than the victim.

D. WHEN AN ARREST IS MADE FOR A VIOLATION OF A PERSONAL PROTECTION ORDER OR FOREIGN PROTECTION ORDER, OFFICERS SHOULD INVESTIGATE AND ARREST FOR ANY VIOLATION OF ANY CRIMINAL LAW.

Arrest for violation of a Personal Protection Order or Foreign Protection Order should not affect the decision to arrest for any crime.

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IV. ARREST (continued)

E. WHEN AN ARREST IS MADE FOR VIOLATION OF A CONDITION OF RELEASE (CONDITIONAL BOND), OR A CONDITION OF PROBATION OR PAROLE, OFFICERS SHOULD ALSO CONDUCT A THOROUGH CRIMINAL INVESTIGATION AND ARREST FOR ANY VIOLATION OF ANY CRIMINAL LAW.

Arrest for violation of a provision of conditional release or a violation of a condition of probation or parole should not affect the decision to arrest for any crime.

Note: Violation of a foreign protection order that is a conditional release order or a probation order issued by a court in a criminal proceeding is a misdemeanor punishable by not more than 93 days jail, a fine of \$500.00 or both (MCL 600.2950m).

F. IF THE SUSPECT HAS LEFT THE SCENE, ALL REASONABLE ATTEMPTS TO LOCATE AND ARREST THE SUSPECT SHALL BE MADE. A DESCRIPTION SHALL BE DISSEMINATED TO OTHER OFFICERS AND LOCATIONS KNOWN TO BE FREQUENTED BY THE SUSPECT SHOULD BE CHECKED.

G. AN OFFICER OF A COUNTY, CITY, VILLAGE, TOWNSHIP, OR UNIVERSITY OF THIS STATE MAY EXERCISE THE AUTHORITY AND POWERS OF A PEACE OFFICER OUTSIDE THE GEOGRAPHICAL BOUNDARIES OF THE OFFICER'S JURISDICTION IF:

1. The officer is enforcing the laws of this state in conjunction with the Michigan state police; or
2. The officer is enforcing the laws of this state in conjunction with a peace officer of any other county, city, village, township, or university in which the officer may be; or
3. The officer has witnessed a person violate a law or ordinance within the geographical boundaries of the officer's county, city, village, township, or university and immediately pursues the person outside the boundaries of the officer's jurisdiction.

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IV. ARREST (continued)

The officer may stop and detain the person outside the geographical boundaries of the officer's jurisdiction for the purpose of enforcing that law or ordinance or enforcing any other law or ordinance violated immediately before detainment. See MCL 764.2a.

H. IF THE SUSPECT CANNOT BE LOCATED WITHIN A REASONABLE PERIOD OF TIME (generally no longer than the end of the officer's tour of duty), A WARRANT FOR ANY CRIME COMMITTED SHALL BE OBTAINED BASED ON INFORMATION AND BELIEF.

I. IF PROBABLE CAUSE EXISTS TO BELIEVE THAT A MISDEMEANOR ASSAULT, ASSAULT AND BATTERY, OR AGGRAVATED ASSAULT HAS BEEN COMMITTED BUT THE RELATIONSHIP BETWEEN THE ASSAILANT AND THE VICTIM IS NOT SPOUSE, FORMER SPOUSE, RESIDENT OR FORMER RESIDENT OF THE SAME HOUSEHOLD, HAS HAD A CHILD IN COMMON, OR HAS OR HAS HAD A DATING RELATIONSHIP THE OFFICER CAN STILL MAKE A WARRANTLESS ARREST. (SEE MCL 750.81).

J. IF PROBABLE CAUSE EXISTS TO BELIEVE THAT A MISDEMEANOR OTHER THAN AN ASSAULT, ASSAULT AND BATTERY OR AN AGGRAVATED ASSAULT TOOK PLACE AND THE OFFENSE IS PUNISHABLE BY MORE THAN 92 DAYS IN JAIL THE OFFICERS CAN MAKE A WARRANTLESS ARREST PURSUANT TO MCL 764.15(1)(f).

J. IT IS RECOMMENDED THAT AGENCIES CONSIDER ESTABLISHING A POLICY OF SEIZING AND HOLDING ALL FIREARMS WHEN RESPONDING TO A DOMESTIC VIOLENCE SCENE.

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V. ENFORCEMENT OF PERSONAL PROTECTION ORDERS (PPOs) AGAINST AN ADULT RESPONDENT WHERE THE ORDER IS ISSUED BY A MICHIGAN COURT

A personal protection order is a court order requiring enforcement.

A violation of a personal protection order by the individual restrained or enjoined is contempt of court. It is the officer's responsibility to enforce all personal protection orders.

A. OFFICERS RESPONDING TO A CALL SHOULD ARREST AN INDIVIDUAL ENJOINED BY A PERSONAL PROTECTION ORDER (PPO) IN THE FOLLOWING CIRCUMSTANCES:

IF THE OFFICERS HAVE PROBABLE CAUSE TO BELIEVE:

1. A personal protection order has been issued under either MCL 600.2950 (domestic relationship PPO) or MCL 600.2950a (non-domestic stalking PPO);
2. The personal protection order states on its face that a violation of its terms subjects the individual to immediate arrest and either of the following; and
 - (i) if the individual restrained or enjoined is 17 years of age or older, to criminal contempt of court and, if found guilty of criminal contempt, to imprisonment for not more than 93 days and to a fine of not more than \$500.00.
 - (ii) if the individual restrained or enjoined is less than 17 years of age, to the dispositional alternatives listed in section 18 of chapter XIIA of the probate code. MCL 712A.18.
3. The individual named in the personal protection order is violating or has violated the order (MCL 764.15b).

B. AN INDIVIDUAL IS IN VIOLATION OF A DOMESTIC RELATIONSHIP PPO IF THAT INDIVIDUAL COMMITS ONE OR MORE OF THE FOLLOWING ACTS WHICH THE PPO SPECIFICALLY RESTRAINS OR ENJOINS THE INDIVIDUAL FROM:

Assaulting, attacking, beating, molesting, or wounding a named individual.

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V. ENFORCEMENT OF PERSONAL PROTECTION ORDERS (PPOs) AGAINST AN ADULT RESPONDENT WHERE THE ORDER IS ISSUED BY A MICHIGAN COURT (continued)

Removing minor children from the individual having legal custody of the children, except as otherwise authorized by a custody or parenting-time order issued by a court of competent jurisdiction.

Entering onto premises.

Threatening to kill or physically injure a named individual.

Purchasing or possessing a firearm.

Interfering with petitioner's efforts to remove petitioner's children or personal property from premises that are solely owned or leased by the individual to be restrained or enjoined.

Interfering with petitioner at petitioner's place of employment or education or engaging in conduct that impairs petitioner's employment or educational relationship or environment (this could include stalking conduct as prohibited by MCL 750.411h and MCL 750.411i).

Having access to information in records concerning a minor child of both petitioner and respondent that will inform respondent about the address or telephone number of petitioner and petitioner's minor child or about petitioner's employment address.

Any other specific act or conduct that imposes upon or interferes with personal liberty or that causes reasonable apprehension of violence (this could include stalking conduct as prohibited by MCL 750.411h and MCL 750.411i).

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V. ENFORCEMENT OF PERSONAL PROTECTION ORDERS (PPOs) AGAINST AN ADULT RESPONDENT WHERE THE ORDER IS ISSUED BY A MICHIGAN COURT (continued)

C. AN INDIVIDUAL IS IN VIOLATION OF A NON-DOMESTIC STALKING PPO IF THAT INDIVIDUAL COMMITS ONE OR MORE OF THE FOLLOWING ACTS WHICH THE PPO SPECIFICALLY RESTRAINS OR ENJOINS THE INDIVIDUAL FROM:

**Stalking conduct as prohibited by MCL 750.411h or MCL 750.411i;
-or-
Purchasing or possessing a firearm.**

D. OFFICERS RESPONDING TO A CALL WHERE THE INDIVIDUAL ENJOINED OR RESTRAINED BY A PERSONAL PROTECTION ORDER HAS BEEN SERVED SHALL:

Verify, via the LEIN or completed proof of service, that the individual restrained or enjoined has been served;

Conduct a thorough criminal investigation to establish probable cause that a violation of the PPO or a criminal statute has occurred; and

Arrest the individual for the crimes and violations for which probable cause was established, as provided for by this policy.

E. A PPO TAKES PRECEDENCE OVER ANY EXISTING CUSTODY OR PARENTING TIME ORDER (MCR 3.706 (C)(3)). OFFICERS SHOULD ENFORCE THE PPO AND LET THE COURTS RESOLVE CONFLICTS WITH OTHER ORDERS.

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V. ENFORCEMENT OF PERSONAL PROTECTION ORDERS (PPOs) AGAINST AN ADULT RESPONDENT WHERE THE ORDER IS ISSUED BY A MICHIGAN COURT (continued)

NOTE ON OBTAINING A PPO: If there is a domestic relationship between the assailant and the victim, the victim should obtain a domestic relationship PPO to prohibit stalking behaviors. A non-domestic stalking PPO should be obtained by a victim only when the victim does not have a domestic relationship with the assailant.

NOTE ON CHILD CUSTODY WITHIN PROTECTION ORDERS: The Michigan Court of Appeals has ruled that a Michigan PPO can restrict a parent's contact with the parent's minor child(ren) and/or award temporary custody or temporary possession of children. *Brandt v. Brandt*, 250 Mich App 68 (2002). Although a child custody provision within a Michigan PPO is not common, it is legal, and it is enforceable as any other provision in the PPO. Child custody provisions within protection orders are safety provisions. Forty-four states, including the District of Columbia, specifically provide for award of temporary child custody in a protection order.

F. OFFICERS RESPONDING TO A CALL WHERE THE INDIVIDUAL ENJOINED OR RESTRAINED BY A PERSONAL PROTECTION ORDER HAS NOT BEEN SERVED SHALL PURSUANT TO MCL 600.2950(2)(2) OR MCL 600.2950a(1)(9):

1. **SERVE THE INDIVIDUAL RESTRAINED OR ENJOINED WITH A TRUE COPY OF THE ORDER;**

OR

2. **ADVISE THE INDIVIDUAL RESTRAINED OR ENJOINED OF THE EXISTENCE OF THE PERSONAL PROTECTION ORDER, THE SPECIFIC CONDUCT ENJOINED, THE PENALTIES FOR VIOLATING THE ORDER, AND WHERE THE INDIVIDUAL RESTRAINED OR ENJOINED MAY OBTAIN A COPY OF THE ORDER.**

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V. ENFORCEMENT OF PERSONAL PROTECTION ORDERS (PPOs) AGAINST AN ADULT RESPONDENT WHERE THE ORDER IS ISSUED BY A MICHIGAN COURT (continued)

3. ENFORCE THE PERSONAL PROTECTION ORDER;

The individual must be given an opportunity to comply after service or notice at the scene before the law enforcement officer makes a custodial arrest for violation of the order.

However, the failure to immediately comply shall be grounds for an immediate custodial arrest (MCL 600.2950 and MCL 600.2950a);

4. ENTER, OR CAUSE THE IMMEDIATE ENTRY INTO THE LEIN, CONFIRMATION THAT THE INDIVIDUAL RESTRAINED OR ENJOINED HAS RECEIVED ACTUAL NOTICE OF THE PERSONAL PROTECTION ORDER (The original entering agency should immediately modify the LEIN entry to reflect a yes entry on scan line 69); AND

5. FILE A PROOF OF SERVICE OR PROOF OF ORAL NOTIFICATION WITH THE CLERK OF THE COURT THAT ISSUED THE PPO (MCL 600.2950(2)(2) or MCL 600.2950a(1)(9)).

Recommended Procedures

Upon service or advisement of the individual restrained or enjoined officers should:

- 1. Immediately complete a proof of service form at the scene in the presence of the enjoined individual;*
- 2. Provide one copy to the victim, along with the required victim's rights notice (See section VII of this model policy);*
- 3. Forward the original of the proof of service to the issuing court;*
- 4. Immediately notify, via LEIN, the law enforcement agency named by the order as responsible for LEIN entry, that service has been made;*

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V. ENFORCEMENT OF PERSONAL PROTECTION ORDERS (PPOs) AGAINST AN ADULT RESPONDENT WHERE THE ORDER IS ISSUED BY A MICHIGAN COURT (continued)

5. *Document, in the written report, that the individual restrained or enjoined was served or advised and that the entering agency was notified of such service or advisement via LEIN; and*
6. *Attach a copy of the proof of service and the LEIN message to the written report.*

Officers and court clerks can give verbal notice at any time. Verbal notice must include: 1) the existence of the PPO; 2) the specific conduct restrained or enjoined; 3) the penalties for violating the PPO; and 4) the location where the individual restrained or enjoined may obtain a copy of the order.

The officer can always serve the person restrained a true copy of the PPO and the LEIN entry can be changed after service at any time, under any circumstances.

An arrest for a violation of a personal protection order (PPO) does not preclude an arrest for the violation of any criminal law.

G. IF THE SUSPECT HAS LEFT THE SCENE, A REASONABLE ATTEMPT TO LOCATE AND ARREST THE SUSPECT SHALL BE MADE. A DESCRIPTION SHALL BE DISSEMINATED TO OTHER OFFICERS AND LOCATIONS KNOWN TO BE FREQUENTED BY THE SUSPECT SHOULD BE CHECKED. THE OFFICER MUST TELL THE PETITIONER THAT HE/SHE HAS A LEGAL “RIGHT TO GO TO COURT AND FILE A MOTION FOR AN ORDER TO SHOW CAUSE AND A HEARING IF THE ABUSER IS VIOLATING OR HAS VIOLATED A PPO AND HAS NOT BEEN ARRESTED.” FOR A COMPLETE LIST OF INFORMATION THAT MUST BE PROVIDED TO VICTIMS WHEN LAW ENFORCEMENT INVESTIGATES A DOMESTIC VIOLENCE INCIDENT SEE MCL 764.15c.

H. A PERSON WHO IS ARRESTED FOR A VIOLATION OF A PERSONAL PROTECTION ORDER SHALL NOT BE RELEASED ON BOND. THE ARRESTED PERSON SHALL BE BROUGHT BEFORE A CIRCUIT COURT WHERE THE VIOLATION OCCURRED WITHIN 24 HOURS AFTER THE ARREST.

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V. ENFORCEMENT OF PERSONAL PROTECTION ORDERS (PPOs) AGAINST AN ADULT RESPONDENT WHERE THE ORDER IS ISSUED BY A MICHIGAN COURT (continued)

The circuit court shall set a time for a hearing on the alleged violation and shall set bond. If a circuit court judge is not available within 24 hours after arrest, the arrested person shall be brought before the district court within 24 hours after the arrest, at which time the district court shall order the defendant to appear before the circuit court for a hearing on the charge and the district court shall set bond. If the district court will not be open within 24 hours after arrest, a judge or district court magistrate shall set bond and order the defendant to appear before the circuit court in the county for a hearing on the charge (MCL 764.15b(3)).

The circuit court of each county has jurisdiction to conduct all contempt hearings for violation of any PPO. The circuit court that issued the personal protection order may request that the defendant be returned to that county for a violation of a PPO. Costs associated with the transportation of subjects from one county to another are covered by the county of the court requesting the transportation (MCL 764.15b(5)).

I. IMMEDIATELY UPON ARREST FOR CRIMINAL CONTEMPT UNDER MCL 600.2950 OR MCL 600.2950a, THE ARRESTING AGENCY SHALL TAKE THE PERSON’S FINGERPRINTS AND FORWARD THE FINGERPRINTS TO THE MICHIGAN STATE POLICE WITHIN 72 HOURS AFTER THE ARREST (MCL 28.243).

A person who refuses to allow or resists the taking of his or her fingerprints is guilty of a misdemeanor punishable by up to 90 days in jail and/or a fine of not more than \$500.00 (MCL 28.243a).

In addition to the penalties for criminal contempt for a PPO violation, the court may order the respondent to reimburse the local government for enforcement expenses including wages and expenses for law enforcement and prosecutors (MCL 769.1f).

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V. ENFORCEMENT OF PERSONAL PROTECTION ORDERS (PPOs) AGAINST AN ADULT RESPONDENT WHERE THE ORDER IS ISSUED BY A MICHIGAN COURT (continued)

J. OFFICERS SHALL ENFORCE PERSONAL PROTECTION ORDERS ISSUED BY THE COURT OF ANOTHER STATE OR A TRIBAL COURT CONSISTENT WITH THIS POLICY AND AS IF THEY HAD BEEN ISSUED BY A CIRCUIT COURT OF THIS STATE. SEE SECTION VI FOR SPECIFIC PROCEDURES ON ENFORCING FOREIGN PROTECTION ORDERS

The Violence Against Women Act, (VAWA), was passed by the United States Congress in 1994 as Title IV of the Violent Crime Control and Law Enforcement Act of 1994. Sections 2265 and 2266 require states and tribal courts to enforce valid civil and criminal protection orders issued by foreign states and tribal courts as though they were issued in the state doing the enforcement. Michigan statutes implementing the concept of Full Faith and Credit became effective April 1, 2002. These statutes are found at MCL 600.2950h, 600.2950i, 600.2950j, 600.2950k, and 600.2950l.

K. OFFICERS MUST DOCUMENT THEIR RESPONSE AND INVESTIGATION. EFFECTIVE OCTOBER 1, 2002, AN OFFICER SHALL USE THE STANDARD DOMESTIC VIOLENCE INCIDENT REPORT FORM. A COMPLETED COPY OF THE DOMESTIC VIOLENCE REPORT MUST BE FILED WITH THE PROSECUTING ATTORNEY WITHIN 48 HOURS AFTER THE INCIDENT IS REPORTED TO THE POLICE. (MCL 764.15c).

A petitioner cannot violate the PPO. The PPO prohibits conduct by the respondent. Only the respondent can violate the PPO. Enforce the PPO against the respondent, even if respondent claims that petitioner “invited” respondent to violate the PPO. NEVER ARREST THE PETITIONER FOR THE RESPONDENT’S PPO VIOLATION. See *State v. Lucas*, 100 Ohio St. 3d 1 (2003). The Ohio Supreme Court ruled that a petitioner could not be held in contempt for aiding and abetting a violation of an order that protects petitioner.

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VI. ENFORCEMENT OF FOREIGN PROTECTION ORDERS

A foreign protection order is an injunction or other order issued by a court of another state, Indian tribe, or United States territory for the purpose of preventing a person’s violent or threatening acts (MCL 600.2950h). It is the officer’s responsibility to enforce all valid foreign protection orders.

- A. A VALID FOREIGN PROTECTION ORDER SHALL BE ACCORDED FULL FAITH AND CREDIT IN MICHIGAN COURTS AND IS SUBJECT TO THE SAME ENFORCEMENT PROCEDURES AND PENALTIES AS IF IT WERE ISSUED BY A MICHIGAN COURT (MCL 600.2950j).**
- B. A CHILD CUSTODY OR SUPPORT PROVISION FOUND WITHIN A VALID FOREIGN PROTECTION ORDER SHALL BE ACCORDED FULL FAITH AND CREDIT IN MICHIGAN COURTS AND IS SUBJECT TO THE SAME ENFORCEMENT PROCEDURES AND PENALTIES AS ANY PROVISION WITHIN A MICHIGAN PERSONAL PROTECTION ORDER (MCL 600.2950j).**
- C. OFFICERS RESPONDING TO A CALL SHOULD ARREST AN INDIVIDUAL ENJOINED BY A FOREIGN PROTECTION ORDER IN THE FOLLOWING CIRCUMSTANCES:**

IF THE OFFICERS HAVE PROBABLE CAUSE TO BELIEVE:

- 1. A VALID FOREIGN PROTECTION ORDER EXISTS;**
- 2. THE INDIVIDUAL NAMED IN THE VALID FOREIGN PROTECTION ORDER IS VIOLATING OR HAS VIOLATED THE ORDER (MCL 764.15b).**
- D. OFFICERS CAN DETERMINE THAT A FOREIGN PROTECTION ORDER IS VALID BY THE FOLLOWING METHODS:**
 - 1. FACE VALIDITY (MCL 600.2950i(3))**

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VI ENFORCEMENT OF FOREIGN PROTECTION ORDERS

(continued)

A LAW ENFORCEMENT OFFICER MAY RELY UPON A COPY OF ANY PROTECTION ORDER THAT APPEARS TO BE A FOREIGN PROTECTION ORDER AND THAT IS PROVIDED TO THE OFFICER

FROM ANY SOURCE IF THE ORDER APPEARS TO CONTAIN ALL OF THE FOLLOWING:

- i. **The names of the parties;**
 - ii. **The date the protection order was issued;**
 - iii. **The terms and condition against the respondent;**
 - iv. **The name of the issuing court;**
 - v. **The signature of or on behalf of a judicial officer**
 - vi. **No obvious indication that the order is invalid.**
- 2. THE FACT THAT A FOREIGN PROTECTION ORDER THAT AN OFFICER HAS BEEN SHOWN CANNOT BE VERIFIED ON LEIN OR THE NCIC NATIONAL PROTECTION ORDER FILE IS NOT GROUNDS FOR AN OFFICER TO REFUSE TO ENFORCE THE FOREIGN PROTECTION ORDER UNLESS IT IS APPARENT TO THE OFFICER THAT THE FOREIGN PROTECTION ORDER IS INVALID (MCL 600.2950(1)(4)).**
- 3. WHERE A COPY OF THE FOREIGN PROTECTION ORDER IS NOT AVAILABLE THE OFFICER SHOULD ATTEMPT TO VERIFY THE EXISTENCE OF THE ORDER AND THE FOLLOWING INFORMATION THROUGH LEIN, THE NCIC PROTECTION ORDER FILE, ADMINISTRATIVE MESSAGING, CONTACTING THE COURT THAT ISSUED THE FOREIGN PROTECTION ORDER, CONTACTING THE LAW ENFORCEMENT AGENCY IN THE ISSUING JURISDICTION, CONTACTING THE ISSUING JURISDICTION'S PROTECTION ORDER REGISTRY, OR ANY OTHER METHOD THE OFFICER BELIEVES TO BE RELIABLE (MCL 600.2950(5)).**
- i. **The names of the parties;**
 - ii. **The date the foreign protection order was issued;**
 - iii. **Terms and conditions against respondent;**
 - iv. **The name of the issuing court;**
 - v. **No obvious indication that the foreign protection order is invalid.**

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VI ENFORCEMENT OF FOREIGN PROTECTION ORDERS

(continued)

E. IF THE OFFICER IS ABLE TO VERIFY THE EXISTENCE OF THE FOREIGN PROTECTION ORDER AND THE INDIVIDUAL ENJOINED OR RESTRAINED BY THE FOREIGN PROTECTION ORDER HAS BEEN SERVED WITH OR RECEIVED NOTICE OF THE ORDER THE OFFICER SHOULD ARREST THE INDIVIDUAL FOR THE CRIMES OR VIOLATIONS FOR WHICH PROBABLE CAUSE WAS ESTABLISHED (MCL 600.2950(1)(6)).

F. IF THERE IS NO EVIDENCE THAT THE INDIVIDUAL HAS BEEN SERVED WITH OR HAS RECEIVED NOTICE OF THE FOREIGN PROTECTION ORDER, THE OFFICER SHALL (MCL 600.2950(1)(9)):

- i. SERVE THE INDIVIDUAL WITH A COPY OF THE FOREIGN PROTECTION ORDER; OR**
- ii. ADVISE THE INDIVIDUAL ABOUT THE EXISTENCE OF THE FOREIGN PROTECTION ORDER, THE NAME OF THE ISSUING COURT, THE SPECIFIC CONDUCT ENJOINED, THE PENALTIES FOR VIOLATING THE ORDER IN MICHIGAN, AND, IF THE OFFICER IS AWARE OF THE PENALTIES IN THE ISSUING JURISDICTION, THE PENALTIES FOR VIOLATING THE ORDER IN THE ISSUING JURISDICTION; AND**
- iii. ENFORCE THE FOREIGN PROTECTION ORDER;**

The individual must be given an opportunity to comply with the foreign protection order after service or notice at the scene before the law enforcement officer makes a custodial arrest for violation of the order.

However, the failure to comply immediately with the foreign protection order is grounds for an immediate custodial arrest (MCL 600.2950(1)(9)).

- iv. PROVIDE THE PETITIONER WITH PROOF OF SERVICE OR PROOF OF ORAL NOTICE;**
- v. PROVIDE THE ISSUING COURT WITH A PROOF OF SERVICE OR PROOF OF ORAL NOTICE, IF THE ADDRESS OF THE ISSUING COURT IS APPARENT ON THE FACE OF THE FOREIGN PROTECTION ORDER OR OTHERWISE IS READILY AVAILABLE TO THE OFFICER;**

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VI. ENFORCEMENT OF FOREIGN PROTECTION ORDERS

(continued)

- vi. IF THE FOREIGN PROTECTION ORDER IS ENTERED INTO LEIN OR THE NCIC PROTECTION ORDER FILE, THE OFFICER SHALL PROVIDE LEIN OR NCIC WITH PROOF OF SERVICE OR PROOF OF ORAL NOTICE.**

- G. A PERSON ARRESTED FOR VIOLATION OF A FOREIGN PROTECTION ORDER SHALL NOT BE RELEASED ON BOND. THE ARRESTED PERSON SHALL BE BROUGHT BEFORE A CIRCUIT COURT WHERE THE VIOLATION OCCURRED WITHIN 24 HOURS AFTER THE ARREST (MCL 764.15b).**

The circuit court shall set a time for a hearing on the alleged violation and shall set bond. If a circuit court judge is not available within 24 hours after arrest, the arrested person shall be brought before the district court within 24 hours after arrest, at which time the district court shall set bond and order the defendant to appear before the circuit court for a hearing on the charge. If the district court will not be open within 24 hours after arrest, a judge or district court magistrate shall set bond and order the defendant to appear before the circuit court in the county for a hearing on the charge.

The circuit court of each county has jurisdiction to conduct all contempt hearings for violation of a valid foreign protection order. The court that issued the foreign protection order may request that the defendant be returned to that court to stand trial. Costs associated with the transportation from one court to another are covered by the court requesting the transportation (MCL 764.15b).

- H. IMMEDIATELY UPON ARREST FOR CRIMINAL CONTEMPT UNDER MCL 600.2950i, THE ARRESTING AGENCY SHALL TAKE THE PERSON'S FINGERPRINTS AND FORWARD THE FINGERPRINTS TO THE MICHIGAN STATE POLICE WITHIN 72 HOURS AFTER THE ARREST (MCL 28.243).**

A person who refuses to allow or resists the taking of his or her fingerprints is guilty of a misdemeanor punishable by up to 90 days in jail and/or a fine of not more than \$500.00 (MCL 28.243a).

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VI. ENFORCEMENT OF FOREIGN PROTECTION ORDERS
(continued)

I. IF A PERSON SEEKING ENFORCEMENT OF A FOREIGN PROTECTION ORDER DOES NOT HAVE A COPY OF THE FOREIGN PROTECTION ORDER, AND THE OFFICER CANNOT VERIFY THE ORDER, THE OFFICER SHALL MAINTAIN THE PEACE AND TAKE ACTION WITH REGARD TO ANY VIOLATION OF CRIMINAL LAW. (MCL 600.2950(i)(7)).

In addition to the penalties for criminal contempt for a foreign protection order violation, the court may order the respondent to reimburse the state or local government for enforcement expenses, including wages and expenses for law enforcement and prosecutors.

J. OFFICERS MUST DOCUMENT THEIR RESPONSE AND INVESTIGATION. AN OFFICER SHALL USE THE STANDARD DOMESTIC VIOLENCE INCIDENT REPORT FORM. A COMPLETED COPY OF THE DOMESTIC VIOLENCE INCIDENT REPORT MUST BE FILED WITH THE PROSECUTING ATTORNEY WITHIN 48 HOURS AFTER THE INCIDENT IS REPORTED TO THE POLICE. (MCL 764.15c).

K. LAW ENFORCEMENT OFFICERS ACTING IN GOOD FAITH ARE IMMUNE FROM CIVIL AND CRIMINAL LIABILITY IN ANY ACTION ARISING FROM THE ENFORCEMENT OF A FOREIGN PROTECTION ORDER (MCL 600.2950(i)(10)).

L. A PERSON WHO VIOLATES A FOREIGN PROTECTION ORDER THAT IS A CONDITIONAL RELEASE ORDER OR A PROBATION ORDER ISSUED BY A COURT IN A CRIMINAL PROCEEDING IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF \$500.00 OR BOTH (MCL 600.2950m).

1. IF OFFICERS HAVE PROBABLE CAUSE OF A VIOLATION, THEY SHOULD ARREST THE INDIVIDUAL WITHOUT A WARRANT (MCL 764.15g).

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VI ENFORCEMENT OF FOREIGN PROTECTION ORDERS

(continued)

- 2. OFFICERS SHOULD IMMEDIATELY UPON THE ARREST OF THE INDIVIDUAL TAKE THE PERSON'S FINGERPRINTS AND FORWARD THE FINGERPRINTS TO THE MICHIGAN STATE POLICE WITHIN 72 HOURS AFTER THE ARREST (MCL 28.243).**

- 3. OFFICER SHOULD COMPLETE A STANDARDIZED DOMESTIC VIOLENCE INCIDENT REPORT AND PROVIDE REQUIRED VICTIM INFORMATION (MCL 764.15c AND MCL 780.753).**

VII. ENFORCEMENT OF A PERSONAL PROTECTION ORDER ISSUED AGAINST A JUVENILE WHERE THE ORDER IS ISSUED BY A MICHIGAN COURT

PERSONS BETWEEN THE AGES OF 10 AND 17 MAY HAVE A PERSONAL PROTECTION ORDER ISSUED AGAINST THEM. ENFORCEMENT PROCEEDINGS AGAINST A MINOR FOR VIOLATION OF A PERSONAL PROTECTION ORDER OR VALID FOREIGN PROTECTION ORDER ARE NOT CONSIDERED CRIMINAL PROCEEDINGS ACCORDING TO THE PROBATE CODE OF 1939 (MCL 712A.1). CONTEMPT PROCEEDINGS FOR THE ENFORCEMENT OF MINOR PERSONAL PROTECTION ORDERS WHERE THE RESPONDENT IS UNDER 18 YEARS OF AGE ARE GOVERNED BY MCR 5.982-5.989.

IF THE MINOR IS UNDER THE AGE OF 17 AT THE TIME OF THE VIOLATION THE MINOR IS SUBJECT TO THE DISPOSITIONAL ALTERNATIVES FOUND IN THE PROBATE CODE AT MCL 712A.18. IF THE MINOR IS 17 OR OLDER AT THE TIME OF THE VIOLATION THE MINOR IS SUBJECT TO THE ADULT PENALTY FOR CRIMINAL CONTEMPT OF UP TO 93 DAYS IN JAIL AND/OR A \$500.00 FINE (MCL 600.2950(2)(3) AND MCL 600.2950a(2)(0)).

IF THE MINOR IS 17 OR OLDER AND FOUND GUILTY OF CRIMINAL CONTEMPT, THE COURT MAY ORDER THE MINOR TO REIMBURSE THE STATE OR LOCAL UNIT OF GOVERNMENT FOR ENFORCEMENT EXPENSES, INCLUDING WAGES AND EXPENSES FOR LAW ENFORCEMENT AND PROSECUTORS (MCL 769.1f).

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VII. ENFORCEMENT OF A PERSONAL PROTECTION ORDER ISSUED AGAINST A JUVENILE WHERE THE ORDER IS ISSUED BY A MICHIGAN COURT (continued)

1. ANY REQUEST FOR COURT ACTION AGAINST A MINOR FOR ENFORCEMENT OF A PERSONAL PROTECTION ORDER MUST BE IN WRITING BY MEANS OF A SUPPLEMENTAL PETITION. THE SUPPLEMENTAL PETITION MUST CONTAIN A SPECIFIC DESCRIPTION OF THE FACTS CONSTITUTING THE VIOLATION. A LAW ENFORCEMENT OFFICER MAY SUBMIT A SUPPLEMENTAL PETITION TO THE COURT (MCR 5.982(C)).

2. UPON FILING OF THE SUPPLEMENTAL PETITION THE COURT MAY ISSUE AN ORDER AUTHORIZING A PEACE OFFICER OR OTHER PERSON DESIGNATED BY THE COURT TO APPREHEND THE MINOR (MCR 5.983(A)).

3. THE COURT ORDER TO APPREHEND THE MINOR MAY INCLUDE AUTHORIZATION TO:
 - i. enter specified premises for purposes of bringing the minor to court, and
 - ii. detain the minor if it appears there is a substantial likelihood of retaliation or continued violation.

4. PURSUANT TO MCL 712A.14 ANY LOCAL POLICE OFFICER, SHERIFF, DEPUTY SHERIFF, STATE POLICE OFFICER, COUNTY AGENT OR PROBATION OFFICER OF ANY COURT OF RECORD MAY, *WITHOUT THE ORDER OF THE COURT*, IMMEDIATELY TAKE INTO CUSTODY ANY MINOR FOR WHOM THERE IS REASONABLE CAUSE TO BELIEVE IS VIOLATING OR HAS VIOLATED
 - i. A PERSONAL PROTECTION ORDER; OR
 - ii. A VALID FOREIGN PROTECTION ORDER.

5. IF THE MINOR IS TAKEN INTO CUSTODY, WITH OR WITHOUT A COURT ORDER, THE OFFICER SHALL IMMEDIATELY ATTEMPT TO NOTIFY THE PARENT(S), GUARDIAN OR CUSTODIAN. WHILE AWAITING THE ARRIVAL OF THE PARENT(S), GUARDIAN OR

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VII. ENFORCEMENT OF A PERSONAL PROTECTION ORDER ISSUED AGAINST A JUVENILE WHERE THE ORDER IS ISSUED BY A MICHIGAN COURT (continued)

CUSTODIAN, A CHILD UNDER THE AGE OF 17 SHALL NOT BE HELD IN ANY DETENTION FACILITY UNLESS THE CHILD IS COMPLETELY ISOLATED SO AS TO PREVENT ANY VERBAL, VISUAL, OR PHYSICAL CONTACT WITH ANY ADULT PRISONER (MCL 712A.14 AND MCR 5.984).

- 6. UNLESS THE CHILD REQUIRES IMMEDIATE DETENTION, THE OFFICER SHALL ACCEPT WRITTEN PROMISE OF THE PARENT(S), GUARDIAN OR CUSTODIAN, TO BRING THE CHILD TO THE COURT AT A FIXED TIME. THE CHILD SHALL THEN BE RELEASED TO THE**
- 7. CUSTODY OF THE PARENT(S), GUARDIAN, OR CUSTODIAN (MCL 712A.14 AND MCR 5.984). IMMEDIATE DETENTION MAY BE REQUIRED WHERE THERE IS SUBSTANTIAL LIKELIHOOD OF RETALIATION OR VIOLATION BY THE MINOR.**
- 8. IF THE CHILD IS NOT IMMEDIATELY RELEASED TO THE PARENT(S), GUARDIAN, OR CUSTODIAN, THE CHILD AND HIS OR HER PARENT(S), GUARDIAN, OR CUSTODIAN, IF THEY CAN BE LOCATED, SHALL IMMEDIATELY BE BROUGHT BEFORE THE COURT FOR A PRELIMINARY HEARING ON THE STATUS OF THE CHILD, AND AN ORDER SIGNED BY A JUDGE OF PROBATE OR REFEREE AUTHORIZING THE FILING OF A COMPLAINT SHALL BE ENTERED OR THE CHILD SHALL BE RELEASED TO HIS OR HER PARENT(S), GUARDIAN OR CUSTODAIN (MCL 712A.14).**
- 9. IF A MINOR IS APPREHENDED FOR VIOLATION OF A PERSONAL PROTECTION ORDER OR A FOREIGN PROTECTION ORDER IN A JURISDICTION OTHER THAN WHERE THE ORDER WAS ISSUED, THE APPREHENDING JURISDICTION MAY NOTIFY THE ISSUING JURISDICTION THAT IT MAY REQUEST THE MINOR BE RETURNED TO THE ISSUING JURISDICTION FOR ENFORCEMENT PROCEEDINGS (MCR 5.984(E)).**

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VII. ENFORCEMENT OF A PERSONAL PROTECTION ORDER ISSUED AGAINST A JUVENILE WHERE THE ORDER IS ISSUED BY A MICHIGAN COURT (continued)

Officers must document their response and investigation. An officer shall use the standard domestic violence incident report form or a substantially similar form. A completed copy of the domestic violence incident report must be filed with the prosecuting attorney within 48 hours after the incident is reported to the police. The victim of the violation must also be provided with victim rights information as provided in the statute (MCL 764.15c).

9. IMMEDIATELY UPON APPREHENSION FOR VIOLATION OF A PERSONAL PROTECTION ORDER, THE APPREHENDING AGENCY SHALL TAKE THE MINOR'S FINGERPRINTS AND FORWARD THE FINGERPRINTS TO THE MICHIGAN STATE POLICE WITHIN 72 HOURS AFTER THE ARREST (MCL 28.243).

10. WHEN AN APPREHENSION IS MADE FOR VIOLATION OF A PERSONAL PROTECTION ORDER OR FOREIGN PROTECTION ORDER AGAINST A MINOR, OFFICERS SHOULD INVESTIGATE AND PURSUE A PETITION FOR ANY NEW VIOLATION OF ANY CRIMINAL LAW.

VIII. ENFORCEMENT OF A CONDITIONAL RELEASE ORDER (CONDITIONAL BOND)

A. OFFICERS RESPONDING TO A SCENE OF DOMESTIC VIOLENCE SHOULD ARREST A PERSON WITHOUT A WARRANT WHEN THE OFFICERS HAVE PROBABLE CAUSE TO BELIEVE THE PERSON IS VIOLATING OR HAS VIOLATED A CONDITIONAL RELEASE ORDER (CONDITIONAL BOND) IMPOSED UNDER MCL 765.6b.

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**VIII. ENFORCEMENT OF A CONDITIONAL RELEASE ORDER
(CONDITIONAL BOND) (continued)**

Officers should determine whether the person has been released on conditional bond via the LEIN.

B. WHEN AN OFFICER MAKES AN ARREST FOR VIOLATION OF A CONDITIONAL RELEASE ORDER, THE OFFICER SHALL PREPARE A “COMPLAINT OF VIOLATION OF CONDITIONAL RELEASE” AS REQUIRED BY MCL 764.15e CONTAINING:

- 1. THE OFFICER’S NAME AND BADGE NUMBER;**
- 2. A STATEMENT OF VERIFICATION OF THE ORDER;**
- 3. A STATEMENT OF CONDITIONS OF RELEASE; AND**
- 4. A DESCRIPTION OF THE PROBABLE CAUSE ESTABLISHED THAT THE ASSAILANT VIOLATED THE CONDITIONS.**

C. IF THE ARREST OCCURRED WITHIN THE JURISDICTION OF THE COURT THAT IMPOSED THE CONDITIONS OF RELEASE, THE OFFICER SHALL:

- 1. IMMEDIATELY PROVIDE THE ORIGINAL AND ONE COPY OF THE COMPLAINT TO THAT COURT;**
- 2. IMMEDIATELY PROVIDE ONE COPY OF THE COMPLAINT TO:**
 - a. THE ASSAILANT; AND**
 - b. THE PROSECUTING ATTORNEY FOR THE CASE IN WHICH THE CONDITIONAL RELEASE WAS GRANTED;**
- 3. RETAIN ONE COPY OF THE COMPLAINT; AND**
- 4. BRING THE ASSAILANT BEFORE THAT COURT WITHIN ONE BUSINESS DAY FOLLOWING THE ARREST. (MCL 764.15e(2)(b)(i)-(ii)).**

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**VIII. ENFORCEMENT OF A CONDITIONAL RELEASE ORDER
(CONDITIONAL BOND) (continued)**

D. IF THE ARREST OCCURRED OUTSIDE THE JURISDICTION OF THE COURT THAT IMPOSED THE CONDITIONS OF RELEASE, THE OFFICER SHALL:

- 1. IMMEDIATELY PROVIDE THE ORIGINAL AND ONE COPY OF THE COMPLAINT TO THE DISTRICT OR MUNICIPAL COURT WHERE THE VIOLATION OCCURRED;**
- 2. IMMEDIATELY PROVIDE ONE COPY OF THE COMPLAINT TO THE VIOLATOR;**
- 3. RETAIN ONE COPY OF THE COMPLAINT; AND**
- 4. BRING THE VIOLATOR BEFORE THE DISTRICT OR MUNICIPAL COURT WHERE THE VIOLATION OCCURRED WITHIN ONE BUSINESS DAY FOLLOWING THE ASSAILANT'S ARREST. THE COURT SHALL DETERMINE CONDITIONS OF RELEASE AND PROMPTLY TRANSFER THE CASE TO THE COURT THAT RELEASED THE VIOLATOR SUBJECT TO CONDITIONS (MCL 764.15e(2)(c)(i)-(ii)).**

E. OFFICERS SHOULD DOCUMENT THE VIOLATION AND STATE ANY REASONS WHY IT IS NOT SAFE TO RELEASE THE VIOLATOR ON INTERIM BOND BEFORE THE VIOLATOR IS BROUGHT BEFORE THE COURT.

NOTE: The interim bond statutes (MCL 780.581-MCL 780.588) do not apply to certain domestic violence offenses. If the conditional release violation also constitutes one of these offenses, the defendant should not be released on interim bond.

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**VIII. ENFORCEMENT OF A CONDITIONAL RELEASE ORDER
(CONDITIONAL BOND) (continued)**

F. THE ARRESTING AGENCY OR OFFICER IN CHARGE OF THE JAIL SHALL MAKE A DETERMINATION WHETHER IT IS SAFE TO RELEASE THE VIOLATOR BEFORE THE ASSAILANT IS BROUGHT BEFORE THE COURT.

G. IF THE VIOLATOR IS HELD FOR MORE THAN TWENTY-FOUR HOURS WITHOUT BEING BROUGHT BEFORE THE COURT, THE OFFICER IN CHARGE OF THE JAIL SHALL NOTE IN THE JAIL RECORDS THE REASON IT WAS NOT SAFE TO RELEASE THE VIOLATOR ON INTERIM BOND.

H. IF IT IS DETERMINED THAT IT IS SAFE, THE ASSAILANT MAY BE RELEASED ON INTERIM BOND OF NOT MORE THAN \$500.00 REQUIRING THE ASSAILANT TO APPEAR AT THE OPENING OF COURT THE NEXT BUSINESS DAY.

I. A PERSON WHO VIOLATES A FOREIGN PROTECTION ORDER THAT IS A CONDITIONAL RELEASE ORDER OR A PROBATION ORDER ISSUED BY A COURT IN A CRIMINAL PROCEEDING IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF \$500.00 OR BOTH (MCL 600.2950m). THEREFORE, FOLLOWING A WARRANTLESS ARREST, A WARRANT REQUEST SHOULD BE SUBMITTED TO THE PROSECUTOR.

Officers may arrest without a warrant for probation violations, based upon probable cause, but there are no statutory procedures following such arrests. Law enforcement agencies should work with the local prosecutor, courts, and probation officers to develop local procedures following warrantless arrest for probation order violations.

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IX. NOTICE OF VICTIM'S RIGHTS

AFTER CONDUCTING A THOROUGH CRIMINAL INVESTIGATION AT A DOMESTIC VIOLENCE SCENE, OFFICERS SHALL PROVIDE THE VICTIM WITH A WRITTEN NOTICE OF RIGHTS THAT INCLUDES ALL OF THE FOLLOWING (MCL 764.15c):

The name and telephone number of the responding police agency.
The name and badge number of the responding officer.
The following statement:

You may obtain a copy of the police incident report for your case by contacting this law enforcement agency at the telephone number provided.

The domestic violence shelter program and other resources in your area are (include local information).

Information about emergency shelter, counseling services, and the legal rights of domestic violence victims is available from these resources.

Your legal rights include the right to go to court and file a petition requesting a personal protection order to protect you or other members of your household from domestic abuse that could include the following:

- a. An order restraining or enjoining the abuser from entering onto premises.
- b. An order restraining or enjoining the abuser from assaulting, attacking, beating, molesting or wounding you.
- c. An order restraining or enjoining the abuser from threatening to kill or physically injure you or another person.
- d. An order restraining or enjoining the abuser from removing minor children from you, except as otherwise authorized by a custody or parenting time order issued by a court of competent jurisdiction.

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IX. NOTICE OF VICTIM'S RIGHTS (continued)

- e. An order restraining or enjoining the abuser from engaging in stalking behavior.
- f. An order restraining or enjoining the abuser from purchasing or possessing a firearm.
- g. An order restraining or enjoining the abuser from interfering with your efforts to remove your children or personal property from premises that are solely owned or leased by the abuser.
- h. An order restraining or enjoining the abuser from interfering with you at your place of employment or education or engaging in conduct that impairs your employment relationship or your employment or educational environment.
- i. An order restraining or enjoining the abuser from having access to information in records concerning any minor child you have with the abuser that would inform the abuser about your address or telephone number, the child's address or telephone number, or your employment address.
- j. An order restraining or enjoining the abuser from engaging in any other specific act or conduct that imposes upon or interferes with your personal liberty or that causes a reasonable apprehension of violence.

Your legal rights also include the right to go to court and file a motion for an order to show cause and a hearing if the abuser is violating or has violated a personal protection order and has not been arrested.

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X. POLICY IF NO ARREST CAN BE MADE

A. OFFICERS SHOULD NOT LEAVE ANY DOMESTIC VIOLENCE SCENE UNTIL THE SCENE HAS BEEN CALMED AND THE IMMEDIATE SAFETY OF ALL PARTIES HAS BEEN PROVIDED FOR.

B. OFFICERS MUST PROVIDE OR ARRANGE FOR EMERGENCY ASSISTANCE TO VICTIMS INCLUDING, BUT NOT LIMITED TO, MEDICAL CARE, TRANSPORTATION TO A SHELTER OR REMAINING AT THE SCENE OF AN ALLEGED INCIDENT OF DOMESTIC VIOLENCE FOR A REASONABLE TIME UNTIL, IN THE REASONABLE JUDGMENT OF THE POLICE OFFICER, THE LIKELIHOOD OF FURTHER IMMINENT VIOLENCE HAS BEEN ELIMINATED (MCL 776.22(3)(g)).

C. OFFICERS SHOULD ASSESS THE LETHALITY OF THE SITUATION BY CONSIDERING INDICATORS OF A LIFE THREATENING ATTACK SUCH AS THE ASSAILANT HAS:

**THREATENED TO KILL;
 THREATENED TO TAKE THE VICTIM HOSTAGE;
 THREATENED THE CHILDREN;
 THREATENED TO USE OR USED A WEAPON;
 KILLED OR MUTILATED A PET;
 KNOWLEDGE THAT THE VICTIM IS LEAVING OR FILING FOR DIVORCE;
 ACCESS TO WEAPONS;
 A HISTORY OF WEAPONS USE;
 A HISTORY OF DOMESTIC VIOLENCE;
 A HISTORY OF ASSAULTIVE BEHAVIOR;
 ENGAGED IN STALKING BEHAVIOR;
 ACCESS TO THE VICTIM AND/OR THE VICTIM'S FAMILY;
 THREATENED SUICIDE; OR
 ALCOHOL OR DRUG ADDICTION.**

When an arrest is made, documentation of lethality factors can provide critical information later when a magistrate sets bond or as the basis for holding the assailant longer based on a determination that it is unsafe to release the assailant (MCL 780.581).

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X. POLICY IF NO ARREST CAN BE MADE (continued)

D. TEMPORARY SEPARATION CAN BE SUGGESTED IN THESE SITUATIONS. OFFICERS SHOULD ENCOURAGE ONE PARTY TO LEAVE, PROVIDING PROTECTION WHILE ESSENTIAL PROPERTY IS COLLECTED IN PREPARATION FOR LEAVING, AND PROVIDING ASSISTANCE WITH TRANSPORTATION WHENEVER POSSIBLE. OFFICERS SHALL PROVIDE THE VICTIM WITH A RIGHTS NOTICE AS REQUIRED BY MCL 764.15c (*Defined in Section IX, Notice of Victim's Rights of this model policy*).

Officers should discuss with the victim the factors of lethality identified and the danger she may be in. Officers can inform victims that these are factors that have been found to be predictors of future danger and violence. The victim should be advised to consider these in making the decision to remain at the scene or leave.

Officers can assist victims in contacting their local domestic violence service program by dialing the number to put them in touch while still at the scene to provide safety.

E. OFFICERS SHALL PREPARE A WRITTEN DOMESTIC VIOLENCE REPORT USING THE STANDARD DOMESTIC VIOLENCE INCIDENT REPORT FORM (MCL 764.15c (2)) WHENEVER THEY INVESTIGATE A DOMESTIC VIOLENCE INCIDENT.

F. THE RESPONDING LAW ENFORCEMENT AGENCY SHALL RETAIN THE COMPLETED DOMESTIC VIOLENCE REPORT IN ITS FILES. THE LAW ENFORCEMENT AGENCY SHALL ALSO FILE A COPY OF THE COMPLETED DOMESTIC VIOLENCE REPORT WITH THE PROSECUTING ATTORNEY WITHIN 48 HOURS (MCL 764.15c(3)).

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XI. REPORT WRITING

- A. OFFICERS SHALL PREPARE A WRITTEN DOMESTIC VIOLENCE REPORT AFTER INVESTIGATING OR INTERVENING IN A DOMESTIC VIOLENCE INCIDENT. OFFICERS SHALL USE A STANDARDIZED REPORTING FORM OR A SUBSTANTIALLY SIMILAR FORM (MCL 764.15c). DOMESTIC VIOLENCE INCIDENT MEANS AN INCIDENT REPORTED TO LAW ENFORCEMENT INVOLVING ALLEGATIONS OF A CRIME OR A VIOLATION OF A PERSONAL PROTECTION ORDER OR FOREIGN PROTECTION ORDER, IF THERE IS A DOMESTIC RELATIONSHIP BETWEEN THE VICTIM AND ASSAILANT, REGARDLESS WHETHER AN ARREST WAS MADE.**

When documenting a domestic violence response:

The victim does not have to write a statement.

The victim does not have to sign the report.

The victim should not be asked if prosecution is desired.

The officer shall act as the complainant based on information and belief.

- B. THE REPORT SHALL CONTAIN, BUT IS NOT LIMITED TO CONTAINING, ALL OF THE FOLLOWING (MCL 764.15c):**

The address, date and time of the incident.

The victim's name, address, home and work telephone numbers, race, sex, and date of birth.

The assailant's name, address, home and work telephone numbers, race, sex, date of birth and information describing the assailant and whether an injunction or restraining order covering the assailant exists.

The name, address, home and work telephone numbers, race, sex, date of birth of any witness, including a child of the victim or assailant, and the relationship of the witness to the assailant or victim.

The name of the person who called the law enforcement agency;

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XI. REPORT WRITING (continued)

The relationship of the victim and assailant;

Whether alcohol or controlled substance use was involved in the incident, and by whom;

A brief narrative about the call and the crime scene, describing:

- a. the incident and what led to it;**
- b. whether and how many times the assailant physically assaulted the victim;**
- c. any weapon or object used;**
- d. all injuries sustained by the victim and an explanation of how the injuries were sustained;**
- e. if the victim sought medical attention, information concerning where and how the victim was transported, whether the victim was admitted to a hospital or clinic and the name and telephone number of the attending physician; and**
- f. any property damage reported by the victim or evident at the scene.**

A description of any previous domestic violence incidents between the victim and the assailant, including information from other states, the dates, and locations.

The date and time of the report, and the name, badge number, and signature of the officer completing the report.

An alternate telephone number at which the victim can be reached should be obtained. Information about the victim's location is not to be released.

Document assailant's abuse of children. Request criminal charges for child abuse for assault and battery perpetrated upon children by the assailant.

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XI. REPORT WRITING (continued)

C. OFFICERS SHOULD DOCUMENT THE FACTORS OF LETHALITY IDENTIFIED DURING THE INVESTIGATION.

D. THE RESPONDING LAW ENFORCEMENT AGENCY SHALL RETAIN THE COMPLETED DOMESTIC VIOLENCE REPORT IN ITS FILES. THE LAW ENFORCEMENT AGENCY SHALL ALSO FILE A COPY OF THE COMPLETED DOMESTIC VIOLENCE REPORT WITH THE PROSECUTING ATTORNEY WITHIN 48 HOURS (MCL 764.15c).

E. IF FACTORS RELATED TO DOMESTIC VIOLENCE ARE ALLEGED, REASONS FOR THE PROBABLE CAUSE DETERMINATION WHICH WAS MADE SHALL BE STATED WHETHER OR NOT A CRIME HAS BEEN COMMITTED OR AN ARREST HAS BEEN MADE.

F. WHERE PROBABLE CAUSE EXISTS BUT NO ARREST WAS MADE, A WRITTEN INCIDENT REPORT DOCUMENTING THE REASONS NO ARREST WAS MADE SHALL BE PREPARED.

G. IF THE VICTIM LEAVES THE SCENE, THE CONFIDENTIALITY OF THE VICTIM'S LOCATION SHALL BE MAINTAINED.

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XII. BONDING POLICY

A. A PERSON ARRESTED WITHOUT A WARRANT UNDER THE AUTHORITY OF MCL 764.15a OR A SUBSTANTIALLY CORRESPONDING LOCAL ORDINANCE FOR A MISDEMEANOR ASSAULT, ASSAULT AND BATTERY, OR AGGRAVATED ASSAULT SHALL NOT BE RELEASED ON AN INTERIM BOND OR ON RECOGNIZANCE.

MCL 780.582a states the assailant shall be held until he or she can be arraigned or have interim bond set by a judge or district court magistrate. If a judge or district court magistrate sets interim bond, they shall consider and may impose the condition that the person released shall not have or attempt to have contact of any kind with the victim. Bond orders that contain protective conditions shall be immediately be entered onto LEIN. See Section VIII of this model policy for conditional release orders (conditional bond) MCL 765.6b.

Note that a person arrested and held without a warrant is entitled, under the constitution, to a probable cause hearing within 48 hours of the arrest.

B. A PERSON ARRESTED WITH A WARRANT FOR ASSAULT, ASSAULT AND BATTERY, AGGRAVATED ASSAULT OR A SUBSTANTIALLY CORRESPONDING LOCAL ORDINANCE WHERE THE VICTIM IS A SPOUSE, FORMER SPOUSE, A PERSON WHO RESIDES OR HAS RESIDED IN THE SAME HOUSEHOLD, A PERSON WHO HAS OR HAS HAD A DATING RELATIONSHIP, OR A PERSON WITH A CHILD IN COMMON SHALL NOT BE RELEASED ON AN INTERIM BOND OR RECOGNIZANCE.

MCL 780.582a states the assailant shall be held until he or she can be arraigned or have interim bond set by a judge or district court magistrate. If a judge or district court magistrate sets interim bond, they shall consider and may impose the condition that the person released shall not have or attempt to have contact of any kind with the victim. Bond orders that contain protective conditions shall be immediately entered onto LEIN. See Section VIII of this model policy for conditional release orders (conditional bond) MCL 765.6b.

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XII. BONDING POLICY (continued)

C. A PERSON ARRESTED FOR VIOLATION OF A PERSONAL PROTECTION ORDER (PPO) OR FOREIGN PROTECTION ORDER UNDER THE AUTHORITY OF MCL 764.15b SHALL NOT BE RELEASED ON INTERIM BOND OR PERSONAL RECOGNIZANCE. THE SUSPECT SHALL BE BROUGHT BEFORE THE COURT IN ACCORDANCE WITH THIS POLICY.

D. THE ARRESTING OFFICER SHOULD COMPLETELY DOCUMENT THE INCIDENT TO ENSURE THAT ALL NECESSARY INFORMATION IS AVAILABLE TO THE PROSECUTOR AND COURT TO ENSURE APPROPRIATE CONDITIONS OF RELEASE ARE SET.

XIII. VICTIM ASSISTANCE

Arrest provides immediate safety and takes control of the situation away from the assailant.

Information to be Given to the Victim

WITHIN 24 HOURS AFTER THE INITIAL CONTACT BETWEEN THE VICTIM OF A REPORTED CRIME AND THE INVESTIGATING LAW ENFORCEMENT AGENCY, THAT AGENCY SHALL GIVE TO THE VICTIM THE FOLLOWING INFORMATION IN WRITING (MCL 780.753);

- A. THE AVAILABILITY OF EMERGENCY AND MEDICAL SERVICES, IF APPLICABLE.**
- B. THE AVAILABILITY OF VICTIM'S COMPENSATION BENEFITS AND THE ADDRESS OF THE CRIME VICTIMS COMPENSATION BOARD.**
- C. THE ADDRESS AND TELEPHONE NUMBER OF THE PROSECUTOR WHOM THE VICTIM SHOULD CONTACT VICTIM'S RIGHTS INFORMATION.**

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XIII. VICTIM ASSISTANCE (continued)

D. THE FOLLOWING STATEMENTS:

“IF YOU WOULD LIKE TO BE NOTIFIED OF AN ARREST IN YOUR CASE OR THE RELEASE OF THE PERSON ARRESTED, OR BOTH, YOU SHOULD CALL [IDENTIFY LAW ENFORCEMENT AGENCY AND TELEPHONE NUMBER] AND INFORM THEM.”

“IF YOU ARE NOT NOTIFIED OF AN ARREST IN YOUR CASE, YOU MAY CALL THIS LAW ENFORCEMENT AGENCY AT [THE LAW ENFORCEMENT AGENCY’S TELEPHONE NUMBER] FOR THE STATUS OF THE CASE.”

Victim Assistance When an Arrest Is Made

- A. OFFICERS MUST PROVIDE OR ARRANGE FOR EMERGENCY ASSISTANCE TO VICTIMS INCLUDING, BUT NOT LIMITED TO, MEDICAL CARE, TRANSPORTATION TO A SHELTER OR REMAINING AT THE SCENE OF AN ALLEGED INCIDENT OF DOMESTIC VIOLENCE FOR A REASONABLE TIME UNTIL, IN THE REASONABLE JUDGMENT OF THE POLICE OFFICER, THE LIKELIHOOD OF FURTHER IMMINENT VIOLENCE HAS BEEN ELIMINATED (MCL 776.22(3)(g)).**

- B. OFFICERS SHOULD NOT LEAVE ANY DOMESTIC VIOLENCE SCENE UNTIL THE SCENE HAS BEEN CALMED AND THE IMMEDIATE SAFETY OF ALL PARTIES HAS BEEN PROVIDED FOR.**

- C. OFFICERS SHALL PROVIDE ALL VICTIMS OF DOMESTIC VIOLENCE WITH NOTICE OF RIGHTS INFORMATION AS REQUIRED (MCL 764.15c). THIS INFORMATION MUST BE PROVIDED WHETHER OR NOT AN ARREST WAS MADE. (See Notice of Victim's Rights in Section IX this Model Policy).**

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XIII. VICTIM ASSISTANCE (continued)

D. OFFICERS SHOULD EXPLAIN THE NOTICE OF RIGHTS INFORMATION TO THE VICTIM. CONTACT SHOULD BE MADE WITH AN ADVOCATE AT THE LOCAL DOMESTIC VIOLENCE SERVICE PROGRAM WHENEVER POSSIBLE.

Recommended Procedures

Victims of domestic violence may require other assistance to meet their immediate needs for safety, medical treatment, shelter and information.

- 1. Help facilitate access to medical assistance. Encourage the victim to seek medical attention, even if it is done later. This can provide evidence of additional injury and/or additional documentation of known injury.*
- 2. Explain to the victim and the assailant that the arrest decision was made by the officers in accordance with the requirements of the law.*
- 3. Facilitate the placement of children if the victim is hospitalized.*
- 4. Provide transportation when safety considerations warrant it. Help arrange transportation in other situations.*
- 5. Explain the importance of photographs and evidence to the victim.*
- 6. Attempt to notify the victim of the release of the assailant, whenever possible.*
- 7. Attempt to assist the victim in making arrangements for the care of household pets (e.g., advise victim if the local domestic violence shelter has a program for the placement of pets, etc.).*

Victim Assistance If No Immediate Arrest Could Be Made

- A. IF THE ASSAILANT IS GONE WHEN OFFICERS ARRIVE, THEY SHOULD DISCUSS A SAFETY PLAN WITH THE VICTIM FOR WHEN THE ASSAILANT RETURNS. OFFICERS SHOULD ENCOURAGE THE VICTIM TO CALL THE POLICE IF THE ASSAILANT RETURNS.**

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XIII. VICTIM ASSISTANCE (continued)

B. OFFICERS SHOULD FACILITATE THE VICTIM'S IMMEDIATE CONTACT WITH A DOMESTIC VIOLENCE SERVICE PROGRAM, WHENEVER POSSIBLE.

C. OFFICERS SHALL PROVIDE ALL VICTIMS OF DOMESTIC VIOLENCE WITH NOTICE OF RIGHTS INFORMATION AS REQUIRED. THIS INFORMATION MUST BE PROVIDED EVEN WHEN AN ARREST WAS NOT MADE (MCL 764.15c).

D. OFFICERS SHOULD EXPLAIN THE NOTICE OF RIGHTS INFORMATION TO THE VICTIM.

E. IF THE ASSAILANT IS STILL PRESENT AND AN ARREST CANNOT BE MADE, OFFICERS SHOULD ASSESS THE LETHALITY OF THE SITUATION BY CONSIDERING INDICATORS OF A LIFE-THREATENING SITUATION SUCH AS THE ASSAILANT HAS:

**THREATENED TO KILL;
THREATENED TO TAKE THE VICTIM HOSTAGE;
THREATENED THE CHILDREN;
THREATENED TO USE OR USED A WEAPON;
KILLED OR MUTILATED A PET;
KNOWLEDGE THAT THE VICTIM IS LEAVING OR FILING FOR DIVORCE;
ACCESS TO WEAPONS;
A HISTORY OF WEAPONS USE;
A HISTORY OF DOMESTIC VIOLENCE;
A HISTORY OF ASSAULTIVE BEHAVIOR;
ENGAGED IN STALKING BEHAVIOR;
ACCESS TO THE VICTIM AND/OR THE VICTIM'S FAMILY;
THREATENED SUICIDE; OR
ALCOHOL OR DRUG ADDICTION.**

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XIII. VICTIM ASSISTANCE (continued)

Recommended Procedures

1. *If the assailant has threatened suicide, consider taking the assailant for a psychiatric evaluation, where appropriate.*
2. *If the assailant has engaged in stalking behavior, the victim should be advised to seek a Personal Protection Order (PPO).*
3. *Officers should document all conduct that constitutes stalking behavior.*
4. *Officers should seek a warrant for stalking if the assailant has engaged in two or more acts of unconsented to contact.*
5. *If the assailant has threatened the children a report to children's protective services may be required.*
6. *If indicators of lethality are identified officers should determine if new probable cause for an arrest has been established based upon the lethality assessment.*
7. *Officers should discuss with the victim the factors of lethality identified and the danger she may be in. Officers can inform victims that these are factors that have been found to be predictors of future danger and violence. The victim should be advised to consider these in making the decision to remain at the scene or leave.*
8. *Officers should encourage victims to contact their local domestic violence service program by dialing the number and putting them in touch while still at the scene to provide safety.*

F. OFFICERS SHOULD ENCOURAGE SEPARATION WHEN INDICATORS OF LETHALITY ARE IDENTIFIED AND PROVIDE OR ARRANGE FOR TRANSPORTATION TO ASSIST ONE PARTY IN LEAVING WHENEVER POSSIBLE.

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IV. SUPERVISION

Supervisory Review

- A. ALL RESPONSES TO A DOMESTIC VIOLENCE CALL SHALL BE REVIEWED FOR COMPLIANCE WITH THIS POLICY.**

Recommended Procedures

When the victim or the assailant is a criminal justice system employee or public official, the supervisor shall investigate to ensure that the response is properly documented and that agency policy has been followed. Whenever possible the supervisor shall respond to and take charge of the scene.

- B. WHEN A DUAL ARREST IS MADE, THE PROBABLE CAUSE FOR EACH ARREST SHALL BE REVIEWED BY THE SUPERVISOR TO ENSURE THAT THE INTENT OF THE LAW AND THIS POLICY WAS FOLLOWED.**

See Section III, D & E of this Model Policy.

NOTE: DUAL ARRESTS ARE DISCOURAGED. MCL 776.22(3)(b)(ii) PROVIDES THAT OFFICERS, WHEN DETERMINING WHETHER TO MAKE AN ARREST OF ONE OR BOTH INDIVIDUALS, SHOULD CONSIDER THE INTENT OF THE LAW TO PROTECT VICTIMS OF DOMESTIC VIOLENCE, THE DEGREE OF INJURY INFLICTED ON THE INDIVIDUALS INVOLVED, THE EXTENT TO WHICH THE INDIVIDUALS HAVE BEEN PUT IN FEAR OF PHYSICAL INJURY TO THEMSELVES OR OTHER MEMBERS OF THE HOUSEHOLD, AND ANY HISTORY OF DOMESTIC VIOLENCE BETWEEN THE INDIVIDUALS. THE OFFICER SHOULD NOT ARREST AN INDIVIDUAL IF THE OFFICER HAS REASONABLE CAUSE TO BELIEVE THE INDIVIDUAL WAS ACTING IN LAWFUL SELF-DEFENSE OR IN LAWFUL DEFENSE OF ANOTHER INDIVIDUAL.

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XIV. SUPERVISION (continued)

Supervisory Enforcement

- A. SUPERVISORS SHALL PROVIDE FEEDBACK TO OFFICERS TO REINFORCE THE INTENT OF THIS POLICY.**
- B. A SUPERVISOR FINDING VIOLATIONS OF THE POLICY SHALL DISCIPLINE FOR NONCOMPLIANCE WITH THE POLICY (MCL 776.22(3)(k)).**

Agency Personnel Requirements

- A. AGENCIES SHOULD ESTABLISH A POLICY THAT REQUIRES OFFICERS WHO ARE ENJOINED BY A PERSONAL PROTECTION ORDER TO ADVISE THE AGENCY ADMINISTRATOR OR A DESIGNEE OF THE EXISTENCE OF SUCH AN ORDER AND THE PROHIBITIONS CONTAINED IN THE ORDER.**

The PPO statutes allow the victim to request the court to prohibit the purchase or possession of a firearm. This prohibition can be issued ex parte. There is no exemption for law enforcement officers.

However, the petitioner, if they know, shall notify the court if they seek a PPO against a person who is required to carry a weapon as a condition of their employment or if that person is a certified police officer. MCL 600.2950(2) and MCL 600.2950a(2). If the PPO identifies the respondent as a police officer the clerk of the court shall notify the officer's employing law enforcement agency. MCL 600.2950(15)(e) and MCL 600.2950a(12)(c).

Recommended Procedures

1. *Officers should be advised to seek an expedited hearing to address the PPO.*
2. *MCL 600.2950 and MCL 600.2950a require the court to schedule a hearing within five days of the filing of a motion by a law enforcement officer to modify or rescind an ex parte PPO that prohibits the purchase or possession of a firearm.*
Also, scan line 70, in the LEIN, will contain a "y" if there is a firearm prohibition in the PPO.

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XIV. SUPERVISION (continued)

- B. AGENCIES SHOULD DEVELOP A POLICY ADDRESSING WHAT ACTION SHOULD BE TAKEN REGARDING OFFICERS WHO ARE PROHIBITED BY A PERSONAL PROTECTION ORDER FROM POSSESSING A FIREARM.**
- C. AGENCIES SHOULD CONDUCT AN INVESTIGATION TO DETERMINE WHAT ACTION SHOULD BE TAKEN REGARDING OFFICERS WHO ARE SUBJECT TO A PERSONAL PROTECTION ORDER THAT DOES NOT CONTAIN A SPECIFIC PROHIBITION ON THE POSSESSION OF A FIREARM.**
- C. MCL 28.422b REQUIRES THE DEPARTMENT OF STATE POLICE TO SEND WRITTEN NOTICE TO A PERSON WHO IS THE SUBJECT OF THE PPO THAT THEY ARE PROHIBITED FROM PURCHASING A PISTOL OR OBTAINING A LICENSE TO CARRY A PISTOL CONCEALED. THIS NOTICE SHALL NOT BE SENT UNTIL THE DEPARTMENT HAS RECEIVED NOTICE THAT THE PERSON WHO IS THE SUBJECT OF THE PPO HAS BEEN SERVED WITH OR HAS RECEIVED NOTICE OF THE PPO.**

The prohibitions against obtaining a permit to purchase a pistol or obtain a permit to carry a weapon concealed are automatic based on the entry of any PPO into the LEIN. These prohibitions would not affect the ability of a law enforcement officer to carry or possess a weapon as required by job requirements.

The PPO may also contain a specific prohibition against purchasing or possessing any firearm (see A above). This would prohibit a law enforcement officer from carrying or possessing a firearm even as required by the job.

- D. 18 U.S.C. SEC. 922g(8). MAKES IT UNLAWFUL FOR ANY PERSON CONVICTED OF A “MISDEMEANOR CRIME OF DOMESTIC VIOLENCE” TO SHIP, TRANSPORT, POSSESS OR RECEIVE FIREARMS OR AMMUNITION.**

This statute applies to governmental employees including police officers and would prohibit a law enforcement officer from carrying or possessing a firearm even as required by the job.

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XIV. SUPERVISION (continued)

The Bureau of Alcohol, Tobacco and Firearms, (ATF), is charged with the implementation and enforcement of this law.

The International Association of Police Chiefs (IACP) has issued an advisory bulletin to agencies recommending actions that should be taken. The following recommended procedures are drawn from this source.

Recommended Procedures

1. *Inform all current employees of the law and its consequences.*
2. *Require officers to inform the agency of all past convictions and that they must immediately promptly notify the agency of new convictions.*
3. *Conduct a survey of employment applications and personnel records to determine if current officers are affected.*
4. *Have every officer complete a qualification inquiry or disclosure form indicating compliance with the law or past history.*
5. *Have all job applicants complete a disclosure statement.*
6. *If a conviction is found a review must be conducted to determine if it is a violation that is covered by sec. 658 which amends section 921(a) of Title 18 of the United States Code by adding at the end the following:*

“33(a) ...the term ‘misdemeanor crime of domestic violence’ means an offense that:

- (1) is a misdemeanor under Federal or State law; and
- (2) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated as a spouse, parent, or guardian of the victim.

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XIV. SUPERVISION (continued)

(3) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless:

- (a) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and
- (b) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either:
 - (1) the case was tried by a jury, or
 - (2) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

(4) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.”

F. LAW ENFORCEMENT AGENCIES MUST PROHIBIT THE TRANSFER OF WEAPONS AND AMMUNITION TO INDIVIDUALS AFFECTED BY 18 U.S.C. SEC. 922g, AS DEFINED IN SEC. 658.

18 U.S.C. SEC. 922g(8) also makes it unlawful for anyone to transfer or sell a firearm and/or ammunition to an individual convicted of a crime of domestic violence.

G. FEDERAL LAW ALSO PROVIDES THAT PERSONS WHO ARE SUBJECT TO COURT ORDERS RESTRAINING THEM FROM ABUSING AN INTIMATE PARTNER MAY NOT PURCHASE OR POSSESS FIREARMS OR AMMUNITION. 18 U.S.C. 922(g)(9).

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XIV. SUPERVISION (continued)

Intimate partner for purposes of the federal statute includes spouse, former spouse, child in common and resident or former resident of the same household. At this time, dating relationship is not included in the federal law as it pertains to this section. Orders covered by this section include Michigan personal protection orders, conditional release orders and probation orders that provide for the protection of a named party. The statute applies regardless of whether the protection order prohibits purchasing or possessing firearms or ammunition. If a personal protection order or conditional release order restraining a law enforcement officer does not address the purchase or possession of firearms, the officer will be permitted to carry a firearm in the line of duty. 18 U.S.C. 922(g)(8). Violations of federal law should be referred to the FBI or ATF for investigation.

XV. TRAINING

Initial Training

- A. ALL AFFECTED AGENCY PERSONNEL INCLUDING OFFICERS, DISPATCHERS AND SUPERVISORS, SHALL BE TRAINED TO FOLLOW THIS POLICY. THE TRAINING MUST BE SUFFICIENT TO ENSURE AN UNDERSTANDING OF THE PROVISIONS OF THIS POLICY (MCL 776.22).**
- B. ALL AFFECTED AGENCY PERSONNEL INCLUDING OFFICERS, DISPATCHERS AND SUPERVISORS, SHALL BE GIVEN A COPY OF THE POLICY AND SHALL BE RESPONSIBLE FOR KNOWING, UNDERSTANDING AND COMPLYING WITH THE PROVISIONS OF THE POLICY.**

Training Recommendations

1. *It is highly recommended that training on the policy include:*
 - a. *the dynamics of domestic violence;*
 - b. *laws related to domestic violence; and*
 - c. *officer safety and response procedures.*

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XV. TRAINING (continued)

2. *Training on the dynamics of domestic violence should be done by domestic violence service providers.*

Ongoing Training

Ongoing training, supervision and accountability are essential for minimizing the risk of liability.

A. POLICY REVIEW TRAINING SHALL BE SUFFICIENT TO CREATE AN UNDERSTANDING AND RETENTION OF THE REQUIREMENTS OF THIS POLICY. PERSONNEL SHALL BE ABLE TO PROPERLY ARTICULATE THIS POLICY ON THE WITNESS STAND IN COURT.

B. A REVIEW OF TRAINING SHOULD INCLUDE ALL AFFECTED AGENCY PERSONNEL INCLUDING OFFICERS, DISPATCHERS AND SUPERVISORS. MCL 776.22.

Training Recommendations

1. *Annual policy review training is highly recommended. Personnel should be given a copy of the policy, asked if they have any questions regarding the policy, and be required to sign a statement that they have received, read, and understand the policy.*
2. *It is recommended that documentation of review training be maintained by the agency.*

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XVI. EVALUATION AND DATA COLLECTION

Evaluation

- A. THE EVALUATION GOAL OF THIS POLICY IS TO ENSURE 100% COMPLIANCE WITH THE PROVISIONS OF THIS POLICY.**
- B. THE POLICY SHALL BE MONITORED AND REVIEWED ANNUALLY TO DETERMINE COMPLIANCE AND THE NEED FOR MODIFICATION. MANAGEMENT SHALL DESIGNATE THE INDIVIDUAL WHO HAS RESPONSIBILITY FOR CONDUCTING THIS REVIEW (MCL 776.22).**
- C. TRAINING NEEDS SHOULD BE IDENTIFIED AS A RESULT OF DATA EVALUATION AND POLICY REVIEW.**

Recommended Procedures

- 1. Domestic violence service providers and members of the community should participate in the review.*
- 2. Results of the annual review should be made available to all agency personnel, domestic violence service providers and the community. Dissemination of information is key to accountability.*

Data Collection

- A. DATA SHOULD BE COLLECTED TO ENABLE MEASUREMENT AND EVALUATION OF THIS POLICY'S EFFECTIVENESS IN MEETING ITS GOALS.**
- B. A SEPARATE INCIDENT NUMBER SHALL BE ASSIGNED TO EACH DOMESTIC VIOLENCE RESPONSE DISPATCHED.**

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XVI. EVALUATION AND DATA COLLECTION (continued)

C. POLICE CHIEFS AND SHERIFFS SHALL REPORT TO THE MICHIGAN STATE POLICE, IN A MANNER PRESCRIBED BY THE DEPARTMENT, THE NUMBER OF DOMESTIC VIOLENCE INCIDENTS REPORTED (MCL 28.257).

Recommended Procedures

1. *Data should be collected documenting the following:*
 - a. *Number of calls for service;*
 - b. *Number of calls dispatched;*
 - c. *Disposition of each response;*
 - d. *Reasons when no arrest is made;*
 - e. *Assaults on officers and by whom;*
 - f. *Services arranged for victims, such as ambulance, transportation to shelter, referral to shelter;*
 - g. *Weapons used by assailant;*
 - h. *Felonious assaults; and*
 - i. *Domestic violence homicides.*

2. *Data shall be collected to permit evaluation of individual officer responses.*
 - a. *Review of individual officer responses shall be conducted to enable enforcement of the policy.*
 - b. *Feedback shall be provided to officers.*

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XVII. MANDATED WRITTEN DOMESTIC VIOLENCE RESPONSE POLICY

MCL 776.22 mandates written domestic violence response policies for all law enforcement agencies in the state. The act specifies that certain criteria be followed in the development of the policy and certain provisions be included.

- A. EACH LAW ENFORCEMENT AGENCY IN THIS STATE SHALL, DEVELOP, ADOPT, AND IMPLEMENT WRITTEN POLICIES FOR OFFICERS RESPONDING TO DOMESTIC VIOLENCE CALLS.**
- B. THE POLICIES SHALL REFLECT THAT DOMESTIC VIOLENCE IS CRIMINAL CONDUCT.**
- D. LAW ENFORCEMENT AGENCIES SHALL CONSULT WITH THE PROSECUTING ATTORNEY AND WITH AN AREA SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE IN THE DEVELOPMENT, IMPLEMENTATION, INCLUDING TRAINING, AND EVALUATION OF POLICIES.**
- E. THE POLICIES MUST INCLUDE, BUT ARE NOT LIMITED TO, PROCEDURES FOR:**
1. conducting a criminal investigation;
 2. making a criminal arrest;
 3. denial of interim bond;
 4. verifying a personal protection order (PPO);
 5. making an arrest for violation of a personal protection order (PPO) or a foreign protection order;
 6. providing or arranging for emergency assistance to victims;
 7. informing the victim of community services and legal options;
 8. preparing a written report;
 9. training of peace officers, dispatchers and supervisors;
 10. discipline for noncompliance with the policy; and
 11. annual evaluations of the policy.
- F. THE LOCAL POLICIES DEVELOPED, ADOPTED, AND IMPLEMENTED PURSUANT TO THIS SECTION SHALL BE IN WRITING AND SHALL BE AVAILABLE TO THE PUBLIC UPON REQUEST (MCL 776.22).**