



EVERETT POLICE DEPARTMENT MEMORANDUM



TO: Lt. Braley

FROM: Sergeant John DeRousse #1149

DATE: October 20, 2009

SUBJECT: Correction to DV Matrix in EPD's Procedure Manual

I've attached a correction that needs to be made to our procedure manual. The DV matrix is printed in both section 3.20 and section 15.01 of the manual. Both sections are attached but you'll see a discrepancy under the victim column when there is a child in common. The correct matrix is from section 3.20 which lists the victim as "Any Age". Section 15.01—which currently indicates the victim must be "16 or older" for there to be a mandatory arrest—is incorrect. I've confirmed this with DV Prosecutor Teresa Cox and RCW 10.99.020. Section 15.01 should be changed.

OK - Braley

OK - [Signature] 2/12

*Updated &
uploaded
to Procedure
Manual
10/27/09
J.C. ✓*

15.01 ARREST OF DOMESTIC VIOLENCE

The following chart reflects the Everett Police Department's legal interpretation and current policy regarding mandatory domestic violence arrest (4-hour rule 10.31.100).

Officers are reminded that in the final category listed within the chart RCW 9A.16.100 allows a parent to use reasonable and moderate force in restraining or correcting a child (commonly referred to as corporal punishment). This should be factored in when making a probable cause determination to arrest in these situations.

Domestic Violence Arrest Matrix

SUSPECT		VICTIM		ARREST
Relationship	Age	Relationship	Age	
Spouse or Former Spouse	16 or older	Spouse or Former Spouse	16 or older	Mandatory
Reside Together, Past or Present	18 or older	Reside Together Past or Present	18 or older	Mandatory
Child in Common	16 or older	Child in Common	16 or older	Mandatory
Related by Blood or Marriage	18 or older	Related by Blood or Marriage	18 or older	Mandatory
Dating Past or Present, and Reside Together Past or Present	16 or older	Dating Past or Present, and Reside Together Past or Present	16 or older	Mandatory
Dating Past or Present	16 or older	Dating Past or Present	16 or older	Mandatory
Biological or Legal Child, Stepchild, or Grandchild	16 or older	Biological or Legal Parent, Stepparent, or Grandparent	Any Age	Mandatory
Biological or Legal Parent, Stepparent, or Grandparent	16 or older	Biological or Legal Child, Stepchild, or Grandchild	Any Age	Mandatory

INCORRECT

SHOULD SAY "ANY AGE"

- The report should be made with the documents found in the "DV Assault" packet. These documents should be filled out as completely as possible and all hand-out literature given to the victim.
- Arrange for remote, safe housing for the victim if necessary.

3.20 Domestic Violence Arrest Matrix

Correct

A) SUSPECT		B) VICTIM		C) ARREST
Relationship Spouse or Former Spouse	Age 16 or older	Relationship Spouse or Former Spouse	Any age	Mandatory
Resides Together Past or Present	Adult	Resides Together Past or Present	Adult	Mandatory
Child in Common	16 or Older	Child in Common	Any Age	Mandatory
Related by Blood or Marriage	Adult 18 or older	Related by Blood or Marriage	Adult	Mandatory
Dating Past or Present, and Reside Together Past or Present	16 or Older	Dating Past or Present, and Reside Together Past or Present	16 or Older	Mandatory
Dating Past or Present	16 or Older	Dating Past or Present	16 or Older	Mandatory
Biological or Legal Child, Stepchild, or Grandchild	16 or Older	Biological or Legal Parent, Stepparent, or Grandparent	Any Age	Mandatory
Biological or legal Parent, Stepparent, or Grandparent	16 or Older	Biological or Legal Child, Stepchild, or Grandchild	Any Age	Mandatory