


MONTCLAIR POLICE DEPARTMENT		
POLICY & PROCEDURES		
SUBJECT: DOMESTIC VIOLENCE RESPONSE TEAM		
EFFECTIVE DATE: September 30, 2020	NUMBER OF PAGES: 7	
ACCREDITATION STANDARDS: 3.5.7	BY THE ORDER OF: Acting Chief of Police Todd Conforti	

PURPOSE: The purpose of this directive is to establish clear and consistent guidelines in the use of highly trained volunteer civilian personnel to provide the necessary intervention in cases involving Domestic Violence. This directive will further serve to provide a mechanism to enhance interaction between police officers and the volunteer civilian staff.

POLICY: The policy of the Montclair Police Department has always been to provide victims of domestic violence with the utmost support and assistance in addition to any statutory or prosecutorial requirements. As such, the Montclair Police Department shall expand its response in cases of Domestic Violence by the use of the Domestic Violence Response Team (DVRT) to intervene when necessary.

PROCEDURE:

DEFINITIONS

Domestic Violence Response Team (DVRT): The Domestic Violence Response Team, or DVRT, is comprised of highly trained volunteers who exist to assist victims of domestic violence by rapid intervention.

DVRT Member: A civilian volunteer who has passed a background investigation, an interview with the Domestic Violence Police Coordinator and the DVRT Coordinator. The Chief of Police has the final approval of the civilian volunteer. The civilian volunteer must complete the required minimum forty (40) hours of domestic violence training. DVRT members shall also be a resident of Montclair, or full-time employees of the Township of Montclair. The Chief of Police may waive this requirement on a case by case basis.

DVRT Coordinator: A DVRT member(s) responsible for overseeing all DVRT members. Their responsibilities shall include, but are not limited to:

- Scheduling of DVRT members
- Police Liaison

The Chief of Police may designate more than one coordinator.

Victim of Domestic Violence: Any person who has been subjected to an act of Domestic Violence in accordance with 2C:25-19d, et. seq.

DVRT Awareness Form: A supplemental form that shall be submitted in all domestic violence incidents. This DVRT Awareness form is an acknowledgement by victims of domestic violence that they have been provided with the opportunity to speak with a DVRT member.

Domestic Violence Police Coordinator: A sworn officer chosen by the Chief of Police to act as the DVRT liaison.

PROCEDURE:

I. GENERAL

- A. Intervention is necessary to help break the cycle of violence that occurs and repeats itself in domestic violence situations. The highest success rates in reducing or eliminating recurring domestic violence offenses are as a result of early intervention and personal support for the victim.
1. When used in this directive, the term Domestic Violence shall include abuse or neglect of the elderly.
 2. The Domestic Violence Response Team shall operate under the auspices and direction of ***THE SAFE HOUSE OF ESSEX COUNTY*** .
 3. The Domestic Violence Response Team shall utilize a designated interview room to conduct the intervention process. A locked filing cabinet shall be available for exclusive DVRT use. A dedicated telephone line will be provided for their exclusive use. Police personnel are prohibited from using this telephone line.
 - a. Any communication between a DVRT member and a victim of domestic violence is privileged and confidential (see 2A:84A-22.13 et. seq.) Police personnel shall afford privacy to the DVRT member and the victim.
 4. Police personnel shall not view or file any reports completed or submitted by a DVRT member, with the exception of the Intervention Awareness form.
 5. Police personnel shall not divulge the identity of any DVRT member to any victim or other involved third party. Their identity must remain confidential.
 6. DVRT members shall not have any contact with an actor of domestic violence, under any circumstances.
 7. DVRT members shall not divulge their home address or home telephone number to any victim of domestic violence.
 8. DVRT members shall not maintain detailed notes or reports of conversations with victims except for statistical purposes as directed by the DVRT Coordinator.
 9. DVRT members shall not disclose the contents of any conversations with victims without the express consent and approval of the victim, or as required by law. (2A:84A-22.13, et. seq.)
 10. DVRT members shall not meet with any victims at any location not approved by the officer in charge of the investigation.

11. DVRT members shall not conduct any meetings with a victim without the authorization of the officer in charge of the investigation.
12. DVRT members shall immediately contact the Chief of Police, or designee, if they are;
 - a. Injured in any way while in the performance of duty as a DVRT member; or
 - b. Contacted by an attorney or any individual who is not a DVRT member for information regarding any case in which the DVRT member had involvement; or
 - c. Served with a subpoena, summons, or other legal claim in connection with any case in which the DVRT member had involvement.
13. Any requests for a change in policy or procedure shall be reduced to writing and forwarded to the Chief of Police for consideration.
14. At least one DVRT member shall be on-call 24 hours a day, 365 days a year.
15. Any deviation from this directive by a DVRT member shall be documented on a memorandum and forwarded to the Domestic Violence Police Coordinator.

II. DVRT CALL OUT

- A. The following procedures shall take effect once it is determined that a domestic violence incident, as defined by statute, has occurred:
 1. The investigating officer shall advise the victim of the availability of the Domestic Violence Response Team and a DVRT-Intervention Awareness Form shall be completed. The victim shall denote whether they wish to speak with a DVRT member or not.
 2. If the victim wishes to speak with a DVRT member, it shall be indicated on the form. The victim shall then be transported to police headquarters and escorted to the designated interview room where they will wait for the DVRT member to respond. Officer(s) should remain with the victim during any wait to provide comfort and support.
 3. If the victim does not wish to speak with a DVRT member, the investigating officer shall have them denote this response on the Intervention Awareness Form. A completed copy of the DVRT Awareness Form shall be given to the victim for reference. The remaining copies shall be forwarded to the Records Bureau with the investigative reports.

4. Whenever a victim of domestic violence is transported to headquarters for any reason, that may include, but is not limited to, the application for a temporary restraining order; or at any time that a victim of a domestic violence appears at police headquarters for assistance, the supervisor in charge of the investigation, or designee, shall invoke a DVRT notification regardless whether the victim requests intervention or not. An *Intervention Awareness Form* shall be given to the victim by the responding DVRT member, noting either acceptance or declination of the intervention process. *Investigating officers shall not present the form themselves.*
5. A police officer must remain with the victim of domestic violence while in police headquarters until the arrival of the DVRT member. Upon arrival of the DVRT member, the Desk Supervisor shall give the DVRT member a departmental hand held radio, officer(s) should step from the room and permit the intervention process to precede in private. Officers should refrain from interrupting the intervention process unless there is a compelling, emergent reason.
6. If a victim of domestic violence requests to speak with a DVRT member and is not capable of responding to headquarters, the supervisor in charge of the investigation shall decide whether it is prudent for the DVRT member to respond to the location of the victim. Reasons for not being able to respond to police headquarters may include, but are not limited to:
 - a. Inability to secure child care;
 - b. Physical handicap or disability.

NOTE: The supervisor in charge of the investigation, or designee, could defer the intervention to when the victim is released from the hospital or other medical care facility as long as the stay in that facility is brief and the delay will not compromise the investigation.

In the event that a DVRT member must respond to the scene of a domestic violence or to a medical care facility, a police officer must remain at the scene or facility with the DVRT member. **UNDER NO CIRCUMSTANCES SHALL A DVRT MEMBER HAVE ANY CONTACT, IN ANY WAY, WITH A DOMESTIC VIOLENCE ACTOR.**

In the event that the investigating officer cannot make a reasonable determination as to who is the victim of domestic violence in cases where both parties exhibit injuries, it shall be the decision of the DVRT member whether to interview both parties. If the DVRT member chooses to not speak with both parties then notification shall be made to either of the DVRT Coordinators to arrange for an additional DVRT member to respond.

DVRT members will normally provide their own transportation to and from police headquarters, but shall not utilize their own transportation if it is required for them to respond to the scene of a domestic violence or to a hospital or other medical care facility. DVRT members shall respond to police headquarters and be transported by radio car to the scene for intervention, and provided a return ride to police headquarters. A police officer must remain at the scene until the meeting is concluded.

In the event that a victim of domestic violence reports an incident of domestic violence during normal family court hours (weekdays, 0830 – 1430), the victim must be advised of the DVRT service prior to responding to the family court in Newark. If the victim indicates an interest in intervention, a DVRT member shall be recalled prior to the victim responding to the family court. A DVRT member may be authorized to respond to family court with the victim. The DVRT Coordinator will grant this authorization. This department will provide transportation.

Victims of Domestic Violence may, at times, request a DVRT member to escort them to family court for their final hearing appearance. This shall be permitted with the prior approval of the DVRT Coordinator. This department will provide transportation.

II. **RECALL PROCEDURES**

- A. The duty communications supervisor shall ensure that the on-call DVRT member is paged. A recall roster shall be maintained in the communications center or in the computerized Rolodex.
- B. The time(s) of the page(s) shall be logged into the **TIME STAMP** file for the incident being investigated with the first name and ID number of the DVRT member notified.
- C. The duty communications supervisor shall give the responding DVRT member a reasonable amount of time to respond; 20-30 minutes should be adequate under normal circumstances. If the DVRT member does not respond in a reasonable amount of time, the duty communications supervisor shall contact the DVRT Coordinator for assistance.
- D. During circumstances in which close contact is not reasonable, e.g. social distance requirements during a declared health emergency, deviations to this policy may be authorized by the Chief of Police or his designee.
- E. Should an authorized deviation from this policy exist, domestic violence professionals employed by the State or Courts may be utilized in lieu of calling out a DVRT member.

III. **SUPPLEMENTAL**

- A. As mentioned earlier in this directive, conversations between a victim of domestic violence and a DVRT member are considered privileged and confidential. A DVRT member shall be compelled to reveal a confidential conversation if any of the following information is disclosed during the intervention process:
 - 1. Allegations or information relating to child abuse;
 - 2. Threat(s) of homicide either to the victim or a third party;
 - 3. Threat(s) of suicide by either the victim, actor, or third party related to the incident;
 - 4. Existence of weapons during an act of domestic violence;

5. Knowledge of past, present, or potential criminal activity either by the actor or anyone known by the victim of domestic violence.
 - B. In the event a DVRT member reveals information relating to any of the above instances, the investigating officer shall utilize existing investigative techniques to further interview the victim, attempt to gain their voluntary cooperation and fully document their investigation. Existing procedures shall be followed in the course of these investigations.
 - C. Knowledge of criminal activity not directly related to the specific instance of domestic violence may usually require an additional CAD entry. The information related may or may not be of a confidential nature. The supervisor in charge of the investigation shall determine if the information requires a confidential report or a standard incident report. Existing protocols for the filing of these investigative/confidential reports shall be followed.
 - D. DVRT members shall not provide written or sworn statements to police officers relative to any conversation that they may have had with a victim of domestic violence, nor shall they be compelled to provide written or sworn statements.