



DEPARTMENTAL  
GENERAL  
ORDER

E-4

Index as:

Domestic Violence

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## DOMESTIC VIOLENCE

The purpose of this order is to set forth Department policy and procedures governing Departmental response to reports of domestic violence, including the enforcement of restraining orders issued in connection with domestic violence.

The policy of the Department is to treat domestic violence as criminal conduct.

More detailed information regarding the preliminary investigation of domestic violence is available in Department Training Bulletin III-J, PRELIMINARY INVESTIGATION OF DOMESTIC VIOLENCE.

All Restraining, Protective/Stay-Away, and Emergency Protective Orders are enforceable in any county, regardless of where issued (Family Code 6381). The Federal Violence Against Women Act requires states to enforce restraining orders issued in other states. These orders remain valid regardless of the actions of the protected person (e.g., if the protected person allows the restrained party back into a residence, the order still remains valid [PC Section 13711(c)]).

### I. POLICY

- A. All criminal investigations involving domestic violence shall be investigated by the Domestic Violence Unit unless otherwise directed by the Chief of Police.
- B. Officers shall conduct a preliminary investigation in accordance with the provisions in TB III-J, DOMESTIC VIOLENCE.
- C. The primary officer shall document all incidents of domestic disputes, domestic violence, and violations of restraining orders on the appropriate offense report whether or not an arrest is made and whether or not the suspect is gone when he/she arrives at the scene.

The primary officer shall indicate “Domestic Dispute” in the appropriate crime field and document the incident when no other crime has been committed.

- D. Arrest shall be regarded as the most appropriate response to domestic violence which involves an alleged felony, or any misdemeanor act of physical violence, abuse, or threat directed toward the complainant or a violation of a restraining order, as long as probable cause exists.

Officers shall not cite for any misdemeanor domestic violence offense. If the abuse happened within the past seven days, the officer shall make a custodial arrest if the suspect is on the scene. If the suspect is not on scene, request a complaint warrant.

If the offense occurred more than seven, but less than 365 days prior, and the suspect is on scene, positively identify the suspect and request a complaint warrant. Arrest is discouraged, but not prohibited.

If the victim demands an arrest and the offense occurred more than seven but less than 365 days prior, the officer shall accept the citizen’s arrest and take the suspect into physical custody. The victim making the citizen’s arrest shall sign either:

1. A Consolidated Arrest Report (CAR); or
2. A statement form (TF-536-200), on the Citizen’s Arrest signature line, if using the Electronic Arrest Report (ECAR).

If the offense occurred more than 365 days prior<sup>1</sup>, there is no probable cause to arrest. Officers shall not arrest or take physical custody of the suspect. Officers shall document the demand for a citizen’s arrest and that there was no probable cause for the arrest.

- E. Assignment Reports (236-253) shall not be used to document domestic disputes, domestic violence, and violations of restraining orders.
- F. If the offense report is used solely to document proof of service, officers shall write “Domestic Dispute” (primary) and “Proof of Service” (secondary) in the crime/offense field. Officers shall hand carry a printed copy of the offense report to the Warrants Unit in the Records Division or drop the copy off in the In-Custody Report Writing Receptacle.

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<sup>1</sup> Statute of Limitation for a misdemeanor is within 1 year of the commission of the offense- Penal Code Section 802(a).

- G. The primary officer shall ascertain if there are children on scene who have witnessed the incident and take a written statement when practical.

Children who have witnessed or were present during an incident of domestic violence shall also be listed as complainants pursuant to PC 273a(b) PC if they display objective signs of willful harm, emotional distress, or physical injury.

- H. The primary officer shall provide every domestic violence complainant with the following:
1. A completed Resource Card for Victims of Domestic Violence and Other Violent Crimes (TF-869);
  2. Appropriate medical attention if he/she claims injury, whether or not it is visible;
  3. Assistance with arranging transportation to alternate shelter if he/she expresses concern for safety;
  4. Civil stand-by for a reasonable amount of time, when a complainant requests police assistance in removing essential items of personal property. Property in dispute shall not be removed;
  5. Explanation of available options, including the private person's arrest process, temporary restraining orders, and in the event of an arrest, the follow-up procedures and subsequent criminal proceedings;
  6. Referral to the Family Violence Law Center or proper investigative unit for assistance;
  7. The report number.

## II. COMMUNICATIONS SECTION RESPONSIBILITIES

- A. Complaint operators receiving a call regarding domestic violence shall elicit and communicate to field units the following information whenever possible:
1. Use of alcohol;
  2. Presence or use of a dangerous weapon;
  3. Presence of children at the scene of the disturbance;
  4. Violence or threatened violence towards children at the scene of the disturbance;

5. Previous history of assault; and
  6. Whether a restraining order is in effect.
- B. Dispatchers shall assign calls involving domestic violence the same dispatch priority as other requests for assistance where lives are threatened or violence is involved.

### III. WARRANTS UNIT RESPONSIBILITIES

#### Warrants Unit Filing and Retrieval of Court Orders:

- A. Warrant Unit staff shall, upon receipt of a Domestic Dispute/Proof of Service offense report, input the proof of service information into CRIMS.
- B. The Warrants Unit shall maintain the file of restraining orders alphabetically by the petitioners' names and shall verify the documents in accordance with the following criteria:
  1. **Expiration Date:** A restraining order is valid until the expiration date specified. If no expiration date is specified, but a court hearing date is set, the document is valid until the hearing date.
  2. **Proof of Service/Prior Knowledge:** If the restraining order is marked to indicate that the respondent or his/her attorney was present in court when the order was issued, proof of service is confirmed. Proof of service may also be established by separate service documents; personal service; or by a copy of the offense report. Attach the offense report to the restraining order on file in the Warrants Unit, which documents that a member advised the suspect of the terms of the restraining order.
  3. **Recalls, Cancellations:** If the Warrants Unit receives a written order by the court that the restraining order has been recalled or canceled, the restraining order shall be attached to the recall or cancellation order. The recalled or canceled TRO shall be destroyed after the 30 days.
  4. **Modifications, Extensions:** The conditions of a restraining order may be modified or the date may be extended only by written order certified by the court. Such extensions and/or modifications shall be added to the file.

5. **Terms:** The body of the restraining order specifies activities which the respondent is prohibited from engaging in (e.g., visiting the petitioner's residence, harassing the petitioner). If the order meets the above criteria for confirmation, the Warrants Unit shall advise the responding officer of the terms (restrictions).
  6. **Document Number:** Each restraining order has a case number, which is unique to the parties involved. The Warrants Unit shall provide the number when confirming the order.
- C. If a restraining order is on file in another jurisdiction, including out of state jurisdictions, the Warrants Unit shall telephone the appropriate law enforcement agency and request verification of the restraining order, proof of service, order number, issuing court and terms.

The agency shall be requested to forward copies of the restraining order and service documents to the Warrants Unit.

- D. When investigators seek copies of restraining orders and service documents, the Warrants Unit shall provide duplicates only and retain the original documents in the file.

#### IV. TRAINING REQUIREMENTS

- A. The Training Section shall confer with Department subject matter experts and consult with local experts on the subject of domestic violence to provide appropriate recruit and in-service training.
- B. Training content and materials shall be kept current and incorporate all the elements of training as required by law.
- C. Domestic violence instructors and any new investigative personnel shall receive training from Departmental and other experts on domestic violence.

By order of

Howard A. Jordan  
Chief of Police

Date Signed: \_\_\_\_\_