

CHIEF OF DETECTIVES

NOTICE

September 27, 2023

1.8

TO: All Department Personnel

FROM: Chief of Detectives

SUBJECT: PRIVATE PERSON'S ARRESTS DURING DOMESTIC VIOLENCE INVESTIGATIONS – REVISED

The purpose of this Notice is to clarify procedures for private person's arrests (PPA) during domestic violence investigations. The *Domestic Violence Flowchart*, Form 18.30.06, is incorrect in instructing officers to offer a private person's arrest if no probable cause exists. The form is being revised and the new version will be published in the near future. A PPA shall not be offered when officers respond to a domestic violence call and there is no probable cause to believe that California Penal Code (PC) Section 243(e)(1) occurred. Instead, officers shall complete a Domestic Violence Incident Report to document the call.

A PPA should only be offered if the officer does not make an arrest for 243(e)(1) or 273.5 or a violation of a domestic violence restraining order **and** there is probable cause to believe that another misdemeanor crime occurred, such as vandalism, theft, trespass, brandishing a weapon, or annoying or harassing phone calls.


A PPA can only be made if there is probable cause to believe a criminal offense has been committed. A victim's statement alone does not constitute probable cause. Additional factors to consider include, but are not limited to, the comments of the call, observations upon arrival and during the investigation, video or voice recordings, witness statements, existence of restraining orders, and prior domestic violence history that supports or refutes statements made by the parties involved.

Additional procedures regarding private person's arrests are delineated in Department Manual Section 4/216.31, *Private Person's Legal Arrest – Responsibility* and Section 4/216.32, *Private Person's Arrest, Illegal*.

If you have any questions, please contact the Domestic Violence Coordinator, Detective Bureau, at (213) 486-7000.

APPROVED:


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