Domestic Violence

6.09.01 PURPOSE

The purpose of this order is to establish general policies and procedures for responding to and investigating reports of domestic violence. Procedural details are in the Domestic Violence Manual (DM 26). When responding to a domestic violence call for service, members know this is one of the most volatile and dangerous situations for victims, bystanders, and San Francisco Police Department (Department) members.

6.09.02 DEFINITIONS

A. 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 (PC §13700(b)).

B. Dominant Aggressor – The person determined to be the most significant, rather than the first aggressor (PC §836(c)(3)).

C. Emergency Protective Order (EPO) – A court-ordered injunction issued for the purpose of preventing interaction between a subject and a specific person(s).

D. Lethality Assessment – A tool involving questions about the severity and frequency of abuse that helps to determine the level of danger a domestic violence victim has of being killed or seriously injured by their intimate partner.

E. Stalking – Occurs when a person willfully, maliciously, and repeatedly follows or harasses another person and makes a credible threat with the intent of placing that person in reasonable fear for their safety or that of their immediate family's (PC §646.9).

F. Strangulation – A form of asphyxia (lack of oxygen) caused by closure of the vessels or air passages of the neck because of external pressure to the neck that impedes breathing or blood flow.

A more extensive list of definitions can be found in DM 26.

6.09.03 POLICY

The Department treats all acts of domestic violence as criminal conduct. When there is cause, members shall make an arrest instead of using other intervention techniques.

PROPOSED

Patrol members' key responsibilities for domestic violence incidents include (1) providing immediate safety to the victim and children, (2) addressing any medical needs of the victim and children, (3) ensuring effective communication with all parties, (4) conducting a thorough investigation with detailed documentation and evidence collection, (5) providing victims with safety information and referrals for domestic violence services, and (6) making an arrest.

All law enforcement agencies must have written policies and standards for members' responses to domestic violence (PC §13701).

6.09.04 PROCEDURES

A. Responding to a Domestic Violence Call for Service

1. Dispatch will inform responding members of any prior domestic violence calls, any restraining orders, criminal history, known weapons at location, need for medical assistance, or the presence of children.
2. Warrantless entry is permissible when there is an objectively reasonable basis to believe that an occupant is seriously injured or imminently threatened with such injury.

B. On-Scene Investigation

1. **Secure the Scene**
   a. Locate and separate all parties.
   b. When necessary, call for an ambulance. Look for signs of strangulation.
   c. Collect evidence and photograph the crime scene and individuals. Notify CSI for specialized scene processing.
   d. Check for or verify existing court orders.

2. **Weapons**
   a. Watch over and photograph weapons.
   b. Seize any firearm or inherently deadly weapon in plain sight or discovered pursuant to a search (PC §18250).
   c. Check if firearms are registered in Consolidated Firearms System (CFS) and Prohibited Armed Persons (PAP).

3. Obtain statements from all witnesses and parties (in compliance with Miranda) on Body Worn Camera.
4. **Identify the Dominant Aggressor** – Members shall make a reasonable effort to identify who is the dominant aggressor, (i.e., the batterer).
5. **Interviews** – Interview the victim. Interview the suspect. Consider the nature and extent of the domestic violence and the trauma, injuries, and signs of escalation towards lethal violence.
6. **Self Defense** – People have a legal right to defend themselves, their property, and a third person, such as a child. The force must be reasonable. The use of reasonable force to protect oneself is not criminal conduct (PC §692, §693).

PROPOSED

C. Arrest – Dual arrests are discouraged but not prohibited.

D. Citation and Release

1. Generally, do not cite and release in misdemeanor domestic violence 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, statutory conditions under which a field release is not appropriate, and the welfare and care of any children.
2. Supervisor approval is required prior to cite and release.

E. Department Operations Center (DOC) and Special Victims Unit (SVU) Notification – Notify DOC and SVU if the victim is strangled or has major physical trauma, a firearm was involved, the crime is ongoing or falls into a category in DGO 8.01, *Major and Critical Incident Evaluation and Notification*, the victim is pregnant, a homicide has occurred, there is a violation of any domestic violence court order, or the incident is a high media profile case.

F. Children

1. Notify the Family and Children Services (FCS) Child Protective Services Hotline if any of the following occurred:
   a. Any crime against the child.
   b. Homicide/attempted homicide.
   c. Serious bodily injury including, but not limited to, bone fracture, loss of consciousness, concussion, protracted loss or impairment of function of any organ, a wound requiring extensive suturing, strangulation, or serious disfigurement.
   d. Weapon(s) used or threatened, or firearm(s) in the home.
   e. Threats to commit a crime which will result in death or great bodily injury to another person as defined by the California Penal Code.
   f. The child had immediate access to drugs or alcohol, and the parent or caregiver will not or cannot take protective action.
   g. The child's parent or caregiver was impaired by drugs or alcohol, and the impairment interfered with the parent or caregiver's ability to provide adequate care or supervision for the child.

2. Members should wait for a release from FCS when both parents/guardians are arrested or if there is evidence of physical abuse against the child.

G. Emergency Protective Order (EPO)

1. Members shall request an EPO regardless of victim's request if there are reasonable grounds to believe a person is in immediate and present danger of domestic violence based on the person's allegation of a recent incident of abuse or threat of abuse (Cal. Family Code §6250). If an EPO is not requested, members shall provide rationale in the incident report.

PROPOSED

EPOs do not need to be requested if victim has an active court order or EPO against the dominant aggressor unless more restrictions or additional parties need to be added to protect the victim or others.

2. An EPO can include children and pets.
3. Addresses are not legally required on an EPO. Check with the victim if they want their address on the EPO.
4. Members shall serve any unserved EPOs to the restrained party when able to do so.
5. Members shall make an arrest and book the suspect when a violation of an EPO has been established and not issue a citation and release.
6. Members shall not arrest the protected person for violating their own protective order.

H. Victim Safety and Protection

1. The member will remain on scene until the situation is under control.
2. As outlined in SFPD 142 (see 6.09.04.J.2), victims have the following rights to:
   a. Obtain an order of protection.
   b. Have a domestic violence advocate or support person be present at any interview (PC §679.05).
   c. Have their name and any change in address kept confidential in incident reports released to the public (see 6.09.04.K.2).
   d. Receive the report number and information for the proper investigation unit for follow-up and note the location of this information in victim provided forms.
   e. Request their incident report(s) and accompanying photographs.

I. Shelter or Moving Locations

1. If desired by the victim, members shall assist in arranging placement at a domestic violence shelter or offer transport of victims and children to a safe location.
2. 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. For the safety of the victim, do not include updated contact information in the incident report.

J. Forms

1. **Lethality Assessment Form (SFPD 617)** – This form is used to identify victims who are at a high risk of being killed by their domestic abuser and matches victims with an advocate who can provide resources.
   a. SFPD 617 shall be completed by members during every criminal domestic violence investigation.
   b. SFPD 617 is not required for non-criminal domestic disputes.
   c. If the victim's responses indicate a high lethality risk, members will follow the "Referral Protocol" found on the form.

PROPOSED

2. **Special Victims Follow Up & Resource Guide (SFPD 142)** – This form provides resources and state mandated notifications to victims.
   a. Members shall provide SFPD 142 to all domestic violence victims.
   b. SFPD 105 Follow Up Form has been incorporated into the cover of SFPD 142 and does not need to be issued separately.
   c. SFPD 369 Victims of Crime Form has been incorporated into SFPD 142 and does not need to be issued separately.
   d. SFPD 142 shall be provided to the victim at the first domestic violence call but does not need to be provided for following domestic violence calls.

3. Provide other appropriate forms if required in other Department policy or by law.

K. Documentation

1. Obtain a chronology of the incident including details of injuries for all domestic violence calls for service.
2. Offer the victim confidentiality. If the victim accepts, check the confidentiality box on the incident report.
3. If no criminal conduct has occurred, document the incident in CAD.
4. See DM 26 for criminal incident reporting and documentation requirements.

L. Stalking – For stalking incidents, see DM 26.

M. Airport – Members working at the Airport Bureau may deviate from this policy and the procedures found in DM 26 in order to comply with San Mateo County protocols.

PROPOSED