

OFFICE OF THE CHIEF OF POLICE

ADMINISTRATIVE ORDER NO. 3

February 23, 2017

SUBJECT: CASE SCREENING FACTORS – REVISED; DOMESTIC VIOLENCE LAWS – FIELD NOTEBOOK DIVIDER, FORM 18.30.02 – RENAMED AND REVISED; AND, DOMESTIC VIOLENCE FLOWCHART, FORM 18.30.06 – ACTIVATED

PURPOSE: This Order revises Department Manual Section 4/203.22, *Case Screening Factors*, to add an “Exception” clause indicating that a “Short-Form” Investigative Report (IR) **shall not** be completed for domestic violence-related investigations. A narrative is required for these types of investigations. This Order also renames and revises the Domestic Violence Laws – Field Notebook Divider, Form 18.30.02, to include a strangulation section and other updates to comply with California Penal Code (PC) Sections 273.5, 836(d), and 13701(b); revises the titling of the Investigative Report, Form 03.01.00, and the Arrest Report, Form 05.02.00, involving certain domestic violence-related crimes; and, activates the Domestic Violence Flowchart, Form 18.30.06.

Additionally, this Order supersedes Office of Operations Order No. 5, *Procedures for Making Arrests Under the New Domestic Violence Law – Penal Code Section 836(d)*, dated May 1, 1997, and Office of Operations Order No. 4, *Determining the Dominant Aggressor at a Domestic Violence Investigation*, dated May 20, 2004.

PROCEDURE:

- I. CASE SCREENING FACTORS – REVISED.** Department Manual Section 4/203.22, *Case Screening Factors*, has been revised. Attached is the revised Department Manual section with the revisions indicated in italics.
- II. DOMESTIC VIOLENCE LAWS – FIELD NOTEBOOK DIVIDER, FORM 18.30.02 – RENAMED AND REVISED.** The Domestic Violence Laws – Field Notebook Divider, Form 18.30.02, has been renamed as the Domestic Violence – Field Notebook Divider, and has been revised to conform to new Department procedures.
- III. DOMESTIC VIOLENCE FLOWCHART, FORM 18.30.06 – ACTIVATED.** The Domestic Violence Flowchart, Form 18.30.06, has been activated to assist officers in the field when conducting preliminary investigations of domestic violence. The new mandatory domestic violence headings have been included in the flowchart.

Effective immediately, IRs and Arrest Reports involving domestic violence shall be titled as follows:

- **Intimate Partner Battery** (Misdemeanor) for 243(e)(1) PC; or,
- **Intimate Partner Violence with Injury** (Felony) for 273.5 PC; or,
- **Domestic Violence Incident** for non-crime report per 13730(a) PC.

Note: Officers responding for the investigation of a domestic violence incident where the corpus delicti of a specific crime is **not** present shall complete an IR, titled “Domestic Violence Incident.”

FORM AVAILABILITY: The Domestic Violence – Field Notebook Divider and the Domestic Violence Flowchart are available in E-Forms on the Department’s Local Area Network (LAN). Copies of the Domestic Violence – Field Notebook Divider and the Domestic Violence Flowchart have been attached for immediate use and duplication. All other versions of the Domestic Violence – Field Notebook Divider shall be marked “obsolete” and placed into the divisional recycling bin.

AMENDMENT: This Order amends Section 4/203.22 of the Department Manual. The “Form Use” link applicable to Domestic Violence Investigations within the Investigative Report, Form 03.01.00, has been updated and is accessible in E-Forms on the Department’s LAN.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

Attachments

DISTRIBUTION “D”

DEPARTMENT MANUAL
Volume IV
Revised by Administrative Order No. 3, 2017

203.22 CASE SCREENING FACTORS. An employee conducting a preliminary investigation of an incident reportable on an Investigative Report, Form 03.01.00, shall check the applicable boxes under the Case Screening Factor Section of the report. If all of the factors are present (all of the boxes are checked), "Short-Form" reporting applies.

A Short-Form Investigative Report may be taken when all of the following conditions exist:

- Suspect/vehicle was not seen;
- Prints or other evidence were not present;
- MO was not distinct;
- Property lost was less than \$5000;
- There was no serious injury to the victim; and,
- There was only one victim.

If any of these conditions are not present, the Investigative Report shall be completed in its entirety.

***Exception:** A "Short-Form" Investigative Report **shall not** be completed for domestic violence-related investigations. A narrative is required.*

FORM USE
DOMESTIC VIOLENCE INVESTIGATIONS
Revised by Administrative Order No. 3, 2017

03.01.00J DOMESTIC VIOLENCE INVESTIGATIONS. The Investigative Report and the Domestic Violence Supplemental Report (DVSR), Form 15.40.02, shall be used to report all domestic violence (Penal Code Section 13700) incidents.

03.01.00J-10 Completion - Criminal Offense Involved. Officers *who are* responsible for the completion of the Investigative Report which involves a criminal offense shall:

- Title the report with the appropriate crime;
- Check the Domestic Violence checkbox in the MO portion of the report;
- Record the name, address, phone number *and e-mail address* (if available) of a "Contact Person" detectives can contact in the event the victim opts to leave his or her residence;
- Ensure *that all of the* appropriate boxes on the DVSR are checked;
- Document any additional information related to the checked boxes on the DVSR in the narrative of the Investigative Report or Combined Crime and Arrest Report, using a heading which matches the appropriate heading on the DVSR; and,
- Number the DVSR as the last two pages of the primary report.

03.01.00J-12 Completion - Non-Criminal Offenses Involved ("Domestic Violence Incident"). Officers *who are* responsible for the investigation of a domestic violence incident where the corpus delicti of a specific crime is *not* present shall complete an Investigative Report and shall:

- Title the report "Domestic Violence *Incident*";
- Check the Domestic Violence checkbox in the MO portion of the report;
- *List the person in fear as the victim (vict);*
- *List the person causing fear as Wit-1 (no suspect shall be listed); and,*
- List all *other* persons in the "involved persons" section of the report.

Note: Refer to Domestic Violence Flowchart, Form 18.30.06.

Note: A report must be completed on all incidents which meet the criteria of domestic violence as defined in Penal Code Section 13700 whether or not a specific crime has been identified. The unwillingness of the victim of domestic violence to sign a report does not exempt officers from the requirement to complete a report of the incident.

DOMESTIC VIOLENCE – FIELD NOTEBOOK DIVIDER

I. ARRIVAL AT SCENE

___ Separate all parties.

Note: This includes removing the victim (vict) from the suspect's (susp) line of sight or other involved parties.

- ___ Determine if any weapon(s) is involved.
- ___ Determine location and condition of the vict.
- ___ Request an ambulance as needed.
- ___ Determine if any crime has occurred.
- ___ Identify relationship of involved parties.
- ___ Determine if susp is still at location.
- ___ Attempt to identify the dominant aggressor (per 13701(b) PC)
- ___ Identify witness(es), including children.
- ___ Identify if prior police response(s) for domestic violence involving the same parties.
- ___ Identify if parties are under the influence of drugs/alcohol.

II. INVESTIGATION

- ___ Advise the vict of his or her right to have a domestic violence advocate and a support person of the vict's choosing present, pursuant to 679.05 PC.
- ___ Interview vict and witnesses, including children, separately.
- ___ Write down statements verbatim.
- ___ Determine susp's and vict's actions.
- ___ Note and document vict's condition.
 - ___ Smear make up
 - ___ Torn clothing
 - ___ Injuries (to include strangulation/suffocation)
 - ___ Emotional condition
 - ___ Color of skin
 - ___ "Complained of" internal injuries
- ___ Document statements or unusual/relevant noise heard while approaching location.
- ___ If vict has a restraining order against susp, obtain a copy of the order and valid proof of service and attach to report. If the susp has not been served, complete the service. If no restraining order exists, determine if an Emergency Protective Order is appropriate and inform the vict how to obtain a Domestic Violence Temporary Restraining Order.
- ___ If paramedics were called to the scene, obtain their names, Serial Nos. and RA unit number.
- ___ Document spontaneous statements (both susp and vict) verbatim.
- ___ Determine the 911 caller; identify and interview.
- ___ Determine if sexual assault occurred and the need for medical treatment.
- ___ Obtain identifiable information (e.g., work location, names used by the susp) and a current photograph of the susp, or a digital photograph of the susp's photograph. Actual photographs must be booked as evidence and digital photographs must be uploaded to LYNXPM or retained using current Department procedures.
- ___ Notify Department of Children and Family Services (DCFS) if child(ren) is present at the scene of a DV call or living in the home (but not present). Officers **shall immediately, or as soon as practicably possible, cross-report the DV to DCFS and obtain a DCFS Reference Number.** Document the Reference No. on the Domestic Violence Supplemental Report, Form 15.40.02, or other required report.
- ___ Interview child(ren) to determine if child(ren) has been a vict of child abuse.
- ___ Document DCFS Reference No. on the Domestic Violence Supplemental Report, Form 15.40.02, or other required report.

Note: Complete appropriate report if child abuse is determined.

III. IF A SUSPECT IS TAKEN INTO CUSTODY

- ___ Prevent communication between the susp and vict/witnesses.
- ___ Ensure that the susp's consent or a search warrant is obtained prior to accessing the suspect's digital devices

(e.g., cell phone, computer, tablet - per 1546 PC, et seq.). Failure to obtain consent or a search warrant may result in the suppression of evidence and/or civil liability.

- ___ Document alibi statements.
- ___ Advise the susp of their rights.
- ___ Attempt to interview the susp after obtaining waiver.
- ___ Document statements (including those made to detention officers) verbatim.
- ___ Advise the vict that the susp could be released from custody soon.

IV. EVIDENCE

- ___ Document the condition of crime scene with detailed descriptions.
- ___ Photograph the crime scene.
- ___ Recover weapons/firearms (18250 PC) and book weapons and other evidence, e.g., bloody clothing, video surveillance.
- ___ Document the type of weapon(s) used.
- ___ Ensure that vict's/susp's injuries are photographed.
- ___ Document if there is any evidence of alcohol and/or drug use.

V. MEDICAL TREATMENT

- ___ Transport the vict to a hospital for Medical Treatment (MT), if necessary.
- ___ Request that the vict sign an Authorization to Release Medical Information, Form 05.03.00.
- ___ Obtain a copy of the MT report and attach to police report.
- ___ If a sexual assault occurred, complete procedures for sexual assault response.

VI. COMPLETING CRIME REPORT

- ___ Maintain objectivity in reporting. Avoid personal opinions regarding comments from vict/susp.
- ___ Ensure that elements of all involved crimes are included in the report.
- ___ Document any injuries that the vict/susp sustained.

Document the following:

- ___ Visible injury, possible internal injury, and/or complained of pain.
- ___ Advisement of private person's arrest, if applicable.
- ___ Vict and susp photographed (or photograph of susp obtained from vict or witness).
- ___ Photograph both vict's and susp's injuries.
- ___ Domestic Violence Victim Information and Notification Everyday (VINE) pamphlet, Form 15.42.01, given to vict.
- ___ Advisement of shelters, civil standby and VINE pamphlet explained.
- ___ Conduct an Automated Firearms System inquiry and attach printout to the Investigative Report (IR) or Arrest Report.
- ___ Document vict and/or witness primary language.
- ___ History of domestic violence (whether reported or not).
- ___ Include restraining order information and prior violations (whether reported or not).
- ___ Include email address and alternate phone numbers for the vict and witnesses (e.g., business, relatives, and friends).
- ___ Out of the susp's presence, inquire where the vict will spend the night and an emergency contact.
- ___ Note whether child(ren) was present during domestic violence incident or living in the home but not present.
- ___ Note whether child(ren) has been a vict of child abuse. If they are a vict: Complete appropriate IR, cross-report to DCFS, and for crimes under the purview of Juvenile Division, contact the Investigative Control Unit, Juvenile Division, at (213) 486-0531 or RACR during off hours.
- ___ If completing an "Intimate Partner Violence with Injury (Felony)" report, complete a Request for Confidentiality of Information, Form 03.02.00.
- ___ Complete an Authorization to Release Medical Information, Form 05.03.00.

VII. FOLLOW-UP INVESTIGATIONS

- ___ Conduct investigation as though vict were unable to testify.
- ___ Do not ask the vict if he/she wants to prosecute. However, if the vict expresses reluctance to testify, note the reasons.

DOMESTIC VIOLENCE – FIELD NOTEBOOK DIVIDER

- _____ Determine if a history of violence exists (*whether* reported or not).
- _____ Run Master Inquiry for the vict and the susp.
- _____ Was the vict reluctant to come forward on past incidents? If so, why? (e.g., fear for self/children, safety).
- _____ View the vict's injuries. If injuries are observed, document in follow-up.
- _____ Verify that photographs have been taken (if not, request photographs or take them yourself).
- _____ Recommend follow-up photographs 2-3 days later, if appropriate (Some bruises are more easily photographed at that time).
- _____ Document any medical treatment.
- _____ If paramedics were called to the scene, obtain their statements.
- _____ If the vict has received additional MT, obtain name/address of *physician*.
- _____ Ask the vict about contacts with the *susp* since crime occurred; (e.g., threats, intimidation, phone calls, visits to jail, emails, texts, social media postings).
- _____ Determine if there are any pending cases involving the *susp* and/or vict.
- _____ Interview witnesses to corroborate either party's statements and to substantiate or refute alibi statements.
- _____ Interview "fresh *complaint* witnesses" (those witnesses who talked to or saw parties immediately after the incident).
- _____ Obtain prior reports and present cases to filing deputy district attorney or deputy city attorney.
- _____ Provide copy of report face sheet to vict (6228 Family Code).

VIII. INTERVIEW THE SUSPECT

- _____ Obtain California Information and Identification (CII) number and CCHRS/JNAM rap sheets for the susp and check out-of-state and FBI records.
- _____ Document the susp's description of "provoking" behavior (e.g., nagging, dinner unprepared).
- _____ Photograph offensive injuries (hands, knuckles).
- _____ Photograph other injuries (inflicted by the vict in self-defense).
- _____ Determine and document whether or not the susp is on parole and/or probation.
- _____ If the susp is on parole, get a parole hold placed, inform parole agent, and obtain the agent's name and phone number(s).
- _____ If the susp is on felony probation, inform probation officer and obtain the officer's name and phone number(s).
- _____ If the susp is on misdemeanor probation in this jurisdiction, verify that it is still active.

DOMESTIC VIOLENCE LAWS

§ 13700 Penal Code (PC) – Defines Domestic Violence

- (a) "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to self, or another.
- (b) "Domestic Violence" means abuse committed against an adult or minor who is a spouse, former spouse, cohabitant, former cohabitant, or a person with whom the susp has had a child, or *is having or has had* a dating or engagement relationship. "Cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of *relationship*. *Same sex relationships are included.*

§ 13701(b) PC – Defines Dominant Aggressor

The person determined to be the most significant, rather than the first, aggressor.

Note: Pursuant to 13071(b) PC, officers **shall** make reasonable efforts to identify the dominant aggressor. Circumstances that may prove challenging include:

- Injuries to both parties involved (self-defense), per 692-694 PC;
- Injuries to both parties involved (not self-defense), per 13701(b) PC; and,
- Mutual protective orders on file, per 836(c)(3) PC.

Note: Dual arrests are not prohibited in cases where the dominant aggressor cannot be determined or where both parties have used significant violence and self-defense is not a factor.

§ 243(e)(1) PC – Defines Dating Relationship

Section 243(f)(10) PC "Dating Relationship" means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement independent of financial considerations.

Authority of Peace Officer to Take Temporary Custody of Firearm at the Scene of a Domestic Violence Incident

§ 18250 PC – A peace officer who is at the scene of a domestic violence incident involving a threat to human life or a physical assault, shall take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search as necessary for the protection of the peace officer or other persons present.

Department employees completing an IR, titled, "Domestic Violence Incident," a non-crime report, **shall not** confiscate weapons per 18250 PC.

Note: § 1524(a)(9) PC – A search warrant may be obtained when the property to be seized includes a firearm or any other deadly weapon at the scene of, or at the premise occupied or under the control of the person arrested in connection with, a domestic violence crime involving a threat to human life. This section does not affect the warrantless seizures authorized by section 18250.

§ 18265(a) PC – No firearm or other deadly weapon taken into custody shall be held less than 48 hours.

Court Order During Open Case

§ 136.2 PC – An order issued by a Criminal Court Judge prohibiting witness intimidation and dissuasion can prohibit all contact with a vict/child(ren) or can prohibit defendant from annoying, harassing, following or otherwise disturbing the peace of the vict/child(ren). The order requires the defendant to surrender all firearms in his or her immediate possession and control within 24 hours of the service of the restraining order. Violation of this section is a wobbler under Section 136.1 PC.

Contempt of Court

§ 166(a)(4) PC – Willful disobedience of any process or order lawfully issued by any court.

§ 166(b)(1) PC – Any person who is guilty of contempt of court under paragraph (4) of subdivision (a) by willfully contacting a vict by phone, mail, or directly and who has a previous conviction for stalking is guilty of a misdemeanor.

§ 166(C)(4) PC – A second or subsequent conviction occurring within 7 years and involving an act of violence or a credible threat of violence is a felony.

Note: Both a prior conviction and either an act of violence or credible threat of violence are needed.

Intimate Partner Battery (Misdemeanor)

§ 243(e)(1) PC – Battery committed against a spouse, former spouse, fiancé, fiancée, cohabitant, a person with whom the susp has a child, or has, or has previously had, a dating or engagement relationship is a misdemeanor.

Rape of Spouse

§ 262 PC – Rape of a person who is the spouse of the perpetrator is an act of sexual intercourse accomplished under any of the circumstances as defined in all subdivisions of Section 262. It is considered under similar circumstances as rape under Section 261. Any person who violates this section is guilty of a felony.

DOMESTIC VIOLENCE – FIELD NOTEBOOK DIVIDER

Intimate Partner Violence with Injury (Felony)

§ 273.5 PC – Any person who willfully inflicts corporal injury resulting in a “traumatic condition” upon his/her current or former spouse, cohabitant, fiancé, fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, or the mother or father of his or her child, is guilty of a felony.

Intimate Partner Violence with Injury (Felony) with Prior Conviction (Bail Enhancement)

§ 273.5(f)(1) PC – Any person convicted of violating this section for acts occurring within seven years of a previous conviction under subdivision (a), or subdivision (d) of Section 243, or Section 243.4, 244, 244.5, or 245 PC, is guilty of a felony.

Violation of a Domestic Violence Protective/Restraining Order

§ 273.6(a) PC – Intentional and knowing violation of a Domestic Violence Protective/Restraining Order or other restraining order issued in Civil Court is a misdemeanor.

Malicious Disclosure of Location of Trafficking Shelter or Domestic Violence Shelter

§ 273.7(a) PC – Any person who maliciously publishes, disseminates, or otherwise discloses the location of any trafficking shelter or domestic violence shelter or any place designated as a trafficking shelter or domestic violence shelter, without the authorization of that trafficking shelter or domestic violence shelter, is guilty of a misdemeanor.

Child Abduction

§ 278 PC – Every person, not having a right to custody, who maliciously takes, entices away, keeps, withholds, or conceals any child with the intent to detain or conceal that child from a lawful custodian is guilty of a felony.

Deprivation of Custody or Visitation

§ 278.5 PC – Every person who takes, entices away, keeps, withholds, or conceals any child and maliciously deprives a lawful custodian of a right to custody, or a person of a right to visitation, is guilty of a felony.

Note: No custody order is necessary for a violation of either of the child abduction codes PC § 278 or 278.5.

Good Cause Statutory Defense

§ 278.7(a) PC – Section 278.5 does not apply to a person with a right of custody of a child who, with good faith and reasonable belief that the child, if left with the other person, will suffer immediate bodily injury or emotional harm, takes, entices away, keeps, withholds, or conceals that child.

§ 278.7(b) PC – Establishes that a vict of domestic violence with a right of custody and a good faith and reasonable belief that the child will come to harm if left with the other parent, has a good faith defense to the crime of custody deprivation, PC § 278.5.

§ 278.7(c) PC – Requires that the person wanting to take the child notify the District Attorney's office on a good cause form within ten days of taking the child and commence (or continue) a custody proceeding in court within 30 days of taking the child.

Protective Custody

§ 279.6 PC – A law enforcement officer may take a child into protective custody under any of the following circumstances when:

- 1) It appears that a person is likely to conceal the child, flee the jurisdiction with the child, or evade the authority of the court;
- 2) There is no lawful custodian available to take custody of the child;
- 3) There are conflicting custody orders and the parties (parents) cannot agree who will take custody of the child; or,
- 4) The child has been abducted.

§ 279.6(b)(3) PC – When a law enforcement officer takes a child into protective custody pursuant to this section, the officer shall release the child to the social services agency responsible for arranging shelter or foster care (DCFS in Los Angeles County).

Criminal Threats

§ 422 PC – Any person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement, made verbally, in writing, or by means of an electronic communication device, is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety is guilty of a felony.

Trespass (Battered Women's Shelters)

§ 602(w) PC – Refusing or failing to leave the shelter at any time after being requested to do so by the managing authority of the shelter is a misdemeanor.

Stalking

§ 646.9(a) PC – Any person who willfully, maliciously, and repeatedly follows or harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of a felony.

§ 646.9(b) PC – Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) is guilty of a felony.

Peace Officer at Domestic Violence Calls

§ 836(b) PC – It shall be mandatory that the officer makes a good faith effort to inform the vict of his/her right to make a private person's arrest and how to do so safely.

§ 836(c)(1) PC – If probable cause exists that a provision of a protective order has been violated by the person the order is issued against and served to, the arresting officer shall arrest without a warrant and take the person into custody whether or not the violation occurred in the presence of the arresting officer.

§ 836(d) PC – An officer may arrest without a warrant a suspect who commits an assault or battery on specified persons, where both of the following circumstances apply:

- The officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed; and,
- The officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.

Note: Warrantless misdemeanor arrest authority applies only to domestic violence incidents involving one of the specified relationships listed in 13700(b) PC. If no probable cause to arrest exists, the officer shall inform the victim of his or her right to make a private person's arrest.

Requesting a Bail Increase

§ 1269c PC – Prior to arraignment, an officer shall request a bail deviation when an arrestee was arrested without a warrant and the defendant was arrested for a bailable felony offense or misdemeanor offense of violating a domestic violence restraining order; and, the officer has reasonable cause to believe that the scheduled bail amount is insufficient to assure the defendant's appearance or to assure the protection of a vict, or family member(s) of a vict, of domestic violence (Department Manual Section 4/680.45).

Other Common California Penal Code Charges Involving Domestic Violence

§ 136.1 PC – Intimidating or dissuading a witness

§ 236/237 PC – False Imprisonment

§ 261 PC – Rape

§ 261.5 PC – Statutory Rape

§ 417(a) PC – Brandishing a weapon

§ 591 PC – Malicious destruction of a telephone line (landline)

DOMESTIC VIOLENCE – FIELD NOTEBOOK DIVIDER

§ 591.5 PC – Unlawful removal, damage of wireless device, or obstructing the use of such device to summon law enforcement (cellular telephone)

§ 594(b) PC – Vandalism

§ 597(a) PC – Animal Cruelty

§ 653m PC – Obscene, threatening, harassing, or annoying telephone calls

STRANGULATION

Strangulation is a form of asphyxia (lack of oxygen) characterized by closure of the blood vessels and/or air passages of the neck as a result of external pressure on the neck. Strangulation is the ultimate use of power and control, and may take away the vict's voice in some cases and ability to scream to defend themselves.

Issues of Concern

- * Voice changes (collect any recording of vict's voice before and after the incident). Hoarseness or loss of voice occurs in half of the cases.
- * Swallowing changes, difficulty swallowing or painful swallowing.
- * Coughing blood usually due to facial injury/broken nose.
- * Difficulty in breathing may appear mild initially but may kill vict within 36 hours.
- * Loss of consciousness/fainting (partial or complete), nausea, ears ringing, head rush, or loss of bodily function.

Signs (What you may see or hear)

- * Scratches inflicted by the susp. Vict may claw at their own necks in an attempt to release the susp's hold or bite the susp's hands.
- * Bruises. Bruises may not be immediately visible. Look for marks behind the ears, under the chin, etc.
- * Spots [**Petechiae** – tiny blood vessels (capillaries) burst from the pressure of the strangling may be visible on the neck, eyelids, and inside the mouth].
- * Blood red eye(s) due to capillary rupture in the white portion of the eye.
- * Rope or cord burns or other linear injuries caused by an object used to strangle the vict (collect any ropes, cords, pieces of clothing used in strangulation, etc., and book as evidence).
- * Neck swelling (subtle to massive) due to vessel injury due to voice box fracture with air escaping into neck tissues. Front of the neck may appear flattened with no "Adam's apple."
- * Raspy breathing, gasping for air (extremely dangerous).
- * Loss of bodily functions.
- * Bowel movement or urine (collect any clothing and book as evidence).
- * No physical signs at all but underlying damage may be very serious.

Questions for Strangulation Investigations

During strangulation investigations, officers should ask the vict the following questions and document them on the IR or Arrest Report:

- * How were you strangled? Was it with one or two hands, forearm, object, etc.?
- * What did the susp say before, during and after he/she strangled you?
- * Was the susp shaking your neck during the strangulation?
- * Did the susp throw you down or hold you against the wall, floor, or ground? Describe how, the surface area and the results.
- * How many times and how long were you strangled? Describe each incident and method.
- * How much pressure was used? Describe it on a scale of 1-10 (1=minimal; 10=severe, etc.) and if it was continuous.
- * What was going through your mind while you were being strangled?
- * How did you feel during the strangulation? (Dizzy, nauseous, loss of consciousness or visual changes).
- * Did you do anything to try to stop the susp? Ask the vict to look in a mirror and point out injury sites, including petechiae.
- * Will the susp have injuries?
- * What caused the susp to stop?
- * Did you experience difficulty in breathing while being strangled? What about now?
- * Did your voice change after the strangulation?
- * Did you experience any visual changes during the strangling? (describe)
- * Did you vomit, urinate or defecate as a result of being strangled?
- * Is your throat hurting?
- * Are you coughing or having trouble swallowing?
- * Was the susp wearing any ring(s) or other jewelry? (If so, look for marks from these objects).
- * Are there any prior incidents of strangulation? (get details)
- * Did the susp use any object(s) during the incident?

Photograph injuries or the lack of injury and any area where the vict feels pain. If an object was used, document where the object came from. Photograph and book the object as evidence.

Victims who decline Medical Treatment

- * Discuss the warning signs.
- * Advise vict to log symptoms.
- * Encourage vict to seek medical attention if symptoms persist.
- * Next 24 - 48 hours could be critical.

Indicators of Loss of Consciousness (LOC)

- * Loss of memory.
- * Standing, then waking up on the floor.
- * Unexplained bump on the head.
- * Bowel or bladder incontinence.
- * A witness to the LOC.

Stages of Strangulation	
<i>Disbelief</i>	<i>Vict cannot believe they are being strangled. Very short in duration.</i>
<i>Primal</i>	<i>Vict fights with whatever means to stop the strangling. Ask the vict what they did to get away or stop the attack. This may explain injuries.</i>
<i>Resignation</i>	<i>Vict gives up, feeling they can do nothing and goes limp. Ask the vict what they were thinking about. What did they think was going to happen?</i>

DOMESTIC VIOLENCE FLOWCHART

<p style="text-align: center;">(Non-Crime) Title: DOMESTIC VIOLENCE INCIDENT Report Taken - Per 13730(a) Penal Code (PC)</p> <p style="text-align: center;"><u>INVESTIGATE</u></p> <p>Relationships: Adults or Minors (includes same sex relationships).</p> <p>Current or Former:</p> <ul style="list-style-type: none"> ◆ Spouse ◆ Cohabitant ◆ Engagement ◆ Dating ◆ Parties with a child in common <p>Response to domestic violence related calls/investigations where the corpus delicti of a specific crime is <u>not</u> present (No-Crime).</p> <p style="text-align: center;"><u>POLICE ACTION</u></p> <ul style="list-style-type: none"> • Complete <i>Investigative Report</i> (IR), Form 03.01.00, titled: "Domestic Violence Incident," per Section 03.01.00J-12 Domestic Violence Investigations, accessible in the "Form Use" link, in LAPD E-Forms. • List person in fear as VICTIM (Vict). • List person causing fear as WITNESS (Wit-1). • Check Domestic Violence (DV) box. • Provide <i>Domestic Violence Victim Information Notification Everyday</i> (VINE) pamphlet, Form 15.42.01. • Advise of Emergency Protective Order, (EPO), per Family Code Section 6275. • Advise of Domestic Violence Temporary Restraining Order. • Advise of shelter information and civil standby. • Document if parties under the influence of drugs or alcohol per 13730(c)(1) PC. • Document if prior police response at same address, same vict and same susp per 13730(c)(2) PC. • Document inquiry regarding firearms or other deadly weapons made and the results per 13730(c)(3) PC. • Conduct an Automated Firearms System (AFS) inquiry and attach printout to the IR, per Chief of Detectives Notice, dated 11/21/13. • Do not confiscate weapons per 18250 PC, if no physical assault or threat to human life. 	<p style="text-align: center;">243(e)(1) Penal Code Title: INTIMATE PARTNER BATTERY (Misdemeanor) Arrest Susp (If Susp not Present, Take Report)</p> <p style="text-align: center;"><u>INVESTIGATE</u></p> <p>Relationships: Adults or Minors (includes same sex relationships).</p> <p>Current or Former:</p> <ul style="list-style-type: none"> ◆ Spouse ◆ Engagement ◆ Dating ◆ Parties with a child in common <p>Current:</p> <ul style="list-style-type: none"> ◆ Cohabitant <p>243(e)(1) PC – Defined: Battery against anyone listed above. (e.g., no verifiable injuries, no evidence of internal injuries, or no evidence of strangulation or suffocation).</p> <p>FOR OTHER MISDEMEANOR CRIMES INVOLVING THESE RELATIONSHIPS, USE THE APPLICABLE CRIME TITLE AND/OR PENAL CODE SECTION (E.G., VANDALISM OR THEFT), AND CHECK THE DOMESTIC VIOLENCE BOX ON THE ARREST REPORT, FORM 05.02.00 OR IR.</p> <p style="text-align: center;"><u>POLICE ACTION</u></p> <p>Attempt to identify the Dominant Aggressor per 13701(b) PC. The dominant aggressor is the person determined to be the most significant, rather than the first aggressor. Officers should consider corroborating evidence (i.e., intent of law to protect DV vict, threats creating fear of DV, offensive or defensive injuries, level of violence, height and weight of parties, presence of fear, and history of DV).</p> <ul style="list-style-type: none"> • Arrest. Mandatory arrest (once dominant aggressor identified) if the susp is at scene. If unable to determine the dominant aggressor, a supervisor shall be requested for advice. • Arrest for "Intimate Partner Battery (Misdemeanor)" and complete a combined crime and arrest report. • If no Probable Cause exists, offer a private person's arrest (PPA). If PPA is declined, complete an IR and document the vict's response. • Report. If the susp is not at scene, complete an IR titled, "Intimate Partner Battery (Misdemeanor)." <p style="text-align: center;"><u>OFFICERS SHALL DO THE FOLLOWING ON ALL REPORTS:</u></p> <ul style="list-style-type: none"> • Offer R/A or medical treatment, per 13701(c) PC. Attach Emergency Medical Service Report, if applicable. • Complete the <i>Request for Confidentiality of Information</i>, Form 3.02.00, upon vict's request. • Check the Domestic Violence box on the Arrest Report or IR. • Complete <i>DV Supplemental Report</i>, Form 15.40.02, per S.O. #5, dated 1999. • Take photographs of the vict and susp, if at scene. 	<p style="text-align: center;">273.5 Penal Code Title: INTIMATE PARTNER VIOLENCE WITH INJURY (Felony) Arrest Susp (If Susp not Present, Take Report)</p> <p style="text-align: center;"><u>INVESTIGATE</u></p> <p>Relationships: Adults or Minors (includes same sex relationships).</p> <p>Current or Former:</p> <ul style="list-style-type: none"> ◆ Spouse ◆ Cohabitant ◆ Engagement ◆ Dating ◆ Parties with a child in common <p>273.5 PC – Defined: Willful infliction, corporal injury resulting in a traumatic condition.</p> <p>273.5 (d) PC – Traumatic Condition Defined: A condition of the body, such as a wound, or external or internal injury, including, but not limited to, injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by physical force (e.g., <i>bruising, swelling, scratches, cuts, broken bones, stitches</i>).</p> <p>Strangulation or suffocation includes impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck.</p> <p>FOR OTHER FELONY CRIMES INVOLVING THESE RELATIONSHIPS, USE THE APPLICABLE CRIME TITLE AND/OR PENAL CODE SECTION (E.G., MURDER OR BURGLARY), AND CHECK THE DOMESTIC VIOLENCE BOX ON THE ARREST REPORT OR IR.</p> <p style="text-align: center;"><u>POLICE ACTION</u></p> <p>Attempt to identify the Dominant Aggressor.</p> <ul style="list-style-type: none"> • Arrest. Mandatory arrest if the susp is at scene. If unable to determine the dominant aggressor, a supervisor shall be requested for advice. • Complete a combined crime and arrest report titled, "Intimate Partner Violence with Injury (Felony)." • Report. If the susp is not at scene, complete IR titled: "Intimate Partner Violence with Injury (Felony)." <p style="text-align: center;"><u>OFFICERS SHALL DO THE FOLLOWING ON ALL REPORTS:</u></p> <ul style="list-style-type: none"> • Offer R/A or medical treatment. Attach Emergency Medical Service Report, if applicable. • Complete the <i>Request for Confidentiality of Information</i>, per Government Code 6254, per OCOP Notice, dated 04/24/13. • Complete an <i>Authorization to Release Medical Information</i>, Form 05.03.00. • Check the Domestic Violence box on the Arrest Report or IR.
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DOMESTIC VIOLENCE FLOWCHART

<p style="text-align: center;">(Non-Crime) Title: DOMESTIC VIOLENCE INCIDENT Report Taken - Per 13730(a) Penal Code (PC)</p> <ul style="list-style-type: none"> • If child(ren) is present at the scene of a DV call or living in the home (but <u>not</u> present), officers shall immediately, or as soon as practicably possible, cross-report the DV to DCFS and obtain a DCFS Reference Number. Document the Reference Number in the IR. • Additionally, interview the child(ren) to determine if the child(ren) has been a victim of child abuse. If they are a victim, officers shall: Complete appropriate IR, cross-report to DCFS (per 13732 PC), and for crimes under the purview of Juvenile Division, contact the Investigative Control Unit, Juvenile Division at (213) 486-0531 or RACR during off hours. Note: If the investigation determines child(ren) is in imminent danger, take into protective custody. • Unserved restraining orders or protective orders involved: Per 13710(c) PC, Officers shall serve the party to be restrained at the scene of a domestic violence incident or at any time the party is in custody. All Emergency Protective Orders and Temporary Restraining Orders should be entered into the California Restraining and Protective Order System (CARPOS) in a timely manner. (This applies to all domestic violence situations). 	<p style="text-align: center;">243(e)(1) Penal Code Title: INTIMATE PARTNER BATTERY (Misdemeanor) Arrest Susp (If Susp not Present, Take Report)</p> <ul style="list-style-type: none"> • If the susp is no longer at scene, obtain identifiable info (e.g., work location, names used by the susp) and a current photograph of the susp or a digital photograph of the susp's photograph. Actual photographs must be booked as evidence and digital photographs must be uploaded to LYNXPM or retained using current Department procedures. • Document the following on the Arrest Report or IR: <ul style="list-style-type: none"> ▪ If parties were under the influence of alcohol and/or drugs. ▪ Prior police response at same address (same parties involved). ▪ Inquiry regarding if any firearms or other deadly weapons present at the location and their response. • Conduct an AFS inquiry and attach printout to the Arrest Report or IR. • Confiscate weapons per 18250 PC (subject to a legal search). Complete a <i>Receipt and Notice of Rights for Confiscated Firearms/Other Deadly Weapons</i>, Form 10.10.05, and <i>Firearms Supplemental Property Report</i>, Form 10.01.01. • Collect and book all relevant evidence at scene (provide a <i>Receipt for Property Taken Into Custody</i>, Form 10.10.00). • Search Warrant for weapons with arrest, per 1524(a)(9) PC. • Search Warrant for firearm(s) when the subject of a protective order, per 1524(a)(11) PC. • Advise the vict that the susp may be released at any time, per 13701(c) PC. • Offer the vict an EPO, per Family Code 6275. • Standby/provide safe passage from scene, per 13701(c)(7) PC. • Advise the vict of shelter resources and arrange for transportation to the shelter. • Provide VINE pamphlet and explain VINE program, Department Manual Section 3/413.10. • Provide a <i>Marsy's Rights Card</i> to vict, per 679.026 PC, and check the Marsy's Rights box on the Arrest Report or IR, per Department Manual Section 4/203.34. • If child(ren) is present at the scene of a DV call or living in the home (but <u>not</u> present), officers shall immediately, or as soon as practicably possible, cross-report the DV to DCFS and obtain a DCFS Reference Number. Document the Reference No. on the <i>Domestic Violence Supplemental Report</i>, Form 15.40.02, or other required report. • Additionally, interview the child(ren) to determine if the child(ren) has been a victim of child abuse. If they are a victim, officers shall: Complete appropriate IR, cross-report to DCFS (per 13732 PC), and for crimes under the purview of Juvenile Division, contact the Investigative Control Unit, Juvenile Division at (213) 486-0531 or RACR during off hours. Note: If the investigation determines child(ren) is in imminent danger, take into protective custody. 	<p style="text-align: center;">273.5 Penal Code Title: INTIMATE PARTNER VIOLENCE WITH INJURY (Felony) Arrest Susp (If Susp not Present, Take Report)</p> <ul style="list-style-type: none"> • Complete <i>DV Supplemental Report</i>. • Take <u>photographs of the vict and susp, if at scene.</u> • If the susp is no longer at scene, obtain identifiable information (e.g., work location, names used by the susp) and a current photograph of the susp, or a digital photograph of the susp's photograph. Actual photographs must be booked as evidence and digital photographs must be uploaded to LYNXPM or retained using current Department procedures. • Document the following on the Arrest Report or IR: <ul style="list-style-type: none"> ▪ If parties were under the influence of alcohol and/or drugs. ▪ Prior police response at same address (same parties involved). ▪ Inquiry regarding if any firearms or other deadly weapons present at the location and their response. • Conduct an AFS inquiry and attach printout to the Arrest Report or IR. • Confiscate weapons per 18250 PC (subject to a legal search). Complete a <i>Receipt and Notice of Rights for Confiscated Firearms/Other Deadly Weapons</i> and a <i>Firearms Supplemental Property Report</i>. • Collect and book all relevant evidence at scene (provide a <i>Receipt for Property Taken Into Custody</i>). • Search Warrant for weapons with arrest. Search Warrant for firearm(s) when the subject of a protective order. • Advise the vict that the susp may be released at any time. • Offer the vict an EPO. • Standby/provide safe passage from scene. • Advise the vict of shelter resources and arrange for transportation to the shelter. • Provide VINE pamphlet and explain VINE program. • Provide a <i>Marsy's Rights Card</i> to the vict and check the Marsy's Rights box on the Arrest Report or IR. • If child(ren) is present at the scene of a DV call or living in the home (but <u>not</u> present), officers shall immediately, or as soon as practicably possible, cross-report the DV to DCFS and obtain a DCFS Reference Number. Document the Reference No. on the <i>Domestic Violence Supplemental Report</i>, or other required report. • Additionally, interview the child(ren) to determine if the child(ren) has been a victim of child abuse. If they are a victim, officers shall: Complete appropriate IR, cross-report to DCFS (per 13732 PC), and for crimes under the purview of Juvenile Division, contact the Investigative Control Unit, Juvenile Division at (213) 486-0531 or RACR during off hours. • Note: If the investigation determines child(ren) is in imminent danger, take into protective custody.
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