



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 604 – Family Disturbances/Violence

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Office(s) with Secondary Responsibilities:	PSC, PNC, CRT, SSB, CIA	Number of Pages:	14
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.01 INTRODUCTION

Preservation of the peace in family disturbances is perhaps the most sensitive area of law enforcement and presents the greatest challenge and risk to officers. To be effective, officers must not only be cautious but also firm in their actions and courteous and tactful in their manner. Therefore, this procedure will give officers guidelines in the proper handling of family disturbances and family violence incidents.

.02 POLICY

The San Antonio Police Department responds to requests for assistance in family disturbance or family/dating violence situations to quell potential violence by protecting potential victims from harm, advising them of their rights, offering follow-up and social service information and services, and, when necessary, apprehending criminal offenders.

.03 TERMINOLOGY *(For specific use within this procedure, see Glossary)*

Administrative Review	Child	Child Abuse	Dating Relationship
Dating Violence	Family Disturbance	Family Violence	Privet Premises
Probable Cause			

Danger Assessment for Law Enforcement (DA-LE)

.04 DISCUSSION

- A. The San Antonio Police Department continues to improve our response to family violence using a victim-centered, trauma-informed care approach. SAPD is committed to the safety of the victim(s) and family members who are exposed to family violence situations. Victim safety begins with the offender's arrest when possible, allowing a window of opportunity for the victim to arrange for their safety. Through collaboration with Metropolitan Health District (Metro Health) and other partner agencies, additional services are available for the long-term safety and well-being of the victim.
- B. The Texas Code of Criminal Procedure, Article 14.03 (a) (4) authorizes peace officers to arrest, without warrant, those persons whom the peace officer has probable cause to believe have committed an offense involving family violence. The family violence offense is not necessary to occur within the presence of the officer. Additionally, the warrantless arrest can happen at a place and time other than the location of the offense if the arrest can be made in a reasonable timeframe after the assault occurred, generally within 2-4 hours absent extenuating circumstances. Beyond this timeframe, officers should consider obtaining an arrest warrant, as later described in this procedure.
- C. This response is a cooperative effort between the Patrol Division, the Special Victims Unit, the Victims Advocacy Section, Crisis Response Teams, the Crime Scene Unit, the Service and Security Agents Office, the Family Violence and Prevention Services, Metro Health, the Bexar County District Attorney's Office, and the Texas Department of Family and Protective Services to:
 1. Enable service providers the ability to serve a greater number of victims of family violence;



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2. Provide better customer services to victims of family violence by enabling the victims to come to the substation nearest their home;
 3. Reduce the number of family violence cases through early law enforcement intervention as well as provide services to victims of family violence through Metro Health promptly.
 4. Appropriately respond to and investigate suspected child abuse and neglect; and
 5. Reduce incidents of family violence, ultimately lessening the probability of family violence-related homicides.
- D. The following procedures do not intend to establish definitive rules for handling various family quarrels. Officers must apply common sense and logic in resolving family disturbances and rely on this procedure for guidance. In addition, officers handling service requests for family/domestic violence should consult with SAPD CRT, SVU, and Metro Health staff embedded at each substation for guidance when necessary.

.05 GENERAL PROVISIONS

- A. If an officer establishes probable cause to believe a person has committed an offense involving family violence, and the offense includes the use of a weapon, strangulation, or choking of the victim, or if the offender has a history of family violence, officers are to make a reasonable effort to arrest the offender without a warrant. This includes searching locations where the offender is known to frequent to secure a warrantless arrest. Officers contact their supervisors for guidance if a question arises regarding whether an arrest should be made.
- B. If a warrantless arrest is not possible, officers should begin making efforts to secure a warrant of arrest for the offender when probable cause exists. Officers should include details in their offense report that reflect the efforts made to arrest the offender without a warrant and a statement recommending that a warrant of arrest be obtained for the offender.
- C. Generally, SVU or the Night CID Unit will prepare all felony warrants, and CRT Detectives will prepare misdemeanor warrants. However, mitigating circumstances could allow detectives to deviate from this policy when necessary and approved. These circumstances should be documented appropriately.
- D. If an officer develops a suspicion of an offense involving a child victim, the Special Victims Unit or the Night CID Unit is immediately notified. Officers will contact the follow-up unit before the release of any witnesses' complainants and before the transporting and booking of the actor.
- E. Officers have several available methods of contacting the Special Victims Unit, including:
 1. Contacting the Special Victims Unit detectives on the HOMI-A or Homicide radio channel
 2. Call the Special Victims Unit office at 210-207-2313, seven days per week from – 0745-1745 hrs.
 - a. After 1900, officers may contact the NCID offices at 210-207-7389.
 - b. A limited number of follow-up detectives may be available from 0500-0745 and 1745-1900 hrs. and can be contacted via the radio on the HOMI-A or Homicide Channel.
- F. Officers may contact Crisis Response Team (CRT) staff members at the respective substations via the dispatcher or by calling directly:

-Central/Downtown	(210) 207-4013
-East	(210) 207-2062
-North	(210) 207-8129



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-Prue (210) 207-2201
-South (210) 207-8701
-West (210) 207-7916

1. Between 0800 and 1900, M-F, officers needing to communicate with a Metro Health Crisis Advocate or Case Manager can call a CRT detective or supervisor from the officer's respective substation. The detective or supervisor will assist the officer with connecting to a Metro Health Advocate.
 2. If an officer needs to refer a victim to a Metro Health Crisis Advocate, the officer will do so through an SAPD CRT supervisor, detective, or officer. The Metro Health Crisis Advocates also support members of the public who walk into any of the substations.
 3. Officers shall immediately contact a CRT member or follow-up unit member if they receive a score of 22 on the Family Violence Threat Assessment" checklist (SAPD form 2089-TA) or Danger Assessment for Law Enforcement (DA-LE) scoring of 7 or more or any DA-LE where the officer has checked the "further review" box.
- G. If a violation of a protective order or violation of conditions of bond is discovered during the investigation of a family disturbance situation or if a mentally ill person is involved, officers should refer to GM Procedure 603, *Protective Orders*, or GM Procedure 611, *Mentally Ill Persons*.
- H. If it is determined that a sexual assault, aggravated sexual assault, or indecency with a child occurred, officers will refer to GM Procedure 703, *Handling of Sexual Assault Complaints*.
- I. Officers should be aware that the time of separation is the most volatile time in an abusive relationship due to the perceived loss of power by the perpetrator. Officers must remain on high alert for the potential for violence during this type of call, even if the perpetrator has left the location.
- J. In domestic disputes, officers are frequently confronted with conditions which appear to be both civil and criminal. It should be made clear the Department does not participate in civil matters. Officers confronting civil disputes refer the parties to the appropriate agencies, remaining aware that the objective is to restore and maintain the peace.
1. If a responding officer believes that a domestic dispute or civil matter may potentially lead to a family/domestic violence incident, the reporting officer shall document in their report the basis for their belief.

.06 UNIT/OFFICER RESPONSIBILITIES REGARDING ADULT VICTIMS OF FAMILY VIOLENCE

A. Patrol Division Officers:

1. Make the scene of family violence calls and identify as early as possible any complainants, witnesses (this should include both adults and children), and suspects to include in a family violence report.
2. All responding officers should capture the call on in-car and body-worn Cameras.
3. Use caution when approaching the scene and contacting the parties. Officers shall inquire into the presence or possession of firearms. Once the responding officer(s) is satisfied that a reported family violence scene is safe/secured, the officer:
 - a. Shall determine if any person requires medical attention and request EMS. EMS should evaluate victims of choking or strangulation and further advise them to seek medical attention as needed. It is possible for injuries resulting from strangulation to develop or become more severe, including death, several days after the incident. Strangulation is committed by intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by



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blocking the person's nose or mouth. This means the victim might be able to talk during a strangulation episode. Questions asking the victim to describe what they felt, heard, or saw while the strangulation or choking was occurring are an excellent approach to identifying probable cause for the strangulation enhancement in family violence cases. Document all situations of strangulation on both the Danger Assessment for Law Enforcement (DA-LE) form and Form 2089-SS.

- b. With the assistance of other officers, separate possible victims, witnesses, and suspects.
- c. Should interview all parties to **gather contact information and** assess injuries, including those concealed by clothing or otherwise not readily apparent. Only female members will be authorized to view and document concealed injuries on female victims.
- d. With the explicit consent of the complainant, shall assess the potential for further violence or injury by completing the Danger Assessment for Law Enforcement (DA-LE) form only for family violence incidents involving an intimate partner relationship regardless of probable cause existing for an arrest. Intimate partner relationships are based on an interpersonal relationship involving physical or emotional intimacy when considering the length of the relationship, nature, and frequency and type of interactions. The handling officer will be responsible for asking the victim what they perceive their relationship to be and will need to note that on the report.
 - i. If a victim refuses, is unwilling, or is unable to provide responses to the Danger Assessment for Law Enforcement (DA-LE) form, the officer shall document the circumstances in their report and check the “Check Here if Victim Declined Risk Screen” box on the form. Victims of family violence should not feel compelled to respond to this questionnaire.
 - ii. If the victim(s) consents to respond to the Danger Assessment for Law Enforcement (DA-LE) the handling officer completes the checklist, and scores/records the responses. Higher scores correspond to greater risk. A case is considered high-risk when seven or more questions on the DA-LE are answered affirmatively. After determining the risk level on the appropriate form, the officer should determine the proper course of action to promote safety for the victim(s). If relocation is necessary, the officer should call the Family Violence & Prevention Services office (AKA Battered Women’s & Children’s Shelter) at (210) 733-8810, notify staff of the situation, and coordinate transporting the victim to their facility.
 - iii. The original DA-LE form shall be submitted to the appropriate CRT office with an electronic copy uploaded into Mark 43 with the officer’s report, whether or not the victim responded to the questionnaire. Officers who do not complete the DA-LE form must document their reasons for not finishing it. The CRT Sergeant may notify the appropriate supervisor when a DA-LE form is not completed, and/or the CRT sergeant may reject the case in Mark43, requesting the submitting officer complete the DA-LE form and submit it to the appropriate CRT office. It is the discretion of the CRT personnel to determine if a DA-LE form is needed after the fact. The completion **or refusal to complete** the DA-LE form shall be captured on BWC.
 - iv. All SAPD forms shall be uploaded into Mark 43, and originals will be forwarded to the CRT Office, at the appropriate substation.
- e. The outcome of the scoring/reporting system is not a replacement for professional judgment. Officers must use their professional judgment and consider the totality of the circumstances, including but not limited to the severity of the assault, previous DV calls between the parties, and/or the level of fear of harm expressed by the victim. When an officer believes a victim is at elevated risk of a lethal or near-lethal assault, even when the scoring/reporting system indicates a low score or the victim has declined to complete the form, officers can override the outcome of the form(s) by checking the **further review box** and documenting their justification on the form.



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- f. Should the victim refuse to relocate upon recommendation or refuse follow-up, shelter, or other social services, the officer shall document these details in their report, using direct quotes if necessary.
- g. Shall not use mediation or encourage reconciliation at the scene as a substitute for appropriate reporting and enforcement action when physical violence has occurred.
- h. Shall provide the victim/complainant with a completed “Notice to Adult Victims of Family Violence.” For cases that will go to SVU, officers should advise the victim that SVU will contact them once the case is received and assigned to an SVU detective. If the victim has not heard from SVU within three days, they should contact the SVU office at (210) 207-2313.
- i. Complete SAPD Form 2089-PSA Pseudonym Form for all victims of sexual assault, family violence, stalking, or human trafficking. The chosen pseudonym name will replace the victim’s real name on all official documents. John Doe or Jane Doe will be entered under the victim’s name section on the Offense Report, and the pseudonym name will be listed as the nickname. The gender and date of birth must be included on all Offense Reports regardless of whether a pseudonym name is used. The pseudonym also allows the victim to enable SAPD to release a victim’s personal information to select agencies that serve as victim advocates. The victim has the right to refuse the use of the pseudonym form. A copy of the pseudonym form should be provided to the Magistrate when booking a suspect for an offense requiring a pseudonym so conditions of bond can accurately reflect the victim’s information. In all cases, the Pseudonym Name form shall be turned in by the end of their tour of duty to allow it to be forwarded expeditiously to the Special Victims Unit or CRT. Caution should be used when completing the Offense Report to avoid adding details in other sections of the report that could be used to identify the victim.
- j. The officer may transport an ambulatory victim(s) to CRT, SVU, NCID, a designated shelter, or an alternative safe location as circumstances dictate or if a victim requests to be transported to a shelter.
 - i. The Family Violence & Prevention Services office is available 24/7, and officers should call 210-733-8810 when transporting victims of family violence to the shelter to confirm availability. The Family Violence & Prevention Services office provides services only for victims of family violence, and officers shall not transport individuals for merely being homeless and/or in a mental health crisis.
- ii. All officers transporting victims obtain a time check from the dispatcher upon leaving the scene, upon incurring any delays along the route, and upon arrival at the destination. In addition to time checks, officers furnish their vehicle odometer readings to the dispatcher upon leaving the scene and upon arrival at the destination. Officers may document his notification as a CAD note to the keycard. Officers shall type in all required information in the CAD for the departure, delays and arrival at the new location.
 - iii. Juvenile victims are not transported in the same police vehicle as adult victims unless they have a husband/wife, parent/child, brother/sister, or other familial relationship. Male officers transporting female juvenile victims do so only with the help of a secondary officer riding in the same police vehicle.
- 4. If a firearm is found at the location and the suspect is out on bond for a family violence offense, determine if this violates a court order or a condition of bond. The order can be verified by searching the suspect’s name on CAD and confirming any violation by calling the phone number provided on the return. Contact the Communications Unit Information Channel if assistance is needed. A warrantless arrest is authorized if probable cause is established to support the arrest. This offense is not required to have occurred in the presence or view of the officer. (CCP 14.03(a)(3)). Refer to procedure 603 – Protective Orders/Conditions of Bond for further guidance.
- 5. If a protective order is found on the suspect or if the suspect violates the order in any manner, determine if they are in possession of a firearm. Refer to procedure 603 – Protective Orders/Conditions of Bond for further guidance.



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6. If a violation of law is found, the appropriate arrest will be made, and all details of the violation will be included in the required reports.
7. If a weapon is suspected of being used in a felony offense, refer to Procedure 701, *Crime Scene Duties*.
8. Place weapons taken as evidence in the property room as directed in GM Procedure 606, *Impounding Property*, if a weapon is suspected of being used in an offense.
9. If an arrest is made, Officers and UEDIs will inquire into the presence of firearms at the location. They will discuss safety options with the victims and persons at the location. Safety options include but are not limited to, placing the firearms in the property room to prevent the suspect from gaining access to the firearms. Officers must have the legal authority to seize firearms. Officers will refer to Procedure 502 regarding warrantless seizures. Officers should seek the guidance of their supervisor if doubt exists. Officers should encourage the voluntary surrender of any firearm at the scene and impound the firearm(s) as Evidence, with an item description of “Firearm (Family Violence)” in the File-on-Q system.
10. If the victim has visible injuries and refuses medical attention, check with the dispatcher to see if a Crime Scene Unit investigator/UEDI is available. If one is available, wait at the scene to ensure safety until the investigator has completed collecting any evidence, including pictures of the victim and their injuries.
11. Before clearing from a call or booking a suspect, check the suspect’s criminal history to determine if a prior family violence offense, violation of a protective order, or violation of condition of bond has been committed. If a previous conviction or deferred adjudication (occurring after September 1999) is found for assault and family violence, the suspect should be arrested for the felony charge of Assault-Family-Second Offense. Should it be determined, the suspect has committed a family violence assault within the past 12 months? That case has not yet been adjudicated; the charge would be the felony charge in violation of PC 25.1: Continuous Violence Against the Family. Refer to GM Procedure 603 for guidance with situations involving Protective Orders or Conditions of Bond.
12. Transport complainants, suspects, and witnesses to the follow-up unit when requested by the follow-up unit or CRT staff. The officer is responsible for the security and safeguarding of any person they have transported to an alternate location while at that location.
13. Present warrants for arrest to the magistrate and properly log the warrants in with the Bexar County Sheriff’s office when instructed by the follow-up units.
14. Complete and file the appropriate reports by uploading them into Mark 43 with proper labeling to the appropriate follow-up unit.
15. Complete and apply for an Emergency Protective Order in cases of Family Violence involving intimate relationships where the offense includes the use or possession of a weapon, assault, bodily injury, strangulation, or the offender has a history of family violence and/or the assault is part of an escalating pattern of violence against the victim. Consent should be sought from the victim. However, the application for an EPO can be done without the victim’s consent in the above-listed cases, and the EPO is necessary to prevent further violence. In cases meeting the above criteria where a victim refuses, a supervisor should be contacted for guidance.
16. In the event of suspected or known ***elderly or disabled adult*** abuse, neglect, or exploitation, Officers shall notify the Texas Department of Family and Protective Services (DFPS) through one of the following methods:
 - a. Call the specially designated Child Abuse Statewide Intake hotline for law enforcement at 1-800-877-5300.
 - b. Make an online report to the Statewide Intake office by logging in to <https://www.txabusehotline.org/> and following the directions on the website.



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- i. When a report exists involving both elderly or disabled adults and child abuse/neglect/exploitation of the same residence/family and the Officer is reporting through the website, separate online reports will be required for proper intake.
 - c. Officers will document the reference number provided by the Statewide intake in the narrative of their offense report.
- B. UEDI/ Crime Scene Unit Investigator:
- 1. [SWORN] Upon receiving a call for family violence, shall handle the call following the steps outlined above in .06 A. 1- 16 or contact the Patrol Division officer assigned to the call.
 - 2. When available, respond and take pictures of the victim and his/her visible injuries. If an Alternate Light Source (ALS) is needed to process evidence, call ahead to ensure a Crime Scene Investigator is available to prepare the equipment and take the photographs. Also, process any crime scene if one is present. When possible, photograph the suspect for either injuries or the lack thereof.
 - 3. Provide SAPD Form #2089-DV, *Domestic Violence Supplemental* to the victim for completion. Should the victim refuse to complete the form, write, “refused” on the form and sign and submit to either CRT or SVU.
 - 4. Write the appropriate crime scene search report and package it along with SAPD Form #2089-DV, *Domestic Violence Supplemental Form*, which has been filled out and signed by the victim. Route the SAPD Form #2089-DV to the CRT Office at the appropriate substation;
 - 5. Occasionally, a Crime Scene Unit Investigator will go to an area substation to obtain pictures of a family violence victim. If this occurs, they will follow this procedure.
- C. Police Service Agents:
- 1. When a victim of family violence presents his/herself at a substation, the Police Service Agent will first determine whether an offense report has already been made.
 - 2. If no report has been made, the Police Service Agent will have a Crisis Response Team (CRT) officer, if available, or an officer come in from the field to make the report.
- D. Crisis Response Team:
- 1. CRT handles the following relationships: parent/child, siblings (living in the same household), grandparents/grandchild (living in the same household), stepparents/stepchildren (living in the same household), stepsiblings (living in the household) and couples/former who previously lived together or have a child together. CRT will handle the following Family Misdemeanor offenses: Assault BI/Threats/Contact Family/Household/Married, Terroristic Threats Family/Household, Interference with a 911 call/attempt (Family/Household), Violation of a Protective Order, and family-related Deadly Contact.
 - 2. Digital images will be handled per GM Procedure 408, *Digital Photography*.
 - 3. The Crisis Response Team will retain the completed SAPD forms 2089-DV and the DA-LE form and ensure all forms have been scanned into Mark 43 and are available for the assigned detective.
 - 4. A court may order a suspect in cases of family violence, violation of a protective order, temporary ex-parte order, or condition of bond order case to turn over firearms to the police department.
 - 5. Upon order of the Court, property room personnel, the assigned CRT or SAFTE substation personnel, and the designated third party assigned by the court will coordinate the surrender of any firearms, as ordered by the



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court. The assigned CRT substation personnel will return the required documents to Pretrial Services, as instructed by the court. Firearms shall be placed in the Property Room and listed as Evidence, with an item description of “Firearm (Family Violence),” in the File-on-Q system.

6. Pursuant to the court order, a firearm may not be returned to a suspect except by further court order.

E. Special Victims Unit:

1. Felony Family Violence cases will be assigned to a detective for follow-up investigation per the Special Victims Unit SOP.
2. Should a victim of family violence present his/herself to the Special Victims Unit, the detective with walk-in case responsibility or assigned Light Duty Officer shall handle the case according to this procedure and the SOP of the Special Victims Unit.

.07 UNIT/OFFICER RESPONSIBILITIES REGARDING CHILD VICTIMS

A. Patrol Division Officers:

1. Often, cases involving children are called in at locations other than where the suspected abuse occurred, such as a hospital or school. Officers respond to the call and immediately notify the follow-up unit in accordance with Procedure 708, Follow-Up *Units*.
2. Officers may interview adult suspects, but Officers will not verbally accuse, directly or indirectly, any person of causing the suspected abuse. This is done so the suspect will not become apprehensive and refuse to speak to follow-up personnel after the facts of the case are collected. An interview or interrogation can occur with some degree of success. Officers cannot interview suspects under 17 if the child has been arrested or detained. Refer to the follow-up unit for directions on how to proceed in this situation.
3. Officers will ascertain, as near as possible, the location where the suspected abuse occurred. They will relay the information to their supervisor and the proper follow-up unit so the crime scene can be secured and processed, if possible, in accordance with Procedure GM 701, *Crime Scene Duties*.
4. Officers shall notify the Texas Department of Family and Protective Services (DFPS) through one of the following methods:
 - a. Call the specially designated Child Abuse Statewide Intake hotline number for law enforcement at 1- 800-877-5300;
 - b. Make an online report to the Statewide Intake office by logging in to <https://www.txabusehotline.org/> and following the directions on the website;
 - i. When a report exists involving both elderly or disabled adults and child abuse/neglect/exploitation of the same residence/family and the Officer is reporting through the website, separate online reports will be required for proper intake.
 - c. Officers will document the reference number provided by the Statewide intake in the narrative of their offense report.
5. Officers will submit a copy of the completed report in Mark43 with the appropriate label to the follow-up unit as soon as possible, but no later than the end of their tour of duty.



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6. Officers investigating an allegation of family violence that involves the discipline of a child/juvenile should determine if the force used was justified pursuant to Sec 9.61 of the Texas Penal Code. Officers shall not allow personal beliefs or customs regarding discipline to interfere with their legal judgment.
 - a. Officers that determine that the force used on the child was unreasonable, resulted in serious bodily injury, or, if serious bodily injury is likely, shall contact a supervisor and the appropriate follow-up unit.

B. Crime Scene Unit Investigators:

1. Process the crime scene in accordance with Procedure 701, *Crime Scene Duties*.
2. Photograph the complainant and suspect to document any visible injuries and/or the lack of injuries and document in the report.
3. Collect and preserve any other evidence which may be apparent or made known to the investigator.

C. Special Victims Unit or Night CID Unit:

1. Respond to the hospital, school, or other location and contact the responding officer, when possible, on all Injury to Child with Serious Bodily Injury cases.
2. Ensure a Crime Scene Unit investigator is assigned when evidence collection or photographs are necessary and
3. Conduct the follow-up investigation per the Special Victims Unit SOP.

.08 RESPONSE AND APPROACH TO THE SCENE

- A. Two (2) officers are dispatched on family disturbance and family/dating violence calls whenever possible. An effort should be made to coordinate their arrival at the scene.
- B. The primary officer assigned the call should inquire about any protective order or conditions of bond on file for the complainant, suspect, or other known persons involved. In addition, the primary officer is responsible for determining the suspect's criminal history and prior family violence calls involving the parties to determine if the call can be escalated to a felony level.
- C. Persons near the scene should be briefly questioned about the incident and the parties involved.
- D. Upon arrival, the officers should survey the site and the general surroundings, determine the location of the dispute, and calculate the tactics to be used relative to their safety and the safety of others. Officers should take a moment before knocking to listen for arguments inside the dwelling to determine who the primary aggressor might be.

.09 ENTRY INTO PRIVATE PREMISES

- A. In the initial contact with the occupants, the officers should identify themselves, explain the purpose of their presence, and then request entry. If the complainant is an occupant of the dwelling, the officers should ask to speak with him/her.
- B. Consent Entry
 1. Officers may enter the premises if consent has been given. When one of the parties to a family dispute requests police intervention, the officers may enter the premises over the other party's objection.
 2. However, when the other party locks out one party, the officers do not assist the evicted party in forcing entry.



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3. When officers enter a dwelling with the consent of either or both parties and subsequently both parties request they leave, the officers will do so unless they have probable cause to believe their presence is necessary to prevent family violence or to affect an arrest.
4. When officers enter a dwelling with the consent of either or both parties and subsequently, one party requests they leave, the officers may remain over the objections of the other party if the officers have probable cause to believe their presence is necessary to prevent family violence or to affect an arrest.

C. Refused Entry

1. When officers are refused entry to a residence, an attempt is made to speak with the complainant. The officers may request Communications Unit personnel to call the complainant. The objective is to ensure the safety of the persons within the dwelling.
2. The officers should attempt to locate and interview any third party who may be a witness to the dispute to ascertain the degree of the disturbance.
 - a. If a breach of the peace occurs, the officer(s) should advise the third party of his right to file a formal complaint.
 - b. If the officer(s) have probable cause to believe police intervention is necessary to prevent family/dating violence, the officer(s) should contact their supervisor. The officer(s) should move to public property and observe the premises while waiting for the arrival of their supervisor, except in exigent circumstances covered in Subsection .09D, *Forced / Emergency Entry*.

D. Forced / Emergency Entry

1. Officers may forcibly enter a dwelling only under exigent circumstances. When sufficient probable cause exists, immediate police intervention is imperative to prevent the commission of a felony, loss of life, or serious bodily injury.
2. Officers must evaluate the following elements when considering a forced entry:
 - a. Whether parties involved in the disturbance are armed and
 - b. Whether the probability of harm to the officers or other persons will increase by a forced / emergency entry.
 - c. Information from the 911 call can also be used to determine exigent circumstances.

E. Upon any type of entry, officers need to establish control of the situation by:

1. Remaining constantly alert for potential weapons; Inquire into the presence of firearms and weapons and secure weapons to protect the officers and persons present at the scene.
2. Inquiring about the nature of the dispute,
3. Determining if persons are injured,
 - a. Protecting the victim from further injury, and
 - b. Requesting medical treatment for the injured,
 - c. Preserving or protecting potential evidence,



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4. Identifying the parties involved and other persons present; and
5. Ensuring the safety of all persons by interviewing the persons in separate areas.

.10 NON-ARREST REMEDIES

A. Temporary Separation/Re-location

In situations where family/dating violence or a violation of a court order has not occurred, officers should suggest/encourage the involved parties to relocate to a neutral location to allow the disputants time to regain their composure. Officers may provide courtesy rides to parties to a local shelter, hotel, or an alternative safe location if necessary. They shall notify the dispatcher over the radio of the projected location and beginning and ending mileage of the transporting officer's police unit. Officers may document his notification as a CAD note to the keycard. Officers shall type in all required information in the CAD for the departure, delays and arrival at the new location.

B. Referrals / Criminal Complaints / Protective Orders

If either party involved in the dispute requests counseling or if the victim requests assistance in filing a criminal complaint or obtaining a protective order, they shall be referred to the SAPD Family Justice Center and/or Metro Health. Further guidance can be sought from any SAPD CRT team during their working hours.

C. If chronic alcoholism is involved in the family disturbance:

1. The parties may be referred to medical counsel or the appropriate social service agency or
2. The complainant may be referred to legal counsel regarding filing an alcoholic commitment petition.

D. When officers are requested to enter private premises and remain while a spouse who is separating removes his/her personal effects from the premises, the officers' only responsibility is to ensure neither party assaults the other.

1. If a dispute arises as to what property may be removed, the officer refers the persons to their attorneys, as a violation of community property rights is a civil matter.
2. If one party alleges a theft or violation of a property settlement is being committed, or his/her property is being damaged or destroyed, the officer should advise the party to contact their attorney.

E. When property damage is threatened or committed, the officers do not arrest since violating community property rights is a civil matter. The officers warn the disputants that such damage to property could develop into a criminal act. The officers should advise the party to contact their attorney.

F. When one spouse alleges the other is involved in a violation of morals or other lewd acts with a third party, the officer cannot enter the premises to obtain evidence. There is no law making adultery a criminal offense in the State of Texas. The officers advise the complainant to consult an attorney.

.11 CUSTODIAL ARRESTS

A. When an assault is committed in the officers' presence, the officers shall affect an arrest.

B. When an assault has been committed against a child and constitutes injury to a child, the officers refer to Section .07 of this procedure.



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- C. When an assault has been committed before the officers' arrival, the officers should give strong consideration toward affecting an arrest when:
 - 1. Bodily injury resulted, and the officer has probable cause to believe the actor committed the offense,
 - 2. The assault was committed with a deadly weapon or by strangulation, or a prior history of Family Violence exists,
 - 3. Serious bodily injury resulted.
- D. When circumstances reasonably show threatened violence may occur, the officers may affect an arrest to prevent the threatened violence, provided the threat occurs in the officers' presence or view. Officers should remain flexible when dealing with situations involving threats only since the resourceful application of non-arrest remedies usually enables the officers to settle the immediate dispute and minimize the possibility of violence without affecting an arrest.
- E. When physical injury is threatened against a child but has not been inflicted, the officer should inform the threatening party they will commit a felony if the threat is carried out. Officers may affect an arrest, even when the threat occurs outside of the officer's presence or view when circumstances reasonably show it is necessary to prevent the assault. Officers will comply with Section .07 if an arrest is made.
- F. Officers may affect an arrest for any other violation(s) they have the probable cause and legal authority to make. Examples of other possible offenses encountered during a Family Violence call include PC 46.04, Unlawful Possession of a Firearm, and PC 42.062, Interference with Emergency Telephone Call.

.12 FAMILY DISTURBANCE OR FAMILY/DATING VIOLENCE CALLS INVOLVING SWORN MEMBERS

- A. Any officer responding to a family disturbance or family/dating violence call involving a sworn member of this Department, in addition to following the guidelines listed in this procedure, shall request the presence of a supervisory officer.
- B. The supervisory officer notified of a sworn member's involvement in a family disturbance or family/dating violence call shall respond to the scene and assess the situation. Should a family violence situation be identified, SVU or NCID must be notified during their hours of operation,
- C. If the incident warrants a custodial arrest of a sworn member, the supervisor shall notify command officers per GM Procedure 314, *Command Notification*.
 - 1. The highest-ranking command officer to respond to the incident shall be the approving authority for any custodial arrest and
 - 2. The supervisor shall forward copies of all offense, incident, or supplemental reports, including all call details, through the chain of command and to the Deputy Chief of the arrested officer.
- D. If the incident does not warrant a custodial arrest of a sworn member, the supervisor assigned to the incident shall submit copies of all offense, incidents, or supplemental reports through their chain of command utilizing Blue Team per Procedure 303.09.
- E. The Internal Affairs Unit, upon receiving notification of a sworn member being involved in a family/dating violence incident, shall conduct a thorough administrative investigation and report their findings to the Complaint and Administrative Review Board.



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- F. The Internal Affairs Unit, upon receiving notification of a sworn member's involvement in family disturbance incident, shall conduct an administrative review of the incident to determine if there are disciplinary issues that need to be addressed through the Complaint and Administrative Review Board.

.13 SWORN MEMBERS CHARGED OR CONVICTED OF A CRIME OF FAMILY/DATING VIOLENCE OR WHO ARE SUBJECT TO A PROTECTIVE ORDER OR CONDITION OF BOND IN A FAMILY VIOLENCE CASE

- A. Per federal statute, it is unlawful for anyone, including a sworn member of this Department, convicted of a crime of family/dating violence or who becomes the subject of a protective order to possess or transport any firearm or ammunition.
- B. Notification Responsibilities
1. Any sworn member who becomes a suspect in a crime of family/dating violence shall notify their immediate supervisor in writing as soon as possible.
 2. Any sworn member arrested or charged with a crime of family/dating violence shall notify the Office of the Chief in writing per Rule and Regulation 3.35.
 3. Any sworn member who becomes the subject of a protective order or condition of bond in a family/dating violence case shall immediately notify a supervisory officer in writing, who will ensure the officer is placed on administrative duty pending further investigation.
 4. Any sworn member convicted of a crime of family/dating violence or having a conviction before the effective date of this procedure shall immediately notify a supervisory officer who will place the officer on administrative duty per GM Procedure 908, *Mandatory Reassignment*, and pending further investigation of the conviction.
- C. Department-Issued Firearms
1. Any sworn member convicted of a crime of family or dating violence shall immediately relinquish their department-issued firearms to their immediate supervisor, if available, or any other available supervisor.
 2. Any supervisory officer knowing a sworn member being convicted of a crime of family or dating violence before the effective date of this procedure shall relieve the sworn member of their firearm(s).
 3. The sworn member's department-issued firearms will be taken to the Armory and Supply Office during regular business hours or placed in the Property Room during non-business hours by the supervisory officer taking possession of the firearm.

.14 REPORT RESPONSIBILITIES

- A. An officer assigned to investigate a family disturbance or family/dating violence call shall complete the necessary documentation pursuant to Procedure 401 – Offense/Incident/Supplemental Reports, Procedure 402 – *Differential Police Response*, and this procedure.
- B. When a Class C misdemeanor assault is committed or suspected against a family member or household member or an individual with whom the suspect has or has had a dating relationship as defined in Chapter 71 of the Texas Family Code, the offense is reported on an offense report.
1. The offense classification is listed under the most appropriate "Assault" heading; and
 2. The complainant is advised to contact the Domestic Violence Court Prosecutor's Office in the Municipal Court Building to file charges.



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- C. If the Family/Dating Violence victim has chosen a pseudonym, the reporting officer will provide the victim with the Victims of Family Violence Pseudonym form. The officer and the victim will complete the form. The officer will provide the victim with a copy of the form, will upload the form to Mark 43, and return the original form to the Special Victims Unit or the CRT Unit at the officer's assigned substation via email, in person, or a sealed envelope through the departmental bin mail.
- D. If the family disturbance or family/dating violence call involves a sworn member of this Department, all officers assigned to the call, including supervisors, shall submit reports detailing their involvement in the incident.
- E. Any supervisory officer relieving a sworn member of a firearm for a conviction of a crime of family/dating violence shall document, through an information log in *Blue Team*, any actions taken and route the incident to the Training Academy's Firearms Proficiency Control Officer (FPCO) as well as through their chain of command.
- F. Per the Texas Code of Criminal Procedure, Chapter 5, Article 5.04, an officer who investigates a family/dating violence allegation or who responds to a family disturbance call shall determine whether the address of the persons involved in the allegation or call matches the address of a current licensed foster home or verified agency foster home listed in the Texas Crime Information Center. If the address meets this criterion, make a notification to DFPS Statewide intake at 1-800-877-5300 and document the reference number within the narrative section of the Offense Report.
- G. Under the Texas Code of Criminal Procedure, Chapter 5, Article 5.05, an officer who investigates a family/dating violence allegation or responds to a family disturbance call shall complete and submit the Texas Department of Public Safety form titled *Family Violence Report*.
- H. Per the Texas Code of Criminal Procedure, Chapter 5, Article 5.05, an officer who investigates a family/dating violence allegation or who responds to a family disturbance call involving a member of the military shall provide written notice of the incident or disturbance call to the Staff Judge Advocate at Joint Forces Headquarters or the Provost Marshal of the military installation to which the suspect is assigned.