

EFFECTIVE: 1 July 2000

REVISED: 1 December 2008
1 January 2010
20 June 2011
31 August 2015

SUBJECT: Domestic Violence Investigations

ISSUED BY: Fernando Solorzano

I. PURPOSE

This General Order is intended to provide clear direction in the investigation of reports of domestic violence, and to ensure that the safety, security and rights of any party are preserved.

II. POLICY

It is the policy of this department to respond to all calls involving domestic violence. Domestic violence is criminal conduct that must be investigated, and arrests made when appropriate. Dispute mediation shall not be used as a substitute for appropriate enforcement action (arrests or reporting) in domestic violence cases.

III. DEFINITIONS (Section 13700 of the Penal Code)

Abuse

Intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself/herself, or another.

Domestic violence

"Abuse" committed against an adult or fully emancipated minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had or is having a child or has had a dating or engagement relationship.

IV. ENFORCEMENT OF LAWS

It is the intent of the California State University; Long Beach Police Department that response to cases of domestic violence shall stress enforcement of laws to protect the

victims and communicate the attitude that violent behavior in the home or elsewhere is criminal behavior and will not be tolerated.

Officers shall ensure that the investigation is thorough and that enforcement action upon the "Primary Aggressor" is appropriate. "Primary Aggressor" is the person determined by the officer to be the "most significant, rather than the first, aggressor. Therefore, it is strongly recommended that an officer consult a fellow investigating officer in determining the party of primary responsibility whenever there is a lack of clarity.

The following factors should not be used to avoid reporting or making an arrest:

- (a) The marital status of the suspect and victim.
- (b) Whether or not the suspect lives on the premises with the victim.
- (c) The existence or lack of temporary restraining or ~~stay~~ orders.
- (d) The potential financial consequences of an arrest.
- (e) The complainant's history of prior complaints.
- (f) Verbal assurances that violence will cease.
- (g) The complainant's emotional state.
- (h) The lack of visible injuries.
- (i) The location of the incident, whether public or private.
- (j) Speculation that the complainant may not follow through with the prosecution, or that the domestic violence case may not result in a conviction of the suspect.

V. FELONY ARRESTS

Officers shall make an arrest when there is reasonable cause to believe that a felony has occurred.

Examples

- 273.5(A) PC Inflict corporal injury on spouse or cohabitant with a relationship
- 245(A)(1) PC ADW/Domestic Violence (knife, feet, fist, etc.)
- 245(A)(2) PC ADW/Domestic Violence (firearms)
- 664/187 PC Attempted Murder/Domestic Violence
- 187 PC Murder/Domestic Violence
- 422 PC Terrorist Threats against immediate family

VI. MISDEMEANOR ARRESTS

Officers shall make an arrest when there is reasonable cause to believe that a misdemeanor (including violations of court orders) has occurred. Officers shall not release suspects on a misdemeanor citation in a Domestic Violence Crime.

Examples

- 166.4 PC Willful disobedience of Court Order

243(E) PC Battery on noncohabitating former spouse/etc.
273.6 PC Violation of Domestic Violence Restraining Order

Officers shall arrest a suspect who they have probable cause to believe has violated a protective or stayaway order.

VII. PRIVATE PERSON ARRESTS

Officers shall inform the victim of the right to make a private person's arrest when a crime has been committed outside the officer's presence which does not meet the requirements for a felony arrest. Whenever possible, such discussions shall be held away from the suspect to avoid any attempts by the suspect to make a retaliatory private person's arrest.

Officers shall not dissuade victims of domestic violence from making a lawful private person's arrest. (142 PC). Officers shall accept a lawful private person's arrest.

VIII.

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- (d) The victim will be given a Crime Report Receipt with the crime report number. If the report number is not immediately available, explain to the victim how the number may be obtained.
- (e) Document if alleged abuser shows signs of being under the influence of alcohol or a controlled substance – PC 13730 (c).
- (f) Document if there was previous response to the location for domestic violence involving either party – PC 13730 (c).

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