

BATON ROUGE POLICE DEPARTMENT

General Order
No.268

Effective Date
11-01-1994

Revised Date
07-09-2021

Subject: Domestic Violence

Reviewed 1/06/21

POLICY

It is the policy of this department to conform to the intent of the law on domestic violence and that the official response to complaints of domestic violence shall be:

- To afford the victim immediate and accessible protection,
- To stress the enforcement of laws to protect the victim,
- To communicate the attitude that violent behavior will not be tolerated and,
- To display a courteous attitude to the victim at all times.

If there probable cause exists to believe a violation has been committed, an arrest shall be made or summons issued.

DEFINITIONS

Domestic Violence: Any situation committed by one household member or family member upon the person of another household member or family member where intentional use of force, violence, threats of violence or a pattern of harassment has occurred or may reasonably be expected to occur.

Temporary Restraining Order (TRO): A court order issued without a hearing that is valid only for a short period of time, usually until a hearing is held. The TRO may contain any number of provisions relative to protection, child custody, etc. It is necessary that the defendant be served to enforce these types of court orders.

Protective Order: For the purpose of this General Order only, a protective order will be considered any type of court order issued pursuant to a hearing that is enforceable under the provisions of L.R.S. 14:79. It is not necessary that service be shown to the defendant to enforce these types of orders.

PROCEDURES

I. Investigation

- A. Officers called upon to investigate cases of domestic violence shall document their actions pursuant to the provisions of L.R.S. 46:2141. In other words, a report shall be filed in all domestic violence cases.
- B. Officers shall render aid to any injured party and, if necessary, arrange transportation to area hospitals. If there are visible injuries, they shall be photographed if at all possible.
- C. Officers shall determine if there are any court orders in effect. Officers will be able to verify all orders and required service of TRO through the Warrants Division. The length of time a protective order is valid will be indicated on the order under the heading, "Notice to Law Enforcement". If an officer is unable to verify that notice of a TRO has been served on a defendant but one has been issued, he shall advise the defendant that one is in effect and the provisions of the order.

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- D. Officers shall, if probable cause exists, make custodial arrests for felony violations of provisions of court orders pursuant to physical or sexual abuse and those prohibiting visits to the residence or work place of the spouse or other person named in the order.
- E. Officers shall refer to the court that has jurisdiction any violations of provisions that refer to child custody, alimony, support, etc.
- F. If no court order exists and the investigating officer has probable cause to believe a domestic violence crime has occurred, misdemeanor or felony, then a physical arrest should be made. If there are extenuating factors a supervisor should be contacted immediately regarding the situation. A misdemeanor summons should only be issued upon a supervisor's approval.
- G. If no court order exists and an officer is unable to establish probable cause during the initial investigation, the case shall be referred to the proper investigative office for follow-up.
- H. In all of the above cases, officers shall file a report and provide the victim with the file number of the case. The victim shall be advised of their right to file charges and the proper procedure for doing so.

II. Referrals to Social Service Agencies

- A. When responding to domestic violence cases, officers must realize that not every situation will be resolved through the criminal justice system. Officers will be required to advise or refer victims of domestic violence to one or more social service organizations prepared to offer support and counseling.
- B. Officers shall also advise victims of the existence and provisions of protective orders, if necessary, and of the ability of indigent victims of domestic violence to obtain court orders through the Clerk of Court's Office.
- C. Officers shall complete a "Help for Victims of Domestic Violence" form. The form is a duplicate form. The original copy is to be turned into the shift supervisor before the end of shift. The supervisor will document the form on a Criminal Records transmittal and turn the form into Criminal Records. The copy of the form will be given to the victim.
- D. Officers shall also complete a "BRPD Domestic Violence Case Notification" form, for all domestic violence and intimate partner violence related calls; including arrest and non-arrest calls. The form can be found on the interdepartmental network drive; e-forms. The form will be sent to the Domestic Violence office via email to DV@brla.gov.