



Tulsa Police Department

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

Policy # 120A

Effective Date 05/27/2025

Policy Name Domestic Violence

Approved Date 05/21/2025

Approved by Dennis Larsen, Chief of Police

Previous Date 11/01/2024

PURPOSE OF CHANGE:

To update in accordance with State of Oklahoma law.

POLICY:

Officers shall treat all acts of violence identified as domestic violence as criminal conduct. Domestic violence incidents shall be treated the same as all other requests for police assistance in cases where there has been physical violence or the threat thereof.

Arrests will be made in domestic violence incidents when there is probable cause that the elements of a crime exist. Officers must not discourage victims of rape, forcible sodomy, or domestic abuse from pressing charges against the assailant. Dispute mediation or other police intervention will not be used as a substitute for arrest.

Any domestic violence call involving a department employee as a victim or suspect, will require a field supervisor to respond to the scene. The field supervisor will notify the Shift Commander who will contact a Family Violence Unit supervisor.

*Note – If the suspect or the incident fall under Tribal jurisdiction refer to policy 120C.

SUMMARY: Procedures for answering calls involving domestic violence.

APPLIES TO: All police personnel.

DEFINITIONS:

DATING RELATIONSHIP – an intimate association, primarily characterized by affectionate or sexual involvement. For purposes of this act, a casual acquaintance or ordinary fraternization between persons in a business or social context shall not constitute a dating relationship.

DOMESTIC ABUSE (criminal offense) – act of physical harm or the threat of imminent physical harm which is committed by an adult, emancipated minor, or minor child thirteen (13) years of age or older against another adult, emancipated minor or minor child who is currently or was previously an intimate partner or family or household member.

FAMILY or HOUSEHOLD MEMBERS:

- a. parents, including grandparents, stepparents, adoptive parents, and foster parents,
- b. children, including grandchildren, stepchildren, adopted children and foster children,
- c. persons otherwise related by blood or marriage living in the same household, and
- d. persons otherwise related by blood or marriage.
- e. persons not related by blood or marriage living in the same household.

INTIMATE PARTNER:

- a. current or former spouses,
- b. persons who are or were in a dating relationship,
- c. persons who are the biological parents of the same child, regardless of their marital status or whether they have lived together at any time, and
- d. persons who currently or formerly lived together in an intimate way, primarily characterized by affectionate or sexual involvement. A sexual relationship may be an indicator that a person is an intimate partner but is never a necessary condition.

STALKING – the willful, malicious, and repeated following of a person by an adult, emancipated minor, or minor thirteen years of age or older, with the intent of placing the person in reasonable fear of death or great bodily injury.

PRESENCE OF A CHILD – in the physical presence of a child or having knowledge that a child is present and may see or hear an act of domestic violence.

STRANGULATION – any form of asphyxia; including, but not limited to, asphyxia characterized by closure of the blood vessels or air passages of the neck as a result of external pressure on the neck or the closure of the nostrils or mouth as a result of external pressure on the head.

STRANGULATION AWARENESS CARD – a card for officers to give to victims of strangulation to educate them on the symptoms and long-term effects of strangulation and to advise them of resources that include forensic examinations by the department's Forensic Nursing Staff. The department recognizes that strangulation victims often have difficulty remembering what officers or advocates tell them initially after being victimized so having written information left with them at the scene is beneficial.

VICTIM'S RIGHTS CARD – State law provides for certain rights and protection for victims of rape, forcible sodomy, and domestic abuse through the Domestic Abuse Reporting Act and the Protection from Domestic Abuse Act. Officers interviewing victims of sexual assault or domestic abuse are required to inform the victim in writing of certain rights and information. Officers satisfy the legal requirement by providing the *Victim's Rights Card* to each victim. The victim's rights, 24-hour telephone numbers, and protective order information are printed on this card.

LETHALITY ASSESSMENT FORM – form containing a series of questions utilized upon the preliminary investigation of a domestic violence crime involving intimate partners to assess a victim's potential for danger.

DOMESTIC VIOLENCE SUPPLEMENTAL/INTERVIEW – State law requires records to be kept of incidents of domestic abuse and that such information is to be provided monthly to the Oklahoma State Bureau of Investigation (OSBI). Therefore, officers will complete a *Domestic Violence Supplemental/Interview* on all domestic violence calls.

PROCEDURES:

A. DOMESTIC VIOLENCE CALLS

1. Domestic Violence Interview:

- a. When officers are assigned to a call where it is discovered to be domestic in nature, and no crime was found to have been committed through the course of the investigation, officers should complete a *Domestic Violence Interview* (D.V.I.) and a *Suspect Supplemental* to establish a historical record.

2. Domestic Violence Incidents:

- a. When officers are assigned a domestic violence call, to include but not limited to, assault and battery, malicious mischief, and/or breaking and entering and discover a crime has been committed or alleged to have been committed, they will complete a *Domestic Violence Incident report with Supplemental/Interview*, and

shall document the following:

- 1) Crime Type (Assault, Burglary, Malicious Mischief...)
- 2) Elements of the crime(s) (Including relationship that makes it a domestic)
- 3) Statement from each involved party (obtain verbal and written witness statements).
- 4) The location and type of injuries (if applicable).
- 5) Photograph and document any injuries or other evidence of the crime (weapons, property damage, etc.)
- 6) Issue a Victim's Rights Card and Strangulation Card (if applicable).
- 7) Complete Lethality Assessment (if applicable) intimate relationships only.
- 8) Establish proper jurisdictional authority by asking if the suspect is a member of a Native American Tribe. If the suspect is a recognized member of a tribe, see attachment "b" of this policy.
- 9) Complete a Domestic Violence Cover Sheet with records (if applicable)
- 10) If one or more of those cannot be completed, explain in the narrative why (e.g., victim refused to cooperate).

3. Felony and Misdemeanor Arrests:

- a. An arrest shall be made in a domestic violence incident when there is probable cause to believe that a felony has occurred.
- b. State law allows an officer to make a misdemeanor arrest without a warrant of a person anywhere, including their place of residence if the officer is otherwise lawfully in the residence, if the officer has probable cause to believe the person has committed an act of domestic abuse within the preceding 72 hours, even if the assault did not take place in the presence of the officer. Officers may not arrest a person without first observing a recent physical injury to, or an impairment of the physical condition of, the victim. Any arrest, misdemeanor, or felony is subject to the requirements of a warrantless arrest as provided by law.
- c. If a juvenile is arrested for domestic violence and JBDC refuses detention, contact the on-call district court judge (see 120A Att, Domestic Violence/Protective Orders – Attachment). The judge will determine whether to detain the juvenile. Document the judge's decision in the Incident Report.
- d. If an arrest is made, officers will run a criminal history on the suspect. If the suspect has a prior conviction for Domestic Violence, the charge will be a felony.
- e. All domestic arrests need to be booked into the proper jurisdiction (Tulsa County, Tribal, etc.) Do NOT book persons arrested on domestic incidents into the City of Tulsa Municipal Jail.

4. Dual Arrest Situations:

- a. Officers are encouraged to make every effort to identify the dominant aggressor when responding to calls with allegations of domestic violence. Dual arrests may result in a decline of charges against one or both involved parties or may be detrimental to the prosecution of either party.
- b. If officers are unable to identify a dominant aggressor, the incident should be thoroughly documented. The involved parties should be separated, if possible, but no arrest should be made, unless officers determine it is the most appropriate or necessary course of action.

5. Evidence Collection in Arrest Situations:

- a. When an arrest is made for domestic violence, photographs of any visible injuries and the scene shall be taken as evidence that a crime occurred. The digital images shall be downloaded to Axon/Evidence.com by the end of the officer's shift.
- b. If a field officer or supervisor with a digital camera is unavailable, officers may contact an on-duty Family Violence Detective, a Crime Scene Detective, or the SANE nurse. The SANE nurse will come to any hospital

emergency room or will meet officers at the SANE room at Hillcrest.

- c. Injuries may not be visible at the time of an officer's initial response. The officer shall detail all symptoms described by the victim, such as difficulty breathing, loss of consciousness, dizziness, etc. in the incident report. All strangulation victims, regardless of visible injuries, shall be given a *Strangulation Awareness Card*.

6. Domestic Violence Cover Sheet:

- a. If a suspect has left the scene and the reporting officer has obtained a witness statement, photographs of the victim's injuries, and would have normally arrested the suspect if he/she was still at the location, the reporting officer shall notify records division to complete a *Domestic Violence Cover Sheet* (DVCS). The reporting officer shall provide the records clerk all pertinent information about the incident including case number, date and time of occurrence, location of occurrence, all suspect identifiers including last known address, etc. and the expiration date and time for the cover sheet. The expiration date and time will be 72 hours from the date and time of occurrence. The records clerk shall add a Domestic Caution Indicator (DCI) to the profile of the suspect into TRACIS. The reporting officer shall include the name and/or designator of the records clerk when he/she completes the report. The reporting officer shall complete the domestic report and upload the photographs into Axon/Evidence.com by the end of their shift. A supervisor can authorize a records clerk to enter a DCI in the rare circumstance photographs cannot be taken or witness statement cannot be obtained.
- b. If an officer contacts an individual and TRACIS indicates that a DCI is in the TRACIS profile for the subject, the contacting officer will confirm the DCI by calling records division. The records clerk will look in the DVCS File and will confirm that a DVCS exists for the contacted individual. The records clerk shall give all the pertinent information including the TRACIS report number from the DVCS to the contacting officer. Provided the 72-hour DVCS has not expired, the contacting officer may arrest the contacted individual based on the information from the DVCS and the TRACIS report for the incident. It is the contacting officer's responsibility to confirm to the best of his/her knowledge that the contacted individual is the listed suspect in the original report.
- c. The arresting officer will book the suspect on the appropriate state domestic assault and battery charge. The officer will complete the probable cause affidavit on the back of the Arrest and Booking sheet based on the information from the original report and will complete and send an intake packet to the District Attorney Office.
- d. It will be the records division's responsibility to take all expired DVCSs out of the DVCS file and to delete each corresponding DCI from the suspect's TRACIS profile. If a subject with a DVCS/DCI entry is arrested for a domestic violence offense, the contacted clerk will remove the corresponding DVCS from the file and will remove the DCI from the arrested suspect's TRACIS profile.

7. Other General Provisions:

- a. In the event a victim is transported to a hospital for injuries related to a domestic incident, an officer shall respond to the hospital where the victim was transported. The officer shall document the victim's injuries to include broken bones and/or internal injuries, if the victim was released or admitted, and the attending physician's information.
- b. Indicate in the report the presence of any child (not limited to a relative of the victim or suspect) at the residence or scene at the time of the domestic violence. Officers shall document the name(s) and age(s) of any children in the *Domestic Violence Supplemental*.
- c. Officers will complete an Incident Report utilizing the *Domestic Violence Supplemental/Interview* in addition to a *Suspect Supplemental* regardless of whether the suspect is placed under arrest. Further, regardless of the crime type, (e.g., Violation of Protective Order, Domestic Assault and Battery, Burglary, Malicious Mischief,

etc.) the DOMESTIC box shall be marked for any incident that involves a domestic relationship. The crime type will be listed and followed by “domestic violence” (e.g., Assault & Battery/Domestic Violence). There is no need to duplicate the victim information on the Domestic Violence Supplemental/Interview.

- d. Officers are required by state law to provide the victim with a *Victim’s Rights Card*. Officers shall ask the Domestic Violence Lethality Assessment questions of the victim and record their responses on the *Lethality Assessment Form* to be turned in with the Incident Report. If the district court is open for business, advise the victim to contact the District Attorney’s Office in the county that they reside for assistance in filing a petition for an emergency protective order.
- e. When an officer responds to a domestic related incident that involves a collision, an incident report and a collision shall both be completed.

B. DOMESTIC VIOLENCE DETECTIVE

- 1. When assigned a domestic violence call, questions often arise as to the best course of action. Officers are encouraged to consult with their supervisor first. If questions persist, have dispatch page the on-call domestic violence detective to assist. Officers will then note in their report who they contacted and why.

C. EVIDENCE COLLECTION

- 1. Officers shall attempt to collect as much evidence as possible during the initial investigation involving domestic abuse (e.g., weapons, shell casings, video, etc.).
- 2. All articles of evidence shall be collected in accordance with department directives. If unforeseen circumstances prevent the collection of evidence, the officer shall provide a detailed explanation in the narrative of his or her report.

D. DOMESTIC VIOLENCE DANGER ASSESSMENT

- 1. State law requires that upon the preliminary investigation of a domestic violence crime involving intimate partner violence, the first peace officer who interviews the victim of domestic abuse shall assess the potential for danger by asking a series of questions provided on a Lethality Assessment form.
- 2. When an officer responds to a domestic violence incident involving an intimate partner relationship, he or she shall complete the Domestic Violence Lethality Assessment questions. When a victim screens in for protocol referral based on their responses to the risk assessment, or the officer believes the victim may be at high risk and in need of immediate assistance, the officer shall inform the victim and contact the Domestic Violence Intervention Services (DVIS) to provide confidential advocacy services at [REDACTED]. The officer will explain the circumstances to the advocate and encourage the victim to speak with the advocate to obtain immediate assistance.
- 3. For every Domestic Violence Risk Assessment conducted, the following should be documented in the corresponding incident report:
 - a. The victim’s willingness to participate in the assessment.
 - b. Whether or not the victim screened in according to the protocol; and
 - c. Whether or not the victim agreed to speak with an advocate, if he or she screened in.

E. MONTHLY REPORTS REQUIRED BY OSBI

- 1. Records Section personnel will submit a monthly report of all domestic violence incidents to the Director of the OSBI. The record of each reported incident of domestic abuse shall include:
 - a. The type of crime involved in the domestic abuse.

- b. The day of the week the incident occurred.
- c. The time of day the incident occurred.

REGULATIONS:

1. Officers will complete an Incident Report when a crime has been committed or alleged.
2. Officers will complete a Domestic Violence Interview, when appropriate, on all incidents that are domestic in nature as defined in the above procedures.
2. Officers shall provide a *Victim's Rights* Card to all victims of domestic abuse.
3. Officers shall provide a *Strangulation Awareness* Card to all strangulation victims, regardless of visible injuries.
4. Records Section personnel shall submit a monthly report of all domestic violence incidents to the OSBI Director.
5. Officers making an arrest for crimes of domestic violence or violation of protective order shall complete an intake packet and submit it by the end of the officer's shift. Officers shall not write municipal citations for domestic violence.

REFERENCES:

22 O.S. 60 – 60.18
21 O.S. 644: 2011, Section 142A-3
27 T.R.O. 402 (C)
112F, *Major Crime Scenes – Sexual Assaults*
120A Att., *Domestic Violence – Attachment*
120A Att B, *Native American Domestic Violence*
120B, *Protective Orders/Violation of Protective Orders*
323, *Domestic Violence/Possession of Firearms and Ammunition*