

Domestic Violence: What Should Happen When Police Arrive

On January 1, 2000, a host of new domestic violence laws went into effect in California. These laws give new protections and new rights to women victimized by their partner's violence against them. But as we've come to learn the hard way, laws intended to protect women are only as good as the paper they're written on if we don't demand and monitor their enforcement. So in an effort to ensure that women know our rights to justice ...

Here's what should happen if you call the sheriff or police to report domestic violence:

1. Officers must fill out a crime report, and they must send that report to the district attorney for action. **Ask them for a case number before they leave.** The victim has a right to receive a free copy of the face sheet of the report within 48 hours of the incident and the full report within five days.

2. **They must make an arrest when there is visible injury**, no matter how slight. In cases where there is no visible injury, they must inform the victim that she has a right to make a citizen's arrest.

3. **They must remove all firearms from the home.** *This is new law*, and an important step to protect women. Officers should ask if there are guns in the house. If they don't, make sure to tell them -- then call us and report that they didn't ask.

4. **They must make an arrest on violations of a domestic violence restraining order, whether or not that violation occurred in the officer's presence.** Formerly only county protocol (and almost never enforced), this is now California law. Law enforcement is also

mandated to maintain a record of all restraining orders and inform officers responding to a domestic violence call when there are restraining orders in force. (Also new this year, **it is against the law for a person with a domestic violence restraining order against them to possess, own or purchase a firearm.**)

5. **They must offer the victim an Emergency Protective Order** which officers can issue on the spot, and which covers the victim for one week, giving her time to get a more permanent order.

6. In cases where both parties show signs of injury, **the police must identify and arrest the primary aggressor**, i.e., the most significant aggressor, regardless of who started the fight. **They should not arrest the victim!**

7. They must carry out a complete investigation of the crime, including a full history of previous domestic violence, interviews with all witnesses, photos of injuries and the scene, placing the 911 tape, medical records in evidence, etc. This complete investigation will make the case less dependent on the victim's testimony alone.

As a community, we must know our rights and demand that the sheriff and police respect them.

If you call police to protect you from domestic violence and officers fail to follow these legally mandated protocols, please report that failure to the Purple Berets. *Please help us get this information widely distributed. Call us for free copies of this flyer.*