

~~MEMBER INVOLVED DOMESTIC VIOLENCE~~

~~This order establishes Department policies regarding Member-Involved Domestic Violence (MIDV)~~

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, members-officers (“officer”) who respond to investigate an MIDV 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

~~MEMBER INVOLVED DOMESTIC VIOLENCE (MIDV) INVESTIGATIONS. The San Francisco Police~~

~~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 by against its members, ~~whether sworn or non-sworn. Per Department General Order 8.01.I.B.9, the arrest of a sworn member, whether on or off duty, is a critical incident.~~
- B. ~~CONFIDENTIALITY.~~ Confidentiality - MIDV incidents are sensitive and confidential investigations. Officers who respond to or investigate ~~ana~~ 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 ~~must be adhered to~~ applies.
- ~~C. HIRING. Applicants to~~ Duties of the San Francisco Police Department who have been convicted of domestic violence or a domestic violence-related offense shall not be considered for employment.

I. PROCEDURES

- ~~A. DUTIES OF THE FIRST RESPONDING OFFICERS.~~ First Responding Officers - Officers responding to ~~ana~~ MIDV investigation shall ensure their actions conform to the requirements of DGO 6.09.
- ~~D.C. WRITTEN STATEMENT. Officers at the scene of an MIDV incident shall document their observations (Domestic Violence) and actions in writing for inclusion with the initial incident report.~~ Department Manual 26 (Domestic Violence Manual).
1. ~~OFFICER NOTIFICATIONS.~~ 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
- 3.4. Officer in Charge – Internal Affairs Division-Administration (IAD)
- 4.5. Commanding Officer—Internal Affairs in Charge – Investigative Services Division-Criminal (IAD-CRIM (ISD))
- 5.6. Commanding Officer— in Charge – Special Victims Unit (SVU)
- 6.7. Commanding Officer— District of Occurrence
- 7.8. Night Captain (if during night watch hours)
- 8.9. On-call IAD, IAD-CRIMISD and SVU investigators

F. Other Law Enforcement Jurisdiction: - In the event that another agency reports an MIDV incident, the memberofficer receiving such information shall immediately notify a supervisor. The supervising officer shall ensure that the proper notifications are made, per section H.A.36.20.03C above.

~~**B. DUTIES OF THE SUPERVISING OFFICER.** Upon notification Arrest of an 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 his/her senior ranking officer.~~

~~The supervising officer shall ensure the notifications listed in section H.A.3 of this order have been made.~~

~~**C. DUTIES OF THE SENIOR RANKING OFFICER.** The senior ranking officer shall ensure the notifications listed in section H.A.3 of this order have been made.~~

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

H. Duties of the Involved Member's Commanding Officer: - Upon learning that a member in his/hertheir 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

~~IAD-Commanding Officer of the Risk Management Office.~~ Refer to DGO 1.06, ~~(Duties of Superior Officers-).~~

I. ~~DUTIES OF THE INVESTIGATING OFFICERS.~~ 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, ~~IAD-CRIMISD~~ and SVU investigators shall respond to the scene of a MIDV occurring in the City and County of San Francisco.

~~IAD-CRIMISD~~ shall have the primary responsibility for the criminal investigation. The SVU investigator shall ~~advise~~assist the ~~criminal investigation~~ISD investigator, providing ~~assistance~~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 ~~the disarming of the member, reassignment of the member, access to investigative databases (e.g. CLETS),~~serving Chief's orders and adherence to Department General Order 2.08, ~~(Peace Officer Bill of Rights in Disciplinary Investigations)~~ and related state law.

1. MIDV Homicide: ~~-~~ In the event of ~~an~~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 ~~IAD-CRIMISD~~, 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 ~~he/she has~~they have been named as a suspect in a domestic violence incident shall immediately notify ~~his/her~~their Commanding Officer. ~~The member is subject to administrative reassignment 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 ~~his/her~~their Commanding Officer of the order.

2. ~~MEMBER'S WEAPONS~~: Chief's Orders - When directed, ~~by the officer~~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 his/herof 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 ~~his/her Commanding Officer~~ the member's commanding officer.

Pursuant to Department General Order 6.09, ~~Section III-D (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.

~~3. DEPARTMENT ISSUED ELECTRONIC DEVICES. When directed, the member shall surrender any Department issued electronic device to the IAD investigator or his/her Commanding Officer.~~

~~4. ACCESS TO COMPUTER DATABASES. While an investigation of a member regarding an MIDV allegation is on-going, the Chief's Office shall review whether the member's access to the Department's computer databases, such as CLETS, should continue or be suspended, in accordance with policy and state law.~~

K. COURT PROCEEDINGS- 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.

K.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 ~~command rank~~ 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 ~~Officers'~~Officer Rights in Disciplinary Investigations

DGO 6.09, Domestic Violence

~~DGO 8.01, Critical Incident Evaluation and Notification~~

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

~~Domestic Violence~~Special Victim's Unit Follow up and Referral Card (SFPD 142)