

	GENERAL ORDER	Effective: 2-2-2023	# 08-02
	Section: Records Management	Replaces or Modifies: 8-26-2022	
	Title: Family Violence and Assault/Threat Report Requirements		
Issued by: Chief Deputy Mattie Provost			

Purpose:

To establish guidelines concerning circumstances when a report is required in cases of Family Violence and certain Assaults/Threats.

Policy:

The Fort Bend County Sheriff's Office (FBCSO) is committed to meeting legal reporting requirements. All employees are required to make all reports required by law in the appropriate format. This General Order will provide detailed guidance on the most common reports; however, the law in place at any given time is to be followed whether specifically detailed in this General Order or not. In cases of conflict, existing Law supersedes.

Definitions:

Family Violence- See Texas Code of Criminal Procedure (CCP) Article 5.05 for information on the definition of family violence. Note that this term specifically includes not only members of a family and household but specifically includes abuse as defined in the Texas Family Code (FC) Section 261.001 (1)(C)(E)(G)(H)(D)(J)(K) and dating violence as defined in FC Section 71.0021.

Family- As defined in FC Section 71.003

Member of a household- As defined in FC Sections 71.005 and 71.006

Dating Relationship - As defined in FC Section 71.0021

Deputy - Any peace officer appointed by the FBCSO performing duties covered under this General Order regardless of rank or assignment

869- As related to the FBCSO reporting system, this number refers to reports taken concerning family violence. Note: this is in reference to Texas Senate Bill 869 passed in 1985 creating legislation dealing specifically with family violence including reporting requirements.

Procedure:

- I. Family Violence Reporting [legal reference CCP Article 5.05]
 - A. A Deputy who investigates a family violence incident or who responds to a disturbance call that may involve family violence shall make a written report. This report will either be an offense report or an incident report filed in the computerized Records Management System (RMS).
 - i. A disturbance call that may involve family violence for purposes of this section is defined as a call that, upon arrival, is determined to have involved a dispute between family members, members of a household, and/or persons in a dating relationship in which an allegation is made of any action or threatened action that would meet the definition of family violence even if investigation reveals the allegation to be unfounded (in all cases, thorough investigative actions and findings will be documented).
 - ii. All allegations of abuse defined as family violence will be documented as in A. above.
 - B. Reports made under this section shall at a minimum include
 - i. The names of the suspect and complainant
 - ii. The date, time, and location of the incident
 - iii. Any visible or reported injuries
 - iv. A description of the incident and statement of its disposition
 - v. Whether any suspect is a member of the state military or is serving in the armed forces of the United States in an active-duty status
 - vi. Any other information required by Law or FBCSO policy which includes but is not limited to
 1. Obtaining as much information as is reasonably possible about all persons involved including potential witnesses and documenting same in the report
 2. Making all reasonable efforts to fill in all applicable information found in the RMS reporting fields
 3. Completion of other forms/checklists currently in use
 - C. All reports written under this section will have one of the following Report -Incident Types assigned to it in RMS
 - i. 869 - This code indicates the report concerns an allegation of criminal conduct where victim(s) is/are neither a child nor elderly (as defined in applicable Laws concerning offenses against children or elderly)
 - ii. 869CHLD - This code indicates the report concerns an allegation of criminal conduct where the victim(s) is/are a child
 - iii. 869ELD - This code indicates the report concerns an allegation of criminal conduct where the victim(s) is/are elderly
 - iv. 869SIR - Code indicating that a report is written to document a call involving a dispute between family members/ members of a household that did not involve allegations of criminal conduct, but which is not appropriate to document as 869NOR, as described below in D. iv. (page 3).
 - D. A deputy who responds to a disturbance call, or a call in which suspicious circumstances involving a domestic relationship are reported, will conduct an investigation as articulated in A. above. When a deputy determines that the details of the investigation do not support documentation in a report as required for family violence stated in CCP Art. 5.045, the deputy shall take the following steps:
 - i. Ensure that the body worn camera was activated as required by FBCSO policy and obtain names of all parties and the details of the incident.

- ii. Contact the immediate supervisor, provide the incident details, and request approval to document notes in the call slip.
- iii. The immediate supervisor will approve or deny the request for 869NOR documentation.
- iv. 869NOR is the code that indicates an incident or offense report will not be written. However, approval for the 869NOR will require that the deputy enter a brief summary into the call notes for the call slip.
- v. The deputy will ensure that the BWC video is downloaded as per policy (G.O. 10-02, Body Worn Cameras).
- vi. The deputy's immediate supervisor will review 869NOR call notes for quality assurance and randomly select BWC for each deputy at least once per month to ensure policy compliance.
- vii. If it is later determined that an incident or offense report should have been written, the investigating/responding deputy will be required to document the details of the response as required by CCP Art. 15.05.

E. Protective Orders

- i. All protective orders received by the FBCSO shall be immediately given to Dispatch. Upon receipt, Dispatch will immediately enter information on the protective order into TCIC/NCIC and keep the copy on file. The order will remain in the system and copy maintained in accordance with applicable Law.
- ii. Deputies may contact Dispatch at any time to determine if there is a protective order in effect and to determine all terms of said order. During the initial investigation of a family violence incident, the investigating Deputy shall ask all parties involved whether there are any protective or emergency orders in place and take appropriate steps to verify such existence and properly enforce any such lawful Order.
- iii. All employees shall accept a certified copy of an original or modified protective order as proof of the validity of the order and it is presumed the order remains valid unless
 - 1. The order contains a termination date that has passed;
 - 2. It is more than one year after the date the order was issued; or
 - 3. The employee or FBCSO has been notified by the clerk of the court vacating the order that the order has been vacated

F. Notices and State reporting

- i. The Deputy initiating the original 869 type report will ensure that victims are provided a copy of the FBCSO Victim Assistance Information flip booklet. This contains required legal notices.
- ii. The Deputy initiating the original 869 type report will ensure that the State of Texas Family Violence Report (Form UCR-10) is completed.

G. If during the investigation of an event under this Section a Deputy has any reason to believe that the location of the incident or call, or the known address of a person involved in the incident or call is a current foster home or agency foster home, the Deputy shall contact Dispatch to verify this in the Texas Crime Information Center (TCIC). If the location is verified, then information found in Section 1.B.1-5 shall be sent to the Texas Department of Family and Protective Services within 24 hours of the beginning of the investigation or receipt of the disturbance call. Details of notification shall be documented in the written report.

H. If during the investigation of an event under this section a suspect is identified as being a member of the state military or is serving in the armed forces of the United States in an active-duty status, written notice of the incident or disturbance call will

be sent to the staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which the suspect is assigned. Details of notification shall be documented in the written report.

- I. Upon request by a victim of a report under I.A. of this General Order, the FBCSO will provide free of charge the following information found in the report (only if the information is not exempt from disclosure under Texas Government Code Chapter 552 or other Law - in cases where there is a question as to exempt status the matter will be presented to the Fort Bend County Attorney's Office for review prior to release)
 - i. The names of the suspects and complainants
 - ii. The date, time, and location of the incident
- J. Deputies are reminded that investigations under this Section are instances where there is required use of recording devices (see General Order 03-05 for details).

II. Assault and Terroristic Threat Reporting [legal reference CCP Article 2.30]

- A. A Deputy who investigates the alleged commission of any of the following offenses is required to follow the minimum reporting requirements found in Section I.B. of this General Order.
 - i. Assault as defined in Texas Penal Code (PC) Section 22.01
 - ii. Aggravated Assault as defined in PC Section 22.02
 - iii. Sexual Assault as defined in PC Section 22.011
 - iv. Aggravated Sexual Assault as defined in PC Section 22.021
 - v. Terroristic Threat as defined in PC Section 22.07
- B. Upon request by a victim of a report under II.A. of this General Order, the FBCSO will provide free of charge the following information found in the report (only if the information is not exempt from disclosure under Texas Government Code Chapter 552 or other Law - in cases where there is a question as to exempt status the matter will be presented to the Fort Bend County Attorney's Office for review prior to release)
 - i. The names of the suspects and complainants
 - ii. The date, time, and location of the incident

III. Only the Sheriff or Chief Deputy may authorize exceptions to this General Order.