



CITY COMMISSION AGENDA REQUEST



21

DATE September 20, 1991

- Bid/Contract/Lease
- Change Order
- Budget Transfer/Supple. Approp.
- Status Report
- Policy/Discussion
- Other (Specify): _____

SUBJECT Domestic Violence Policy

AMOUNT 0

SOURCE _____

OMB _____

REQUEST ACTION ON: 10/9/91

HISTORY

In February, 1986 the Tallahassee Police Department sought direction from the City Commission in developing strategies to combat the number of domestic violence incidents occurring in the City. The Commission determined a need for a mandatory arrest policy for those cases meeting the criteria of Sections 741.29 and 741.30, Florida Statutes pending a commitment from the State Attorney's Office to vigorously prosecute these offenders. With that agreement, a General Order describing the procedures to be undertaken for sworn personnel in reacting to this crime was developed and implemented April 21, 1987.

Additionally, a need to determine the effectiveness of this policy was realized and a three part evaluation was developed as follows:

- A. Dr. Howard Myers, FAMU, conducted a non-experimental study to learn if there were any substantial differences in spouse abuse offenses before and after policy adoption.
- B. Dr. Sharon Maxwell, also from FAMU, undertook a random survey of spouse abuse victims in arrest and nonarrest cases to determine if arrests actually had an impact on these offenders and if abuse was being eliminated as a result of the policy.
- C. TPD staff tracked arrestees through the criminal justice system to determine how cases were being disposed of.

ISSUES

The evaluations conducted by Dr. Myers and Dr. Maxwell found:

Proportionately more arrests for spouse abuse were made after policy adoption. Twenty-nine (29) percent of all dispositions were cleared by arrest compared to twenty-one (21) percent before.

RECOMMENDED ACTION: OPTION 1 - To adopt the "pro-arrest" policy on domestic violence.

Department Head

City Manager

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Although there were proportionately more arrests after the pro-arrest policy was adopted, there were also proportionately more suspects arrested who had subsequent police contact for spouse abuse than those not arrested. Nineteen (19) percent of suspects arrested by TPD had repeated police contact as compared with thirteen (13) percent of nonarrests. This information appears to show that those chronic abusers are not deterred by the mandatory arrest policy.

During the second year of the program, the Police Department tracked the cases as they went through the criminal justice system. The case disposition results indicate that a large portion of these incidents are never adjudicated. After two years, 65% of all arrests resulted in either nolle prosecution or filings of no information.

Nonetheless, the Police Department believes that the, "pro-arrest" domestic violence policy should be continued by the department and formally adopted by the Commission. Although these cases are fraught with prosecutorial difficulties, arrest is an opportunity to bring these offenders into the criminal justice system and it is the police department's responsibility to initiate this process.

That same philosophy is reflected in the 1991 changes to Chapter 741 of the Florida Statutes:

- 1) Redefining "domestic violence" to include any assault, battery, sexual assault or battery, or any criminal offense resulting in injury of one family or household member by another.
- 2) Defining "family or household" member as spouses, former spouses, persons related by blood or marriage, persons presently or previously residing together as a family and persons who have a child in common regardless of whether they ever married or lived together.
- 3) Requiring officers to assist victims in obtaining medical treatment if required.

- 4) Requiring reports:
 - a. describing physical injury
 - b. stating the reasons if no arrest is made
 - c. stating the victim received copies of the "legal rights and remedies notice"
 - d. including written statement of victims and witnesses
 - e. be forwarded to the nearest domestic violence center within 24 hours
- 5) Authorizing officers to make an arrest, even without the consent of the victim:
 - a. for domestic violence
 - b. to enforce a domestic violence injunction

OPTIONS:

1. Adopt revised Domestic Violence Policy reflecting recent changes in Chapter 741 of the Florida Statutes -- to become effective January 1, 1992.
2. Adopt a Domestic Violence Policy comparable to the police department's existing general order (which does not reflect impending changes) with an earlier effective date.
3. Do not adopt a Commission policy on domestic violence, but continue police department procedures for dealing with domestic violence with changes necessitated by amendments to related state legislation.

FISCAL IMPACT

None. Policy will be implemented with existing resources.

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RECOMMENDATION

Option 1. Adopt a Domestic Violence Policy reflecting the proposed Tallahassee Police Department procedures for dealing with domestic violence and the 1991 changes to Chapter 741 of the Florida Statutes -- all to become effective January 1, 1992.

ATTACHMENT

Proposed Domestic Violence Policy.