

Policy Number: 104.4

Policy: Use of Force

Effective Date: 08/01/2011

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Approved by: Scott Forshee, Chief of Police

The purpose of this policy is to establish guidelines pertaining to response to incidents of domestic and family disturbance. The University Police Department will respond to and investigate all reports of domestic disturbance on university property. Officers should make an arrest when probable cause exists that a person has injured a partner or family member, used or threatened to use a weapon, violated an order of protection, or created a situation that may present other imminent danger. Officers are discouraged from making dual arrests in domestic disturbance incidents by determining and arresting the predominant aggressor.

DEFINITIONS:

Predominant Aggressor (46-6-311, MCA):

When investigating a partner/family member assault and it appears the parties were involved in mutual aggression, the following non-exclusive factors should be considered to determine the predominant aggressor:

- Not necessarily the first aggressor.
- Prior history of violence among the combatants, if known.
- Severity of injury among combatants.
- Whether a combatant acted in self-defense.
- Size and apparent strength of each combatant.
- Apparent fear or lack of fear of each combatant.
- Statements of witnesses.

Partner/Family Member Assault Arrest (46-6-311, MCA):

A police officer may arrest if probable cause exists to believe that the person is committing or has committed an offense and existing circumstances require immediate arrest. When a police officer is summoned to a residence by a partner/family member, this constitutes an exigent circumstance for making an arrest. Arrest is the preferred response in a partner / family member assault involving injury to the victim, use or threatened use of a weapon, violation of a restraining order or imminent danger to the victim.