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Memorandum

To: Holders of 68 BIAM

From: Deputy to the Assistant Secretary - Indian Affairs
(Operations)

Subject: Law Enforcement, Domestic Violence Policy

This release, 68 BIAM Supplement 3, establishes the official response policy and procedure for domestic violence cases and directs the Bureau Law Enforcement Services division to develop, adopt and implement policies and procedures in several identified areas.

All comments have been reviewed by the Child Protection Task Force and incorporated to the extent feasible into this release. This policy reflects the present law enforcement trend to develop clear operating procedures regarding the handling of domestic violence cases.

This Manual Supplement will be the operating procedure until the revised version of the 68 BIAM is issued.

Walter R. Mills
Deputy to the Assistant Secretary -
Indian Affairs (Operations)

Domestic Violence
Policy

Filing Instructions:

- (a) Remove superseded material:
None (0 sheets)
- (b) Insert new material transmitted:
68 BIAM Supp. 3, Table of Contents, Rel. 1 (dated 8/20/90) (1 sheet)
68 BIAM Supp. 3, 1.1 - 1.7 Rel. 1 (dated 8/20/90) (2 sheets)
- (c) Pen-and-ink changes:
None

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LAW ENFORCEMENT
Domestic Violence Policy

1. GENERAL

1.1 Purpose and Policy. This section establishes the policy of the Bureau that the official response to cases of domestic violence will be to stress the enforcement of the laws to protect the victim. Domestic violence is criminal behavior which will not be tolerated and will be investigated as any other crime.

1.2 Background. A growing body of case law indicates a need to revise the present law enforcement policy regarding the handling of domestic violence complaints. Information about the impact of present police responses to such cases has resulted in a trend to require arrests in certain domestic violence cases. Police are directed to respond in accordance with the criminal nature of the behavior rather than the relationship between the parties. Past police policies often directed the use of crisis intervention only and discouraged arrests. Failure to protect domestic violence victims based on non-arrest policies or lack of a formal policy led to numerous successful civil rights damage recoveries against local governments. Pro-arrest policy statements and clear operating procedures can help protect against liability and assure the safety of the officer and the victim. In addition, studies of police response in domestic violence cases show that arrest is more effective than mediation and separation in preventing repeat calls to the same incident location.

1.3 Definition. DOMESTIC VIOLENCE means any act or incident which is a crime under the local applicable law or which results in physical harm, bodily injury, or assault, or a threat which places a person in reasonable fear of imminent physical harm or bodily injury, committed against an adult or child who is a spouse, former spouse, cohabitant, former cohabitant, or a person with whom the offender has had a child, or has or has had a relationship.

1.4 Law Enforcement Policies and Procedures. Bureau operated law enforcement programs shall develop, adopt, and implement written policies and procedures for police officers' response to domestic violence calls by January 1, 1991. These policies shall reflect the policy that domestic violence is alleged criminal conduct and will be treated the same as any other act of violence. The policies and procedures shall include:

- A. Felony and misdemeanor arrest procedures in accordance with applicable federal, state or tribal laws.
- B. Enforcement process for Orders of Protection when the offender is present and when the offender has fled.
- C. Cite and field release policies.

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D. Emergency assistance to victims, such as medical care, transportation to a shelter or foster care and removal of personal property.

E. Assistance to victims in pursuing criminal options, such as giving the victim the report number and directing the victim to the proper law enforcement agency.

F. Informing the victim of the procedures and resources available for the protection of such victim, including:

(1) Emergency telephone numbers for local police departments.

(2) Telephone numbers of available emergency shelter services in the local community.

(3) The availability of Orders of Protection from the local court systems and the process for obtaining such orders of protection.

(4) Any other information known to the police officer which is necessary for the protection of the victim and other persons under the circumstances.

G. Writing of police reports.

1.5 Record of Protection Orders. Law enforcement agencies shall maintain a complete and systematic record of all protection orders with respect to domestic violence incidents and proofs of service in effect. This shall be used to inform law enforcement officers responding to domestic violence calls of the existence, terms and effective dates of protection orders in effect.

1.6 Data Collection.

A. Each Bureau operated law enforcement program shall develop a system for recording all domestic violence calls for assistance made to the department, including whether weapons are involved. The total number of domestic violence calls received and the numbers of such cases involving weapons shall be compiled by the last day of each month, by each law enforcement program, and submitted to the Central Office, Division of Law Enforcement Services.

B. The Division of Law Enforcement Services, Central Office, shall develop a classification and incident code for domestic violence to insure proper identification and control. In all incidents of domestic violence, a report shall be written and be identified on the face of the report as a domestic violence incident.

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1.7 Use of Crisis Intervention/Mediation. Crisis intervention or dispute mediation will not be used as a substitute for appropriate criminal proceedings in domestic violence cases where physical violence has occurred.