

DOMESTIC VIOLENCE

6.09.01 PURPOSE

The purpose of this order is to establish general policies and procedures when responding to and investigating reports of domestic violence. ~~For procedural details, and guide members to the~~ should refer to the Domestic Violence (DV) Manual ~~for procedural details.~~

6.09.02 POLICY

The Department treats all acts of domestic violence as criminal conduct. Where possible, members shall make an arrest instead of using dispute mediation or other intervention techniques.

6.09.03 DEFINITIONS

- A. Cohabitant** – Two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabitating can be found in the DV Manual.
- B. Domestic Violence** – Abuse committed against an adult or a minor who is a current or former spouse or cohabitant, with whom a child is shared, or has or had a dating or engagement relationship (Cal. Penal Code §13700(b)).
- C. Dominant Aggressor** – The person determined to be the most significant, rather than the first, aggressor, who poses the most serious, ongoing threat.
- D. Protective Order/Court Order of Protection** – A court-ordered injunction, regardless of form, content, length, layout, or type; issued for the purpose of preventing interaction between a subject and a specific (“protected”) person or persons.
- E. Stalking** – Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for their safety, or the safety of their family (Cal. Penal Code §646.9(a)).
- F. Strangulation** – A form of asphyxia (lack of oxygen) characterized by closure of the vessels or air passages of the neck as a result of external pressure on the neck.

Commented [CSL 1]: Definition from International Association of Chiefs of Police (IACP)

6.09.04 PROCEDURES

- A. Situational Awareness** – Domestic dispute calls are considered the most dangerous types of calls for responding members and should be treated accordingly. Request as much information as possible from Dispatch prior to arrival.
1. En-route, officers should confirm the address and request any pertinent information Dispatch may have on the location or involved parties.
 2. Request entry if at a private residence.
 - a. Warrantless entry is permissible if there is an objectionable reasonable basis to believe the safety of an occupant may be in jeopardy.
- B. Secure the Scene** – Members should, as quickly as possible, secure the scene as outlined in the DV Manual.
1. Separate involved parties and conduct a protective sweep if there is a threat to safety.
 2. If needed, request language access assistance.
 3. Secure any visible weapons.
 - a. ~~If the weapon is not kept as evidence or contraband and can be lawfully possessed, officers will keep the weapon for 48 hours – five business days (DV Manual).~~
- C. Injuries** – Provide aid and assess medical needs; call for an ambulance if necessary, if it appears that strangulation has occurred, or at the request of any party.
- D. Notify DOC, SVU, and/or CSI if necessary, ~~per the DV Manual.~~**
- E. On-Scene Investigation**
1. Identify the Dominant Aggressor – ~~consider~~ Consider the intent of the law to protect the victim from continuing abuse, parties' history of DV, whether either acted in self-defense, whether there are previous police reports or calls, which party will be in greater danger if nothing is done, are there defensive wounds, etc. (PC §13701(b)).
 - ~~1-a. When possible, inform the victim of their legal right to self-defense (PC §692, 693).~~
 2. Check for Active Court Orders – Run the names of both the victim and suspect.
 - ~~2-a. Follow the DV Manual if any of the following orders exist:~~
 - ~~a-i. Restraining Order – 10-29 query level II:MONSTER~~
 - ~~b-ii. Stay Away Order – level II: QCX and QCA~~
 - ~~iii. Emergency Protective Order (EPO) – level II:MONSTER~~
 - b. If members cannot verify an existing order (GVRO/DVRO), ~~consider obtaining an EPO for protection until the order can be authenticated.~~
 - c. If an order exists but hasn't been served, attempt to serve the existing order.
 3. Preserve the scene and collect evidence (DGO 6.02, *Physical Evidence and Scene Preservation*) ~~as outlined in the DV Manual.~~

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- a. Photograph the victims' injuries, crime scene, and damaged property.
- b. Take temporary custody of any firearm or deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search (PC §18250) and book them (DGO 6.12, Physical Evidence and Scene Preservation, DGO 6.15, Property Processing).
 - i. If the weapon is not kept as evidence or contraband and can be lawfully possessed, officers will keep the weapon (DGO 6.15, Property Processing) for not less than 48 hours or more than five business days, unless a civil action is to be filed (DV Manual PC §18265).

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- b.
 - c. Obtain electronic evidence (text messages, voicemails, etc.).
 - d. If an animal is injured or killed during the incident, photograph animal and contract Animal Care and Control (ACC).

F. Interview the Victim – ~~Follow the outline in the DV Manual to e~~ Ensure as much detail is captured as possible.

1. Conduct an interview of the victim in a separate location from the dominant aggressor. Where possible, ensure there are sound barriers in place.
2. Inquire about strangulation and stalking. ~~For possible strangulation attempts, refer to the DV Manual. For strangulation, take photos of victim's face and neck regardless of visible injury. Advise victim that strangulation can cause internal damage.~~
3. Consider the following factors during the interview:
 - a. The nature and extent of DV.
 - b. The trauma, injuries, and signs of escalation toward lethal violence.

~~4.1. Provide the victim with:~~

- ~~a. A Special Victims Unit (SVU) referral card.~~
- ~~b. a Victim of Violent Crime Form and follow-up information.~~
- ~~c. Information about referrals, shelter information, etc.~~

G. Interview the Suspect

- ~~1. If SVU is notified, confer with responding investigator(s) prior to interviewing suspect.~~
1. Record (via Body Worn Camera) custodial interrogation, "Mirandize", and interview the suspect regardless of felony or misdemeanor charges ~~(refer to DV Manual).~~

H. Presence of Children

1. In an age-appropriate manner, ask children what they saw, what they heard, and what happened. Detail the tone, demeanor, location, name, and age of the child in the report.

2. Notify the FCS Child Abuse Hotline if the investigation indicates any crime against the child, or if an arrest is made and the child is present (DGO 7.04, *Children of Arrested Parents*).

I. Arrest (~~refer to DV Manual~~)

1. Felony – considerations for a felony DV include:
 - a. Corporal injury inflicted resulting in a traumatic condition (PC § 273.5), and/or
 - b. Another felony crime that is determined to be DV-related (~~listed in DV manual~~).
 - c. If the person violates a no-stalking temporary restraining order, injunction, or any other court order in effect prohibiting stalking (per PC § 646.9(b)).
2. Misdemeanor – considerations for a misdemeanor DV include:
 - a. If occurred in member's presence – make an arrest and refer the victim to the District Attorney's Office.
 - b. If occurred outside the member's presence – Inform the victim they may make a private person's arrest (DGO 5.04, *Arrest by Private Persons*).
3. Warrantless Misdemeanor – Make an arrest (not a cite and release) for the following:
 - a. Violation of any restraining order, if probable cause exists that an order (that had been served) has been violated. The violation does not need to occur in the member's presence.
 - b. If there is probable cause to believe an assault or battery has occurred, the arrest is made as soon as probable cause arises, and the incident occurred between current or former cohabitants or spouses, a child of the suspect, or someone over the age of 65 (the following parties as listed in PC § 836(d)) ~~and the DV Manual~~.
4. Citation and Release
 - a. Generally, do not cite and release in DV cases. Members considering the release of a suspect on a citation must evaluate the likelihood of a continuing offense, the suspect's history of violence, and statutory conditions under which a field release is not appropriate.
 - a. Notify a supervisor if unsure about the ability to arrest. If no criminal conduct has occurred warranting an arrest, document the incident in CAD.
5. Refer the victim to SVU for follow-up investigation, regardless of whether an arrest has been made.

J. Complete Checklists and Forms

1. DV Lethality Assessment Screen (SFPD Form 617). ~~Follow the procedures outlined in the DV Manual.~~
4. ~~If the victim answers 'yes' more than 'no' on the assessment, members will inform the victim they may be at higher risk of danger and advise the victim to contact a DV advocate. If the victim is willing, members will call the DV advocate on their Department-issued phone.~~

2. Domestic Violence Supplemental Checklist (SFPD Forms 480a and 480b).

K. Request an EPO

1. Member shall request an EPO ~~in most~~ if there are reasonable grounds to believe a person is in immediate and present danger of DV, based on the person's allegation of a recent incident of abuse or threat of abuse circumstances (California Family Code §6250). When in doubt, member will request the EPO. Refer to DV Manual for procedure on requests.
 - a. EPOs do not need to be requested if victim has an active court order against the dominant aggressor, unless more restrictions are needed to ensure safety of the victim.
 - b. EPOs can also include children and pets.
 - ~~1-c. Check with victim regarding address confidentiality prior to completing the EPO.~~

L. Victim Safety and Protection

1. Officer will remain on scene until the situation is under control.
2. Inform the victim about their rights to:
 - a. obtain an order of protection.
 - b. A DV advocate or support person to be present at any interview (PC §679.05).
 - c. Keep their address confidential (Government Code §6205).
 - d. Receive the report number and information for the proper investigation unit for follow-up (PC §13701(c)(8)).
 - e. Request the incident report(s) and accompanying photographs in a timely manner (Family Code §6228).
3. Documents – In addition to documents provided to all victims of crime, provide the DV victim with:
 - a. A Special Victims Unit (SVU) referral card.
 - b. Victim of Violent Crime Form and follow-up information.
 - c. Information about referrals, shelter information, etc.
- ~~1-4.~~ Shelter – If desired by the victim, members will assist in arranging shelter for the victim. Members will provide transportation if necessary.
- ~~2-5.~~ Moving locations – If the victim leaves the premises, obtain a phone number and address where they may be contacted, and provide the information to SVU prior to the end of watch. The information shall not be included in the incident report.
 - a. Members will provide Civil Standby and may provide transportation to the victim (and children) to a safe location or medical facility If requested.
- ~~3. Notify victim of Family Code §6228 and their rights regarding incident reports.~~

~~4. See DV Manual for more on victim safety and protection.~~

Working Group Draft