5-09/030.00 - Domestic Violence

All calls reporting threatened, imminent, or on-going family violence and/or the violation of any protective order or restraining order, including orders issued pursuant to Section 136.2 P.C., shall be dispatched as a priority call. Family violence calls of an emergent nature shall continue to be dispatched as such.

Field personnel receiving family violence calls for service shall handle them without delay.

Field personnel who are called to the scene of a domestic disturbance shall determine if the incident involved "Criminal Domestic Violence," "Noncriminal Domestic Violence," or if it was a "Domestic Dispute."

The following are definitions and guidelines to be used in the reporting of domestic violence:

- Abuse - means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself, herself, or another;
- Domestic violence - means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship;
- Criminal domestic violence - is domestic violence involving an arrestable violation of the law;
- Noncriminal domestic violence - is domestic violence where a specific crime has not been committed, but there is apprehension of imminent serious bodily injury;
- Domestic dispute - is any familiar cohabitant or dating relationship incident absent of abuse or apprehension of imminent serious bodily injury;
- Weapon - as for the purpose of domestic violence reporting shall include any object capable of inflicting injury. This includes hands, fists, feet, and any other body part; and
- Dominant aggressor - means the person to be the most significant, rather than the first aggressor.

In all incidents involving domestic violence, an Incident Report (SH-R-49) shall be written. All domestic disputes require a definitive log entry only.

If, during the investigation of a domestic violence incident, it is determined that a crime has been committed, the suspect (dominant aggressor) shall be arrested. Section 836(d) P.C. permits an officer to make an arrest without a warrant for a misdemeanor not committed in the officer's presence when the officer has probable cause to believe that the suspect has committed an assault or battery against those described under "Domestic Violence" above.

In all domestic violence reports, the deputy shall:

- Inquire if the victim was strangled or suffocated by the alleged abuser during the incident and document the results of the inquiry;
- Document any observed signs that the alleged abuser was under the influence of alcohol and/or a controlled substance;
- Document if any law enforcement agency (including LASD) has previously responded to a domestic violence call at the same address involving the same suspect and victim;
- Inquire whether firearms or other deadly weapons are present at the location and if they were used or threatened to be used. Include the results of the inquiry and any injuries in the narrative of the domestic

violence report;

- If firearms or other deadly weapons are confiscated, document all weapons and receipt numbers in the domestic violence report;
- Document the name and date of birth of all children living at the location, and indicate all children who were present during the incident;
- Contact the Department of Children and Family Services (DCFS) and initiate a suspected child abuse report (SCAR) if the child is a witness, a victim, or is potentially at risk. The SCAR number provided is to be noted in the report;
- Offer an Emergency Protective Order (EPO) to the victim and document the results of the offer; and
- Document that a Family Abuse Intervention Resource (FAIR) brochure, Report Information brochure, and a Victim Information and Notification Everyday (VINE) brochure was given to the victim at the scene.

The victim of domestic violence shall be given a Family Abuse Intervention Resource (FAIR) brochure, Report Information brochure, and a Victim Information and Notification Everyday (VINE) brochure at the scene of the incident.

Deputies shall, if practical, interview all family members (children, siblings, parents, etc.) living or present at the location at the time of the incident. When practical, interviews should occur in a venue separate from the alleged suspect and with appropriate sound barriers to prevent the conversation from being overheard.

A deputy shall offer the victim an Emergency Protective Order. If the victim requests an Emergency Protective Order, the deputy shall attempt to obtain the Emergency Protective Order. If the victim refuses an Emergency Protective Order, the deputy has the discretion to obtain an Emergency Protective Order on the victim's behalf without the victim's consent if the deputy believes the victim is still in danger.

Pursuant to Section 18250 P.C., a deputy shall take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search. Upon taking custody of a firearm or other deadly weapon, deputy personnel shall issue a receipt to the owner or person who possessed the weapon. If mere possession of the weapon is a criminal offense and ownership is clearly established, deputy personnel shall take appropriate law enforcement action.

In all cases of criminal domestic violence, the investigating detective shall present the case to the district attorney's office for filing, including those where the victim declines prosecution. If the district attorney declines prosecution, the handling detective shall request a formal rejection notice.