

WEBER COUNTY SHERIFF'S OFFICE		POLICY AND PROCEDURES	
SUBJECT: Domestic Violence Calls		CHAPTER/SECTION NO.: 28.41	
EFFECTIVE DATE: 10/7/03		REVIEW DATE:	
AMENDS/SUPERSEDES: See attached sheet		APPROVED: ** See Master File Sheriff	
STANDARD NUMBER: N/A			

28.41 Purpose

28.41.1 The primary duty of Weber County Sheriff's Deputies, when responding to a domestic violence call, is to protect the parties and to enforce the laws allegedly violated.

28.41.2 Definitions

A. Per UCA 30-6-1, a "cohabitant" is defined as: an emancipated person pursuant to UCA 15-2-1 or a person who is 16 years of age or older who:

1. is or was a spouse of the other party,
2. is or was living as if a spouse of the other party,
3. is related by blood or marriage to the other party,
4. has one or more children in common with the other party,
5. or resides or has resided in the same residence as the other party

B. Notwithstanding UCA 30-6-1(2), "cohabitant" does not include the relationship of natural parent, adoptive parent, or step-parent to a minor.

28.41.3 "Domestic Violence" includes any of the following crimes when committed or attempt to commit by a "cohabitant" against another, per 77-36-1(2):

A. Assault, as described in UCA 76-5-102.

- B. Aggravated assault, as described in UCA 76-5-103.
- C. Mayhem, as described in UCA 76-5-105.
- D. Criminal Homicide, as described in UCA 76-5-201.
- E. Harassment, as described in UCA 76-5-106.
- F. Telephone Harassment, as described in UCA 76-9-201.
- G. Kidnaping, Child Kidnaping, or Aggravated Kidnaping, as described in UCA 76-5-301, 76-5-301.1, and 76-5-302.
- H. Sexual Offenses, as described in Title 76, Chapter 5, Part 4, and Title 76, Chapter 5a.
- I. Stalking, as described in UCA 76-5-106.5.
- J. Unlawful Detention, as described in UCA 76-5-304.
- K. Violation of Protective Order or Ex-Parte Protective Order, as described in UCA 76-5-108.
- L. Any offense against property, as described in UCA Title 76, Chapter 6, Part 1, 2 or 3.
- M. Possession of a Deadly Weapon with Intent to Assault, as described in UCA 76-10-507.
- N. Discharge of a Firearm From a Vehicle, Near a Highway, or In the Direction of Any Person, Building, or Vehicle, as described in UCA 76-10-508.

28.41.4 The deputy shall provide the victim with a copy of the Weber County Domestic Violence pamphlet and document in the incident report that the victim and/or suspect received a copy of the pamphlet.

28.41.5 When a deputy receives a complaint of domestic violence from two or more opposing persons, the deputy shall evaluate each complaint separately to determine who the primary aggressor was. If the deputy determines that one person was the primary aggressor, the deputy need not arrest the other person alleged to have committed the domestic violence.

- A. To determine a primary aggressor, the deputy must consider:

1. Any prior complaints of domestic violence,
2. The relative severity of injuries inflicted on each other,
3. The likelihood of future injury to each of the parties, and
4. Whether one of the parties acted in self-defense.

28.41.6 When a Weber County Deputy responds to a domestic violence call and has probable cause to believe that a crime has been committed, the deputy may arrest without a warrant and/or issue a citation to any person that he/she has probable cause to believe has committed any of the offenses listed above.

A. At the time of the arrest, citation or physical arrest, the deputy shall note on the citation and/or booking sheet:

1. The offense.
2. The notation "DOMESTIC VIOLENCE."

28.41.7 A deputy shall arrest without warrant and take into custody any person that he/she has probable cause to believe that any of the following conditions exist as per UCA 77-36-2.2:

- A. The deputy believes that the violence will continue against the victim,
- B. serious bodily injury has occurred, or
- C. a dangerous weapon was used.
- D. Violation of civil and criminal protective orders.

28.41.8 While investigating the domestic violence, the deputy should identify by name and age all of the children under the age of eighteen who reside within the home and annotate that information within the police report.

28.41.9 The investigating deputy shall identify and interview all witnesses to the incident

including minor children. The deputy will note in the report the affect and emotional appearance of the minor children who were present at the time of the incident.

- 28.41.10 A deputy responding to a domestic violence or alleged protective order or ex-parte violation, shall prepare an incident report including an deputy's disposition of the case. That report should be made available to the victim, upon request and at no cost.
 - A. The deputy shall get written statement from the victim when possible.
- 28.41.11 A deputy may not threaten, suggest, or otherwise indicate the possible arrest of all parties in order to discourage any party's request for intervention by law enforcement. UCA 77-36-2.2(4).
- 28.41.12 A deputy who does not make an arrest after investigating a complaint of domestic violence, or who arrest two or more parties, shall submit a detailed written report specifying the grounds for not arresting or for arresting both parties. UCA 77-36-2.2(5)(a).
- 28.41.13 Should either party leave the house to stay someplace else, the deputy shall document the address and telephone number where the party is staying. This information is vital for the prosecutor, victim advocate, and any follow-up contact.
- 28.41.14 Deputies should contact the on-call victim advocate when the following conditions exist:
 - A. The suspect is booked into jail or he/she agrees to leave the residence.
 - B. The victim is taken to or is at the hospital or medical facility.
 - C. The victim comes into the office to make the report.

- D. Any other time the deputy feels the victim needs immediate support.
- 28.41.15 The deputy should offer, arrange, or facilitate transportation for the victim to the hospital for treatment of injuries, or to a place of safety or shelter.
 - 28.41.16 This Office shall forward the incident report to the appropriate prosecutor within five (5) days of making the report, unless the case is still under investigation.
 - 28.41.17 This Office should, as soon as practical, make a written record and maintain records of all reported incidents of domestic violence.
 - 28.41.18 Arrest is preferred response to family violence.
 - A. In cases where a citation arrest is warranted, according to UCA 77-7-18, the citation will state the charge and violation of law. This will be a key to the County Attorney's office of the domestic offense.
 - B. Attempt to have the victim sign the citation.
 - C. If the victim refuses to cooperate or definitely does not want the offender charged, the deputy will issue a citation or make a physical arrest if he/she has probable cause.
 - D. All the people cited or arrested for a misdemeanor offense related to domestic violence will be given a mandatory appearance date.
 - E. In cases where probable cause is questionable, the case will be screened with the County Attorneys office.
 - 28.41.19 For emergency service of Protective Orders see chapter 50.
 - 28.41.20 Deputies shall take action on all valid protective orders and no-contact orders.

This action shall include a physical arrest and domestic violence case report. UCA sections 30-6-2 and 77-36-2.4.

28.41.21 Violation of a valid protective order is a Class A Misdemeanor. Deputies shall verify the validity of the protective order through the communications center. UCA 30-6-8.

A. If arrestee is charged and booked, he/she is to be charged under UCA 76-5-108.

28.41.22 The no-contact order is issued by the Weber County Jail or magistrate prior to a suspect's release from custody for a domestic violence offense.

A. The no-contact order requires that the perpetrator have no contact with the victim, threaten or harass the victim, or knowingly enter onto the victim's premises.

B. A violation of the no-contact order is:

A. A third degree felony, if the original booking was a felony. UCA 77-36-2.5(5).

B. A Class A Misdemeanor, if the original booking was a misdemeanor. UCA 77-36-2.5(5).

C. When the jail notifies the Sheriff's Office that a perpetrator was released, a deputy should make a reasonable attempt to notify the victim and document in a follow-up the contact or attempts to contact.