

2012 Kansas Statutes

22-2307. Domestic violence calls; written policies to be adopted by law enforcement agencies; contents. (a) All law enforcement agencies in this state shall adopt written policies regarding domestic violence calls as provided in subsection (b). These policies shall be made available to all officers of such agency.

(b) Such written policies shall include, but not be limited to, the following:

- (1) A statement directing that when a law enforcement officer determines that there is probable cause to believe that a crime or offense involving domestic violence, as defined in K.S.A. 2012 Supp. 21-5111, and amendments thereto, has been committed, the officer shall, without undue delay, arrest the person for which the officer has probable cause to believe committed the crime or offense if such person's actions were not an act of defense of a person or property as provided in K.S.A. 2012 Supp. 21-5222, 21-5223, 21-5225, 21-5230 or 21-5231, and amendments thereto;
- (2) a statement that nothing shall be construed to require a law enforcement officer to:
 - (A) Arrest either party involved in an alleged act of domestic violence when the law enforcement officer determines there is no probable cause to believe that a crime or offense has been committed; or
 - (B) arrest both parties involved in an alleged act of domestic violence when both claim to have been victims of such domestic violence;
- (3) a statement directing that if a law enforcement officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine if there is probable cause that each accused person committed a crime or offense and their actions were not an act of defense of a person or property as provided in K.S.A. 2012 Supp. 21-5222, 21-5223, 21-5225, 21-5230 or 21-5231, and amendments thereto;
- (4) a statement defining domestic violence in accordance with K.S.A. 2012 Supp. 21-5111, and amendments thereto;
- (5) a statement describing the dispatchers' responsibilities;
- (6) a statement describing the responding officers' responsibilities and procedures to follow when responding to a domestic violence call and the suspect is at the scene;
- (7) a statement regarding procedures when the suspect has left the scene of the crime;
- (8) procedures for both misdemeanor and felony cases;
- (9) procedures for law enforcement officers to follow when handling domestic violence calls involving court orders, including protection from abuse orders, restraining orders and a protective order issued by a court of any state or Indian tribe;
- (10) a statement that the law enforcement agency shall provide the following information to victims, in writing:
 - (A) Availability of emergency and medical telephone numbers, if needed;
 - (B) the law enforcement agency's report number;
 - (C) the address and telephone number of the prosecutor's office the victim should contact to obtain information about victims' rights pursuant to K.S.A. 74-7333 and 74-7335, and amendments thereto;
 - (D) the name and address of the crime victims' compensation board and information about possible compensation benefits;
 - (E) advise the victim that the details of the crime may be made public;
 - (F) advise the victim of such victims' rights under K.S.A. 74-7333 and 74-7335, and amendments thereto; and
 - (G) advise the victim of known available resources which may assist the victim; and
- (11) whether an arrest is made or not, a standard offense report shall be completed on all such incidents and sent to the Kansas bureau of investigation.

History: L. 1991, ch. 93, § 1; L. 1996, ch. 208, § 3; L. 2010, ch. 101, § 8; L. 2011, ch. 91, § 11; July 1.

Revisor's Note:

Section was also amended by L. 2011, ch. 30, § 120, but that version was repealed by L. 2011, ch. 91, § 41.