



# 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 be firm in their actions and courteous as well as tactful in their manner. Therefore, this procedure will give officers guidelines in the proper handling of family disturbances and family violence incidents.

### .02 POLICY

It is the policy of the San Antonio Police Department to respond to requests for assistance in family disturbance or family/dating violence situations in order 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  
Family Disturbance

Child  
Family Violence

Child Abuse  
Private Premises

Dating Relationship  
Probable Cause

Dating Violence

### .04 DISCUSSION

- A. The San Antonio Police Department continues to collaborate on improving our service to victims of family violence. This begins by placing increased emphasis on our response to instances of family violence. This includes walking warrants of arrest for family violence offenders. In an effort to seek appropriate alternatives to immediately securing an arrest warrant, a decision has been reached to use the statutory arrest authority granted to Texas Peace Officers in Chapter 14 of the Code of Criminal Procedure.
- B. The Texas Code of Criminal Procedure, Article 14.03 (a) (4) authorizes peace officers to arrest without warrant, those persons who the peace officer has probable cause to believe have committed an offense involving family violence. It is not necessary the family violence offense occur within the presence of the officer. Additionally, the warrantless arrest can occur 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 a timeframe between 2-4 hours absent extenuating circumstances.
- C. This procedure 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 Bexar County District Attorney's Office, and the Texas Department of Family and Protective Services in order to:
  1. Enable service providers the ability to serve a greater number of victims of family violence;
  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 in a timely manner;



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4. Report and investigate suspected child abuse and neglect; and
  5. Ultimately, enable the San Antonio Police Department to file more cases for family violence with the Bexar County District Attorney's Office.
- D. The procedures which follow are not intended to establish hard and fast rules on how to handle the wide variety of family quarrels. Officers must apply common sense and logic in their resolution of family disturbances and rely on this procedure for guidance.

### **.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, choking of the victim or 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 for him at locations he is known to frequent, in an effort to secure his warrantless arrest. This policy does not prohibit officers from making warrantless arrests, in other circumstances, where probable cause exists for the arrest of a family violence offender. If a question arises as to whether an arrest should be made, officers contact their supervisors for guidance.
- B. In family violence cases where the offense included the use of a weapon, choking of the victim or the offender has a history of family violence, and the effort to arrest him/her without a warrant was not successful, 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 which reflects the efforts made to arrest the offender without a warrant, and a statement recommending a warrant of arrest be obtained for the offender.
- C. In cases where a warrant of arrest will be obtained, officers are responsible for notifying the appropriate unit and providing that unit with the officers' report. Generally, SVU or the Night CID Unit will prepare all felony warrants and CRT Detectives will prepare misdemeanor warrants. However, there could be mitigating circumstances that allow detectives to deviate from this policy when necessary and approved. These circumstances should be documented appropriately.
- D. In cases involving any felony offense where an arrest is made, or there is 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 prior to the release of any witnesses, complainants and prior to 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 radio channel 3H;
  2. Calling the Special Victims Unit office at 207-2313, 7 days per week from – 0745-1745 hrs. ;
    - a. After 1900, officers may contact the NCID offices at 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 3H.
- F. Officers may contact Crisis Response Team (CRT) staff members at the respective substations via the dispatcher or by calling directly:

Central: (210)207-4013  
East: (210)207-2062  
North: (210)207-8129  
Prue: (210)207-2201  
South: (210)207-8701  
West: (210)207-7916



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- G. If a protective order or violation of family violence 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 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. 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 offer practical suggestions or 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 his report the basis for his belief.
  - 2. The officer shall provide a hard copy of his report to the CRT Office where the reporting officer is assigned.

### **.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. The entire call should be captured on COBAN and Body Worn Camera's by all responding officers.
- 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. Should determine if any person requires medical attention, and request EMS as needed. Victims of choking or strangulation should be evaluated by EMS and further advised to seek medical attention as needed. It is possible for symptoms of choking, including death to occur up to 36 hours 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 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 a good approach to identifying probable cause for the strangulation enhancement. Document all situations of strangulation on both SAPD Form 2089-TA and Form 2089-SS;
  - b. With the assistance of other officers, separate possible victims, witnesses, and suspects;
  - c. Should interview all parties to assess injuries, including those that may be 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 "Family Violence Threat Assessment" checklist (SAPD form 2089-TA) for only family violence incidents involving an intimate relationship which is defined as is an interpersonal relationship that involves physical or emotional intimacy. An intimate relationship does not imply it must be sexual in nature. If a person refers to the other individual as their "partner" or "significant other" then that constitutes it as an intimate relationship. This is like a couple referring to themselves as a "married couple" but are not "legally married" but can be considered married under common law marriage/code. The handling officer will have the responsibility of asking the victim what they perceive their relationship to be and will need to note that on the report. Depending on the victim's



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responses and the officer's professional judgment, the officer may encourage or recommend that the victim re-locate to a safe environment or may recommend other appropriate interventions. The officer should consult with on duty CRT, SVU, NCID, Victim's Advocacy Unit and/or the appropriate shelter provider for available social services or re-location options should the complainant decide to re-locate.

- i. If a victim refuses, is unwilling, or is unable to provide responses to the "Family Violence Threat Assessment" checklist, the officer shall document the circumstances in his report and check "Refused" on the form. Victims of family violence should not feel compelled to provide responses to this questionnaire.
- ii. If the victim(s) consents to respond to the "Family Violence Threat Assessment" checklist items, the handling officer completes the checklist, scores the responses and refers to the "Family Violence Threat Assessment Score & Responses" continuum, which is located on the back of the checklist for guidance on what recommendations to make to the victim(s). If the officer calculates a score of 22.5 or greater, the officer shall call the Family Violence & Prevention Services office (AKA Battered Women's & Children's shelter) at 210.733.8810 and notify staff of the situation and ask for further guidance.
- iii. The original "Family Violence Threat Assessment" checklist shall be submitted to the appropriate CRT office with a copy of the officer's report, whether or not the victim responded to the questionnaire. The officer should request of the victim to acknowledge consent or refusal to respond to the checklist by signing the checklist. No victim shall be compelled to sign the checklist if they do not wish to do so. Officers who do not complete the 2089-TA for an intimate relationship must document their reasons for not completing the form. The CRT Sergeant will notify the appropriate supervisor or when a 2089-TA (Intimate relationship) is not completed. It is the discretion of the CRT personnel to determine if a 2089-TA is needed after the fact.
- iv. All original SAPD Form 2089-SS shall be submitted to the SVU Unit.
- e. Should the victim/complainant refuse to re-locate upon recommendation, or refuse follow-up, shelter, or other social services, the officer shall document these details in his report, using direct quotes if necessary.
- f. Shall not use mediation or encourage reconciliation at the scene as a substitute for appropriate reporting and enforcement action when physical violence has occurred.
- g. Shall provide the victim/complainant with a completed "Notice to Adult Victims of Family Violence" and should always refer the victim/complainant to CRT for case follow-up or the Family Violence & Prevention Services office before leaving the scene. For cases that will go to SVU, officers should advise the victim that SVU will contact them once the case is received in and is assigned to an SVU detective. If the victim has not heard from SVU within 3 days, they should contact the SVU office (210) 207-2313.
- h. Complete SAPD Form 2089-PSA Pseudonym Form for all victims of a 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 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 if a pseudonym name is used. The Pseudonym form also provides the Victim the option to allow SAPD to release a victim's personal information to select agencies who serve as victim advocates. The victim has the right to refuse the use of the pseudonym form. In all cases, the Pseudonym Name form will be forwarded to the Special Victims Unit. Caution should be used when completing the Offense Report to avoid adding details in other sections of the report which could be used to identify the victim.
- i. Should 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.



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- i. The Family Violence & Prevention Services office is available 24/7, and officers are encouraged, but not required to call 210-733-8810 when transporting victims of family violence to the shelter. 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 mental health crisis.
  - ii. All officers, when 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 reading to the dispatcher upon leaving the scene and upon arrival at the destination.
  - 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 to be at the location and the suspect is out on bond for a family violence offense, determine if this is a violation of a court order or a condition of bond. The verification of the order can be done by searching the suspects name on MobileCad 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 is in violation of the order in any manner, determine if he is in possession of a firearm. Refer to procedure 603 – Protective Orders/Conditions of Bond for further guidance.
6. If a violation of law is found, make the appropriate arrest and all details of the violation shall 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 weapon is suspected of being used in a felony offense.
9. Officers may seize firearms if there is a fear that the weapon will be used in a criminal act in the future. 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 a Crime Scene Unit investigator is available, wait until the Crime Scene Unit investigator is completed with the collection of any evidence, including taking pictures of the victim and their injuries.
11. If a Crime Scene Unit investigator/UEDI is unavailable, advise the victim in order to file charges of assault bodily injury (family violence) against the suspect, they must report to the local substation at their earliest opportunity. Services to victims of family violence will be provided at substations seven (7) days a week, twenty-four (24) hours a day.
12. Prior to 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 prior conviction or deferred adjudication (occurring after September 1999) is found for assault family violence, the suspect should be arrested for the felony charge of Assault-Family-Second Offense. Should it be





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determined the suspect has committed a family violence assault within the past 12 months and 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 a Protective Orders.

13. 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.
14. Present warrants for arrest to the magistrate and properly log the warrants in with the Bexar County Sheriff's office, when instructed to do so by the follow up units.
15. Complete and file the appropriate report and shall provide a hard copy of the report to the CRT Office where the reporting officer is assigned.
16. Complete and submit an application for an Emergency Protective Order in cases of Family Violence involving intimate relationships where 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 obtained from the victim however, in some cases the application for an EPO can be done without the victim's consent when the cases involve an intimate partner and the victim's injuries are severe, a weapon was involved, the victim was strangled or the suspect is a repeat offender or there is likely violence would occur again in the future if an emergency protective order is not immediately issued. In cases meeting the above criteria where a victim refuses a supervisor should be contacted for guidance.
17. 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 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 adult 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 for the processing of evidence, call ahead to ensure a Crime Scene Investigator is available for preparation of the equipment and to 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 Form and Form #2089-PS Pseudonym Form* to the victim for completion. Should the victim refuse to complete either form, write "refused" on the form and sign and submit to either CRT or SVU. Additionally, complete #2089-TA Family Violence Threat Assessment Checklist on behalf of the victim;



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4. Write the appropriate crime scene search report and package it along with the required forms as listed above in #3 which has been filled out and signed by the victim. Route the SAPD Form #2089-DV, #2089 - PSA and the “Family Violence Threat Assessment” checklist, SAPD Form #2089-TA, 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 victim of family violence. If this occurs, they will follow Subsection.06B3-4 of 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.
3. If an offense report has been made, the Police Service Agent will provide the victim with SAPD Form #2089-DV, #2089 – TA and #2089 - PSA and have the victim complete the forms.
4. If neither a UEDI/ CSI nor CRT member are available, the Police Service Agent will take digital pictures of the victim and his/her injuries and refer to Procedure 408, *Digital Photography*, for the handling of digital images.
5. The police service agent will then package all completed SAPD Forms along with any photographs and route all documents to the CRT Unit for the substation.

### 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), step-parents/step-children (living in the same household) step-siblings (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 Deadly Contact Family.
2. Digital images will be handled in accordance with GM Procedure 408, *Digital Photography*.
3. The Crisis Response Team will retain the completed SAPD forms # 2089-TA and 2089-DV and scan the documents into the Case Management module of RMS to be available for the assigned detective, Do not scan the documents in the Incident Module of RMS
4. If a warrant will be obtained for an actor for a felony offense, the Crisis Response Team will first notify the Special Victims Unit or NCID supervisor, so a detective can be assigned to the follow up investigation. All documents obtained by the Crisis Response Team, including the warrant, affidavit and offense reports will be forwarded to the follow up unit for inclusion in the case filing paperwork forwarded to the District Attorney's Office.
5. 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.
6. Upon order of the Court, property room personnel, the assigned CRT or SAFFE substation personnel, and the designated third party assigned by the court will coordinate the surrender of any firearms, as ordered by the 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.
7. Pursuant to the court order, a firearm may not be returned to a suspect except by further order of the court.



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### E. Special Victims Unit:

1. Upon receipt of the offense report packets from the Officer, Crime Scene Investigators, Police Service Agents, or Crisis Response Teams, a supervisor shall inspect the information included in the Offense Report and Case Management module for completeness.
2. Felony Family Violence cases will be assigned to a detective for follow up investigation per the Special Victims Unit SOP.  
  
(note: This should be in the unit SOP and not in GM. This is a specific act of the SVU Detective)
3. 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 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 and an interview or interrogation can occur with some degree of success. Officers cannot interview any suspect under the age of 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 of where the suspected abuse occurred. Officers will relay the information to his 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 adult 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, by personal delivery, fax, or email to the specific investigating unit, which may be the Special Victims Unit and/or Night CID Unit for felonies or CRT if the incident is classified as a misdemeanor. This will be done as soon as possible, but by 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 make the determination 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 make a determination 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. Whenever possible, two (2) officers are dispatched on family disturbance and family/dating violence calls. An effort should be made to coordinate their arrival at the scene.
- B. The primary officer assigned the call should inquire as to the existence of any protective order or conditions of bond on file for the complainant, suspect or other known persons involved.
- C. Persons encountered in the immediate vicinity of 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 assist in determining who the primary aggressor might be.

## **.09 ENTRY INTO PRIVATE PREMISES**

- A. In the initial contact with the occupants, the officers should identify themselves and 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 to do so. When one of the parties to a family dispute requests police intervention, the officers may enter the premises over the objection of the other party.
  2. However, when one party is locked out by the other 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 the officers 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 and when sufficient probable cause exists that 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 given 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;
4. Identifying the parties involved and other persons present; and



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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 re-locate to a neutral location in an effort to allow the disputants time to regain their composure. Officers may provide courtesy rides to any of the parties to a local shelter, hotel, or an alternative safe location if necessary, and shall notify the dispatcher over the radio of the projected location and beginning and ending mileage of the transporting officer's police unit.

#### **B. Referrals / Criminal Complaints / Protective Orders**

If counseling is requested by either party involved in the dispute 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 Victims Advocacy Office.

#### **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 the filing of an alcoholic commitment petition.

#### **D. When officers are requested to enter a 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 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 damage to property is threatened or has been committed, the officers do not make an arrest since a violation of community property rights is a civil matter. The officers warn the disputants such damage to property could develop into a criminal act. The officers should advise the party to contact their attorney.**

#### **F. In situations where one spouse alleges the other is involved in a violation of morals or other lewd act with a third party, the officer cannot enter a premises to obtain evidence. There is no law making adultery a criminal offense in the State of Texas. The complainant is advised by the officers 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.**

#### **C. When an assault has been committed prior to 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;



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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 he will commit a felony if he carries out the threat. 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 and UEDIs will inquire into the presence of firearms at the location and will discuss safety options with the victims and persons present 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.
- G. Officers may affect an arrest for any other violation(s) that they have the probable cause and legal authority to make. Examples of other possible offenses that may be 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 should 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 in accordance with GM Procedure 314, *Command Notification*.
  1. The highest ranking command officer to respond to the scene shall be the approving authority for any custodial arrest; and
  2. The supervisor, *in Blue Team*, shall forward copies of all offense, incident, or supplemental reports, including all details of the call, 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, incident, or supplemental reports through their chain of command utilizing Blue Team in accordance with Procedure 303.09.
- E. The Internal Affairs Unit, upon receiving notification of a sworn member being involved in family/dating violence incident, shall conduct a thorough administrative investigation of the incident and report their findings to the Complaint and Administrative Review Board.
- F. The Internal Affairs Unit, upon receiving notification of a sworn members' involvement in family disturbance incident, shall conduct an administrative review of the incident to determine if there are disciplinary issues which need to be addressed through the Complaint and Administrative Review Board.

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



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- A. In accordance with federal statute, it is unlawful for anyone, including a sworn member of this Department, convicted of a Class C misdemeanor 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 Class C misdemeanor crime of family/dating violence shall notify their immediate supervisory, in writing as soon as possible.
  - 2. Any sworn member arrested or charged with a Class C misdemeanor crime of family/dating violence shall notify the Office of the Chief in writing in accordance with 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 Class C misdemeanor crime of family/dating violence or having a conviction prior to the effective date of this procedure shall immediately notify a supervisory officer who will place the officer on administrative duty in accordance with GM Procedure 908, *Mandatory Reassignment*, and pending further investigation of the conviction.
- C. Department-Issued Firearms
  - 1. Any sworn member convicted of a Class C misdemeanor 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 having knowledge of a sworn member being convicted of a Class C misdemeanor crime of family or dating violence prior to the effective date of this procedure shall relieve the sworn member of his firearm.
  - 3. The sworn member's department-issued firearms will be taken to the Armory and Supply Office during normal 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 who is assigned to investigate a family disturbance or family/dating violence call shall complete the necessary documentation pursuant to Procedure 401 – Offense/Incident/Supplemental Reports and Procedure 402 – *Differential Police Response*.
- 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 located in the Municipal Court Building to file charges.
- C. If the victim of Family/Dating Violence 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 and will return the original form to the Special Victims Unit or the CRT Unit at the officers’ assigned substation via email, in person or in a sealed envelope through the departmental bin mail.





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The original pseudonym form is still returned to the Special Victims Unit or the CRT Unit at the officers' assigned substation in person or in 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 Class C misdemeanor 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. In accordance with 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 is one meeting 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. In accordance with 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 shall complete and submit the Texas Department of Public Safety form titled, *Family Violence Report*.
- H. In accordance with 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.