
	MESQUITE POLICE DEPARTMENT
	222.00 FAMILY VIOLENCE
	Effective Date: August, 2013
	Approved: _____  Chief of Police

I. Family Violence Prevention

- A.** An officer investigating an allegation of family violence or responding to a disturbance call that may involve family violence shall protect any potential victim of family violence, enforce the law, and make lawful arrest of violators. An officer who investigates a family violence allegation, or who responds to a family violence disturbance call shall advise any potential adult victims of all reasonable means of preventing further family violence. This includes providing written notice of a victim's legal rights and remedies and information about available shelters or community resources for family violence victims.
- Definitions - Family, family violence, household and member of household are defined in the Texas Family Code Chapter 71.

B. Patrol Responsibilities

1. The responding officer will:
 - a) Provide or ensure provision of first aid or treatment of injuries.
 - b) Complete an offense report if injuries are observed, if the victim claims family violence, or if the officer has reason to believe family violence has occurred.
 - c) Attempt to determine the primary aggressor.
 - d) If an arrest is made and criminal charges are filed relative to family violence, the victim should be notified upon arrest that a magistrates order for emergency protection is available. In accordance with CCP 17.292(b) the officer shall apply for a Magistrate's Order for Emergency Protection if the offense involves:
 - (1) Serious bodily injury to the victim; or
 - (2) The use or exhibition of a deadly weapon during the commission of an assault.
 - e) Place a periodic check on the victim's residence, if the suspect has fled prior to officers' arrival (minimum 24 hours).
 - f) Photograph any visible injury in a manner most likely to best document the injury.
 - g) Obtain alternate contact number if the victim relocates.

C. Dismissal of Charges

1. Generally, the Mesquite Police Department does not dismiss Family Violence charges. The victim will be referred to the District Attorney's office.
2. Should dismissal of charges be warranted by the Mesquite Police Department, those charges will not be dismissed within 72 hours of the arrest even if the victim files an affidavit of non-prosecution.

- D.** An officer is authorized to make an arrest without warrant. Refer to Exhibit 200-11. In cases of assault with bodily injury, an arrest should normally be made, unless unusual circumstances exist as documented in the offense/incident report and supervisor notification.

E. C.I.D. Responsibilities

1. The investigator assigned will:
 - a) Contact the complainant in a timely manner.

- b) Arrange complainant and witness interviews and arrange to photograph any injury not previously photographed.
 - c) Obtain medical records if necessary.
 - d) Explain all options available to the victims of family violence.
 - e) Document prior history of family violence.
 - f) File cases with the District Attorney's Office in a timely manner.
 - g) Facilitate the arrest of the suspect.
 - 2. The investigator may file a case without the cooperation of the victim.
 - F. Magistrate's Order for Emergency Protection
 - 1. Is valid for up to ninety (90) days
 - 2. May be requested by:
 - a) The victim
 - b) A peace officer
 - c) A guardian of the victim
 - d) An attorney representing the victim.
 - e) An attorney representing the state.
 - G. Protective Order
 - 1. Is valid for up to two years
 - 2. Applications are accepted at:
 - a) The District Attorney's Office
 - b) New Beginning Center - Contact center for hours
 - c) The Mesquite Police Department - by appointment only.
- II. Family Violence Report
- A Family Violence Report must be completed by the reporting officer, and attached to each applicable offense/incident report.
- Family violence assaults are not classified differently than any other assault.
- EFFECTIVE: September, 1990; FORMERLY: 224.00; REVISED: January 1996; REVISED: March, 1997; REVISED: September, 2000; FORMERLY: 223.00; REVISED: August, 2011; REVISED: March, 2013; REVISED: August, 2013

**FAMILY VIOLENCE/DOMESTIC DISTURBANCE ARREST
WITHOUT WARRANT DISPOSITION OPTIONS**

No Protective Order	Occurs in Officer's Presence or View	Does Not Occur in Officer's Presence or View
Assault with Bodily Injury- p.c. 22.01(a)(1) <ul style="list-style-type: none"> Family/household member 	Arrest ^a	Should arrest ^a even without probable cause that further injury will occur
<ul style="list-style-type: none"> Not family/household member 	Should arrest	Should arrest if probable cause that further injury will occur
Threats- p.c. 22.01(a)(2) <ul style="list-style-type: none"> Imminent capacity/intent action <ol style="list-style-type: none"> Family household member Not family household/member Verbal without imminent capacity/intent action (no offense) 	Arrest ^a May arrest Not Authorized	May Arrest or issue citation Not Authorized Not Authorized
Offensive/provocative contact- p.c. 22.01(a)(3) <ul style="list-style-type: none"> Family/household member 	Arrest ^a	May Arrest or issue citation
<ul style="list-style-type: none"> Not family/household member 	May Arrest	Not Authorized
Disorderly Conduct- p.c. 42.01	May arrest ^b	May Arrest or issue citation (if Breach of Peace)
With Protective Order	Occurs in Officer's Presence or View	Does Not Occur in Officer's Presence or View
Violation of Protective Order- p.c. 25.07 <ul style="list-style-type: none"> Causes bodily injury Threats <ol style="list-style-type: none"> Imminent capacity/intent action Verbal without imminent/capacity action Other types 	Arrest ^{c e} Arrest ^{c e} Arrest ^{c e} Arrest	Arrest ^a Arrest ^a May arrest Arrest
Offensive/provocative contact- p.c. 22.01(a)(3)	May arrest ^d	May Arrest (if Family Violence)
Disorderly Conduct- p.c. 42.01	May arrest ^d	May Arrest or issue citation (if Breach of Peace)

^aUnless written report justifies alternate disposition

^bIf public place/public peace breach

^cAppropriate charge is p.c. 25.07 only

^dAppropriate charge is p.c. 22.01(a)(3) only

^eState law mandates arrest

NOTE: "Family Violence" itself is not an offense; however, it is conduct that may violate p.c. 25.07.

Exhibit No. 200-11 Family Violence / Domestic Disturbance Arrest Form

