

## 10-005 Domestic Violence Incident Reporting Procedures

Los Angeles County Sheriff's Department

### FIELD OPERATIONS DIRECTIVE

Field Operations Support Services



### DOMESTIC VIOLENCE INCIDENT REPORTING PROCEDURES

#### **PURPOSE**

The purpose of this Field Operations Directive is to establish uniform reporting procedures for the handling and documenting of incidents involving domestic violence.

#### **BACKGROUND**

Penal Code Section 13700, enacted in 1984, mandates specific training for law enforcement officers and requires compilation, maintenance, and reporting of domestic violence incidents. Since this enactment, numerous amendments and updates have been made to the domestic violence Penal Code sections.

#### **DEFINITIONS**

**Abuse** - Intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to themselves, or another.

**Domestic Violence** - 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** - Domestic violence involving an arrestable violation of the law.

**Noncriminal Domestic Violence** - Domestic violence where a specific crime has not been committed, but there is apprehension of imminent serious bodily injury.

**Domestic Dispute** - Any familiar cohabitant or dating relationship incident absent of abuse or apprehension of imminent serious bodily injury.

**Weapon** - Any object capable of inflicting injury, including personal weapons such as hands, feet, and other body parts.

**Dominant Aggressor** - The person determined to be the most significant rather than the first aggressor.

## **POLICY**

In all incidents involving domestic violence, including those when the victim is non-desirous of a report or prosecution, a report shall be written and an URN obtained. Domestic disputes shall be documented in a definitive log entry.

## **PROCEDURES**

All calls reporting threatened, imminent, or on-going family violence and/or the violation of any protective order or restraining order shall be dispatched as priority calls. Family violence calls of an emergent nature shall be dispatched as such.

### **Field Deputy's Responsibilities**

Deputies receiving family violence calls for service shall handle them without delay. 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. Deputies shall make a reasonable effort to identify the dominant aggressor in any domestic violence incident. 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.

Deputies shall interview the children at the scene of the incident, if practical, and all other family members and/or witnesses regarding 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.

Upon responding to the location of a domestic violence incident, deputies shall include the following notations in their report and take the following actions to ensure the safety of all persons:

- Deputies shall document any observed signs that the alleged abuser was under the influence of alcohol and/or a controlled substance;
- Deputies shall 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;
- Deputies at the scene of domestic violence incidents shall 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 their domestic violence report;
- Inquire if the victim was strangled or suffocated by the alleged abuser during the incident and document the results of the inquiry;
- If firearms or other deadly weapons are present at the location, a reasonable attempt (plain sight, consent search, or other lawful search) shall be made to confiscate the weapons pursuant to Penal Code Section 12028.5. If both parties are present at the residence and have the right to give legal consent to search the residence, one party may object to the search and the consensual search would be illegal (*Georgia v Randolph* (546 US 932));

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- Upon taking custody of a firearm or 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 enforcement action;
- Deputies shall document the name and date of birth of all children living at the location and/or all children who were present at the location during the incident; and
- 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.

### Incident Reports

#### Domestic Violence Generally

It shall be the handling deputy's responsibility to identify those situations involving reportable domestic violence (criminal and noncriminal domestic violence). All reportable domestic violence incidents shall be documented on an incident report, using a zero (0) retention and the appropriate stat code (discussed below).

#### Noncriminal Domestic Violence

For the purpose of reporting incidents involving non-criminal domestic violence, the codes Reporting Party-R and Party-P shall be used. These codes will only identify participants actually engaged in the act of noncriminal domestic violence. If a domestic violence non-criminal action is brought to the attention of this Department by a person other than those involved in the domestic violence incident, that person would be referred to as the Informant-I and the participants as Parties-P. If the action is reported by a participant, that participant will be identified as the Reporting Party-R and the other participant will be identified as Party-P.

Non-criminal domestic violence incidents shall be reported on the classification line of the incident report as follows:

Domestic Violence/Non-Criminal/13700 P.C. /449

Retention Code 0

#### Criminal Domestic Violence

Criminal domestic violence incidents shall be reported on the classification line as follows:

Spousal Assault/273.5 P.C./F/050

Spousal Battery/243(e) (1) P.C./M/146

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Statistical codes for cases of criminal domestic violence shall conform to the FBI Uniform Crime Reporting Guidelines and may not necessarily reflect the charging level of the offense (felony v. misdemeanor). The Uniform Crime Reporting Guidelines define serious or aggravated injuries as broken bones, internal injuries, or those injuries requiring sutures. Minor or simple injuries are defined as abrasions, minor lacerations, and contusions, and require no more than usual first aid treatment. Strangulation may appear to be a minor or simple injury when it should be treated as a serious or aggravated injury.

Statistical Code 050 - Use in cases of "aggravated assault" where a weapon (other than a personal weapon) is used regardless of the degree of injury sustained, or in cases where serious injuries are sustained regardless of the types of weapon used (including personal weapons).

Example: If a man swings an axe at his wife but misses, the report will reflect a 050 stat code. Likewise, if a wife punches her husband in the face and breaks his jaw, the report will also reflect a 050 stat code.

Statistical Code 146 - Use in cases of "non-aggravated assault" where the victim sustains no more than minor injuries and no weapon (other than hands and feet) is used. Bear in mind that any visible injury or trauma constitutes reasonable cause for a felony arrest under 273.5 P.C. Where a battery is committed but there are no injuries, the appropriate booking section is 243(e) (1) P.C.

Example: If a man pushes his wife to the floor but she does not sustain a visible injury the report will reflect a 146 stat code. Likewise, if a wife kicks her husband in the shin and leaves a bruise, the report will reflect a 146 stat code, but will be reported as Spousal Assault, 273.5 P.C.

Statistical Code 175 - Use in all cases of criminal domestic violence where no weapon was used and there is no physical injury to the victim.

Example: Crimes which may fall into this category include:

Criminal Threats - 422 P.C.

Stalking - 646.9 P.C.

Kidnaping - 207 P.C.

Witness Intimidation - 136.2 P.C.

Telephone Annoyance 653 (m) P.C.

Vandalism - 594 P.C.

False Imprisonment - 236 P.C.

Preventing Victim/Witness from notifying police - 136.1 (c) (1) P.C.

The handling deputy at a domestic violence incident shall provide the victim with a Family Abuse Intervention

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Resource (FAIR) brochure, Report Information brochure, and the Victim Information Notification Everyday (VINE) brochure. The deputy shall document in the incident report that the FAIR, Report Information, and VINE brochures were given to the victim.

The Penal Code mandates that an Emergency Protective Order (EPO) be offered and obtained if requested by the victim. The deputy shall attempt to obtain the EPO. If the victim refuses an EPO, the deputy has the discretion to obtain an EPO on the victim's behalf without the victim's consent if the deputy believes the victim is still in danger. The offer of an EPO, the victim's or reporting party's reply to the offer, and the result shall be documented in the incident report.

Example: "An EPO signed by Commissioner Smith, was issued to the victim at 1230 hours," or "The victim declined an EPO and stated she would be moving to her mother's residence tomorrow."

### **Watch Sergeant's Responsibilities**

It shall be the watch sergeant's responsibility to ensure that domestic violence reports conform to the provisions of this directive.

### **Detective's Responsibilities**

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.

### **REFERENCES**

[Newsletter 10-12 Domestic Violence Guide](#)

[Manual of Policy and Procedures \(MPP\) 5-09/030.00 - Domestic Violence](#)

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