	Winchester City Sheriff's Office Manual of General Orders Operations 300	Effective Date: May 1, 2014 Accreditation Standards: OPR .13.01
		Original Policy: May 1, 2014 Last Review Date: October 31, 2023 Next Review Date: October 31, 2024
Subject: Domestic Violence		By Authority of: <hr/> William E Sales, Sheriff

I. PURPOSE

This policy will define domestic violence and related offenses, outline a safe procedure for handling violent incidents and calls, and describe measures intended to help end domestic violence while protecting the victims.

II. POLICY

The Winchester City Sheriff's Office assigns domestic/family violence (domestic disturbance) calls a high priority. The nature and seriousness of crimes committed between family/household members are not mitigated because of the relationships and living arrangements of those involved. Therefore, law enforcement must exercise leadership in the community in responding to domestic violence. An immediate criminal justice response can make a major difference in the disputants' lives. With all due consideration for their own safety, department personnel responding to a domestic disturbance call shall (1) restore order; (2) arrest persons when probable cause exists that a crime has occurred; (3) provide safety and security for the crime victim(s); and (4) assist participants in contacting the appropriate agencies for services; therefore, helping prevent future occurrences of domestic violence.

III. DEFINITIONS

A. Assault/Battery

Virginia Code § 18.2-57.2 Assault and battery against a family or household member:

- A. Any person who commits an assault and battery against a family or household member is guilty of a Class 1 misdemeanor.
- B. It is a Class 6 felony if it is alleged in the warrant or indictment that the person has been previously convicted of two offenses against a family or household member of §18.2-57.2, §18.2-51, §18.2-51.2, §18.2-52, or any offense under the law of any other jurisdiction which has the same elements of any of the above offenses, in any combination, all of which occurred within a period of 20 years, and each of which occurred on a different date.
- C. Whenever a warrant for a violation of this section is issued, the magistrate shall issue an emergency protective order as authorized by § 16.1-253.4, except if the defendant is a minor, an EPO shall not be required.

B. Domestic Violence Shelters/Programs

Domestic Violence Shelters/Programs provide services (usually 24 hours a day) to spouses/partners and their children who have been physically or emotionally abused, or who have been threatened with abuse by their spouses/partners. Services include crisis intervention, counseling, shelter, escort to court, food, clothing, and transportation.

C. Family abuse

Virginia Code § 16.1-228 (2) defines "Family abuse" as any act involving violence, force, or threat including, but not limited to, any forceful detention, which results in bodily injury or places one in reasonable apprehension of bodily injury and which is committed by a person against such person's family or household member.

D. Family or household member

Virginia Code § 16.1-228 (2) defines family or household member as:

1. The person's spouse, whether or not residing in the same home.
2. The person's former spouse, whether or not residing in the same home.
3. The person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents, and grandchildren, regardless of whether such persons reside in the same home.
4. The person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law who reside in the same home.
5. Any individual who has a child in common with that person, whether or not the person and the individual have been married or have resided together at any time.
6. Any individual who cohabits or who, within the previous 12 months cohabited with the person, and any children of either of them then residing in the same home with the person.

E. Predominant Physical Aggressor

Virginia Code § 19.2-81.3 (B) states a law enforcement officer having probable cause to believe that a violation of Virginia Code § 18.2-57.2 or Virginia Code § 16.1-253.2 has occurred shall arrest and take into custody the person he/she has probable cause to believe, on the totality of the circumstances; was the predominant physical aggressor unless there are special circumstances which would dictate a course of action other than arrest. The standards for determining the predominant physical aggressor shall be based on the following considerations:

1. Who was the first aggressor?
2. The protection of the health and safety of family and household members.
3. Prior complaints of family abuse by the allegedly abusing person involving the family or household members.
4. The relative severity of the injuries inflicted on persons involved in the incident.
5. Whether any injuries were inflicted in self-defense.
6. Witness statements.
7. Other observations.

F. Protective Orders

A court order of protection on behalf of an abused family/household member that prohibits further acts of family abuse, may order the abuser to refrain from further contact, grant possession of the residence, grant possession of a vehicle, plus other measures. According to Virginia Code § 18.2-57.2 (C) and Virginia Code § 19.2-81.3 (D) a protective order is not required if the arrested person is a minor. Deputies must be aware of three levels of protective orders:

1. An emergency protective order (EPO) (Virginia Code § 16.1-253.4) may be requested by a law-enforcement officer by telephone or in person (or by an allegedly abused individual in person) from a judge or a magistrate. If an oral EPO is obtained, the deputy must put the EPO in writing as soon as possible on form DC-626 and have the magistrate or judge verify the order. The order expires 72 hours after issuance, but if the expiration of the 72-hour period occurs when the court is not in session, the protective order shall be extended until 5 p.m. of the next business day that the court is in session. The deputy shall serve a copy of this order on the respondent and give a copy to the abused family/household member. The deputy shall forward the original to the issuing judge or magistrate for verification, who then files it with the Juvenile and Domestic Relations Court within five days of issuance. The deputy obtaining the EPO shall give the EPO to The Emergency Communications Center so that it can be entered into VCIN as soon as possible, which record shall be updated upon service of the order. Note that a law-enforcement officer may request an extension of an emergency protective order if the person in need of protection is mentally or physically incapable of doing so.
2. An abused family/household member may petition for a preliminary protective order (Virginia Code § 16.1-253.1) through the court. A preliminary protective order is issued to the abused family/household member after the EPO has been issued and before the hearing for a protective order. The preliminary protective order shall specify the date of the hearing for the protective order. The date of the hearing shall be within 15 days of the issuance of the preliminary protective order.
3. A protective order (Virginia Code § 16.1-279.1) hearing will be held within 15 days (It can be continued for a longer period) of the issuance of the preliminary protective order. A protective order may not be issued under this section for a period longer than two years. Deputies shall enforce any judgment, order, or decree, whether permanent or temporary issued by a court of appropriate jurisdiction from other states or territories of the United States. They shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law.
4. Virginia Code § 16.1-253.2 states that in addition to any other penalty provided by law, any person who violates any provision of a protective order issued pursuant to the above listed code sections is guilty of a Class 1 misdemeanor.

G. Purchase or Transportation of a Firearm by a Person Subject to Protective Orders Virginia Code § 18.2-308.1:4 states that it is unlawful for any person subject to a protective order (as defined in the statutes cited above) to purchase or transport a firearm while the order is in effect. A person with a concealed handgun permit shall be prohibited from carrying any concealed firearm, and shall surrender his/her permit to the court entering the order. A violation of this section is a Class 1 misdemeanor. Firearms transported or purchased in violation of this law shall be confiscated and they are subject to forfeiture.

H. Stalking

Virginia Code § 18.2-60.3 states that any person who on more than one occasion engages in conduct directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places the other person in reasonable fear of death, criminal sexual assault, or bodily injury to that person or to that other person's family or household member is guilty of a Class 1 misdemeanor. Furthermore, upon a conviction the court may impose an order prohibiting contact between the defendant and the victim or victim's family.

- Stalking behaviors include following a person to home, work, and other places, parking outside home or office, threatening notes or telephone calls, threats.
- Virginia Code § 19.2-152.8 authorizes the issuance of emergency protective orders in cases of stalking.
- Virginia Code § 19.2-158.9 allows for the issuance of preliminary protective orders in cases of stalking.
- Virginia Code § 19.2-158.10 allows for the issuance of protective orders in cases of stalking.
- Virginia Code § 18.2-60.4 states that any person who violates any provision of a protective order related to stalking is guilty of a Class 1 misdemeanor.

IV. PROCEDURES - GENERAL RESPONSIBILITIES

- A. Sheriff's Office personnel shall refer victims of domestic violence to appropriate community resources (mental health agencies, medical doctors, legal assistance agencies, victim/witness assistance programs, and domestic violence shelters/programs). Deputies shall upon request transport or arrange transport to the hospital, the shelter or the magistrate's office. (Virginia Code § 19.2-81.3) Referrals may help prevent future disturbances.
- B. Sheriff's Office personnel shall be trained about domestic violence and its impact. Personnel must be well trained to confront unexpected violence. Disturbance calls can be dangerous to responding deputies. Deputies are encouraged to consult community resources such as the local domestic violence shelter and the local victim/witness advocacy program.

V. PROCEDURES - PATROL RESPONSIBILITIES

- A. Arrival at the scene
1. Obtain all available information from the dispatcher before arrival.
 2. Approaching the scene.
- a. When possible, deputies should wait for back up, discuss a strategy, and approach the incident scene in pairs.

- b. Avoid the use of sirens and other alarms in the vicinity of the scene. The assailant might be dangerous and could turn a weapon upon arriving deputies or victims.
- c. Observe the location of the dispute before contacting the complainant. Consider the surroundings. Avoid parking the cruiser in front of the residence; try to park the cruiser a short distance away. Each deputy should follow a separate approach to the scene of the dispute, maintaining maximum cover and an escape route. From this point on, deputies should remain within sight of one another, if possible.
- d. Before knocking on the door, listen and look in any nearby window to obtain additional information about the situation (e.g., layout of the house, number of people, weapons, and evidence of violence or damage).
- e. Deputies must be concerned for their own safety as well as the disputants'. To minimize the possibility of injury, stand to the side of the door and not in front of windows when knocking. The unexpected may occur when the door opens.

3. Initial contact with occupant(s).

- a. Identify yourselves as law enforcement officers by name (Winchester city Sheriff's Office), give an explanation of your presence, and request entry into the home (when conditions permit). Ascertain identity of complainant, and ask to see him/her and any other person(s) at the home.
- (1) Deputies shall not accept statements from any disputant or witness that the call was a mistake without investigating further. Deputies shall not leave without interviewing the complainant.
 - b. If entry is refused, deputies shall explain that they must make sure there are no injured persons inside. If no one responds to knocking, deputies shall try to establish voice contact by shouting for an answer.
 - c. Refusal of entry or no response to a knock at the door may require a forced entrance only if deputies have reasonable suspicion to believe that there is an emergency at hand and there is an immediate need for their assistance for the protection of life or property. The search must not be primarily motivated by the intent to arrest and seize evidence. Also, there must be some reasonable basis to associate the emergency with the area or place to be searched. A supervisor should be contacted, if time permits, before making an emergency entry. A supervisor shall be contacted and he/she will respond to the scene after an emergency entry has been made.

In deciding to make a forced warrantless entry, deputies shall evaluate the following elements:

- (1) The degree of urgency involved and the time required obtaining a search warrant.
 - (2) The possibility of the danger to others, including the deputies left to guard the site.
 - (3) Whether the suspected offense involved violence.
 - (4) Whether deputies reasonably believe those persons may be armed.
 - (5) Finally, deputies are reminded that they have a lawful right to investigate any situation that they reasonably believe to be an emergency.
- d. Deputies may conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a search warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership or possession of a place or thing, either one may give a valid consent, however, if both persons are physically present and one of them objects to the search, then the search must be stopped.

- (2) A spouse can consent to the search of premises used jointly by both husband and wife. This also applies if the man and woman are unmarried cohabitants. If one of them exercises sole control over part of the premises, the other cannot give valid consent to search that part.
- (3) If the complainant has asked for law enforcement assistance in retrieving personal property from his/her residence, the deputy must first determine if the complainant has lawful authority to do so. If so, the deputy shall stand by to preserve the peace, but he/she should advise the disputants that only the courts can determine that rights to any disputed property.

e. Once inside, establish control by:

- (1) Inquiring about the nature of the dispute.
- (2) Identifying disputants.
- (3) Being aware of potential weapons in surroundings.
- (4) Determining if persons are in other rooms, whether children or adults, and the extent of any injuries (these persons should be separated from the parties involved and kept out of hearing range so their status as possible witnesses won't be compromised).

f. Protect the victim from further abuse. Separate the victim(s) from the assailant and arrange for medical attention if victim(s) is hurt. If the victim(s) appears injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment. Always photograph the victim's injuries and any property damage done by the suspect.

g. Ascertain whether a protective order has been violated.

h. If weapons (whether firearms, knives, or any other object which could be used as a weapon) are present, secure them away from the disputants, if practicable, while the disputants are being interviewed. Determine if any weapons were used in the assault, if so they should be photographed and collected as evidence.

4. Transporting family/household members to the hospital, safe shelter, or magistrate. Virginia Code § 19.2-81.3(E) states law enforcement officers investigating any complaint of family abuse, including but not limited to assault and battery shall, upon request, transport, or arrange for the transportation of an abused person to a hospital, safe shelter, or magistrate.

B. Interviewing all Disputants

1. Ensure safety and privacy by interviewing the victim in a place separate from the assailant.
2. Critical to the success of the interview is the deputy's manner. Deputies should actively listen, show interest in the disputants and their problem, and remain aware of nonverbal communications signals.
3. Deputies shall attempt a low-key approach in domestic violence cases. Maintain good eye contact through natural, spontaneous glances. (Fixed gazes or staring increase fear and hostility.) A relaxed stance and appropriate facial and head movements demonstrate interest and encourage the victim to continue speaking.

4. Always try to separate the parties so that they can individually describe the incident without interruption. (This may help the parties relieve emotional tension.) Although the disputants may be separated, deputies shall remain within sight and hearing of each other.
5. After the parties have given their statements, the deputies should ask questions about details for clarification, and summarize the stated accounts (which allows the interviewee to point out anything that might be misrepresented).

C. Interviewing the victim

Ascertain the following information from the victim:

1. What happened?
2. Identify all witnesses present, including children.
3. Any injuries to either party, who caused them, and what weapons/ objects were used.
4. Relationship to assailant, and if any children together.
5. Any threats made by assailant against the victim or others.
6. Forced sexual contact by assailant against the victim's will.
7. Any court cases pending against the assailant or any protective orders in effect.
8. Is assailant on probation or parole?
9. Did the assailant threaten others, particularly children, damage property, or hurt pets.
10. Identify children or other individuals in the household whether witnesses or not.

D. Interviewing witnesses

1. Interview any witnesses to the incident, such as children, other family members, friends, and neighbors as soon as possible.
2. Remember that witnesses may be experiencing significant emotional crises that might influence the accuracy of their accounts.
3. If witnesses provide information about prior assaults, document them to help establish a pattern.
4. Children of disputants should be interviewed with care and kindness. Sit, kneel, or otherwise be at their level when speaking to them. Signs of trauma or abuse should be noted and appropriate action taken to provide assistance to them.

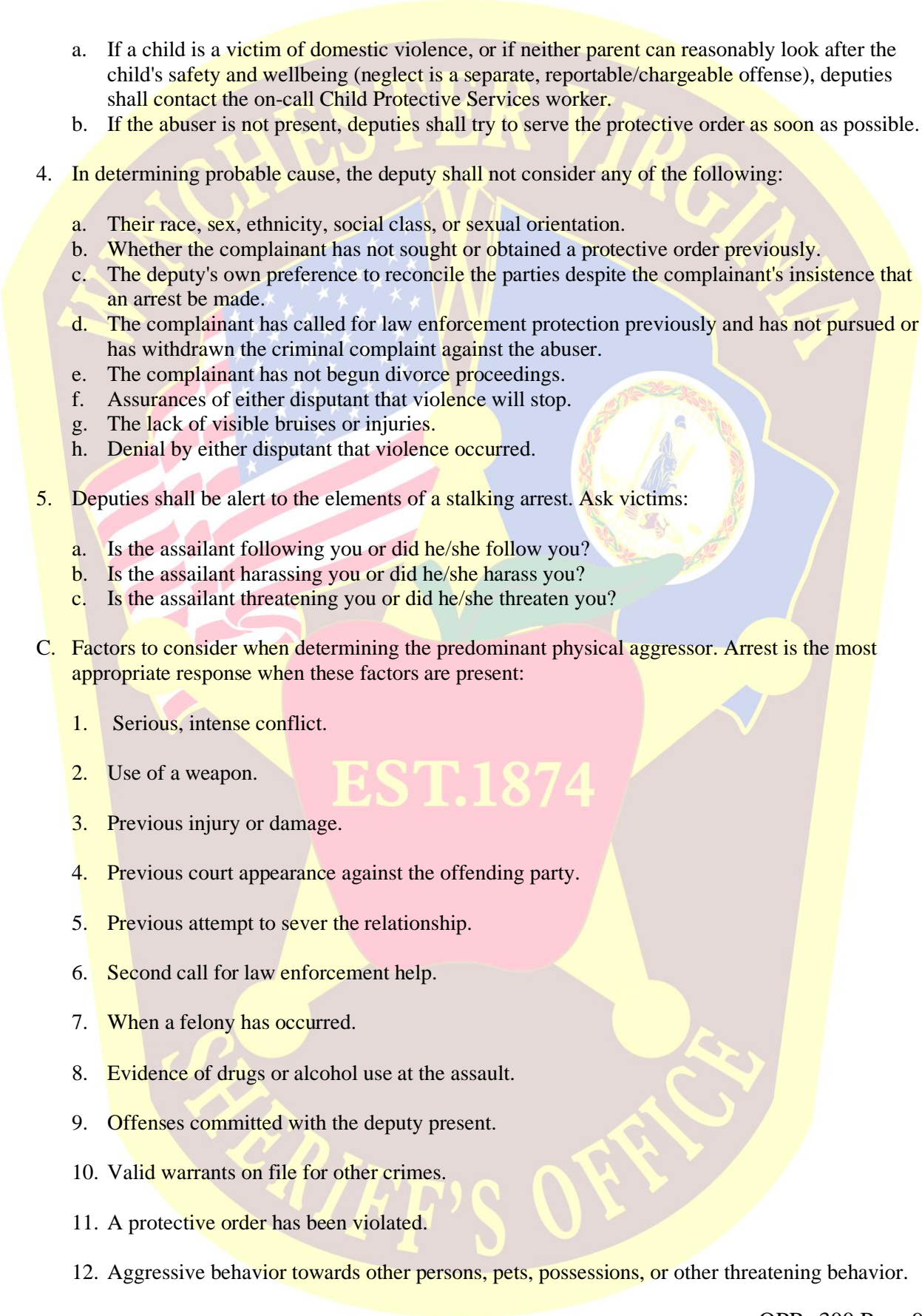
VI. PROCEDURES - ISSUING AN EMERGENCY PROTECTIVE ORDER

- A. If a deputy has at least a reasonable belief that family abuse has occurred and there exists probable danger of further abuse, the deputy shall petition a judge or magistrate to issue an emergency protective order. Deputies shall also advise the victim, that he/she can request an emergency protective order directly from a magistrate.
- B. A deputy can petition for an emergency protective order by telephone or in person.
- C. The order will be valid until 5:00 p.m. on the next business day, or up to 72 hours after issuance, whichever is later. The deputy shall attempt to serve the order as soon as practicable to the assailant.

- D. The deputy shall complete the EPO and serve a copy to the respondent as soon as possible. The deputy shall provide a copy of the EPO to the Emergency Communications Center so that they can enter the relevant information into VCIN as soon as possible and update the entry upon service of the order.
- E. The deputy shall submit the original order to the issuing judge or magistrate, provide a copy to the victim, and attach a copy to the incident report.

VII. PROCEDURES – ARRESTS

- A. Virginia Code § 19.2-81 states that deputies may make an arrest without a warrant if they have probable cause to believe that a felony has been committed in or out of his/her presence. Virginia Code § 19.2-81.3 specifies that an arrest without a warrant is authorized in cases of assault and battery against a family or household member, stalking, and for violations of protective orders. Further, the Winchester City Sheriff's Office promotes a policy of arrest when the elements of an appropriate offense are present. Deputies are reminded that they cannot release the abuser on a summons, but must take the abuser before a magistrate.
- B. Deputies who develop probable cause that a person was the predominant physical aggressor in a violation of Virginia Code § 18.2-57.2 (assault/battery against a family/household member), Virginia Code § 16.1-253.2 (violation of a protective order), or Virginia Code § 18.2-60.3 (stalking) shall arrest and take him/her into custody.
 - 1. Virginia Code § 19.2-81.3 states that a law enforcement officer having probable cause to believe that a violation has occurred shall arrest and take into custody the person he/she has probable cause to believe, based on the totality of the circumstances was the predominant physical aggressor unless there are special circumstances which would dictate a course of action other than an arrest. The deputy must make a decision on whether to arrest based on the totality of the circumstances as listed above. Deputies shall not instruct victims to obtain warrants for applicable offenses; deputies themselves shall obtain the warrants if circumstances so require. If circumstances nevertheless dictate no arrests, see section b below.
 - a. If an arrest is made, advise the victim that the case may be prosecuted even if the victim later declines to testify.
 - b. If deputies cannot identify a predominant physical aggressor, then they should not make an arrest (but thoroughly document the incident). Furthermore, deputies shall not threaten to arrest all parties involved for the purpose of discouraging future requests for law enforcement intervention.
 - 2. In cases where the conditions of a protective order have been violated, deputies shall review the victim's copy of the order, checking it for validity. If a protective order exists and its terms ("no contact," "no trespass," or "no further abuse") are violated then the deputy shall arrest the violator if probable cause exists. Deputies shall honor court orders from other states. Deputies cannot arrest for a violation of the order, however, if the violator has not been served with it.
 - 3. Deputies making arrests under this section shall petition for an emergency protective order. If the deputy does not arrest, but a danger of family abuse still exists, the deputy shall petition for an emergency protective order.

- 
- The background of the page features a large, semi-transparent watermark of the Sheriff's Office logo. The logo is circular and contains the text "SHERIFF'S OFFICE" at the top and "EST. 1874" in the center. It also includes a central emblem with a figure holding a scale and a sword, surrounded by a wreath. The logo is set against a background of an American flag.
- a. If a child is a victim of domestic violence, or if neither parent can reasonably look after the child's safety and wellbeing (neglect is a separate, reportable/chargeable offense), deputies shall contact the on-call Child Protective Services worker.
 - b. If the abuser is not present, deputies shall try to serve the protective order as soon as possible.
4. In determining probable cause, the deputy shall not consider any of the following:
- a. Their race, sex, ethnicity, social class, or sexual orientation.
 - b. Whether the complainant has not sought or obtained a protective order previously.
 - c. The deputy's own preference to reconcile the parties despite the complainant's insistence that an arrest be made.
 - d. The complainant has called for law enforcement protection previously and has not pursued or has withdrawn the criminal complaint against the abuser.
 - e. The complainant has not begun divorce proceedings.
 - f. Assurances of either disputant that violence will stop.
 - g. The lack of visible bruises or injuries.
 - h. Denial by either disputant that violence occurred.
5. Deputies shall be alert to the elements of a stalking arrest. Ask victims:
- a. Is the assailant following you or did he/she follow you?
 - b. Is the assailant harassing you or did he/she harass you?
 - c. Is the assailant threatening you or did he/she threaten you?
- C. Factors to consider when determining the predominant physical aggressor. Arrest is the most appropriate response when these factors are present:
1. Serious, intense conflict.
 2. Use of a weapon.
 3. Previous injury or damage.
 4. Previous court appearance against the offending party.
 5. Previous attempt to sever the relationship.
 6. Second call for law enforcement help.
 7. When a felony has occurred.
 8. Evidence of drugs or alcohol use at the assault.
 9. Offenses committed with the deputy present.
 10. Valid warrants on file for other crimes.
 11. A protective order has been violated.
 12. Aggressive behavior towards other persons, pets, possessions, or other threatening behavior.

13. Evidence of stalking by the abuser.

D. Making the arrest

1. Arrest the assailant if he/she is present, and inform him/her that the decision to arrest is a law enforcement one, and then transport the assailant to the jail/magistrate.
2. If the assailant is absent, transport (or arrange transportation for) the victim to a safe shelter or other appropriate place. Circulate a "be-on-the-lookout" message describing the assailant and obtain an arrest warrant.
3. If an arrest must be made because a protective order has been violated, verify its validity by:
 - a. Examining the victim's copy, if available.
 - b. Have ECC query VCIN or contact the jurisdiction that issued the order to confirm its validity.

E. If the abusive person is not arrested

1. Virginia Code § 19.2-81.3 (C) states regardless of whether an arrest is made, the deputy shall file a written report with his/her department, which shall state whether any arrests were made, and if so the number of arrests, specifically including any incident in which he/she had probable cause to believe family abuse has occurred, and where required, including a complete statement in writing that there are special circumstances that would dictate a course of action other than an arrest. The deputy shall provide the allegedly abused person, both orally and in writing, information regarding the legal community resources available to the allegedly abused person. Upon request of the allegedly abused person, the department shall make a summary of the report available to the allegedly abused person.
2. Inform the victim on how he or she can begin criminal proceedings. Provide information about how to file a criminal charge, including time and location of the offense.
3. Advise the victim of the importance of preserving evidence.
4. Explain to the victim about protective orders and how to obtain them.
5. If the victim wants to leave the premises to ensure safety, remain at the scene while the victim packs essentials. Advise the victim to take only personal items plus important papers.
6. Assure the victim that the Winchester City Sheriff's Office will assist in future emergencies and explain measures for enhancing his/her own safety.

F. Gathering evidence:

1. There are usually three forms of evidence in domestic violence cases: the injuries of the victim, evidentiary articles that substantiate an attack, and the crime scene itself.
2. A physician may corroborate the victim's account of injuries sustained.
3. Photograph any injuries sustained by the victim.

4. Photograph the crime scene to show that a struggle occurred and write a description of it in the report.
5. Collect evidence according to the same principles applied to any other crime scene.
6. If the assailant is under a protective order and appears to have purchased or transported a firearm, confiscate it as evidence of a violation of Virginia Code § 18.2-308.1:4.
7. Seize any weapons that the predominant physical aggressor used or threatened to use in the commission of any crime.
8. Obtain statements from all witnesses, particularly noting any excited utterances about the incident.

G. Documenting the incident

1. Refer to Code of Virginia §19.2-81.3 and E 1 above that requires the incident be documented in a written incident report.
2. The Winchester City Sheriff's Office requires that an incident report be completed on all confirmed responses to a domestic violence call.
3. Include in all reports of domestic violence:
 - a. Names, addresses, and telephone numbers of all witnesses.
 - b. Facts and circumstances of domestic violence including a description of why one disputant was deemed the predominant physical aggressor, or why neither disputant was deemed to be the predominant physical aggressor.
 - c. Victim's statements as to the frequency and severity of prior incidents of abuse by the same family or household member.
 - d. The victim's statement as to the number of prior calls for law enforcement assistance.
 - e. The disposition of the investigation.
 - f. Suspect's statement, if the suspect is available.
 - g. A list of evidence that is collected, to include photographs taken.
4. If an arrest is not made, the incident must still be documented, where either no probable cause existed, or special circumstances dictated another course of action. In such cases, in addition to the above considerations, deputies shall note:
 - a. What referral information was given?
 - b. The name of any person contacted to assist with the incident.
 - c. Why an arrest wasn't made, nor a warrant issued.
5. If children were present, document them by names and birth dates
6. Regardless of whether an arrest is made, the deputy shall provide appropriate information to the victim, both orally and in writing, about legal and community resources available.

H. Repeat offenders

Deputies shall be cognizant of domestic violence incidents involving repeat offenders. Deputies shall check with the ECC to ascertain if the Sheriff's Office has had previous domestic violence incidents

involving the victim/suspect. Deputies shall not be negatively influenced by any victim's inaction in any previous domestic violence incidents. Deputies shall be aware of Virginia Code § 18.2-57.2 (B) that states that having two previous convictions of violence against a family or household member within a 20-year period is a class 6 felony.

I. Incidents involving law enforcement personnel

1. If the predominant physical aggressor or abuser is an employee of this agency, the responding deputy shall summon the on duty supervisor, who shall in turn notify the Sheriff or the Chief Deputy.
 2. The scene shall be secured and medical attention summoned, if required. The employee shall be disarmed or removed from access to weapons. The possibility exists that the employee's departmental weapon may be evidence of an offense.
 3. The Sheriff or Chief Deputy shall assign a supervisory deputy(s) to begin a criminal investigation.
 - a. If probable cause to arrest exists, then the employee shall be arrested. Evidence collection shall be (including taking photographs) consistent with this general order.
 - b. The assigned supervisory deputy(s) shall work with the responding patrol deputy to ensure that the victim receives medical attention, if necessary, is transported to a hospital or safe shelter, and that all reports are completed, evidence gathered, and photographs taken. The responding supervisory deputy(s) will assist in obtaining an emergency protective order.
 - c. The investigating supervisory deputy(s) shall present the case to the Commonwealth's Attorney Office as soon as the investigation is completed, if an arrest is not made at the scene.
 4. Upon termination of the criminal investigation, the Sheriff may assign the incident to internal affairs for an internal administrative investigation into the incident. If the alleged incident occurs in a jurisdiction other than the City of Winchester, then an internal investigation may begin whenever the Sheriff's Office is notified of the incident. The Sheriff may suspend the employee pending the outcome of the internal/criminal investigation.
 - a. Suspended employees shall immediately turn in all agency-issued weapons, vehicles, badges, and identification to the Sheriff's Office.
 - b. If the internal administrative investigation supports a violation of agency policy, the Sheriff shall take appropriate disciplinary action. Furthermore, if the investigation confirms that domestic violence occurred, the Sheriff may require termination of employment.
 - c. Federal law states that any person (including a law enforcement officer) convicted under any state or federal law for a misdemeanor involving the use, attempted use of physical force, or the threatened use of a deadly weapon when committed by a current or former spouse, parent or guardian of the victim, a person sharing a child in common, or a cohabitant of the victim (past or present), is prohibited from shipping, transporting, possessing, or receiving firearms or ammunition. The offense may have occurred at any time. Law enforcement officers convicted of offenses involving physical force, weapons, or threats of force may therefore be unable to maintain their certification.
- (1) Note that deputies who are the subject of a protective order shall not carry firearms. Deputies who are the subject of a protective order shall turn in all agency-issued weapons.

5. The Sheriff shall ensure that any court orders or injunctions are served on the employee at the Sheriff's Office. The Sheriff shall ensure that legal papers are served in a private setting.
- a. The employee's supervisor shall monitor the employee's behavior. Upon service of any court papers, the supervisor shall be present to review any affidavits supporting such papers. The supervisor shall stay alert to behavior that may be unseemly or indicative of problems requiring professional intervention.
6. Anytime the Sheriff's Office responds to a domestic violence call and it is determined that the predominant physical aggressor is a sworn member of another law enforcement agency, the on duty supervisor shall be notified of this information. The supervisor shall notify the Chief Deputy and the involved law enforcement officer's agency of the incident.

