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PART IX: NEW YORK CITY'S RESPONSE TO COMBAT DOMESTIC VIOLENCE

THE DOMESTIC VIOLENCE HOTLINE²

On June 1, 1994, New York City established a dedicated, 24-hour, seven days a week, toll-free Domestic Violence Hotline telephone number 1-800-621-4673 (HOPE). The only centralized citywide hotline of its kind in the nation, it was created in response to the needs of the City's domestic violence victims seeking immediate assistance. Previously, victims of domestic violence were forced to navigate through a variety of fragmented, uncoordinated systems in order to obtain services.

The Domestic Violence Hotline is staffed by trained counselors, through a contract with a not-for-profit organization. They provide victims with immediate information on crisis counseling, safety planning, legal assistance, healthcare, and referrals to the City's emergency shelter system and to non-residential domestic violence services in the victim's neighborhood. The Hotline is accessible to hearing-impaired victims and those who require services in languages other than English.

Because of the City's extensive public education efforts, the number of calls to the Hotline has more than doubled since its inception. The Mayor's Office to Combat Domestic Violence was made a permanent part of City government in 2001. This unit can be contacted for information regarding City services for victims of domestic violence.

The Department pursues an aggressive pro-arrest policy for domestic violence and related crimes. It places specially trained, dedicated domestic violence prevention officers (DVPO) and domestic violence investigators (DVI) in each of New York City's 77 police precincts. The Police Department also created a computer database and tracking systems for all records of domestic incidents and current Orders of Protection. There are mandated on-going trainings within the Department, ensuring that domestic violence is treated as seriously as any other crime. The Domestic Violence Unit was established to oversee the Department's efforts in this area and is part of the Office of Chief of Department.

Currently there are many domestic violence prevention officers and domestic violence investigators staffed throughout the City. Every time we respond to an incident involving family matters, a New York State Domestic Incident Report (DIR) *must* be prepared, (e.g., altercation, disturbance, conflict, or dispute), *or* if the incident is an

² <http://www.nyc.gov/html/ocdv/html/help/311.shtml>



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allegation of child abuse. A DIR must also be prepared in missing person cases where circumstances indicate that a youth is missing due to abuse, maltreatment, etc.

VERIZON WIRELESS HOPELINE³

The Mayor's Office to Combat Domestic Violence, in partnership with Verizon Wireless, has implemented a citywide wireless phone recycling drive that will benefit victims of domestic violence. Wireless phone models and equipment from any carrier may be dropped off at any Verizon Wireless store in the City's five boroughs.

OVERCOMING OBSTACLES TO COMMUNICATION

At times, the assistance of an interpreter may be needed when there is an inability to communicate with parties involved in the incident because of a language barrier or other obstacle to communication (e.g., hearing impairment). Advise your immediate supervisor of the need for an interpreter/translator. If an interpreter is not available, it is not advisable for a police officer to use a family member to communicate because of potential impartiality due to the fear of arrest of a family member or other personal bias. Children should not be used as an interpreter except in an extreme emergency. Victims are more likely to respond openly and honestly if an impartial party translates.

GUIDELINES FOR INTERACTION WITH LIMITED ENGLISH PROFICIENT (LEP) PERSONS

Telephonic Interpretation Service A certified interpreter can be accessed twenty four hours a day/seven days a week via the Telephonic Interpretation Service equipped Department cellular telephone (available through the patrol supervisor) or the dual handset telephone located in every precinct complaint room, detective squad, police service area (PSA) and transit district complaint room.

Language Initiative Program A corps of interpreters who can be called upon to interpret or translate in particularly complex cases and/or incidents involving uncommon foreign languages for investigative or other police purposes. Interpreters from the Language Initiative Program may be requested by contacting the Operations Unit. The program is composed of two groups: employees who identify themselves during the hiring process as being able to speak, read and/or write a foreign language and a smaller group of employees who are tested and certified as proficient in a foreign language.

When a member of the service encounters a Limited English Proficient (LEP) person(s) and the services of an interpreter are necessary:

³ <http://www.verizon.com/about/responsibility/hopeline>



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1. Determine the primary language of the LEP person(s) by presenting the poster entitled “Free Interpretation Sign (SP 487)” or the **Activity Log** inserts entitled “Primary Language Identifier (PD312-091)” and “I Speak...” (PD112-121)” as appropriate to the LEP person(s) and encourage them to indicate the language needed.
2. Ascertain if a bilingual member of service is readily available (on scene, on duty within command/adjoining command, at station house etc.) to interpret and whether their use is appropriate.
3. Ascertain if a bilingual member of the public is readily available, willing to interpret, and whether their use is appropriate, if a bilingual member of the service is not readily available.
4. If the Telephonic Interpretation Service is required in the field, request patrol supervisor to respond to the scene with the Telephonic Interpretation Service equipped cell phone.
5. As per Finest Message# 9712644, dated 07/29/14, *Use of Language Line Services For Interpretation with Limited English Proficient Persons*, UMOS may also utilize any available landline or cellphone to call the Language Line (1-866-876-7041). The cost of usage will be paid for by the Department.
6. Record the identity of an interpreter (bilingual member of the service, bilingual member of the public, Telephonic Interpretation Service, or a certified Department interpreter) utilized during a police incident in **Activity Log**. In addition, indicate the identity of the interpreter on any relevant Department record prepared (**Complaint Report Worksheet, Online Booking System Worksheet, New York State Domestic Incident Report**, etc.) under the appropriate captions or in the “details/narrative” section, as appropriate.

PART X: ORDERS OF PROTECTION

An **Order of Protection** is a legal order, signed by a judge, that forbids a person from engaging in certain behavior against the complaining party. The N.Y.S. Family Court, N.Y.C. Criminal Court, and the N.Y.S. Supreme Court, may issue an Order of Protection or a temporary Order of Protection on behalf of a complainant. The complainant is commonly referred to as the Person Protected by the Order, while the defendant is referred to as the Respondent.



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Note: The Family Court Act uses the term Person Protected by the Order, acknowledging that an Order of Protection may cover not only the person protected by the order, but also a witness or other person named in the order. The law extends the protection of companion animals owned or in possession of a person covered by an Order of Protection or the companion animal of a child, residing in such person's household, in matrimonial cases governed by sections 240 and 252 of the Domestic Relations Law. A companion animal is defined in the Agriculture and Markets Law section 350(5) as any dog or cat, and any other domesticated animal normally maintained in or near a household.

The Family Court order may set forth reasonable conditions of behavior to be observed for a period of one (1) year or three (3) years (or longer if there was child abuse) by the complainant, defendant, or both parties, or any other member of the family or household. Supreme Court orders and Criminal Court orders can remain in effect for as long as the court specifies in the order.

TERMS OF THE ORDER OF PROTECTION

An Order of Protection mandates that the respondent avoid certain behavior or face criminal charges for violating the order. Typically, an order requires the defendant to:

1. Stay away from the home, school, business, or place of employment, of the other spouse or the child; or
2. Permit a parent to visit the child at stated periods; or
3. Refrain from committing a family offense or any other criminal offense against the other party and/or the child; or
4. Abstain from offensive conduct against the child or against the other parent or against any person to whom custody of the child is awarded; or
5. Refrain from acts of commission or omission that tend to make the home an improper place for the child; or
6. Pay the reasonable counsel fees and disbursements involved in obtaining or enforcing the order of the person who is protected by such order, if such order is issued or enforced; or
7. Participate in an educational program and pay the costs thereof if the person has the means to do so; or
8. Surrender firearms, ammunition, and licenses.



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The court may also award custody of the child during the term of the Order of Protection to either parent or to an appropriate relative. The court may also, upon the showing of special circumstances, extend the Order of Protection for a reasonable period of time.

PROCEDURES TO FOLLOW REGARDING ORDERS OF PROTECTION

If you receive a complaint that an Order of Protection has been violated, an arrest must be made. Prior to the arrest, however, you must ascertain that the order is valid and is not expired. You must also determine whether there is probable cause to believe that the person to be arrested did violate the terms of the Order of Protection.

In situations where an arrest is made for a violation of any Order of Protection issued by any court either in New York State or any other state, the arrest will be processed in N.Y.C. Criminal Court.

If the Family Court issued the order, the officer will also advise the complainant or victim that they have the right to proceed independently in Family Court by filing a petition with that court. The police officer, however, will still be required to bring the offender before the local Criminal Court.

This procedure applies only to arrests arising from violations of Orders of Protection. Keep in mind that concurrent jurisdiction still exists for arrests arising from family offenses committed against family members as recognized by the Family Court Act where no Orders of Protection exist.

WHAT IF A COMPLAINANT CANNOT PRODUCE THE ORDER OF PROTECTION?

Domestic violence incidents involving an Order of Protection are serious matters. At domestic incidents, an officer will ask the complainant and/or the offender if a valid Order of Protection exists. If either person answers affirmatively, the officer will ask the complainant if they have a copy of the current Order of Protection.

If the complainant cannot produce the current Order of Protection and uncertainty exists about whether an Order of Protection is valid, NYPD procedure requires an on-scene officer to call their command and request a query of the Domestic Incident Report (DIR) Database's Order of Protection File using the complainant and offender's name. The officer must ensure all names are spelled accurately before submitting a query. If the DIR Database Order of Protection File does not locate the Order of Protection, the officer must then request a query of the Finest System by complainant and offender's names to determine if a valid Order of Protection exists.



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If the command is unable to conduct a Finest query, officers can request the Communications Section to conduct the Finest query. Additionally, the officer can call the Central Records, Identification Section to verify if an Order of Protection is valid.

If the arresting officer is unable to verify the existence of the order through the above means, an arrest may still be effected as long as the investigating officer has probable cause to believe that the order is in existence through credible information supplied by the complainant or victim or other reliable source.

Additionally, the officer must also have probable cause that the order was effectively served upon the respondent prior to its violation. While a notation in the database file will provide the member with sufficient probable cause to believe the order was effectively served, the absence of such information in the database file will not automatically prevent the member from making the arrest. If the member, through alternate means, can verify that the order was properly served (e.g., an affidavit of service, an admission by the respondent that they were properly served, etc.) then the arrest can be effected.

It is the NYPD policy to accept a complainant's statement that a valid Order of Protection exists, even if the Order of Protection cannot be physically produced at the scene of a domestic incident. (Finest Message #012551, dated 02/15/12)

Lastly, the fact that the order has not been properly served or that the specific terms of the order have not been violated will not prevent the member from effecting an arrest if the underlying conduct constitutes a crime.

WHAT TO CHARGE WHEN AN ORDER OF PROTECTION IS VIOLATED

Regardless of the nature of the prohibited conduct, a violation of an Order of Protection is a criminal act. This is because the arrest is based on the defendant's defiance of the order. For instance, an order may prohibit the respondent from standing outside of the petitioner's residence. This act by itself does not constitute a crime, but when a judge orders a person to refrain from this behavior, and the person defies it, he or she has committed a crime.

When an Order of Protection is violated and the act that violates the order is also an offense (e.g., assault, menacing, harassment, etc.), the offender will be charged with the offense committed in addition to the charge for violation of the Order of Protection.

In all cases, whether the Order of Protection was issued by Family Court, Supreme Court, or Criminal Court, and whether the violation constitutes an offense or not, the Penal Law crime charged will be either **Criminal Contempt 1st degree** –



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Felony (P.L. 215.51); or Aggravated Criminal Contempt – Felony (P.L. 215.52); as appropriate, and the offender will be brought to Criminal Court.

OUT-OF STATE ORDERS OF PROTECTION

Uniformed members of the service are mandated by Federal Law to enforce out-of-state Orders of Protection in the following situation:

1. The complainant produces a valid Order of Protection or the officer *reasonably believes* of the existence of such an order; and
2. The officer has probable cause to believe the Order of Protection has been violated; and
3. The offender had notice of the existence of the Order of Protection and an opportunity to be heard before the court of issuance.

Service of Family Court/Supreme Court Orders of
Protection by Uniformed Members of the Service

(P.G. 212-57)

The NYC Sheriff's Office, during its hours of operation, is the process server for any and all civil Orders of Protection to be served within New York City. During the hours when the NYC Sheriff's Office is not in operation, the Department will serve and/or attempt to serve any and all civil Orders of Protection within New York City, until the NYC Sheriff's Office resumes its hours of operation.

When attempting to serve an Order of Protection, the officer should make every effort to locate the respondent and serve the order. This may require the officer to inquire of neighbors, superintendent, etc., as to the respondent's whereabouts. If the respondent has moved, the officer should attempt to obtain the new address. If the new address is within the precinct, service of the Order of Protection will be attempted at the new location. The officer should document all actions taken to serve respondent in their Activity Log. Once service is completed, the officer is required to make an Activity Log entry, prepare a Statement of Personal Service (PD260-152) and deliver form to desk officer. A photocopy of the form will be forwarded to the domestic violence prevention officer.

If the officer is unable to serve the Order of Protection, they are required to make an Activity Log entry and return the Order of Protection and any related forms to the desk officer at the end of tour.



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If the new address is outside the precinct concerned, indicate such in Activity Log. The Order of Protection will be returned to the desk officer, along with any relevant information obtained during the service attempt for forwarding to the appropriate command if the NYC Sheriff's Office is not yet open.

SERVICE OF EXCLUSIONARY ORDERS OF PROTECTION

An Order of Protection that prohibits contact between the person protected by the order and respondent or excludes the respondent from being present at the stated location is referred to as an "Exclusionary Order of Protection." Once such an order is served and the respondent is made aware of the terms of the order, the order takes effect and the respondent must leave the premises. Police officers serving the order will not forcibly remove the respondent. Instead, the officers will explain to the respondent that failure to leave the premises within a reasonable time will result in their arrest for the violation of the order.

Additionally, uniformed members of the service may not assist respondents who wish to remove clothing or property (commonly known as "clothes jobs"). Instead, the respondent should be advised to return to the court that issued the order to have it amended, so that they may remove clothing or personal property from the location, or that the items may be delivered to the respondent or a third party.

CERTIFICATE OF WARRANT

The Family Court may also issue a warrant directing that the defendant be brought immediately before the court when it appears that:

1. The summons cannot be served; or
2. The respondent has failed to obey the summons; or
3. The respondent is likely to leave the jurisdiction; or
4. A summons, in the court's opinion, would be ineffectual; or
5. The safety of the petitioner is endangered; or
6. A respondent on bail or on parole has failed to appear.

Upon issuance of the warrant, the complainant will usually be given a certificate stating that a warrant has been issued. The presentation of such a certificate to a police officer *authorizes him to arrest the individual stated on the warrant* and take them to the



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issuing Family Court. A "Certificate of Warrant" *expires ninety-days (90) from the date of issuance*, but the issuing court may renew it.

THE SORICHETTI CASE – A CASE IN POINT

A negligence action was brought against the City of New York on July 14, 1978, on behalf of an infant, Dina A. Sorichetti, by her mother and natural guardian, Josephine Sorichetti, to recover damages for multiple, mutilating and disfiguring injuries inflicted on her by her father Frank D. Sorichetti, on November 9, 1975, when she was 6 years old. Derivative actions for loss of services and damages were also brought by the infant's mother. The basis for the claims is the alleged negligence of the defendant, The City of New York, in failing to protect the infant and in failing to arrest Frank Sorichetti and take him into custody for violating a final Order of Protection issued to Josephine Sorichetti on November 6, 1975 by the Family Court of the State of New York, City of New York, County of the Bronx. The defendant, City of New York, contending that the aforesaid Family Court order was issued to and limited solely for the protection of the mother, Josephine Sorichetti, moves to dismiss the action. The facts of the case are as follows:

In July 1975, Frank Sorichetti assaulted his wife with a knife, inflicting lacerations which required stitches at Jacobi Hospital; she thereafter brought a divorce action, which resulted in further violence by Frank Sorichetti and threats by him that he would kill her and the children if she proceeded with the divorce action. Josephine Sorichetti thereupon went into Family Court where, on September 18, 1975, she obtained a preliminary Order of Protection against her husband; thereafter, on November 6, 1975, the order was finalized for one year and, over her strenuous objections, was amended to grant to Frank Sorichetti visitation with their daughter Dina Sorichetti from 10:00 a.m. on Saturdays to 6:00 p.m. on Sundays. After the parties left the courtroom on November 6, 1975, Frank Sorichetti attempted to assault his wife and he had to be restrained by a court officer. The Family Court judge was informed of the incident and thereupon directed the court officer to get Frank Sorichetti out of the building; however, the judge did not rescind Frank Sorichetti's weekend visitation with the infant.

In accordance with the provisions of the Family Court Act, a "Certificate of Order of Protection" was duly issued to Josephine Sorichetti by the clerk of that court on November 6, 1975, certifying that an Order of Protection had been issued to her, pursuant to which Frank Sorichetti was "*forbidden to assault, menace, harass, endanger, threaten or act in a disorderly manner toward petitioner and (he) is to remain away from the home of said petitioner.*"

The Certificate issued to Josephine Sorichetti further recited, pursuant to statute:



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"AND IT IS PROVIDED BY LAW that the presentation of this Certificate to any peace officer shall constitute authority for said peace officer to take into custody the person charged with violating the terms of such Order of Protection and bring said person before this Court and otherwise, so far as lies within his power, to aid the Petitioner in securing the protection such Order was intended to afford."

As provided in said Order of Protection, Frank Sorichetti was directed to remain away from Josephine Sorichetti's home and the parties were told by the Family Court that the infant was to be delivered and picked up at the 43rd Precinct.

Two days later, on Saturday, November 8, Josephine Sorichetti took the infant to the 43rd Precinct to accord Frank Sorichetti his weekend visitation. Frank Sorichetti took the infant, and as he was walking away, he made a death threat against his wife, Josephine Sorichetti and the infant, Dina Sorichetti.

He indicated to Josephine that before the weekend was up she would be making "the sign of the cross" which to them meant that there would be a death. Josephine Sorichetti immediately went into the precinct and told the desk officer of the death threats to herself and the infant; she showed the desk officer the Certificate of Order of Protection; she advised him of her fears and told him that she was frightened for the safety of her child and herself and that the Order of Protection protected her from such threats and she requested the police to take Frank Sorichetti into custody for violating said order. However, the police refused to do anything whatsoever.

The next day, Sunday, November 9, at 5:30 p.m., Josephine Sorichetti returned to the 43rd Precinct where she spoke successively to a police officer and then to a lieutenant, and she repeated to each of them the events of the day before, including the death threats by Frank Sorichetti against her daughter and herself; she told them of her fears and she showed each of them the Certificate of Order of Protection issued to her by the Family Court. She repeated her demand that they arrest Frank Sorichetti for violation of the Order of Protection and that they dispatch a police car to his apartment to pick up the infant. The police again refused to do anything, telling her to wait outside for Frank Sorichetti to bring the infant back.

Frank Sorichetti failed to return the infant at 6:00 p.m., as required by the Order of Protection. Josephine Sorichetti again went into the precinct and she again spoke to a police officer and a lieutenant and she again demanded that the police arrest her husband for violating the order and protect the infant; once again the police refused to do anything whatsoever and the lieutenant told her to wait a couple of hours and that "perhaps" Frank Sorichetti had taken the infant to a movie. Josephine Sorichetti continued her vigil and continued to wait in front of the precinct.

Thereafter, on three separate occasions she returned inside the precinct to plead with the police for help; on each occasion she repeated the threats against their lives



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which had been made by Frank Sorichetti, as well as repeating the various incidents and assaults previously perpetrated by him and each time she showed the police the Certificate of Order of Protection, stating each time that the Order of Protection had been violated by Frank Sorichetti and each time demanding that the police act to protect the infant. The police continued their refusal to do anything. In fact, a lieutenant's response, after seeing the Certificate, was, *"So what, what you have got there, they mean nothing!"* The lieutenant however, offered Josephine Sorichetti the gratuitous advice that in all probability the infant had been returned to her apartment.

At about 6:30 p.m., one half hour after Frank Sorichetti was required to, but failed to return the infant, the lieutenant permitted Josephine Sorichetti to use the precinct telephone to call home where her girlfriend was waiting; the infant had not been returned and Josephine Sorichetti so informed the lieutenant and she again requested that the police send a car to Frank Sorichetti, but all to no avail. Josephine Sorichetti continued to wait at the precinct until about 7:00 p.m. and when the infant was not returned by then, the lieutenant advised her to go home and stay there and that in all probability the infant would be returned there. Josephine Sorichetti was finally convinced that the police would not comply with the command in the Certificate of Order of Protection and would not do anything at all to assist her or to protect the infant and she returned home after leaving her telephone number with the lieutenant in the event the infant was brought back to the precinct.

Thereafter, sometime after 7:00 p.m., on November 9, Frank Sorichetti's sister entered his apartment. She found him lying on the floor with an empty whiskey bottle and an empty pill bottle lying beside him. She also found the infant, who had been viciously attacked, mutilated and severely injured by her father and she telephoned the police. Sorichetti had attacked the infant at about 7:00 p.m. with a fork, a knife and screwdriver; he had attempted to saw her leg off with a saw; she had been slashed from head to toe and she had sustained severe multiple internal injuries. Minutes later police officers from the same 43rd Precinct arrived and they rushed the infant to Jacobi Hospital in their police car, without waiting for an ambulance; the infant was immediately taken into surgery and she was operated on until approximately 2:00 a.m. the following day. The infant was in a coma for several days and she remained in critical condition for approximately three weeks and was hospitalized until December 19, 1975 (40 days). She remains severely and permanently disabled.

Frank Sorichetti was arrested after the attack on the infant and he was thereafter indicated by the Grand Jury, tried and found guilty of attempted murder. He served 12 years in prison for the attempted murder of his daughter.

THE SORICHETTI CASE AS A TEACHING AID

There are three reasons for selecting this case as a teaching aid:



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First, the fact that the judge designated the precinct as the location for the parents to meet and exchange custody of the child shows us, in a graphic way, the extent of the police involvement in family problems. In effect, the court, in this particular case, has both recognized and endorsed the police role of "keepers of the peace" and "crime preventers" in the volatile setting of family disputes and family violence.

Second, this case tells us that we, as police officers, will be held accountable for the actions we take, or fail to take, in a family dispute or family violence situation.

Third, this case highlights two aspects of family problems that occur quite often:

- The ripple effect - an argument between two members of the family that doesn't stop there but extends to, and affects, the rest of the family;
- The intensity of feeling - the hatred that so easily fills the void where love had been - that expresses itself in extremely violent behavior.

PART XI: MEMBERS OF SERVICE INVOLVED IN DOMESTIC INCIDENTS

As members of the New York City Police Department, it is difficult to envision one of our own being the perpetrator or the victim of a domestic violence incident. This topic is very sensitive. As a police officer, you may have to address domestic violence among members of the service.

The use of violence in domestic relationships always indicates the use of power and control by one household member over another. When the offender is a police officer or another member of the Department, the abuse of power can be even greater. The victim may be afraid to call the police, thinking that their allegations will not be believed. They may feel that the responding officers will try to protect their fellow officer, and/or the victim may be the one arrested. The victim probably is aware that if the batterer is arrested or the subject of an Order of Protection, the officer may face disciplinary action, or even worse, loss of their job and income.

As with any job that police officers perform, or any tasks we are assigned, we must uphold the standards of the law. We must not let our peers, or even our desire to protect one of our own, dictate the decisions we make or the actions we take – professionalism and integrity must be the overriding concern.

THE POLICE OFFICER AND DOMESTIC VIOLENCE

In many ways, families with police officers are the same as any other family. However, in addition to dealing with the same daily frustrations that all families must



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deal with, officers must cope with the exceptional pressures that accompany police work.

The following are some factors that may make police officers more prone to alcoholism, domestic violence, divorce, and suicide:

- The police officer is a *victim* of abuse;
- Inability to exercise the power and control in the home that exists in the workplace;
- Sleep deprivation due to irregular shifts (not a factor for domestic violence);
- Safety anxieties;
- Depression;
- Exposure to pain / suffering / violence.

CONSEQUENCES OF DOMESTIC VIOLENCE INVOLVEMENT

In September 1996, Title 18, United States Code, Section 922 (g) took effect, making it illegal for anyone **convicted** of a misdemeanor crime of domestic violence to possess any firearm or ammunition.

This includes, an offense that:

1. Is a misdemeanor under federal or state law, AND
2. Has as an element, the use or attempted use of physical force or the threatened use of a deadly weapon, committed by:
 - a. A current or former spouse, parent or guardian of the victim.
 - b. A person with whom the victim shares a child in common.
 - a. A person who is residing with or has resided with the victim as a spouse, parent or guardian.
 - b. A person similarly situated to a spouse, parent or guardian of the victim.

This means that police officers convicted of such a misdemeanor will be placed on modified assignment, and/or suspended pursuant to Department guidelines. New York City Police Department policy dictates that an officer who is involved in a domestic violence situation has two (2) options for referral purposes:

1. The officer who voluntarily seeks counseling will have that information kept confidential, with no record of such in their personnel file, and such information may not hinder a transfer or promotion.



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2. The officer who is referred involuntarily, usually by a supervisor will in fact have a record of this referral, which may hinder transfers and promotions.

If a member of the service is the offender and must be arrested, the responding member of the service **will make the arrest**, and comply with Patrol Guide 206-11, "Member of the Service Arrested (Uniformed or Civilian)." Whenever a member of the service is arrested, they must immediately identify themselves as a member of the New York City Police Department.

1. ***If arrested within New York City:***

The arrested member of the service must advise the desk officer, precinct/PSA/TD of arrest, of details if arrest was effected by law enforcement agency other than New York City Police Department.

2. ***If arrested outside New York City:***

The arrested member of the service must immediately notify Operations Unit with details of the arrest, and notify their commanding officer.

All members of the service (uniformed or civilian) who receive a Personal Service Summons for a criminal violation are required to immediately notify their commanding officer and provide a copy of the summons.

A "criminal violation" (for the purpose of PG 206-11 only) means any violation of law, rule or regulation, whether committed within New York State or outside of the State, for which a penalty of a term of imprisonment may be imposed, BUT SHALL NOT INCLUDE parking violations, traffic infractions (other than Leaving the Scene of a Collision and Driving While Intoxicated) and violations of law, rule or regulation when a personal service summons received contemplate a civil penalty only.

Family Offenses and Domestic Violence Involving
Uniformed or Civilian Members of the Service

(P.G. 208-37)

When police officers respond to a domestic violence incident involving a uniformed or civilian member of the service, they must request that the patrol supervisor respond to the location. When the patrol supervisor responds, and they determine that the situation is a domestic incident involving a member of the service, they will then notify the commanding officer, precinct of occurrence, or the duty captain.

When the member of the service is a victim, the commanding officer or duty captain will direct that appropriate action be taken to ensure the safety of the member.



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When the member of the service is alleged to have committed an offense, the patrol supervisor will direct appropriate police action be taken to include the preparation of a Complaint Report and/or arrest be made. If a member of the service is arrested, P.G. 206-11, "Member of the Service Arrested - Uniformed or Civilian," is applicable.

If a probationary police officer is involved in a domestic incident, or *any police incident*, the probationary police officer must report the facts to their commanding officer, as per P.G. 212-34.

Orders of Protection Served on Members of the Service

(P.G. 206-19)

All uniformed members of the service are required as a condition of employment to remain qualified to possess firearms for the duration of their tenure with the Department. Members who are the respondent/defendant of an Order of Protection that limits firearms possession may be subject to a change in duty status and/or disciplinary action up to and including termination.

When a uniformed member of the service is notified that they are the respondent/defendant on an Order of Protection, the member concerned must immediately notify their commanding officer. If the command is not open, the uniformed member of the service will notify Internal Affairs Bureau, Command Center and obtain a log number. The uniformed member of the service will then notify the NYPD Operations Unit. The commanding officer/duty captain will conduct an investigation to determine if there is a basis for firearm removal.

If the Order of Protection prohibits firearms possession off-duty only, and the uniformed member is not being placed on modified assignment, the uniformed member shall continue on full-duty status but will be required to safeguard service weapon and off-duty weapon in a designated location at command while off-duty. The uniformed member of the service will comply with P.G. 206-20, "Orders of Protection Prohibiting Off-Duty Firearms Possession by Uniformed Members of the Service."

When a civilian member of the service becomes aware that they are the respondent/defendant of any Order of Protection, they must immediately notify their commanding officer/supervisory head. The commanding officer/supervisory head will notify the Internal Affairs Bureau, Command Center, and obtain a log number. The member will be interviewed and an investigation will be conducted to determine if the member should continue to perform duty.

In cases where the member of the service (uniformed or civilian) is the person protected by the order/complainant on an Order of Protection, for safety reasons the member must also notify their commanding officer. If necessary, those affected should comply with provisions of P.G. 221-19, "Threats Against Members of the Service."



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CONCLUSION

Responding to domestic violence is difficult, and requires knowledge, sensitivity, and an understanding of the complex nature of domestic violence. Police officers responding to a call of domestic violence must be aware that their actions will either provide for the safety of all parties concerned, or cause an already tense situation to escalate. Victims of domestic violence may be reporting details of their abuse for the first time when police officers respond to a call. Negative experiences in the reporting of domestic violence incidents may lead victims not to call police in the future. An empathetic approach to the individuals involved and knowledge of the law and Department procedures is of the utmost importance to the proper handling of domestic incidents

COUNSELING SERVICES

Counseling and other services are available for both members of the service and their families. Uniformed and civilian members or their families may contact any of the units listed below to obtain necessary services and referrals for counseling, shelter and other assistance:

Employee Relations Section	(646) 610-5434
Employee Assistance Unit	(646) 610-6730
Counseling Service Unit	(718) 834-8816
Chaplains' Unit	(646) 610-6472
Psychological Services Section	(718) 760-7553
Sick Desk	(718) 760-7600
Sick Desk Supervisor	(718) 760-7606
NYPD Helpline	(718) 271-7777
Operations Unit	(646) 610-5580

After hours, contact the Helpline, Sick Desk, or Operations Unit.

In addition, the following non-Departmental programs and Domestic Violence Prevention Hotlines can provide referrals:

New York City (Safe Horizon)	(800) 621-HOPE (4673)
NYS Coalition Against Domestic Violence	(800) 942-6906
Police Organization Providing Peer Assistance	(888) 267-7267
Police Self Support Group	(888) 400-7125



SOCIAL SCIENCE

Domestic Violence



DOMESTIC INCIDENT REPORT CLASSROOM EXERCISE

Date: Today

Time: Now

Location: 516 Oak St, Apt. 3D, NY, NY 10003

Scenario: You respond to a 10-52 (family dispute) at above location. The complainant Susan Thomas states that she heard screaming and yelling coming from apt. 3D. You and your partner visit apartment 3D and a Mrs. Nancy Smith answers the door. You ask her if everything is all right and she informs you that she and her husband, Robert Smith, had an argument about money. You then ask to speak to her husband. Mrs. Smith lets you enter the apartment where Mr. Smith is eating dinner. He also states that he and his wife had a verbal dispute over the rent, but now everything is fine. There are no visible injuries on either party and there is no one else in the apartment. The following is the information you need to prepare the proper forms for this assignment:

Mrs. Nancy Smith F/W DOB: 01/09/74
Mr. Robert Smith M/W DOB: 12/04/71
516 Oak St., Apt. 3D
NY, NY 10003
(212) 477-9999
No Orders of Protection
No injuries
No children
No firearms in the house
Prior DIR for Harassment 2° (V) Robert was the perpetrator
No fear, weapons, suicide threat
Robert is a recovering alcoholic
No probation or parole
No threats were made
I/CAD Event No. M15323

Nancy Smith's written statement (on page B of DIR), *"Me and my husband had an argument over money. He complained that I spend too much money on clothing."*



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New York State Standardized DOMESTIC INCIDENT REPORT (DIR)

(Form 3221-03/2016)

REMEMBER: Whenever possible, ask complainant the DIR questions *OUT* of earshot and eyesight of suspect

TIPS FOR COMPLETION

When completing the DIR please be sure:

- To print legibly and firmly
- Wraparound cover is in place
- All copies of each page are lined up properly
- Writing is visible on all 3 copies of the form
- To complete every section of the DIR
- To hand Victim Rights Notice to the victim
- Victim understands the Victim Rights Notice
- Victim receives all pink copies at the scene

WHERE TO SEND DIR FORMS

New York City (NYC) DIR forms are sent to NYPD and do not need to be sent directly to DCJS.

State Police forward DCJS copies of DIR to Zone Headquarters.

All Other Agencies, send DCJS copies of DIR to:
NYS Division of Criminal Justice Services
NYS Identification Bureau-DIR, 5th Floor
80 South Swan Street
Albany, New York 12210

If suspect is on Probation or Parole Supervision, photocopy the police copy of DIR and send to the County Probation Department or the local Parole Office.

Addresses for County Probation Departments and Parole Offices can be found in the Criminal Justice Directory at: <http://criminaljustice.ny.gov>

HOW TO REQUEST MORE DIR FORMS

To order additional forms send an email to:

dcjs.dl.dirform@dcjs.ny.gov

When ordering forms, please provide the agency name and street address for shipment, no P.O. Boxes accepted. DIR forms come 25 forms to a pad. Please base your order on the number of pads needed, not the number of forms.

IMPORTANT HOTLINE NUMBERS

NYS Domestic and Sexual Violence	1-800-942-6906
Child Protective Services (Public)	1-800-342-3720
CPS (Mandated Reporter)	1-800-635-1522
Adult Protective Services	1-800-342-3009 (Option 6)

Local Service

Provider Name: _____

Hotline: _____



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Domestic Violence



Quick Reference Guide

Recommended Wording

(PRIOR DV HISTORY?) "Has _____ ever hurt you, threatened harm to you or others, made you afraid, or forced you to do something that you didn't want to do (prior to this incident)?"

(VICTIM FEARFUL?) "Are you currently concerned or in fear for your safety or the safety of someone else because of _____'s behavior?" *(Note: Document specific fear and reasons for it. Fear may be an element of an offense (e.g. menacing, coercion, stalking, etc.). Also, document in statement of allegations.)*

INFORM VICTIM. "A victim advocate can help you with SAFETY PLANNING, an important issue to be discussed with a local service provider. On the back of a form that I will give you are some phone numbers that can assist you. Do you need assistance with making arrangements for transportation to another location?" *Note: CPL 530.11(6) requires a police officer to advise a victim of local available services.*

Officers are NOT required to arrest each person in dual complaint situations.

Officers must identify the PRIMARY PHYSICAL AGGRESSOR. Consider injuries, threats of past and future harm, history of domestic violence, and self-defense responses. An ARREST DECISION shall NOT be based on the willingness of a person to testify or participate in a judicial proceeding (refer to the Primary/Dominant Aggressor Law, (CPL 140.10 (4)(c)).

Below is a list of some frequently seen offenses in domestic violence incidents.

REMEMBER to CHARGE all relevant offenses and charge at the highest degree appropriate for the circumstances.

Family Offenses

(refer to CPL articles 140 and 530.11)

Aggravated Family Offense (240.75; E Felony)

Aggravated Harassment 2nd (240.30; A Misd.)

Assault 2nd (120.05; D Felony)

Assault 3rd (120.00; A Misdemeanor)

Attempted Assault (110.00)

Criminal Mischief 1st (145.12; B Felony)

Criminal Mischief 2nd (145.10; D Felony)

Criminal Mischief 3rd (145.05; E Felony)

Criminal Mischief 4th (145.00; A Misdemeanor)

Disorderly Conduct (240.20; Violation)

Forcible Touching (130.52; A Misdemeanor)

Harassment 1st (240.25; B Misdemeanor)

Harassment 2nd (240.26; Violation)

Menacing 2nd (120.14; A Misdemeanor)

Menacing 3rd (120.15; B Misdemeanor)

Reckless Endangerment 1st (120.25; D Felony)

Reckless Endangerment 2nd (120.20; A Misd.)

Sexual Abuse 2nd (130.60(1); A Misdemeanor)

Sexual Abuse 3rd (130.55; B Misdemeanor)

Sexual Misconduct (130.20; A Misd.)

Stalking 1st (120.60; D Felony)

Stalking 2nd (120.55; E Felony)

Stalking 3rd (120.50; A Misdemeanor)

Stalking 4th (120.45; B Misdemeanor)

Criminal Obstruction of Breathing or

Blood Circulation (121.11; A Misd.)

Strangulation 1st (121.13; C Felony)

Strangulation 2nd (121.12; D Felony)

Coercion 2nd (135.60(1) (2) (3); A Misd.)

Grand Larceny 3rd (155.35; D Felony)

Grand Larceny 4th (155.30; E Felony)

Identity Theft 1st (190.80; D Felony)

Identity Theft 2nd (190.79; E Felony)

Identity Theft 3rd (190.78; A Misdemeanor)

Often Committed Offenses

Agg. Assault Person under 11 (120.12; E Felony)

Agg. Criminal Contempt (215.52; D Felony)

Agg. Harassment 1st (240.31; E Felony)

Aggravated Cruelty to Animals (NY Agg. & M Section 353-a; Felony)

Assault 1st (120.10; B Felony)

Burglary 1st (140.30; B Felony)

2nd (140.25; C Felony)

3rd (140.20; D Felony)

Robbery 1st (160.15; B Felony)

2nd (160.10; C Felony)

Coercion 1st (135.65; D Felony)

Criminal Contempt 1st (215.51; E Felony)

2nd (215.50; A Misdemeanor)

Criminal Trespass 1st (140.17; D Felony)

2nd (140.15; A Misdemeanor)

3rd (140.10; B Misdemeanor)

Endangering Welfare of Child (260.10; A Misd.)

Endang. Welf. of Vulnerable Elderly Person 1st

(260.34; D Felony)

Intimidating Victim or Witness 1st

(215.17; B Felony)

Intimidating Victim or Witness 2nd

(215.16; D Felony)

Intimidating Victim or Witness 3rd

(215.15; E Felony)

Menacing 1st (120.13; E Felony)

Manslaughter 1st (125.20; B Felony)

Manslaughter 2nd (125.15; C Felony)

Murder 1st (125.27; A-I Felony)

Murder 2nd (125.25; A-I Felony)

Resisting Arrest (205.30; A Misdemeanor)

Unlawful Imprisonment 1st (135.10; E Felony)

2nd (135.05; A Misd.)

Other Possible Offenses

Aggravated Sexual Abuse 1st (130.70; B Felony)

2nd (130.67; C Felony)

3rd (130.66; D Felony)

4th (130.65-a; E Felony)

Computer Tampering 1st (156.27; C Felony)

2nd (156.26; D Felony)

3rd (156.25; E Felony)

4th (156.20; A Misdemeanor)

Computer Trespass (156.10; E Felony)

Criminal Possession of a Dangerous Weapon

1st (265.04; B Felony)

Criminal Possession of a Weapon

2nd (265.03; C Felony)

3rd (265.02; D Felony)

4th (265.01; A Misd.)

Criminal Sexual Act 1st (130.50; B Felony)

2nd (130.45; D Felony)

3rd (130.40; E Felony)

Criminal Tampering 1st (145.20; D Felony)

2nd (145.15; A Misdemeanor)

3rd (145.14; B Misdemeanor)

Criminal Use of a Firearm 1st (265.09; B Felony)

2nd (265.08; A Misd.)

Criminally Negligent Homicide (125.10; E Felony)

Endang. Welf. Vulner. Elderly 2nd (260.32; E Fel)

Facil. a Sex Off. W. a Cont. Sub. (130.90; D Fel)

Kidnapping 1st (135.25; A-I Felony)

2nd (135.20; B Felony)

Rape 1st (130.35; B Felony)

2nd (130.30; D Felony)

3rd (130.25; E Felony)

Reckless Endanger. of Property (145.25; B Misd.)

Sexual Abuse 1st (130.65; D Felony)

Tampering with a Witness 1st (215.13; B Felony)

2nd (215.12; D Felony)

3rd (215.11; E Felony)

4th (215.10; A Misd.)

Unauth. Use of a Vehicle 1st (165.08; D Felony)

2nd (165.06; E Felony)

3rd (165.05; A Misd.)

Unlawful Surveillance 2nd (250.45; E Felony)