Member-Involved Domestic Violence

6.20.01 PURPOSE

This order establishes Department policies regarding Member-Involved Domestic Violence (MIDV) incidents. In addition to the policies and procedures outlined in this order, members who respond to investigate an MIDV incident shall adhere to the policies and procedures outlined in Department General Order 6.09 (Domestic Violence) and Department Manual 26 (Domestic Violence Manual). Definitions of Domestic Violence and Domestic Violence-Related Offenses can be located in section 6.09.03 of Department General Order 6.09 (Domestic Violence) and Department Manual 26 (Domestic Violence Manual).

The San Francisco Police Department (SFPD) will adhere to a zero-tolerance policy towards MIDV incidents throughout a member’s career and will not tolerate violations of this policy. All department members shall receive training to improve the recognition, prevention, and investigation of domestic violence, including education about available family resources and advocacy organization. For specifications on ongoing training, refer to section 6.09.04.U of Department General Order 6.09 (Domestic Violence).

6.20.02 POLICY

To preserve the integrity of the policing profession and to enhance public trust, it is the San Francisco Police Department’s Policy that domestic violence will not be tolerated. The Department considers domestic violence to be a very serious issue and will treat all reports of member involved domestic violence with a thorough and unbiased investigative process. Members convicted of domestic violence or domestic violence related offenses shall face consequences consistent with the Disciplinary Penalty & Referral Guidelines for Sworn Members of the San Francisco Police Department adopted by the Police Commission.

Domestic violence crimes have serious and long-lasting detrimental effects. Sworn members of the SFPD are not immune from becoming involved in domestic violence situations as either a subject, victim, or witness. Members who have concerns about their mental or physical wellbeing regarding domestic violence issues or display behaviors that raise concern are encouraged to seek assistance.

Knowing the warning signs and offering assistance/resources early may help prevent domestic violence from occurring. Some available sources of assistance are a friend, supervisor, the Employee Assistance Program (EAP), the Behavioral Science Unit (BSU) or private mental health care provider.

Before a domestic violence act occurs, and either in response to observed warning signs or at the request of an officer, intimate partner, or other family member, the SFPD shall inform officers of
the procedure for seeking external and internal referrals for confidential counseling services. Members are encouraged to take personal responsibility in seeking confidential referrals and assistance from the BSU to prevent a domestic problem from escalating.

### 6.20.03 PROCEDURES

Members should assess and be aware of behaviors that may raise concern including, but not limited to, frequent tardiness and absences, an increase in controlling behaviors, stalking and inappropriate surveillance activity, complaints from co-worker, unwarranted aggression and verbal abuse, increased use of physical force and/or injury.

Any SFPD member who reasonably suspects or has knowledge that an act of domestic violence has been committed by a SFPD member shall follow all steps listed in section 6.20.03D.

A disclosure of domestic violence made by any officer, intimate partner, or family member, to any SFPD member will be treated as an admission or report of a crime and shall be investigated both criminally and administratively.

The Department should engage in periodic outreach to officers and their intimate partners with referrals for local support services. Before a domestic violence act occurs, and either in response to observed warning signs or at the request of an officer, intimate partner, or other family member, the Department shall inform officers of the procedure for seeking referrals external and internal for confidential counseling services.

A. **Member-Involved Domestic Violence (MIDV) Investigations** - The SFPD shall thoroughly and objectively investigate all allegations of domestic violence by its members, whether sworn or non-sworn. Per Department General Order 8.01 (Critical Incident Evaluation and Notification), the arrest of a sworn member, whether on or off-duty, is a critical incident.

B. **Confidentiality** - MIDV incidents are sensitive and confidential investigations. Officers who respond to or investigate a MIDV shall ensure that the confidentiality of any report, victim, or member is properly protected. Additionally, in any case where an officer may be subject to discipline, the Peace Officer Bill of Rights applies.

C. **Duties of the First Responding Officers** - Officers responding to a MIDV investigation shall ensure their actions conform to the requirements of DGO 6.09 (Domestic Violence) and Department Manual 26 (Domestic Violence Manual).

1. **Officer Notifications** - Upon learning that a member is involved in the domestic violence incident as a subject or victim, the responding officer, as soon as possible, shall notify the following:
   a. Field Supervisor
   b. Department Operations Center (DOC)
The officer shall document the notification in the initial incident report, listing the
time of notification and the name of the member(s) or supervisor(s) notified.

2. Written Statement - Officers that took action or participated in the investigation at the
scene of a MIDV incident shall document their observations and actions in writing for
inclusion with the initial incident report.

D. Duties of the Supervising Officer - Upon notification of a MIDV, the supervising officer
shall respond to the scene and determine whether a crime has occurred. If a crime has
occurred, the supervising officer shall notify their senior-ranking officer.

The supervising officer shall ensure the notifications listed in section 6.20.03C of this order
have been made.

E. DOC Notifications - Upon learning of a MIDV incident, the DOC is responsible for
ensuring that the following are notified:

1. Office of the Chief of Police
2. Commanding Officer of the Involved Member
3. Commanding Officer – Risk Management Office
4. Officer in Charge – Internal Affairs Division-Administration (IAD)
5. Officer in Charge – Investigative Services Division (ISD)
6. Officer in Charge – Special Victims Unit (SVU)
7. Commanding Officer – District of Occurrence
8. Night Captain (if during night watch hours)
9. On-call IAD, ISD and SVU investigators

F. Other Law Enforcement Jurisdiction - In the event that another agency reports an
MIDV incident, the member receiving such information shall immediately notify a
supervisor. The supervising officer shall ensure that the proper notifications are made, per
section 6.20.03C above.

G. Arrest of Commissioned Officers or Command Staff - If a Commissioned Officer
(Lieutenant, Captain or Command Staff) is arrested for a MIDV, the Chief of Police will
notify the President of the Police Commission. The Assistant Chief, Chief of Staff will
notify the Mayor’s Office if the arrested member is the Chief of Police.

H. Duties of the Involved Member’s Commanding Officer - Upon learning that a member
in their command has been arrested, is a suspect, or is a restrained party on a restraining
order, the Commanding Officer shall notify the Chief’s Office through the Commanding
Officer of the Risk Management Office. Refer to DGO 1.06 (Duties of Superior Officers).

I. Duties of the Investigating Officers - As with any allegation of criminal misconduct
involving a member, separate criminal and administrative investigations shall be
conducted in accordance with state and federal law and Department policy.
The on-call IAD, ISD and SVU investigators shall respond to the scene of a MIDV occurring in the City and County of San Francisco.

ISD shall have the primary responsibility for the criminal investigation. The SVU investigator shall assist the ISD investigator, providing advice and support regarding resources, procedure, case law and other issues; this shall include, but is not limited to, information including domestic violence advocates, available shelters, victim confidentiality, etc.

IAD shall have the primary responsibility for the administrative investigation and shall be responsible for the coordination of administrative matters that may include serving Chief’s orders and adherence to Department General Order 2.08 (Peace Officer Bill of Rights) and related state law.

1. MIDV Homicide - In the event of a MIDV Homicide, the on-call Homicide investigator(s) and OIC shall also be notified. The Homicide investigator(s) shall assume primary responsibility for the criminal investigation. The ISD, SVU, and IAD investigators shall also respond to provide assistance as described in this section.

J. Duties of the Involved Member - Any member who is aware that they have been named as a suspect in a domestic violence incident shall immediately notify their Commanding Officer in accordance with DGO 2.01 (General Rules of Conduct).

1. Members Named as a Restrained Party on a Protective Order - Any member named as the restrained party on a protective order shall immediately notify their Commanding Officer of the order.

2. Chief’s Orders - When directed by the Chief of Police, the officer shall comply with all aspects of a Chief’s Order which may include but are not limited to administrative reassignment or leave, stay away orders, and/or surrender of department-issued equipment. Orders to surrender department-issued equipment may include, but not limited to, department-issued firearm and magazines, department-issued electronic devices, department ID card, and department star. When ordered to surrender department-issued equipment, those items shall be surrendered to the IAD investigator or the member’s commanding officer.

Pursuant to Department General Order 6.09 (Domestic Violence), if a member is arrested for DV or named as a restrained person in a protective order, the member’s personal firearms shall be seized and booked with probable cause in accordance with state law and Department policy.

K. Member Victims of Domestic Violence - Department members who are victims of Domestic Violence shall be afforded all the rights, privacy, protections, and resources that any other DV victim is afforded.
1. **Assignment** - Since domestic violence perpetrators are likely to know when and where the victim works, they commonly continue the harassing and victimizing behavior while the victim is at their place of work. When appropriate the member victim’s Commanding Officer in consultation with SVU-DV, BSU, and the member should consider adjusting work hours, location, and department cellphone contact numbers of domestic violence victims to prevent further victimization.

2. **Shelter** - Due to the sensitive nature of a MIDV incident, members should work with SVU-DV and/or BSU to locate safe and confidential shelter alternatives for member victims. Members assisting in locating alternatives to shelter shall maintain confidentiality of the victim’s location.

**L. Court Proceedings** - Members of the SFPD shall not appear at any MIDV-related court proceeding while on-duty, except as specifically ordered by a subpoena or as ordered by a Commissioned Officer.

While off-duty, members appearing at an MIDV related court proceeding shall not wear or display any SFPD identification, star or insignia.

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**References**

- DGO 1.03, Duties of Patrol Officers
- DGO 1.04, Duties of Sergeants
- DGO 1.06, Duties of Superior Officers
- DGO 2.01, General Rules of Conduct
- DGO 2.08, Peace Officers’ Rights
- DGO 6.09, Domestic Violence
- DGO 8.01, Critical Incident Evaluation and Notification
- DM-26 Domestic Violence Manual
- Penal Code Section 136 et. seq.
- Penal Code Section 166 et seq.
- Penal Code Section 243(e)(1)
- Penal Code Section 273.5
- Penal Code Section 273.6
- Penal Code Section 836 et. seq.
- Penal Code Section 853 et. seq.
- Penal Code Section 18250
- Government Code Section 6254
- Special Victim’s Unit Follow up and Referral Card (SFPD 142)