

Member-Involved Domestic Violence

6.20.01 PURPOSE

The purpose of this order is to establish San Francisco Police Department (“Department”) policies and procedures when investigating and responding to domestic violence incidents involving sworn members (“members”). In addition to the policies and procedures outlined in this order, officers (“officer”) who respond to investigate a Member-Involved Domestic Violence (“MIDV”) incident shall adhere to the policies and procedures outlined in Department General Order 6.09 (Domestic Violence) and Department Manual 26 (Domestic Violence Manual). For specifications on ongoing training, refer to section 6.09.04.U of Department General Order 6.09 (Domestic Violence).

6.20.02 POLICY

It is the Department’s policy to maintain the highest level of professional conduct and to ensure that members are performing their duties, providing services to the public, and enforcing the laws in a fair, impartial, and ethical manner. Any conduct that creates an unreasonable risk of harm to the public, or compromises the integrity of the Department, may be grounds for discipline.

To preserve the integrity of the policing profession and to enhance public trust, domestic violence will not be tolerated, and the Department will adhere to a zero-tolerance policy towards MIDV incidents throughout a member’s career.

Domestic violence crimes have serious and long-lasting detrimental effects. Members of the SFPD are not immune from becoming involved in domestic violence situations as either a subject, victim, or witness. 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.

Members should assess and be aware of behaviors that may raise concerns about possible MIDV. The Department shall inform members of the procedure for seeking referrals external and internal for confidential counseling services. Members are encouraged to take personal responsibility in seeking confidential referrals and assistance from the Behavioral Science Unit (BSU) to prevent a domestic problem from escalating.

6.20.03 PROCEDURES

- A. Member-Involved Domestic Violence (MIDV) Investigations** - The SFPD shall thoroughly and objectively investigate all allegations of domestic violence against its members.

B. Confidentiality - MIDV incidents are sensitive and confidential investigations. Officers who respond to or investigate a MIDV incident shall ensure that the confidentiality of any report, victim, or member is properly protected. Additionally, in any case where an officer may be subject to discipline, the Peace Officer Bill of Rights applies.

C. Duties of the First Responding Officers - Officers responding to a MIDV investigation shall ensure their actions conform to the requirements of DGO 6.09 (Domestic Violence) and Department Manual 26 (Domestic Violence Manual).

1. Officer Notifications - Upon learning that a member is involved in the domestic violence incident as a subject or victim, the responding officer, as soon as possible, shall notify the following:
 - a. Field Supervisor
 - b. Department Operations Center (DOC)

The officer shall document the notification in the initial incident report, listing the time of notification and the name of the member(s) or supervisor(s) notified.

2. Written Statement - Officers that took action or participated in the investigation at the scene of a MIDV incident shall document their observations and actions in writing for inclusion with the initial incident report.

D. Duties of the Supervising Officer - Upon notification of a MIDV, the supervising officer shall respond to the scene and determine whether a crime has occurred. If a crime has occurred, the supervising officer shall notify their senior-ranking officer.

The supervising officer shall ensure the notifications listed in section 6.20.03C of this order have been made.

E. DOC Notifications - Upon learning of a MIDV incident, the DOC is responsible for ensuring that the following are notified:

1. Office of the Chief of Police
2. Commanding Officer of the Involved Member
3. Commanding Officer – Risk Management Office
4. Officer in Charge – Internal Affairs Division-Administration (IAD)
5. Officer in Charge – Investigative Services Division (ISD)
6. Officer in Charge – Special Victims Unit (SVU)
7. Commanding Officer – District of Occurrence
8. Night Captain (if during night watch hours)
9. On-call IAD, ISD and SVU investigators

F. Other Law Enforcement Jurisdiction - In the event that another agency reports an MIDV incident, the officer receiving such information shall immediately notify a

supervisor. The supervising officer shall ensure that the proper notifications are made, per section 6.20.03C above.

- G. Arrest of Commissioned Officers or Command Staff** - If a Commissioned Officer (Lieutenant, Captain or Command Staff) is arrested for a MIDV, the Chief of Police will notify the President of the Police Commission. The Assistant Chief will notify the Mayor's Office if the arrested member is the Chief of Police.

- H. Duties of the Involved Member's Commanding Officer** - Upon learning that a member in their command has been arrested, is a suspect, or is a restrained party on a restraining order, the Commanding Officer shall notify the Chief's Office through the Commanding Officer of the Risk Management Office. Refer to DGO 1.06 (Duties of Superior Officers).

- I. Duties of the Investigating Officers** - As with any allegation of criminal misconduct involving a member, separate criminal and administrative investigations shall be conducted in accordance with state and federal law and Department policy.

The on-call IAD, ISD and SVU investigators shall respond to the scene of a MIDV occurring in the City and County of San Francisco.

ISD shall have the primary responsibility for the criminal investigation. The SVU investigator shall assist the ISD investigator, providing advice and support regarding resources, procedure, case law and other issues; this shall include, but is not limited to, information including domestic violence advocates, available shelters, victim confidentiality, etc.

IAD shall have the primary responsibility for the administrative investigation and shall be responsible for the coordination of administrative matters that may include serving Chief's orders and adherence to Department General Order 2.08 (Peace Officer Rights in Disciplinary Investigations) and related state law.

- 1. MIDV Homicide - In the event of a MIDV Homicide, the on-call Homicide investigator(s) and OIC shall also be notified. The Homicide investigator(s) shall assume primary responsibility for the criminal investigation. The ISD, SVU, and IAD investigators shall also respond to provide assistance as described in this section.

- J. Duties of the Involved Member** - Any member who is aware that they have been named as a suspect in a domestic violence incident shall immediately notify their Commanding Officer in accordance with DGO 2.01 (General Rules of Conduct).
 - 1. Members Named as a Restrained Party on a Protective Order - Any member named as the restrained party on a protective order shall immediately notify their Commanding Officer of the order.

2. Chief's Orders - When directed by the Chief of Police, the member shall comply with all aspects of a Chief's Order which may include but are not limited to administrative reassignment or leave, stay away orders, and/or surrender of department-issued equipment. Orders to surrender department-issued equipment may include, but not limited to, department-issued firearm and magazines, department-issued electronic devices, department ID card, and department star. When ordered to surrender department-issued equipment, those items shall be surrendered to the IAD investigator or the member's commanding officer.

Pursuant to Department General Order 6.09 (Domestic Violence), if a member is arrested for DV or named as a restrained person in a protective order, the member's personal firearms shall be seized and booked with probable cause in accordance with state law and Department policy.

K. Member Victims of Domestic Violence - Department members who are victims of Domestic Violence shall be afforded all the rights, privacy, protections, and resources that any other DV victim is afforded.

1. Assignment - Since domestic violence perpetrators are likely to know when and where the victim works, they commonly continue the harassing and victimizing behavior while the victim is at their place of work. When appropriate, the member victim's Commanding Officer in consultation with SVU-DV, BSU, and the member, should consider adjusting work hours, location, and department cellphone contact numbers of domestic violence victims to prevent further victimization.
2. Shelter - Due to the sensitive nature of a MIDV incident, members should work with SVU-DV and/or BSU to locate safe and confidential shelter alternatives for member victims. Members assisting in locating alternatives to shelter shall maintain confidentiality of the victim's location.

L. Court Proceedings - Members of the SFPD shall not appear at any MIDV-related court proceeding while on-duty, except as specifically ordered by a subpoena or as ordered by a Commissioned Officer.

While off-duty, members appearing at an MIDV related court proceeding shall not wear or display any SFPD identification, star or insignia.

References

DGO 1.03, Duties of Patrol Officers
DGO 1.04, Duties of Sergeants
DGO 1.06, Duties of Superior Officers
DGO 2.01, General Rules of Conduct
DGO 2.08, Peace Officer Rights in Disciplinary Investigations
DGO 6.09, Domestic Violence

DM-26 Domestic Violence Manual
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 18250
Government Code Section 6254
Special Victim's Unit Follow up and Referral Card (SFPD 142)