

WOLFEBORO POLICE DEPARTMENT

SOP 4.32

Date Issued: 12/27/2019

Review Date: 03/05/2021

[Note: This written directive is for the internal governance of the Wolfeboro Police Department and, as provided by RSA 516:36, is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.]

By Order of:
Dean J. Rondeau, Chief of Police

DOMESTIC VIOLENCE

Policy To recognize that Domestic Violence incidents are sufficient in number and serious enough to warrant special attention.
To fully enforce RSA 173-B, by mandating an arrest of any subject who commits Domestic Violence.

Purpose The purpose of this directive is to cover the following:

Response	On- Scene Handling
Restraining Orders	Arrests
Service on Police Officers	Prosecution
Stalking	

Response All members shall exercise caution while dealing with Domestic Violence situations. Officers need to be aware of their own safety as well as that of the participants.

To convey a professional, calm, objective and helpful attitude
In responding to a domestic violence situation:

REDACTED

**SOP 4.32
Domestic Violence**

**Domestic
Violence
Arrest**

If probable cause exists to make an arrest, officers are mandated to do so RSA 173-B:10.
Arrests can be made without a warrant within 12 hours, regardless of in the officer's presence or not.
After 12 hours a warrant must be obtained.
Once an arrest is made officers shall follow departmental guidelines and

- Assist victims. (medical, Domestic Violence support, etc)
- Make arrangements for care of minor children, if necessary.

Weapons shall be seized, following plain view, consent & warrant guidelines.

**Temporary
Domestic
Violence
Orders**

RSA 173-B:4 permits the issuance, by telephone, of temporary restraining orders.
NOTE: A victim who is a minor does not require parental permission to seek a protective order.
If the complainant believes they are in immediate danger of abuse the officer shall:

Stage	Description
1	Take the complainant to the police station, if possible
2	Fill out the allegation of abuse section of form – Emergency Order of Protection and Affidavit of Services
3	Complainant needs to be specific regarding dates, times & events
4	Contact on-call Judge
5	Outside of normal business hours, call 1-800-552-3202. 911 Headquarters to page the on-call judge who will in turn contact the department.
7	Complainant should not talk to the Judge, unless requested to do so
8	Officer by his signature, certifies the facts have been reported
9	If the judge indicates a finding, the officer shall check the first line and check the rest of the orders as the Judge indicates
10	After Judge finishes, sign order and provide a copy to complainant
11	Explain the order is in effect only until the close of the next court day and a new petition must be obtained from the court
12	Have complainant sign by the words "Notice to Plaintiff"
13	Follow procedures on service of restraining orders
14	File return of service at the next court business day

**Attorney
General
Protocols**

Should be followed in all cases of domestic violence.

**SOP 4.32
Domestic Violence**

**Service of
Protective
Orders**

- Protective orders will be served immediately
- If subject not located, every effort will be made to have service made as quickly as possible.
 - Subjects that refuse to open the door, service may be given by sliding it under the door – if the subject is inside.
 - Any problems with service contact Court for direction or permission to enter a residence.
 - Follow the orders as stated with regard to seizure of weapons or property.
 - Courts to be notified of time and date protective order is served.
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**Transporting
Victims**

Arrangements should be made to transport victims to hospital, police station or other place of safety.
Officer should stand by while they pack essentials.
Ownership of property and custody of children do not come under the authority of the police.

Stalking

Violations of RSA 633:3-a will be given an immediate response by members of this agency.
Responding officers will investigate and if a violation exists of an existing order, take appropriate action to bring the case to a conclusion.

Civil Standbys

REDACTED

**Service on
Police Officers**

Service or an arrest will be made in the same manner as any other person
Chief to be notified immediately.
NHPSTC FORM “G” forwarded, if applicable.
If an Wolfeboro Officer is arrested for domestic violence or served with protective orders they will be placed on leave pending an Internal Investigation.

- Police weapons & ID shall be surrendered
- Internal Investigation shall follow guidelines of the SOP’s.

If the investigation appears that the officer committed no crime or poses no harm to the victim the officer may be assigned to a light duty assignment pending the outcome of a criminal case.

Prosecution

Mandatory prosecution of all domestic violence cases.
No cases will be dismissed or placed on file without the approval of the Chief.

Weapons

If weapons were used or threatened to be used in commission of the domestic violence law the Statute requires the seizure of weapons even if no protective order was in effect.

No weapons, seized on a domestic violence case, will be returned without a court order. (SOP Property Control)