

MEMBER-INVOLVED DOMESTIC VIOLENCE

This order establishes Department policies regarding Member-Involved Domestic Violence (MIDV) incidents. In addition to the policies and procedures outlined in this order, members who respond to investigate an MIDV incident shall adhere to the policies and procedures outlined in Department General Order 6.09 (Domestic Violence).

I. POLICY

- A. **MEMBER-INVOLVED DOMESTIC VIOLENCE (MIDV) INVESTIGATIONS.** The San Francisco Police Department shall thoroughly and objectively investigate all allegations of domestic violence by 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.** MIDV incidents are sensitive and confidential investigations. Officers who respond to or investigate an MIDV 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.
- C. **HIRING.** Applicants to the San Francisco Police Department who have been convicted of domestic violence or a domestic violence-related offense shall not be considered for employment.

II. PROCEDURES

- A. **DUTIES OF THE FIRST RESPONDING OFFICERS.** Officers responding to an MIDV investigation shall ensure their actions conform to the requirements of DGO 6.09.
 - 1. **WRITTEN STATEMENT.** Officers at the scene of an MIDV incident shall document their observations and actions in writing for inclusion with the initial incident report.
 - 2. **OFFICER NOTIFICATIONS.** Upon learning that a member is involved in the domestic violence incident, the responding officer, as soon as possible, shall notify the following:
 - a. Field Supervisor
 - b. Department Operations Center (DOC)

DGO 6.20
Eff. 10/08/14

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

3. **DOC NOTIFICATIONS.** Upon learning of a MIDV incident, the DOC is responsible for ensuring that the following are notified:
 - a. Office of the Chief of Police
 - b. Commanding Officer of the Involved Member
 - c. Commanding Officer—Internal Affairs Division-Administration (IAD)
 - d. Commanding Officer—Internal Affairs Division-Criminal (IAD-CRIM)
 - e. Commanding Officer—Special Victims Unit (SVU)
 - f. Commanding Officer—District of Occurrence
 - g. Night Captain (if during night watch hours)
 - h. On-call IAD, IAD-CRIM and SVU investigators
4. **OTHER LAW ENFORCEMENT JURISDICTION.** In the event that another agency reports an MIDV incident, the member receiving such information shall immediately notify a supervisor. The supervising officer shall ensure that the proper notifications are made, per section II.A.3 above.

- B. **DUTIES OF THE SUPERVISING OFFICER.** Upon notification 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 II.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 II.A.3 of this order have been made.

If the member involved is a Commissioned Officer (Lieutenant, Captain or Command Staff), the Chief of Staff will notify the President of the Police Commission. The Chief of Staff will also notify the Mayor's Office if the member involved is the Chief of Police.

- D. **DUTIES OF THE INVOLVED MEMBER'S COMMANDING OFFICER.** Upon learning that a member in his/her 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. Refer to DGO 1.06, Duties of Superior Officers.
- E. **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.

DGO 6.20
Eff. 10/08/14

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

IAD-CRIM shall have the primary responsibility for the criminal investigation. The SVU investigator shall advise the criminal investigation, providing assistance 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), adherence to Department General Order 2.08, *Peace Officer Bill of Rights* and related state law.

- **MIDV HOMICIDE.** In the event of an 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-CRIM, SVU, and IAD investigators shall also respond to provide assistance as described in this section.

F. **DUTIES OF THE INVOLVED MEMBER.** Any member who is aware that he/she has been named as a suspect in a domestic violence incident shall immediately notify his/her Commanding Officer. The member is subject to administrative reassignment.

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 Commanding Officer of the order.
2. **MEMBER'S WEAPONS.** When directed, the officer shall surrender his/her Department-issued firearm to the IAD investigator or his/her Commanding Officer.

Pursuant to Department General Order 6.09, Section III. D, 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.

DGO 6.20
Eff. 10/08/14

- G. 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 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' Rights
DGO 6.09, Domestic Violence
DGO 8.01, Critical Incident Evaluation and Notification
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 Referral Card (SFPD 142)