DOMESTIC VIOLENCE

6.09.01. PURPOSE

The purpose of t~~T~~his order is to establish~~es Department~~ general policies ~~regarding~~ and procedures for responding to and investigating reports of domestic violence ~~incidents and outlines procedures for investigations as well as processing, and enforcing court orders~~. 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 ~~POLICY~~ *DEFINITIONS*

A. ~~It is the policy of the San Francisco Police Department that members treat all acts of domestic violence as criminal conduct. When the elements of a crime exist, members shall make an arrest instead of using dispute mediation or other police intervention techniques.~~ ***DOMESTIC VIOLENCE*** ~~-~~. ~~Domestic Violence means~~ A~~a~~*buse committed against an adult or a minor* ~~(Penal Code Section 13700(b)). For a list of common offenses associated with domestic violence, please refer to the Department Domestic Violence Manual. This include(s) one or more of the following relationships:~~

- ~~spouse/~~who is a current or *former spouse*
- or *cohabitant*,~~/former cohabitant~~
- ~~dating relationship/former dating relationship~~
- ~~engagement relationship/ former engagement relationship~~
- ~~person~~ *with whom a child is shared*, or has or had a dating or engagement relationship (PC §13700(b)).
- ~~Domestic partners~~
- ~~Same sex relationships are included~~

B. ~~The first members who respond to a domestic violence call play the most critical role in victim and family safety and in ensuring that the offender is held accountable whether or not the suspect is on scene for an arrest or gone on arrival. A thorough and complete investigation of the incident and documentation of all prior unreported incidents between the parties may allow a case to be prosecuted in court whether or not the victim or witnesses actually testify. G.~~ ***DOMINANT AGGRESSOR*** ~~-~~. *The person determined to be the most significant, rather than the first aggressor* (PC §836(c)(3)) . ~~In identifying the dominant aggressor, the member shall consider the intent of the law to protect victims of DV from continuing abuse, the threats creating fear of physical injury, the history of DV between the persons involved, and whether either person acted in self-defense (13701(b) PC, refer to **DV Manual**).~~

C. ~~In **ALL** cases where a reportee alleges that domestic violence has occurred, even if an arrest is not made, members shall give the victim a Special Victims Unit Follow up & Referral Card (SFPD 142) in the appropriate language, if available. F.~~ **Emergency** ***PROTECTIVE ORDER*** **(EPO)** ~~-~~. *A* ~~protective order or court order of protection is a~~ *court-ordered injunction* ~~regardless of form, content, length, layout, or type (i.e., stay-~~

~~away, restraining, criminal, civil, temporary, emergency order, gun violence restraining order) -~~ *issued for the purpose of preventing interaction between a subject and a specific* ~~("protected")~~ *person*(s). ~~or persons including, but not limited to:~~

- ~~Violent or threatening acts against the protected person(s)~~
- ~~Stalking or harassment of the protected person(s)~~
- ~~Contact or communication with the protected person(s), either directly or through a third party~~
- ~~Physical proximity to the protected person(s)~~
- ~~Specific interaction or activity, as ordered by the court~~

D. ~~Members shall not allow any of the following factors to influence their course of action during domestic violence incidents:~~ **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.

1. ~~The marital status of the suspect and the victim.~~
2. ~~Whether the suspect currently lives with the victim.~~
3. ~~The existence or lack of a restraining order or stay away order.~~
4. ~~The potential financial consequences of arrest.~~
5. ~~The victim's history of complaints.~~
6. ~~Verbal assurances from either party that the violence will cease.~~
7. ~~The victim's emotional status.~~
8. ~~Whether injuries are visible.~~
9. ~~The location of the incident (public or private).~~
10. ~~Speculation that the victim may not follow through with the prosecution or that the arrest may not lead to a conviction.~~
11. ~~The victim's initial reluctance regarding a member-initiated arrest.~~
12. ~~The victim and suspect are the same gender.~~
13. ~~Whether either party has limited English proficiency.~~
14. ~~Either party's citizenship/immigration status.~~

E. ~~For victims, witnesses, and suspects with limited English proficiency, members shall provide language assistance, including translated forms if available, in compliance with DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons.~~ C. ***STALKING*** ~~-~~. *Occurs when a*~~ny~~ *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* ~~his or her~~ their *safety*~~,~~ *or that of* ~~his or her~~ their *immediate family*'s *(*PC §*646.9* ~~PC~~*).*

F. ~~H.~~ ***STRANGULATION*** ~~-. Is a~~ A *form of asphyxia (lack of oxygen)* ~~characterized~~ caused *by closure of the vessels* ~~and /~~ *or air passages of the neck* ~~as a result~~ because *of external pressure* ~~on~~ to *the neck* that impedes breathing or blood flow. ~~"CHOKING" is an internal obstruction of the airway by a foreign object.~~

[1]~~For a~~ A *more* ~~comprehensive~~ extensive *list of definitions* ~~related to domestic violence, please refer to the SFPD Domestic Violence & Intimate Partner Stalking Manual~~ can be found in DM 26.

6.09.03 ~~DEFINITIONS~~[1] ***POLICY***

~~A. It is the policy of the San Francisco Police~~ The *Department* ~~that members~~ *treats all acts of domestic violence as criminal conduct. When there* is cause ~~elements of a crime exist~~*, members shall make an arrest instead of using* ~~dispute mediation or~~ *other* ~~police~~ *intervention techniques.*

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).

~~A. **DOMESTIC VIOLENCE**. Domestic Violence means abuse committed against an adult or a minor (Penal Code Section 13700(b)). For a list of common offenses associated with domestic violence, please refer to the Department Domestic Violence Manual. This include(s) one or more of the following relationships:~~

- ~~spouse/former spouse~~
- ~~cohabitant/former cohabitant~~
- ~~dating relationship/former dating relationship~~
- ~~engagement relationship/ former engagement relationship~~
- ~~person with whom a child is shared~~
- ~~Domestic partners~~
- ~~Same sex relationships are included~~

~~B. **ABUSE**. Abuse means:~~

- ~~intentionally or recklessly cause or attempt to cause bodily injury.~~
- ~~sexual assault.~~
- ~~to place a person in reasonable apprehension of imminent serious bodily injury to that person or another.~~
- ~~to molest, attack, strike, stalk, destroy personal property, or violate the terms of a domestic violence protective order issued under the Domestic Violence Prevention Act.~~[2]

~~[1]For a more comprehensive list of definitions related to domestic violence, please refer to the SFPD Domestic Violence & Intimate Partner Stalking Manual.~~

~~[2]Reference CA Penal Code Sections for Abuse: 13700(a) PC and 16120 PC & Domestic Violence Prevention Act: Commencing with Family code section 6200 et seq.~~

C. **STALKING**. Occurs when any 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 his or her safety, or that of his or her immediate family (646.9 PC).

D. **COHABITANT**. Cohabitants means two unrelated persons living together for a substantial period resulting in some permanency of relationship (Penal Code Section 13700(b)). In the context of domestic violence, parties who are simply co-tenants, not involved in intimate relationships, are not considered cohabitant. Factors that may be considered when determining whether individuals are cohabitating include, but are not limited to:

- Sexual relations between the parties while sharing the same living quarters
- Sharing income or expenses
- Joint use or ownership of property
- Whether the parties hold themselves out as spouses
- The continuity of the relationship
- The length of the relationship

E. **DATING RELATIONSHIP**. A dating relationship is frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations (Penal Code Section 243(f)(10)).

F. **PROTECTIVE ORDER**. A protective order or court order of protection is a court-ordered injunction - regardless of form, content, length, layout, or type (i.e., stay-away, restraining, criminal, civil, temporary, emergency order, gun violence restraining order) - issued for the purpose of preventing interaction between a subject and a specific ("protected") person or persons including, but not limited to:

- Violent or threatening acts against the protected person(s)
- Stalking or harassment of the protected person(s)
- Contact or communication with the protected person(s), either directly or through a third party
- Physical proximity to the protected person(s)
- Specific interaction or activity, as ordered by the court

G. **DOMINANT AGGRESSOR**. The person determined to be the most significant, rather than the first aggressor. In identifying the dominant aggressor, the member shall consider the intent of the law to protect victims of DV from continuing abuse, the threats creating fear of physical injury, the history of DV between the persons involved, and whether either person acted in self-defense (13701(b) PC, refer to **DV Manual**).

H. **STRANGULATION**. Is a form of asphyxia (lack of oxygen) characterized by closure of the vessels and / or air passages of the neck as a result of external pressure on the neck. "CHOKING" is an internal obstruction of the airway by a foreign object.

6.09.04 PROCEDURES

~~Members play a critical and vital role in domestic violence calls for service, and procedures outlined in the Domestic Violence Manual provide the necessary information for members to respond to domestic violence calls. The Domestic Violence Manual contains procedures for:~~

1. ~~before arriving at the scene,~~
2. ~~prior to entering and securing the scene,~~
3. ~~interacting with limited English proficiency,~~
4. ~~interacting with transgender, gender-variant and non-binary individuals,~~
5. ~~identifying the dominant aggressor, and~~
6. ~~collection of evidence.~~

~~Additional key procedures include:~~

A. ~~IDENTIFY THE DOMINANT AGGRESSOR~~ **Responding to a Domestic Violence Call for Service**

1. ~~The dominant aggressor is the most significant aggressor rather than the first person to strike.~~ Dispatch will inform responding members of any prior domestic violence calls, any restraining orders, criminal history, known weapons at location, need for medical assistant, or the presence of children.
2. ~~When identifying the dominant aggressor, officers shall consider:~~ 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.
   ~~a) the law's intent is to protect DV victims from continuing abuse,~~
   ~~b) any and all threats that create the fear of physical injury or abuse,~~
   ~~c) the history of reported and unreported domestic violence,~~
   ~~d) whether the person acted in self-defense,~~
   ~~e) whether one party is in actual fear of the other,~~
   ~~f) whether there is a history of violence or pattern of control by one party against the other,~~
   ~~g) whether the injuries are consistent with the statements made,~~
   ~~h) whether the injuries appear consistent with self-defense, and~~
   ~~i) which party will be in greater danger if nothing is done.~~
3. ~~The presence of or lack of any injury, does not in itself determine the dominant aggressor. A thorough investigation is required.~~
4. ~~Officers shall make dominant aggressor determination after speaking to both parties separately and analyzing their statements and the evidence.~~

B. ~~VICTIM INTERVIEW (**Refer to Domestic Violence manual**)~~ **On-Scene Investigation**

1. ~~Establish the nature of the relationship between suspect and victim.~~ **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. ~~Members should audio record the victim's statement regardless of body worn cameras.~~ **Weapons**

   a. Watch over and photograph weapons.

   b. Seize any firearm or inherently deadly weapon in plain sigh 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. ~~Get details of the current incident and details of any prior violence, intimidation, threats, or sexual assault, restraining order violations. Ask if suspect used/ has access to weapons.~~ Obtain statements from all witnesses and parties (in compliance with Miranda) on Body Worn Camera.

4. ~~If the victim alleges self-defense (e.g., the victim scratched or bit offender), ask victim to describe actions the victim took and why.~~ *IDENTIFY THE DOMINANT AGGRESSOR* - Members shall make a reasonable effort to identify who is the dominant aggressor, (i.e., the batterer).

5. ~~Determine if the suspect took away or damaged the victim's phone or removed incriminating photos or other evidence on the victim's or suspect's phone.~~ **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. ~~Interview victim in private and offer confidentiality.~~ **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).

7. ~~Member shall provide the victim with report number (Reportee Form No. 105), Special Victims Unit (SVU) referral card, Marsy's Rights card, and Victim of Violent Crime Form and follow up information (in appropriate language).~~

8. ~~Provide information about referrals and shelter to the victim and availability of victim compensation for medical costs.~~

C. ~~SUSPECT INTERVIEW~~ **Arrest –** Dual arrests are discouraged but not prohibited.

1. ~~Identify relationship between suspect & victim.~~
2. ~~Record custodial interrogation, "Mirandize" and interview the suspect regardless of felony or misdemeanor charges (refer to DV manual).~~
3. ~~If suspect is a juvenile, follow current SFPD policy and procedure.~~
4. ~~If SVU is notified, confer with responding investigators prior to interviewing suspect.~~

D. ~~PRESENCE OF CHILDREN~~ **Citation and Release**

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. a.~~ *Generally, do not cite and release in* misdemeanor *domestic violence cases.* ~~5. After an arrest has been made, members should book or cite the suspect based upon whether the~~ Members considering the release of a suspect on a citation must evaluate the likelihood of a continuing *offense*, ~~is likely to continue. Members should consider~~ *the suspect's history of violence,* ~~whether the victim is fearful of retaliation and any~~

~~violation of an existing domestic violence protective order~~ statutory conditions under which a field release is not appropriate, and the welfare and care of any children.

2. ~~Notify the FCS Child Abuse Hotline if the investigation indicates any crime against the child (**refer to DV manual**).~~ Supervisor approval is required prior to cite and release.

E. ~~VICTIM/WITNESS/SUSPECT INTERACTIONS~~ **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.

1. ~~Members are reminded of policies surrounding interactions with persons with Limited English Proficiency (DGO 5.20), the Deaf and Hard of Hearing (DGO 5.23), and Transgender, Gender Variant, and Non-binary Individuals (DGO 5.22).~~
2. ~~Members shall not use children, family members, or bystanders for interpretation, except in exigent circumstances. Follow the above policies to ensure appropriate interpretation services are made available for these individuals and that TGN individuals are addressed appropriately. Consult Department Domestic Violence Manual for additional information.~~

F. ~~PRESENCE OF ANIMALS D. PRESENCE OF~~ *CHILDREN*

1. ~~If an animal is injured or killed during the incident, photograph animal and contact Animal Care and Control (ACC). Add animal(s) to EPO, if appropriate (Penal Code Section 597(a).~~ *Notify the* Family and Children Services (*FCS*) *Child* ~~Abuse~~ Protective Services *Hotline if* ~~the investigation indicates any crime against the child (refer to DV manual).~~ 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. ~~LETHALITY~~ **Emergency Protective Order (EPO)**

~~Because the crime of domestic violence has such a high risk of lethality, it is important and incumbent upon first responders to complete an accurate assessment of the risk of lethality as soon as possible.~~

~~Upon arrival at all incidents of domestic violence, once the scene is secured and their investigation is complete, members will complete the "Domestic Violence Lethality Screen for San Francisco Police Department First Responders" (**refer to DV manual - Lethality Assessment**).~~

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.

   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* ~~enforcing a domestic violence court order~~ 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. ~~STRANGULATION~~ **Victim Safety and Protection**

~~Describe strangulation attempts in detail. It should be noted whether hands or a ligature device was used. The force of the attempt should be detailed. If present, consider additional charges of 664/187 PC, attempted murder, 245 PC, assault with force likely to produce great bodily injury, 422 PC criminal threat, 236 PC false imprisonment or 243(d), battery with serious bodily injury (**refer to DV manual**).~~

~~a) Did the victim lose consciousness?~~
~~b) Does the victim have difficulty breathing or swallowing?~~
~~c) Are there any marks visible on the victim's neck?~~
~~d) Does the victim complain of a hoarse or raspy voice as a result of the injuries?~~
~~e) Is there an indication of petechiae (rupture of the small capillaries, usually in the eyes, head or neck area above the point of constriction)?~~
~~f) Did suspect make credible threat he was going to kill or cause great bodily injury to the victim?~~
~~g) Was the victim held against their will (restrained, confined or detained)?~~
~~h) Members are to inform the victim to have follow-up photograph of injuries within 48 hours after the abuse at the Photo Lab.~~
~~i) Members shall call an ambulance if a victim has been strangled.~~

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. ~~FELONY ARRESTS M.~~ *SHELTER* **or Moving Locations**

1. ~~Members shall make an arrest whenever probable cause exists to believe a felony has occurred.~~ *If* ~~the need exists~~ desired by the victim, *members* ~~should~~ shall *assist in arranging* placement at a domestic violence *shelter* ~~for the victim~~ or offer transport of victims and children to a safe location. ~~When a member contacts a shelter, the shelter staff will make arrangements to pick up the victim. Shelter information is confidential; members shall not indicate the name, address or phone number of the shelter in the incident report. Members can contact La Casa de las Madres when follow-up with the victim is needed for the investigation. The staff at La Casa de las Madres will contact the victim on behalf of the member and relay any message. However, members should attempt to obtain any personal contact information (cell phone number, email address, etc.) from the victim. Members shall not include this information in the incident report but rather forward the information to the SVU.~~
2. ~~In all felony domestic violence cases, members shall refer the victim to the SVU for follow-up investigation, regardless of whether an arrest has been made. 5.~~ *If the victim* ~~chooses to~~ *leaves the premises* ~~because they are fearful the suspect may return, members shall~~ *obtain a phone number and address where they* ~~victim can~~ may *be contacted*~~, unless the victim is staying at a shelter (**refer to DV manual**). Members shall **not** include this information in the incident report but rather forward~~ and provide *the information to* ~~the~~ *SVU prior to the end of watch.* For the safety of the victim, do not include updated contact information in the incident report.

J. ~~MISDEMEANOR ARRESTS~~ **Forms**

1. ~~Members shall make an arrest whenever probable cause exists to believe a misdemeanor has occurred in their presence. For all misdemeanor arrest cases, members shall refer the victim to the District Attorney's Office for follow-up investigation.~~ **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.

2. ~~When a misdemeanor has occurred, but not in the members' presence, members shall inform the victim that the victim may make a private person's arrest.~~ **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. ~~If probable cause exists to believe that an assault or battery has occurred upon a current or former spouse or cohabitant, upon a person in a current or former dating or engagement relationship, or upon a parent of a child in common, and the arrest is made as soon as probable cause arises, then no private person's arrest is required.~~ Provide other appropriate forms if required in other Department policy or by law.

~~4. If probable cause exists to believe a violation of a domestic violence court order has occurred and the suspect has notice of the order, members shall make a warrantless arrest and book the suspect whether or not the violation occurred in the members' presence.~~

~~5. After an arrest has been made, members should book or cite the suspect based upon whether the offense is likely to continue. Members should consider the suspect's history of violence, whether the victim is fearful of retaliation and any violation of an existing domestic violence protective order.~~

~~a. Generally, do not cite and release in domestic violence cases.~~

~~b. Use caution when deciding whether to cite and release in a dual arrest situation and check with a supervisor.~~

~~6. When an arrest has not been made in a criminal case, members shall refer the victim to the SVU for follow-up investigation.~~

K. ~~COLLECTING EVIDENCE (**refer to DV manual**, DGO 6.02, DGO 6.15)~~
Documentation

1. ~~Confiscating Weapons~~ Obtain ~~Give~~ *a chronology* ~~describing what precipitated~~ of *the incident*~~, details of the incident, and~~ including *details of* ~~any~~ *injuries*~~, how the injuries were inflicted and whether the injuries are consistent with the described abuse~~ for all domestic violence calls for service.

~~a. Members shall confiscate any firearm or other deadly weapon discovered at a domestic violence scene.~~

~~b. Leave weapon in place and direct a member to watch over the weapon until the crime scene is processed unless it is unsafe to do so.~~

~~c. Photograph the weapon and its location prior to confiscating it unless exigent circumstances exist or for scene safety.~~

~~d. Pursuant to 18250 PC, when confiscating a weapon, members shall give the owner or person in possession of the weapon a property receipt and tell them to contact the SVU regarding its return.~~

2. ~~Photographic Evidence. Photograph crime scene and location of any evidence prior to moving the evidence unless exigent circumstances exist (refer to DGO 6.02, *Physical Evidence and Crime Scenes* and **DV manual**).~~ 3. ~~Members shall o~~*Offer* the victim *confidentiality* ~~to victims of domestic violence~~. *If the victim* ~~requests confidentiality~~ accepts, ~~members shall~~ *check the* ~~"~~*confidentiality* ~~requested"~~ *box* ~~in the Victim Reporting Section of~~ on *the incident report.*

3. ~~Electronic Evidence. Note the existence of any potential electronic evidence (**refer to DV manual**).~~ 6. *If* ~~a crime~~ no criminal conduct *has* ~~not~~ *occurred,* ~~members shall~~ *document the* ~~details of the call~~ incident *in* ~~the~~ *CAD* ~~and provide the complainant with the CAD (call) number~~.

4. See DM 26 for criminal incident reporting and documentation requirements.

L. ~~CIVIL STANDBY~~ **Stalking** – For stalking incidents, see DM 26.

~~If a member has a question or concern about duration of a civil standby or the clarity of an order, the member should contact a supervisor.~~

~~Definitions:~~

~~a. **Protected Party** is the victim protected by a court order and can include members of the victim's household and minor children.~~

~~b. **Restrained Party** is the individual restrained or enjoined from acts including but not limited to abuse, assault, contact, and harassment.~~

~~c. **Court Orders** include but are not limited to: Emergency Protective Order, Temporary Restraining Order, Restraining Order After Hearing, Civil Harassment Order, Criminal Protective Order, and any and all protective orders from another State, Indian tribe, or territory pursuant to the Violence Against Women Act (18 U.S.C. § 2265).~~

~~1. CIVIL STANDBY WHEN THERE ARE NO COURT ORDERS~~

~~A civil standby can be requested for any individual requesting assistance to remove their personal property from a residence or a location, to achieve safe passage out of a residence or a location, and to facilitate exchanges or visitation of minor children.~~

~~2. CIVIL STANDBY WHEN THERE IS A COURT ORDER(s)~~

~~a. If there is a court order, a protected party is still entitled to a civil standby and members shall read and review the entire order to determine the scope of the standby provisions. Notwithstanding a no contact order, there may be exceptions for brief and peaceful contact between the protected party and the restrained party for any number of reasons including but not limited to exchanges or visitation of minor children. Members shall provide a civil standby pursuant to that court order.~~

~~b. Emergency Protective Orders (EPO) do not include an exception to the no contact orders and therefore do not allow for a civil standby for the restrained party.~~

~~3. PROCEDURE AND DURATION~~

~~a. Once a party requests a civil standby, members will respond when they are available, subject to other priority matters.~~

~~b. A civil standby shall be provided for a reasonable time to allow for the individual to gather their personal items and any minor children's personal items.~~

M. ~~SHELTER~~ **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.

~~If the need exists, members should assist in arranging shelter for the victim. When a member contacts a shelter, the shelter staff will make arrangements to pick up the victim. Shelter information is confidential; members shall not indicate the name, address or phone number of the shelter in the incident report. Members can contact La Casa de las Madres when follow-up with the victim is needed for the investigation. The staff at La Casa de las Madres will contact the victim on behalf of the member and relay any message. However, members should attempt to obtain any personal contact information (cell phone number, email address, etc.) from the victim. Members shall not include this information in the incident report but rather forward the information to the SVU.~~

~~N. INCIDENT REPORTS~~

~~Members shall investigate and write an incident report for any crime that involves domestic violence (even if the suspect is not at the scene). This includes threats and/or violations of any court order. Keep in mind that interviews, collection of evidence, and documentation will be the sole opportunity for ensuring the successful outcome of the case.~~

~~1. Members shall check the "Domestic Violence" box on the face sheet of the incident report.~~

~~2. Members shall include the following information in the narrative of the incident report:~~

~~a. Give a chronology describing what precipitated the incident, details of the incident, and details of any injuries, how the injuries were inflicted and whether the injuries are consistent with the described abuse.~~

~~b. Describe in detail all past incidents, including undocumented incidents, violations of existing or past restraining orders, and incidents with other victims.~~

~~c. It is essential to note in direct quotes all parties' spontaneous statements per Proposition 115. This evidence is admissible regardless of victim's or other party's presence at trial (Post-Crawford).~~

~~d. Include whether any party to the incident was under the influence of drugs or alcohol or is taking or has not taken prescribed medication.~~

~~e. Confirm contact number(s) and email address for the victim are correct and functioning.~~

~~f. List alternate phone numbers for the victim.~~

~~g. Identify suspect via Cal-photo, mug photo, or home photo. Have victim review and sign photo of the known suspect, if feasible.~~

~~h. Whether the responding member found it necessary to inquire if any firearms or other deadly weapons were present at the scene and whether that inquiry disclosed the presence of firearms or other deadly weapons.~~

i. ~~That the victim was given a Special Victims Referral Card and was advised of follow-up procedures.~~

j. ~~If dominant aggressor is an issue and a determination is made, members shall document the investigative steps taken to identify which party was the dominant aggressor (**refer to DV manual**).~~

3. ~~Members shall offer confidentiality to victims of domestic violence. If the victim requests confidentiality, members shall check the "confidentiality requested" box in the Victim Reporting Section of the incident report.~~
4. ~~Members shall complete the Domestic Violence Supplemental Checklist (SFPD 480a and 480b) and Lethality Assessment forms for all domestic violence related incidents (including court protective order violations, threats and stalking). Members shall electronically upload the Supplemental Checklist and Lethality Assessment before booking the original into evidence.~~
5. ~~If the victim chooses to leave the premises because they are fearful the suspect may return, members shall obtain a phone number and address where the victim can be contacted, unless the victim is staying at a shelter (**refer to DV manual**). Members shall **not** include this information in the incident report but rather forward the information to the SVU prior to the end of watch.~~
6. ~~If a crime has not occurred, members shall document the details of the call in the CAD and provide the complainant with the CAD (call) number.~~
7. ~~Code all domestic violence-related calls for service in the CAD as follows: "DV" Domestic Violence or "DVW" Domestic Violence/Weapon and indicate the particular weapon (fist, feet, etc. are considered weapons).~~
8. ~~Scan EPO, statements, and other attachments (upload) before booking them into evidence.~~
9. ~~Notify DOC/ SVU questions regarding reporting (refer to DV manual).~~

~~O. TREATMENT/DOCUMENTATION OF INJURIES~~

~~If anyone has been injured, members shall arrange for medical treatment, even if the injury is not visible. Members shall describe the injury and any medical treatment in the incident report. Members should attempt to photograph any visible injuries, and upload and book the photographs as evidence.~~

~~P. FAMILY AND CHILDREN'S SERVICES (FCS)~~

~~In the case of a domestic violence call – or other similar call (kidnapping, elder abuse, sexual assault or other family violence) – when a member makes an arrest and a child is present, the member shall contact the FCS hotline as soon as practical in compliance with DGO 7.04, *Children of Arrested Parents*.~~

~~In the case of a domestic violence call – or other similar call (kidnapping, elder abuse, sexual assault or other family violence) – when no arrest is made but a child is present, the member shall contact the FCS hotline as soon as practical (**refer to DV manual**).~~

~~The member shall also fax a copy of the incident report to the FCS hotline.~~

~~Q. BOOKING FORM~~

~~When completing the San Francisco Field Arrest Card for arrests involving domestic violence, members shall check the "yes" box in the "DV Related" section of the form.~~

~~R. COURT PROTECTIVE ORDERS~~

~~Civil and criminal court judges issue protective orders. These orders may prohibit an individual from contacting, harassing or molesting the applicant. Some orders determine temporary custody or tenancy. Members shall read all court orders carefully to determine their specific terms. All types of orders are valid throughout California and the United States. Violation of any term of a court protective order is a crime. Members shall make an arrest and book the suspect when enforcing a domestic violence court order. The following are types of court protective orders:~~

1. ~~RESTRAINING ORDERS. A restraining order is a court order issued by a civil court judge. Restraining orders address a variety of domestic issues including dependency, protection of adults and children, child custody and eviction of a abuser. Restraining orders include temporary restraining orders.~~
   a. ~~VERIFICATION. If a complainant states that a restraining order has been issued, members shall verify its existence and proof of service. A restraining order is verified when the complainant shows a copy of the order that has been officially stamped by the court that issued the order or when the order is on file with the Department. To determine whether the Department has the restraining order on file, members shall run a query on the alleged violator through CLETS or with DEM to determine the specific terms and status of the order.~~
   b. ~~PROOF OF SERVICE OR NOTIFICATION. After verifying the order, members must obtain proof that the violator was either served the order or is aware of its terms prior to making an arrest. Members can obtain proof of service or notification of service by any of the following means:~~
      i. ~~Complainant shows a copy of the proof of service.~~
      ii. ~~Proof of service is on file with the Department.~~
      iii. ~~The order indicates the suspect was present in court when it was issued.~~
      iv. ~~A member previously notified the suspect of the existence of the restraining order and explained the terms.~~
      v. ~~A member served the restraining order on the suspect.~~
   c. ~~NOTIFICATION/SERVICE BY MEMBER (See DGO 3.14, *Civil Legal Process*). If existence of a restraining order is confirmed, but a member cannot verify proof of service or proof of notice, members shall notify the suspect of the restraining order and describe its terms. If a copy of the restraining order is available, and it is practical to do so, members shall serve the suspect at the scene of reported domestic violence involving the parties. In either case, members shall warn the suspect that failure to comply with the order will result in arrest. Members shall give the complainant a Special Victims Unit Follow-up & Referral Card (SFPD 142) and a Reportee Follow-up Form (SFPD 105) with the case number. Members shall advise the complainant to show the form to any member who may later respond.~~
      i. ~~Members shall document the notification or service in an incident report. Members shall title the report "Restraining Order Notification" or "Service of Restraining Order."~~

ii. ~~Members shall complete proof of service form provided by the protected party and transmit completed form to the issuing court.~~

iii. ~~Members shall immediately inform the Identification Section of the date and time of notification or service, the case number and the members name and star.~~

iv. ~~Watch commanders shall maintain a separate file in the business office of the station for copies of all incident reports titled "Restraining Order Notifications" or "Service of Restraining Orders."~~

d. ~~NO VERIFICATION AND/OR PROOF OF SERVICE. If a victim does not have a copy of the restraining order and members are unable to verify its existence and proof of service (e.g., because of computer malfunction), members shall tell the complainant that if grounds exist the complainant may make a private person's arrest. If no arrest is made and the suspect is released, members shall write an incident report. Members shall advise the victim to contact the SVU for follow-up investigation.~~

e. ~~ARRESTS AND REPORTS. Members shall use the appropriate subsection of Penal Code Section 273.6 when arresting a suspect for violation of a restraining order. In the incident report, members shall document the specific terms of the restraining order that were violated, identify the court, the date the order was issued, and the date the order expires. Members should book a copy of the restraining order as evidence if possible. Members shall advise the victim to contact the District Attorney's Office for the follow-up investigation.~~

2. ~~CRIMINAL PROTECTIVE ORDER (commonly called STAY AWAY ORDERS). A judge may issue a stay away order in a criminal case when victim intimidation exists. Because the defendant and/or the defendant's attorney were present when the stay away order was issued, a stay away order does not require proof of service. The order is valid for the duration of the court's jurisdiction over the suspect, including probation. Criminal Protective Orders may also be issued for up to 10 years post-conviction for violation of specified crimes or for crimes involving domestic violence. Penal Code section 136.2(i)(1) outlines certain circumstances where the CPO outlives the sentence, including the term of probation.~~

a. ~~VERIFICATION. When a complainant claims that a criminal protective order/stay away order was issued, members should ask to see a copy. Members can make a computer query into the court management records to verify that the suspect is still under the court's jurisdiction. The Identification Section does not maintain records for these orders.~~

b. ~~ARRESTS AND REPORTS. Members shall use the appropriate subsection of Penal Code Section 166 when arresting a suspect for violation of a stay away order. In the incident report members shall document the specific terms of the order that were violated, identify the court, the date the order was issued, and the date the order expires. Members should book a copy of the order as evidence if possible. Members shall advise the victim to contact the District Attorney's Office for follow-up investigation.~~

c. ~~UNABLE TO VERIFY. If the victim does not have a copy of the stay away order, and members are unable to confirm it by querying the court management records,~~

~~members should tell the victim that if grounds exist the victim may make a private person's arrest. If an arrest is not made or if the suspect is released, members shall complete an incident report, and advise the victim to respond to the SVU for follow-up investigation.~~

3. ~~EMERGENCY PROTECTIVE ORDERS. An Emergency Protective Order (EPO) is a type of Civil Court Protective Order; Members may obtain an EPO any time reasonable cause exists for a member to believe that an adult or child is in immediate and present danger of domestic violence, child abuse, stalking, child abduction, family violence or elder abuse (not including financial abuse) by a family or household member. EPOs remain in effect for five (5) court days and up to seven (7) calendar days. An EPO can only be issued by an on-call Superior Court Judge. On-call Superior Court judges are available 24 hours a day.~~
   a. ~~EPO PROCEDURES. Members shall determine if the circumstances surrounding the incident warrant application for an EPO. Members shall not base their decision on whether or not the victim wants an EPO, even if you think an EPO is in place. Members shall complete the most current version of the Application for Emergency Protective Order form.~~
   b. ~~CONTACTING THE ON-CALL SUPERIOR COURT JUDGE. After obtaining approval from their supervisor, members shall contact the on-call Superior Court Judge. The judge may request additional suspect information. Members should be able to advise the judge of the suspect's prior criminal convictions involving domestic violence, weapons or other violence, whether the suspect is the subject of any known current or prior restraining orders, any outstanding warrants and whether or not the suspect is currently on parole or probation. Members who experience problems obtaining an EPO shall document the difficulties in the narrative of the incident report and forward a copy of the report to the Officer in Charge of the SVU.~~
   c. ~~VICTIM NOTIFICATION OF EPO. Members shall provide the victim a copy of the completed EPO in English. For victims with limited English proficiency, members shall also provide a blank copy of the EPO in the appropriate language. Members shall document in the incident report that copies of the EPO were given to the victim. Translated EPO forms include Spanish, Chinese, Vietnamese and Korean.~~
   d. ~~NOTIFICATION AND SERVICE. The restrained party named on the EPO must be notified and served before enforcement of an EPO violation can occur. Members shall attempt to serve the restrained party with the EPO.~~
      i. ~~SERVICE. When serving the restrained party with an EPO, members shall complete the proof of service section of the form and give the protected party and the restrained party the appropriate copy. Orally inform an LEP suspect, through certified bilingual officer or language line, of the conditions of the EPO and provide the LEP suspect a translated copy of the served EPO, if it exists. Members shall leave a copy at their district station on the EPO clipboard and send the original to the Legal Division. Members shall describe the notification and the service in the incident report and attach a photocopy of the EPO. Members shall fax a copy of the completed EPO to the ID Bureau as soon as practical.~~

ii. ~~Conduct GUN (old QGH) (firearms register) on suspect and victim to determine if firearms at the scene or registered.~~

iii. ~~Members shall attempt to serve the EPO on the suspect regardless of whether the suspect resides in a different San Francisco district from the member's station.~~

iv. ~~When EPO service is completed in a subsequent shift, an member shall deliver a copy of the served EPO to the victim by the end of the shift, and document EPO service and victim's receipt of the served EPO in a supplemental incident report.~~

e. ~~UNABLE TO SERVE. If the restrained party cannot be served, members shall give the victim the appropriate copy of the EPO and advise the victim of available shelter and referral information. Members who have not served the EPO to the restrained party by the end of their watch shall give the completed unserved EPO form to the watch commander at the end of the member's shift regardless of whether service was achieved. The watch commander shall assign service of the EPO to another member.~~

~~For unserved EPOs at the end of the member's shift that involves a suspect who resides in a different San Francisco district from the member's station, the member shall confirm receipt (fax or email) of the unserved EPO to the watch commander in the district where the suspect resides. The member shall document the time and date and identity of the station staff that confirmed receipt of the unserved EPO.~~

f. ~~WATCH COMMANDER DUTIES. Watch commanders shall maintain a file of all unserved EPOs and notify the oncoming watch commander of any unserved orders. The watch commander on each shift is responsible for assigning members to serve any unserved EPOs. The watch commander shall also ensure that copies of served EPOs are maintained in the station business office until the orders have expired. Watch commanders shall forward all expired EPOs to the SVU.~~

g. ~~ARRESTS AND REPORTS. Before arresting a suspect for violating an EPO, members shall verify the order, the expiration date, and proof of notification by checking the protected party's copy of the order or by checking the station copy of the order. Members shall use the appropriate subsection of Penal Code Section 273.6 when arresting the suspect. Members shall include in the incident report the specific terms of the emergency protective order that were violated, the court that issued the order, the date the order was issued, and the date the order expires. If possible, attach a photocopy of the EPO to the incident report.~~

h. ~~DEPARTMENT BULLETINS/DEPARTMENT NOTICES/DIRECTIVES. EPO procedures continually change. It is important to check the most current Department Bulletin, Department Notice or directive for current procedures.~~

i. ~~COMPETING ORDERS. Criminal Court protective orders take precedence over any outstanding court order against the defendant. If more than one court order was issued against a party and no statute mandates priority, the most recent order should be enforced~~

S. ~~ARRESTING SUSPECTS ON PROBATION, MANDATORY SUPERVISION, POST-RELEASE COMMUNITY SUPERVISION, OR STATE PAROLE.~~

~~Members are required to notify all proper authorities of probation/parole violations pursuant to Department policy.~~

~~T. MEMBER-INVOLVED DOMESTIC VIOLENCE~~

~~Members responding to a domestic violence incident involving an SFPD member are reminded to follow the procedures of Department General Order 6.20, Member-Involved Domestic Violence, including notifying the field supervisor and Department Operations Center immediately.~~

~~U. TRAINING~~

~~All Department members shall receive training to improve the recognition, prevention, and investigation of domestic violence, including education about available family resources and advocacy organizations. Training shall be offered regularly using a variety of training methods, including in-service, roll call, bulletins, and field training. The San Francisco Regional Training Facility (Academy) shall be responsible for managing the scheduling, content, and delivery of this regular training. The curriculum shall be developed in cooperation with POST- certified subject matter experts.~~

~~References~~

~~DGO 1.03, Duties of Patrol Officers~~
~~DGO 1.04, Duties of Sergeants~~
~~DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons~~
~~DGO 5.22, Interacting with Transgender, Gender-Variant, and Nonbinary Individuals~~
~~DGO 5.23, Deaf and Hard of Hearing~~
~~DGO 6.02, Physical Evidence and Crime Scenes~~
~~DGO 6.15, Property Processing~~
~~DGO 6.20, Member-Involved Domestic Violence~~
~~DGO 7.04, Children of Arrested Parents~~
~~DGO 10.11, Body Worn Cameras~~
~~DN 19-238, Gun Violence Restraining Order~~
~~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 16120~~
~~Penal Code Section 18250~~
~~Penal Code Section 13700(a)~~
~~Family Code Section 6300 et. Seq.~~
~~Government Code Section 6254~~
~~Special Victims Unit Follow Up & Referral Card (SFPD 142)~~
~~Domestic Violence & Intimate Partner Stalking Manual~~