



**Ventura County
Domestic Violence
Law Enforcement
Protocol**

August 2017

This protocol provides recommended “best practices” for the investigation of domestic violence cases. Officers responding to domestic violence calls often confront volatile and dynamic circumstances that pose risks to their own safety. As always, officer safety and department policies should be a priority for peace officers.



OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF VENTURA, STATE OF CALIFORNIA

GREGORY D. TOTTEN
District Attorney

August 2017

The Ventura County Law Enforcement Coordinating Committee voted unanimously to endorse the first domestic violence investigative protocol in 1992 to provide guidelines for the investigation of domestic violence cases here in Ventura County. The protocol was prepared in consultation with, and in cooperation with, numerous agencies across the county pursuant to Penal Code section 13701(b).

This sixth revision includes legal updates and best practices related to strangulation, gun violence restraining orders, and the protection of children exposed to domestic violence. These changes reflect current research in the field of domestic violence investigation and prosecution.

It is the intention of this protocol to provide guidance to officers and flexibility for individual departments to develop their own policies and procedures.

This protocol is not intended to address every situation or every potential issue, nor is it intended to diminish the exercise of an individual officer's discretion or the role of departmental policies that are consistent with state law. The protocol is intended to promote victim safety, protect children exposed to domestic violence and ensure abuser accountability.

Thank you for your dedication, courage and commitment.

Very truly yours,

GREGORY D. TOTTEN
District Attorney



GREGORY D. TOTTEN
District Attorney

SHERIFF GEOFF DEAN
Ventura County Sheriff

CHIEF KEN CORNEY
Ventura Police Department

CHIEF SCOTT WHITNEY
Oxnard Police Department

VENTURA COUNTY

LAW ENFORCEMENT COORDINATING COMMITTEE

CHIEF SCOTT WHITNEY
Oxnard Police Department
Chair

CHIEF ANDREW SALINAS
Port Hueneme Police Department

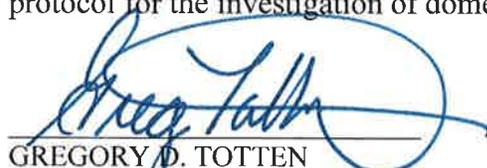
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Simi Valley Police Department

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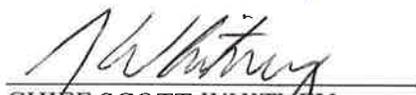
August 2017

In recognition of the serious problem domestic violence presents to the community and the need for a strong consistent response by law enforcement to stop the cycle of violence, the Ventura County Law Enforcement Coordinating Committee does hereby readopt this protocol for the investigation of domestic violence.


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Ventura County Sheriff


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Ventura Police Department


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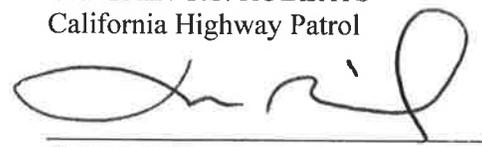

CHIEF JOEL JUSTICE
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**LAW ENFORCEMENT
COORDINATING COMMITTEE
PARTNERS IN COMBATING DOMESTIC VIOLENCE**

August 2017

In recognition of the serious problem domestic violence presents to the community and the need for a strong consistent response to stop the cycle of violence, the following agencies commit to partnering with the Ventura County Law Enforcement Coordinating Committee and hereby support this protocol for the investigation of domestic violence.



MARK VARELA
Director/Chief Probation Officer
Ventura County Probation Agency



ERIK STERNAD
Executive Director
Interface Children & Family Services



CAROLINE PRIJATEL SUTTON
Executive Director
The Coalition for Family Harmony



LORI HAUGH
Executive Director
The Partnership for Safe Families & Communities
of Ventura County
The Designated Child Abuse Prevention Council

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Protocol Policy Statement

- The California State Legislature has declared that:
 - (1) “[S]pousal abusers present a clear and present danger to the mental and physical well-being of the citizens of the State of California.” (Pen. Code, § 273.8)
 - (2) “A substantial body of research demonstrates a strong connection between domestic violence and child abuse.” (Pen. Code, § 13732(a))
- All law enforcement agencies shall respond to acts of domestic violence as a crime.
- Victims of domestic violence shall be treated with respect and dignity and shall be given appropriate assistance by law enforcement personnel responding to an incident of domestic violence, regardless of their sexual orientation, gender, gender conformity, age, or immigration status.
- The decision to prosecute a batterer lies within the discretion of the District Attorney’s office. Victims do not “press charges,” “drop charges,” or “prosecute” their batterers.
- Written policies shall be developed, which should encourage the arrest of domestic violence offenders if there is probable cause to believe that an offense has been committed.
- Written policies shall *require* the arrest of an offender, absent exigent circumstances, if there is probable cause that a protective order¹ has been violated.
- When possible and legally reasonable, law enforcement should remove firearms from the scene of domestic violence incidents.
- When reasonably possible, prosecutors should notify the court if domestic violence defendants own or possess registered firearms.
- When reasonably possible, law enforcement should seek a gun violence restraining order if a person is determined to be a present danger to him/herself or

¹ Includes Emergency Protective Orders, Domestic Violence Restraining Orders, Family Law Restraining Orders, and Criminal Protective Orders.

another person, by controlling, owning, purchasing, possessing, receiving or otherwise having custody of a firearm.

- Children exposed to domestic violence should be considered separately as victims in domestic violence incidents.
- Ongoing training will be provided to enhance law enforcement's response to domestic violence and children exposed to domestic violence.
- Domestic violence is complex. Victims should be empowered to make their own decisions about what they do immediately following a domestic violence incident.

Section 1 - Important Definitions

ABUSE: Intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself, herself, or another. (Pen. Code, §13700(a))

ASPHYXIA: A condition arising when the body is deprived of oxygen, causing unconsciousness and ultimately death. In general, asphyxia due to suffocation requires at least partial obstruction of both nostrils and mouth.

COHABITANT: Two unrelated adults living together for a substantial period of time resulting in some permanency of relationship. Factors to be considered, include:

- (1) sexual relations between the parties while sharing the same living quarters,
- (2) sharing of income or expenses,
- (3) joint use or ownership of property,
- (4) whether the parties hold themselves out as spouses,
- (5) the continuity of the relationship, and
- (6) the length of the relationship. (Pen. Code, § 13700(b))

CHOKING: The *accidental* physical, internal obstruction of the windpipe resulting in a blockage that prevents the normal flow of air/normal breathing (e.g. food). Although victims and witnesses may use the terms “choke” or “choking” when describing an incident, law enforcement should be aware of the important distinction between choking and the medical term “strangulation.” (See below)

DATING RELATIONSHIP: Frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement independent of financial considerations. (Pen. Code, § 243(f)(10), Fam. Code, § 6210) Casual, one-time dates or first-time encounters would *not* be considered “dating,” and therefore not domestic violence.

DOMESTIC VIOLENCE: Abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. (Pen. Code, § 13700 (b))

DOMINANT AGGRESSOR: The person who is the most significant, rather than the first aggressor. (See Pen. Code, §§ 836(c)(3), 13701(b)) (Determining the dominant aggressor is discussed in Section 3.)

DUAL ARREST: The arrest of both parties in a domestic violence incident. Written policies shall discourage, but not prohibit, dual arrests of both parties. (Pen. Code, § 13701(b)) (Discussed in Section 3.)

POSITIONAL ASPHYXIA: Asphyxia caused by compression of the face, neck, chest and/or abdomen sufficient to make it difficult or impossible to breathe, e.g. sitting on a victim's chest.

PROTECTIVE/RESTRAINING ORDERS: Terms that are widely used to cover a broad range of court orders that either prohibit or limit the type of contact that the restrained person may have with the protected person. (See Section 9 for a comprehensive breakdown of court orders. See Addendum F for examples of court orders.)

STALKING: Willful, malicious, and repeated following, or harassment with a credible threat made with the intent of placing that person in reasonable fear for his or her safety or the safety of his or her immediate family. (Pen. Code, § 646.9(a)) A credible threat can be implied by conduct. (Domestic violence stalking cases are discussed in Section 7.)

STRANGULATION: A form of asphyxia characterized by the *intentional* closure of blood vessels and/or air passages of the neck as a result of external pressure applied to the neck sufficient to cause disruption of blood flow to or from the brain, or disruption of air exchange resulting in a lack of adequate oxygen delivery to the brain. (See addendum B) Strangulation can be accomplished by various methods, including:

- (1) Manual Strangulation: Use of the fingers, hands, forearms or other limb/extremity.
- (2) Ligature Strangulation: Use of some form of cord-like object around the neck *with no* suspension.
- (3) Strangulation by Hanging: Use of some form of cord-like object around the neck *with* suspension.

SUFFOCATION: The mechanical obstruction of airflow into the mouth and/or nostrils, as might occur by covering the mouth and nose with a hand, pillow, gag or a plastic bag. Suffocation can be partial or complete. Partial suffocation occurs when the victim can inhale some, but not enough, air.

Section 2 - 911 Operator/Dispatcher Response

- I. Policies developed by agencies pursuant to this protocol shall include written policies and standards for dispatchers' responses to domestic violence calls. Call takers who receive domestic violence calls shall dispatch officers to the scene. (Pen. Code, § 13701)
- II. When speaking to a victim of domestic violence, dispatcher(s) or 911 operators will not discuss the victim's desire to "press charges," "drop charges," or "prosecute." Any comment or statement which seeks to place the responsibility for enforcement actions with the victim is inappropriate. Dispatchers should remain neutral.
- III. The safety of domestic violence victims shall be the primary concern of 911 operators. 911 operators shall advise the victim to leave the residence, if it can be done safely, whenever the suspect is present or likely to return.
- IV. During the initial call for assistance, the 911 call taker should consider asking the following questions:
 - A. Where is the emergency? What address? What apartment number?
 - B. Has anyone been injured? Is an ambulance needed? What are the injuries?
 - C. With whom am I speaking?
 - D. Is the suspect present?
 - 1) If yes, where, specifically in the residence?
 - 2) If no, direction of travel? Vehicles involved and type of vehicle?
 - E. Who is the suspect?
 - 1) How do you know?
 - 2) Are you in a relationship with that person?
 - F. Is the suspect under the influence of drugs or alcohol? If yes, what substance?
 - G. Are weapons involved? If yes, what kind? Where are they located? Have you been threatened by the weapon today or in the past? How was the weapon used?
 - H. Are you the victim? If no, are you a witness? Is anyone else there?

- I. Are children present? How many? How old are they? Where are they now?
 - J. What has happened?
 - K. Have the police been to the address before? If yes, how many times?
 - L. Has this ever happened before?
 - M. Do you have a restraining order/protective order?
- V. Because incidents of strangulation can result in hidden or delayed injuries and complications, dispatchers should consider asking the caller if they were strangled or “choked” and evaluate the need to call for emergency medical aid. Circumstances indicating a need to call for emergency medical aid may include:
- A. Loss of breath or difficulty breathing
 - B. Loss of consciousness
 - C. Memory loss
 - D. Dizziness, disorientation, nausea, or headache during or after the incident
 - E. Vision loss or vision changes
 - F. Hearing loss or hearing changes
 - G. Voice changes or difficulty speaking
 - H. Coughing or difficulty swallowing or sensation of something in the throat
 - I. Sore throat
 - J. Urination or defecation
 - K. Problems with balance or coordination
 - L. Pain or stiffness to the neck
- VI. Calls reporting threatened, imminent, or ongoing domestic violence and the violation of any domestic violence restraining order or protective order shall be ranked among the highest priority calls.

**Dispatcher Practice Tip:
Restraining Orders**

Only a court can change the status of a restraining order. The victim’s wishes, desires, or behaviors cannot. (Pen. Code, § 13710(b)) This means that a restrained party is still in violation of a restraining order, even if the contact was invited by the protected party.

Section 3 - First Responder Duties

I. WHAT TO DO AT THE DOMESTIC VIOLENCE SCENE

A. ARRIVAL AT SCENE

1. Ensure departmentally issued body-worn camera and/or audio recorder is activated and record all statements.
2. Determine location and condition of victim(s), including children.
3. Summon ambulance, if injuries claimed or observed.
4. Determine if suspect is still at scene.
5. Determine if any weapon is involved.
6. Separate the victim, suspect, and witnesses, including child witnesses.
7. If children are present, follow the procedures set forth in Section 7 and cross-report to Child Protective Services
8. Prevent communication between the parties. This includes removing victim and witnesses from suspect's line of sight and range of hearing.
9. Re-ask about weapons once the parties are separated.
10. Determine what, if any, crime has occurred.
11. If a sexual assault is reported, follow the procedures set forth in Section 5.

Legally remove all firearms from domestic violence scenes and from those parties subject to a domestic violence restraining order or gun violence restraining order. (Pen. Code, §§ 18250, 18105)

B. INTERVIEW

Interview victim and witnesses separately. Interview any children who may have witnessed or heard the incident or any prior incidents. Do not ask the victim whether he/she wishes to press charges. The victim should be advised that the decision to prosecute is made by the District Attorney. Whenever possible, family members, particularly children, should not be used as interpreters (see Section 8). Maintain objectivity in reporting and avoid stating personal opinions.

1. VICTIM:

- a. Document the extent of injuries received in detail and the need for medical attention. Photograph the injuries.
- b. Determine and document whether the victim has been “choked”/strangled and, if so, have the victim evaluated by medical personnel. Signs and symptoms of “choking”/strangulation may include:

- (1) redness/bruising/scratches to neck
- (2) raspy voice
- (3) soreness of neck
- (4) incontinence
- (5) petechiae anywhere on the face, in the eye, scalp, behind the ears, on the neck
- (6) bruising underneath victim’s chin
- (7) difficulty swallowing
- (8) difficulty breathing
- (9) coughing/vomiting
- (10) torn clothing
- (11) smeared makeup

Complete the Strangulation the Documentation Supplemental Form for each incident where a victim complains of being “choked” or “strangled,” or where sufficient facts arise to indicate force was used in any way to inhibit the victim’s ability to breathe. (See Addendum B)

- c. Document victim’s emotional condition and demeanor.
- d. Document evidence of substance/chemical use by victim.
- e. Document any spontaneous statements by victim. **Spontaneous statements may be used to impeach the victim’s testimony or to provide substantive evidence of the crime, if the victim later refuses to cooperate.**
- f. Document victim’s home, cell and work telephone numbers, work and home addresses, email addresses and emergency contacts. If victim is homeless or without stable permanent address, obtain a number for a close relative or friend. Inquire if victim’s phone number is safe to leave a voicemail.

- g. Document all statements made by suspect to victim during incident.
- h. Re-contact the victim after interviewing the suspect to ask follow-up questions, if appropriate.
- i. Follow internal departmental policies pertaining to victim notification procedures. Ask the victim if she/he wants to be notified when the suspect is release from jail. Provide the Ventura County Sheriff's office number (805-654-3355) for victim notification.
- j. Evaluate risk factors for serious violence and homicide. (See Addendum A)
- k. Document prior history of abuse in detail.

2. DUTY TO ADVISE VICTIMS OF THEIR RIGHTS

- a. Provide victim with Marsy's Law card pursuant to departmental policy. (Pen. Code, § 679.026)
- b. Provide referrals to community resources and relevant phone numbers.
- c. Explain options available to the victim including private persons' arrest process, emergency protective orders, temporary restraining orders, and, where appropriate, arrest procedures and ensuing criminal proceedings.

Under certain circumstances, defendant's prior acts of domestic violence against the victim may be admissible at trial to prove guilt of the current offense. (Evid. Code § 1109)

3. WITNESSES:

- a. Record interviews of all witnesses separately, noting names, addresses, email addresses, phone numbers, and emergency contacts.
- b. List the names and ages of children present.
- c. Interview all children pursuant to this protocol. (See Section 8) Document demeanor and location of child during incident.
- d. Document names and addresses of emergency personnel.

- e. Interview neighbors regarding what they heard and saw during the incident and any prior domestic violence incident(s).

4. NON-ENGLISH SPEAKING WITNESSES:

- a. Where possible, call another officer who speaks the witness's language to obtain his/her statement. If such officer is not available, utilize a departmentally-approved translation service.
- b. Officers should use caution when utilizing a witness as a translator. Such translations may not be accurate or admissible at trial.
Children and family should not be used as translators.
- c. If using a non-certified translator, establish and document the translator's ability/knowledge of the language, including:
 - (1) Years speaking the language
 - (2) Training and experience in the language
 - (3) Obtain contact information including current address, date of birth, phone number, driver's license, and employment information.
- d. Record all statements, including the translations.

5. SUSPECT:

- a. Document suspect's location.
- b. Document suspect's physical condition.
- c. Document suspect's emotional condition.
- d. Document evidence of illicit drug, prescription drug, and/or alcohol use by the suspect. (If appropriate, consider DRE Exam and/or search warrant for blood/fluid samples)
- e. Inquire about mental health history, diagnoses, and medications.
- f. Obtain emergency contact information, including personal cell, home, and work numbers; home and work addresses; and email addresses.

- g. Document, describe, and photograph any injuries, where appropriate, or the lack thereof.
- h. Advise suspect of Miranda rights where legally appropriate.
- i. If suspect waives and agrees to speak with officer, interview suspect.
- j. Record all statements using department-issued recording device.
- k. Assess for risk of suicide. (See Addendum A)

C. EVIDENCE:

1. Determine if firearms or other deadly weapons are present in plain sight or pursuant to a consensual search. (Pen. Code, §18250(a))
2. Describe the crime scene in detail. Note signs indicating a struggle such as overturned furniture, hair that has been pulled out, blood, broken fingernails, holes in walls, damaged telephones, etc.
3. Photograph the crime scene.
4. Photograph all victims' and suspects' injuries.
5. Photograph and book all weapons and other instrumentalities of the crime (i.e. belts, electrical cords, hangers, gas cans, bottles, lighters, broken lamps, etc.).
6. Follow your departmental guidelines for the storage and transfer of images when using digital cameras.
7. Follow your departmental guidelines for appropriate use, storage and transfer of digital information when using body cameras.
8. Collect surveillance video footage from crime scene or surrounding areas or submit a request to preserve it.

D. MEDICAL TREATMENT

1. Transport or have victim and/or suspect transported to hospital, if medical treatment is necessary.
2. Obtain names, addresses and telephone numbers of ambulance or paramedic personnel treating the victim and/or defendant.

3. Photograph victim's and/or suspect's injuries (or lack thereof) before he/she is transported to the hospital, when reasonably practical.
4. Obtain signed medical release, if appropriate and reasonably practical.
5. Obtain treating physician's name, address, and telephone number.
6. Interview treating physician and confirm nature and severity of injuries.
7. Document all victim statements made to medical personnel, if reasonably practical.
8. Request that blood samples taken by the hospital be preserved, if substances are suspected. Obtain a search warrant to legally obtain samples. (Note: Without a request from law enforcement some hospitals or medical centers may dispose of samples after two days.)

II. BAIL

- A. Prepare a declaration to increase bail above the schedule amount or to deny an O.R. release, if it appears that the suspect may not appear in court, or, if the suspect's release from custody may pose a serious threat to the victim's well-being. (Pen. Code, §§ 1269c, 1270.1 and 1275)
- B. Additional factors:
 1. Access to/use of weapons
 2. Suicidal ideation
 3. Mental instability
 4. Substance abuse
 5. Threats to harm the victim if abuse is reported to law enforcement
 6. Prior acts of violence
 7. Prior criminal history
 8. Risk of flight.

COMPLETE A DOMESTIC VIOLENCE CRIME REPORT

Law enforcement shall complete a written incident report pursuant to departmental policy. (Pen. Code, §§ 13730, 13730(c)) (Law enforcement should maintain objectivity in reporting and avoid personal opinions regarding comments from victim/suspect.)

III. TEEN RELATIONSHIP VIOLENCE

A. JURISDICTION

Domestic violence offenses such as Penal Code sections 273.5 and 243(e) apply equally to juvenile offenders. When a juvenile commits any crime within the state, the Juvenile Court has jurisdiction over the minor and the District Attorney's Office is responsible for the prosecution of those cases.

B. POLICE RESPONSE

1. Investigation: Law enforcement officers shall document the relationship between the parties.
2. Arrest: While pro-arrest policies apply equally to teen relationship violence cases, it should be noted that when a juvenile is arrested, it is the "Risk Screening Criteria," as set forth by the Ventura County Probation Department, that will determine whether a juvenile will be incarcerated in Juvenile Hall. When a juvenile is incarcerated, there is no bail. The juvenile will stay in Juvenile Hall until he or she is arraigned or otherwise released by Juvenile Hall.
3. Victim Assistance: The victim is entitled to all the services described in this protocol, including an emergency protective order and referral information, regardless of age.
4. Cross-report to Children and Family Services (CFS): Since the juvenile offender is a minor, a cross-report to CFS is still required.

C. PROTECTIVE ORDERS FOR TEENS

A minor 12 years old or older may seek a protective order, temporary restraining order, or injunction against an abusive partner without a guardian or counsel. (Code Civ. Proc., § 372) Emergency Protective Orders shall also be requested for teen victims, when applicable.

IV. ARREST OF SUSPECT

- A. **FELONY ARRESTS:** If a peace officer has probable cause to believe that a felony has occurred, the officer shall arrest, absent unusual circumstances.
- B. **MISDEMEANOR ARRESTS:**
1. If a misdemeanor offense has been committed in the officer's presence, the officer shall arrest.
 2. If a person commits an assault or battery upon his or her spouse, former spouse, cohabitant, former cohabitant, or someone with whom a current or former dating or engagement relationship exists, or upon the parent of his or her child, a peace officer may arrest the person without a warrant if both of the following circumstances apply (Pen. Code, §836(d)):
 - a. The officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed; and
 - b. The officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.
- C. **DOMESTIC VIOLENCE RESTRAINING ORDER/PROTECTIVE ORDER ARREST:** If the officer has probable cause to believe that the person has notice of the order and has committed an act in violation thereof; or if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party, the officer shall arrest.
- D. **PRIVATE PERSON'S ARREST:** Any time a peace officer responds to a domestic violence call, the peace officer shall make a good faith effort to inform the victim of their right to make a citizen's arrest, unless the peace officer makes an arrest for Penal Code sections 243(e)(1) or 273.5.

This policy encourages the arrest of domestic violent offenders if there is probable cause to believe that a domestic violence offense has been committed. (Pen. Code, § 13701(b))

- E. ARREST AND RELEASE: Penal Code section 853.6 sets forth procedures for the arrest and release of a person suspected of a misdemeanor violation of a protective court order involving domestic violence if the officer does not immediately take the suspect before a magistrate. (Cite and release is no longer authorized.)

- F. DUAL ARRESTS DISCOURAGED: Penal Code section 13701(b) requires officers to make reasonable efforts to identify and arrest the dominant aggressor. Dual arrests should be the extreme exception and should only be utilized as a last resort when all other investigative efforts fail.
 - 1. The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor.

 - 2. In determining whether a person is the dominant aggressor, the officer shall consider the following: (Pen. Code, § 13701(b))
 - a. The intent of the law to protect victims of domestic violence from continuing abuse.

 - b. Any threats, real or implied, which instill fear of physical violence by one partner toward another.

 - c. Any history of domestic violence between the partners.

 - d. Whether either partner acted in self-defense.

 - 3. Other factors law enforcement personnel should consider:
 - a. Relative height/weight of the parties.

 - b. Criminal history.

 - c. Level of violence.

 - d. Presence of fear.

 - e. Existing court orders.

 - f. Corroborating witnesses.

 - g. Demeanor of parties.

- h. Use of alcohol/drugs.
 - i. Offensive/defensive injuries.
 - j. Whether the injuries are consistent with explanation.
 - k. Any history of controlling behavior or coercion.
 - l. Which party called 911.
- G. When no arrest is made in a domestic violence investigation, law enforcement shall document the incident, pursuant to Penal Code section 13730(c).

Section 4 - Follow-Up Investigation

Per departmental policies, all domestic violence reports prepared by officers pursuant to Penal Code sections 13700 et seq., may be referred to investigative personnel for review and follow-up investigation as soon as reasonably possible. Whenever possible, investigative personnel will be specifically designated to handle domestic violence cases.

- I. FOLLOW-UP INVESTIGATIONS SHOULD INCLUDE:
 - A. A review of patrol reports to ensure accuracy and completeness.
 - B. Any necessary follow-up, with victim and witnesses.
 - 1. Re-interview of victim and witnesses, including children, as appropriate. (See Section 8)
 - a. Do not ask the victim whether he/she wishes to press charges.
 - b. Advise the victim they have a right to have an advocate present.
 - 2. Interviews of additional corroborating witnesses, including neighbors who may have heard the incident, if applicable.
 - C. A detailed follow-up report containing all new and/or different information. Do not simply “confirm” what is in the patrol officer’s report.
 - D. If the District Attorney’s office files charges against the suspect, additional evidence, if applicable, may be requested, including:
 - 1. Subsequent photographs of the victim. (Consider, even if the patrol officer took photographs.)
 - 2. Copies of all medical reports, Medically Mandated Reports and “Suspicious Injury Forms,” if available.
 - 3. A copy of the 911 recording and printouts.
 - 4. The names, addresses and telephone numbers of two close friends or relatives of the victim who will know of her/his whereabouts at all times during and after the investigation.

5. In-house domestic violence criminal history check of the suspect and the victim.
6. Copies of prior police reports, prior 911 printouts and recordings, and videos, including body-worn camera footage, if applicable.

E. INTERVIEW SUSPECT

As legally appropriate, advise, pursuant to *Miranda*, if this has not been done by patrol officers. Interview the suspect unless he/she has invoked. If the suspect has been advised, waived and made a statement, you may re-advise and re-interview to ask further questions or clarify statements made.

II. REFERRAL TO DISTRICT ATTORNEY FOR REVIEW.

- A. If the elements of the offense can be established with the testimony of the victim and if the victim is cooperative, the case should be submitted to the Sexual Assault Family Protection Unit (SAFP) for review.
- B. If the elements of the offense can be established without the testimony of the victim and if the victim will not cooperate, the case should be submitted to the Sexual Assault Family Protection Unit (SAFP).
- C. If the victim will not cooperate, and there is insufficient independent corroboration to establish the offense, each department will determine if the case should be submitted for review. Corroboration may include significant injury to the victim. Such reports shall be maintained by the department according to policies developed consistent with Penal Code section 13701(b).
- D. In situations where the victim will not cooperate and there is insufficient corroboration and the investigator determines there is a high risk of lethality based upon patrol reports and follow-up investigation, the case shall be discussed with an attorney from the Sexual Assault Family Protection Unit (SAFP).
- E. Contact the victim to advise of the status of the case, and if applicable, the intended referral to the District Attorney's Office.

Section 5 - Domestic Violence Sexual Assaults

- I. When a peace officer responds to a call involving domestic violence and learns that a victim has been sexually assaulted, in addition to the guidelines for Section 3 above, the peace officer shall do the following:
 - A. Ensure the victim's safety.
 - B. Evaluate the need for emergency medical care.
 - C. Evaluate the need for additional units and a supervisor.
 - D. Identify suspect and, if possible, determine suspect's location.
 - E. Conduct an initial interview of victim. Evaluate the need for crisis intervention/advocate on scene.
 - F. Determine the need for a medical legal evidentiary exam of victim.
 - G. If the victim consents, notify a Safe Harbor facility. (See Addendum D for contact information) The Safe Harbor facility will automatically contact a sexual assault victim advocate.
 - H. Transport the victim to a Safe Harbor facility.
 - I. Notify sexual assault detective per agency policy.
 - J. Stand by during the Sexual Assault Medical Legal Evidentiary Exam.
 - K. Provide transportation for the victim upon completion of the examination.
 - L. Preserve the crime scene and seize evidence related to sexual assault or request assistance from an evidence technician or crime lab personnel.
 - M. Identify, isolate, and interview potential witnesses.
 - N. Book evidence. (See subsection IV below)
 - O. Determine the advisability of a forensic exam of a suspect (see subsection III below)
 - P. Complete reports and submit them to investigations.

II. SEXUAL ASSAULT RESPONSE TEAMS

- A. The Sexual Assault Response Team (SART) is comprised of three disciplines: law enforcement, the sexual assault nurse examiner (SANE) and a rape crisis advocate.
- B. Unless the victim is in need of medical assistance, all sexual assault and medical legal evidentiary exams and forensic interviews should be conducted by SART at one of two Safe Harbor facilities. (See Addendum D)

III. SEXUAL ASSAULT FORENSIC EXAMINATION PROCEDURES FOR SUSPECTS

- A. The decision to conduct a sexual assault examination of the suspect is made by the investigating agency, pursuant to departmental policy, and made on a case by case basis.
- B. If conducted, the sexual assault examination should occur as soon as possible after an assault has been reported, ideally no more than 48-72 hours after.
- C. Any authorized medical examination shall include a buccal swab for DNA comparison/processing. DNA can be collected on individuals up to 120 hours after the assault.
- D. Under no circumstances shall the suspect be taken to Safe Harbor.
 - 1. A SANE nurse is available during normal business hours. Contact the Safe Harbor Coordinator for the on-call SANE nurse and request a “suspect examination.”
 - 2. After regular business hours: Contact the Afterhours Call-out Service and request the on-call nurse to conduct a “suspect examination.”
- E. Suspect examinations can occur in the following locations:
 - 1. Law enforcement agency

The most common defense in domestic violence sexual assault cases is that of consent. Thorough investigations require probing into this issue by asking questions of witnesses and collecting/documenting evidence that focus on the issue of consent.

2. Jail
 3. Local hospital
- F. No suspect examination shall be conducted unless the requesting officer has:
1. Consent
 2. A search warrant authorizing the medical examination, or
 3. Exigent circumstances
- G. Once the examination is completed, officers must book all evidence collected.

IV. EVIDENCE COLLECTION AND SEIZURE

- A. Officers collecting evidence shall tag items separately and shall ensure a legally sufficient chain of custody. Items to be seized and booked into evidence include:
1. All clothing worn by the suspect at the time of the offense.
 2. Clothing worn by the victim that may be contaminated or contain evidence. Note: If a victim's clothing is to be seized, have the victim take a change of clothing to Safe Harbor.
 3. Evidence that cannot be collected by the responding officer without disturbing the crime scene (e.g., blood spatter evidence) must be protected until the assigned investigator determines if an evidence technician is needed, and if so, can respond and take custody of the evidence.
 4. All other items that could possibly contain evidence (i.e., bedding, condoms and packaging, etc.).
 5. All rape kits obtained by SANE nurses.
 6. The Sexual Assault Nurse Examiner's report.

All clothing seized shall be placed in separate paper bags. Do not book the clothing in plastic

7. If the assault occurred in a vehicle, the vehicle should be impounded as evidence with a hold for the appropriate investigative unit.
8. If the victim may have ingested any drug, request that the SANE nurse take a urine sample as soon as possible. Drugs may be detectable within 36 hours after ingestion.

Section 6 - Victims' Rights

- I. All victims shall be advised of their rights pursuant to Marsy's Law. (Pen. Code, § 679.026)
- II. All victims of domestic violence and sexual assault shall be provided with a "Victim of Domestic Violence" card developed by each agency. This card shall include suggested procedures following an assault and a list of available services. (Pen. Code, §§ 264.2, 13701(H)1)
- III. All victims of sexual assault shall be advised that their name will become a matter of public record unless they request otherwise. (Pen. Code, §§ 293 and 293.5) A sexual assault is defined as a violation of Penal Code sections 220, 236.1, 261 through 267, and 281 through 292.
 - A. An officer shall advise the victim of her/his right to anonymity and encourage the victim to discuss this right with the Deputy District Attorney handling their case.
 - B. If requested by the victim, law enforcement agencies are prohibited from disclosing the victim's name and address to anyone except the prosecutor.
 - C. Officers shall use the victim's true name when completing their crime and arrest reports, property tags, hospital records, etc.
- IV. All victims of sexual assault, including spousal rape, shall be notified orally or in writing of their right to have a sexual assault victim counselor and at least one additional support person chosen by the victim present at any evidentiary, medical, or physical examination or interview by law enforcement, district attorneys, or defense attorneys. This right does not apply to the initial investigation by law enforcement to determine whether a crime has been committed. (Pen. Code, § 679.04)

Section 7 – Stalking

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

- I. Law enforcement should consider charging the crime of stalking when victims report that they have made *life changes* due to a suspect’s actions:
 - A. If victims have changed their phone numbers, changed their routes to and from work, changed locks on the doors, etc., additional inquiry must be made to determine whether this is an isolated incident or repeated conduct.
 - B. Phone calls, recorded messages, text messages, social media postings, handwritten notes and emails, etc., can establish the pattern of behavior which is causing the victim to fear for his or her safety and should be documented and, when feasible, collected and booked into evidence.
 - C. Previous incidents involving the suspect should be documented and, if reported, previous crime reports obtained.
- II. A "credible threat" means a verbal or written threat, or a threat implied by a pattern of conduct, or a combination of both made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family.
- III. A “credible threat” requires that the suspect has the apparent ability to carry out the threat so that the target of the threat is reasonably fearful for his or her safety. It is not necessary to prove that the suspect had the intent to carry out the threat. A suspect can make a credible threat even if he/she is in jail. (Pen. Code, §646.9(g))
 - A. A credible threat can be made electronically or through any electronic communication device.
 - B. “Electronic Communication devices” include, but are not limited to, phones, cell phones, computers, video recorders, fax machines, or pagers. (Pen. Code, § 646.9(h))

Discuss potential stalking cases with your agency’s domestic violence detective(s) and/or the supervising attorney or a senior deputy district attorney in the Sexual Assault Family Protection Unit. Stalking cases are vertically prosecuted by the Sexual Assault Family Protection Unit.

Section 8 - Children Exposed to Domestic Violence

- I. Children are often present at domestic violence calls. Research studies have consistently found a high correlation between children's exposure to domestic violence and:
 - A. depression, anxiety, post-traumatic stress and/or an impacted sense of well-being, safety, and stability
 - B. behavioral, social and emotional problems such as aggression, anger, hostility, and low self-esteem
 - C. cognitive and attitudinal problems such as poor school performance and lack of conflict resolution skills
 - D. increased tolerance for violence in relationships and high levels of adult depression.²

- II. GUIDELINES FOR OFFICERS
 - A. Recognize that children present during a domestic violence situation may also be direct victims of violence. (Pen. Code, § 273a(a))
 - B. Recognize that even if a child was *not* present during the immediate instance of domestic violence, they may have been exposed to it in the past. A careful interview of the child may reveal corroboration or a pattern of evidence.
 - C. Recognize that if a child was present during domestic violence, even in a different room, that child can be a victim, if he/she was placed in a situation where his/her person or health may be endangered. (Pen. Code, § 273a(b)) Document emotional distress/demeanor: fearful, angry, calm, tearful/crying, nervous, upset, etc..
 - D. Recognize that often children do not "sleep through" the domestic violence, contrary to what a victim may tell you.

² Rossman, 2001; Singer, Angelin, Song, and Lunghofer, 1995; Dube, Anda, Felitti, Edwards, & Williamson, 2002; McEwen, 2000; Perry, 2001; CDC, 1999; Malinosky-Rummell & Hansen, 1993; Daro et al., 2004; Finkelhor 2006; Osofsky, 2004

- E. Interview all children present, where possible. Children as young as four years old are often able to describe the violent episode and can be reliable witnesses when interviewed properly.
- F. Interview the domestic violence victim and child witnesses separately, unless the child is too young. Never interview any witnesses in the presence of the suspect.
- G. If children were in the home at the time of the domestic violence incident or personally witnessed the domestic violence, make sure to list them as witnesses in the body of the crime report. If a child is a victim of any crime, including child endangerment, list the child as a victim in the report and/or write a separate report.
- H. Take photographs of the crime scene, including any evidence of a child's exposure to violence such as crib/child's bed in the room where victim was injured, evidence of a struggle, broken toys or objects thrown around room, other.

When children are present during a domestic violence incident consider charging Penal Code section 273a(b), child endangerment, as an additional crime.

III. INTERVIEWING CHILDREN

Children can be reliable and credible witnesses when properly interviewed. The utmost care and consideration for the children's physical and mental welfare is paramount. When interviewing children, let your training, experience, and department policy guide you.

- A. Start by establishing rapport.
- B. Locate an area where the child will feel safe and comfortable.
- C. Talk to the child at his/her physical level.
- D. Talk to the child at his/her educational/developmental level.
- E. Ask non-threatening and non-intimidating questions.
- F. If possible, remove the child from the victim's line of sight. Never interview the child in the presence of the suspect.
- G. Ask questions about the child's physical and emotional condition. Understand that children can suffer mentally from witnessing acts of domestic violence.

- H. Ask simple, open-ended questions, including:
1. Are you hurt? (If yes, refer to child victim/witness protocol)
 2. What happened? (hitting, yelling, etc.)
 3. Who was there? (mommy, daddy, etc.)
 4. Did anyone get hurt? (get description of injury)
 5. Who got hurt?
 6. Who did the hurting? (mommy, daddy, both, etc.)
 7. What was mommy-daddy hurt with? (description of mechanism, fist, belt, etc.)
 8. When did it happen? (day, night, etc.)
 9. Where did it happen? (location in the house)
 10. Has it happened before? (if yes, document frequency)
- I. Allow the child to describe in his/her own words what happened. Use the vocabulary that is offered by the child and avoid introducing new vocabulary to the child.
- J. Avoid asking leading questions. Do not provide information to the child or ask the child to confirm or deny it (i.e., "Is this what happened?").
- K. Allow the child time to respond, and repeat questions, as necessary.

IV. USE OF CHILDREN AS INTERPRETERS DISCOURAGED

Avoid using children as interpreters. This may increase a child's trauma and/or put him/her in a situation of divided loyalty. He/she may fear repercussions from the aggressor in the incident. The translation may be unreliable because it is affected by the child's own emotional state.

V. DUTY TO CROSS-REPORT TO CHILD AND FAMILY SERVICES (CFS)

When children reside in the home where domestic violence occurs and law enforcement believes that the children are at risk, the officer shall:

- A. Use department guidelines to determine whether or not to place the child in protective custody, if the circumstances meet the definition of child abuse and neglect as defined in Penal Code sections 11165.1 through 11165.5.
- B. If the circumstances do not meet the definition of child abuse and neglect as defined in Penal Code sections 11165.1 through 11165.5, consider making a referral to a local community based organization.
- C. Immediately call CFS at (805) 654-3200 and send a written follow-up report (DOJ SS8572 Suspected Child Abuse Report) to CFS within 36 hours, if the circumstances meet the definition of child abuse and neglect as defined in Penal Code sections 11165.1 through 11165.5.
- D. Evaluate risk factors when making a referral to CFS, including:
 - 1. The severity of the incident.
 - 2. Any evidence of previous domestic violence incidents in the household.
 - 3. The child's involvement in the dispute.
 - 4. The child's exposure to potential danger during the incident because of the behavior of either party.
 - 5. The parent or guardian's use of alcohol or drugs.
 - 6. The parent or guardian's ability to provide immediate care and protection for the child.
 - 7. The living conditions in the home.

Children who live in homes where there is domestic violence are at greater risk for physical injury, emotional harm, neglect, and sexual abuse. The officer must determine whether there is a need to remove the victim and children from the home.

If the officer believes that leaving the children in their current situation would put them at risk, the officer MUST notify CFS immediately to respond to the incident in accordance with mandated reporting requirements. (Pen. Code, §§ 11165.2 through 11165.6)

Children taken into protective custody should only be released to a Child Protective Services worker.

8. Any other factors which suggest that the child is or may be at risk.

VI. FORENSIC INTERVIEWS FOR CHILDREN EXPOSED TO CRIME

- A. In a case where domestic violence results in a homicide or attempted homicide, all departments are encouraged to have the children living in the home forensically interviewed by a certified forensic interviewer as soon as possible. The interviewer should use open-ended questions and not press the child for details.

It may be necessary for law enforcement to gather information about the possible abuse or critical incident directly from the child before a forensic interview is scheduled. This interview should seek only enough information to make immediate protective and investigative decisions.

- B. Officers should consider forensically interviewing all children who are witnesses to other violent or serious crimes.

Section 9 - Court Orders

I. GENERAL POLICY:

All court orders shall be enforced by law enforcement officers. This includes orders from other counties, states, or territories. (Pen. Code, § 13701(a), Pen. Code, § 836(c)(1))

If there are multiple restraining orders in place, a no contact order shall have precedence in enforcement over any other restraining or protective order. (Pen. Code, § 136.2(c)(1)(B)(2))

II. MANDATORY ARREST POLICY-PROTECTIVE ORDERS

Law enforcement shall arrest an offender, absent exigent circumstances, if there is probable cause to believe that a domestic violence restraining order/protective order has been violated. (Pen. Code, § 13701(b))

Law enforcement shall make an arrest even without a warrant and regardless of whether or not the violation occurred in the officer's presence. (Pen. Code, § 836(c)(1)(b))

The terms and conditions of a restraining or protective order remain enforceable, notwithstanding the acts of the parties, and may be changed only by order of the court. (Pen. Code, § 13710(b)) This means that "protected persons" are not in violation of protective orders when they acquiesce or invite the restrained person's contact; only the restrained person shall be arrested.

III. MUTUAL FAMILY CODE PROTECTIVE ORDERS

In situations where mutual family code protective orders have been issued, law enforcement shall make reasonable efforts to identify and may arrest those persons who are reasonably believed to have been the dominant aggressor. (Pen. Code, § 836(c)(3)) The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, pursuant to Penal Code section 836(c)(3), law enforcement shall consider:

- A. the intent of the law to protect victims or domestic violence from continuing abuse,
- B. the threats creating fear of physical injury,
- C. the history of domestic violence between the persons involved, and

- D. whether either person involved acted in self-defense.

IV. TYPES OF COURT ORDERS

- A. **RESTRAINING ORDER:** This term is widely used to describe a broad range of court orders that prohibit or limit the type of contact that the restrained person may have with the protected person.
- B. **CIVIL HARASSMENT RESTRAINING ORDER:** Issued by a civil judge and can be used for any named family or household members. (Code Civ. Proc., §527.6)
- C. **CRIMINAL PROTECTIVE ORDER: (CPO)** Issued by a criminal judge to protect the victim and witnesses of a crime. Such persons are referred to as “Protected Persons.” This may occur prior to the trial or as a condition of probation. These orders are usually good for a period of three years. Such orders are routinely issued in cases involving domestic violence. (Pen. Code, § 136.2)
 - 1. **NO CONTACT ORDER:** A restrained person is ordered to stay away from and have no contact with a protected person during criminal proceedings. (Pen. Code, § 136.2)
 - 2. **NO FORCE OR VIOLENCE ORDER:** A restrained person is ordered not to harass, strike, threaten, sexually assault or assault, follow, stalk, molest, destroy or damage personal or real property, disturb the peace, keep under surveillance, or block movements of the protected person. (Pen. Code, § 136.2)
- D. **CIVIL DOMESTIC VIOLENCE RESTRAINING ORDER:** Issued by a Family Court Judge regardless of whether a criminal case is filed. (Fam. Code, §§ 6300-6389) Restraining order assistance may be obtained from the Victim Services Unit of the District Attorney’s Office.
 - 1. **TEMPORARY RESTRAINING ORDER (TRO):** Upon application from a law enforcement officer, a judge may issue a temporary restraining order, if the judge determines the victim is in immediate and present danger of domestic violence. (Fam. Code, § 6250) Temporary restraining orders are in effect at the court’s discretion for a period not to

Only a judge can modify the terms of a criminal protective order regardless of the wishes of the protected person.

exceed 25 days, unless otherwise modified. (Code Civ. Proc., § 527.6(f))

2. “PERMANENT” RESTRAINING ORDER/ORDER AFTER HEARING (OAH): At a noticed and scheduled hearing, a Family Court Judge may issue a permanent restraining order. Unless otherwise noted on the face of the form, these orders are valid for three years from the date of issuance. (Fam. Code, § 6345)

E. DEPENDENCY/JUVENILE COURT ORDER: Order issued by the Juvenile Court, which regulates the interaction of parent(s), guardian(s), and children involved in a dependency or juvenile court case. (Fam. Code, § 6218, Welf. & Inst. Code, §§ 213.5, 304, 362.4)

F. EMERGENCY PROTECTIVE ORDER (EPO): Court order that prohibits specified contact with the protected person. This type of restraining order can only be requested by law enforcement and law enforcement can request an ex parte EPO even though no crime has yet been committed. EPOs are valid for five court days or seven calendar days. (Pen. Code, § 646.91, Fam. Code, §§ 6240-6257). See VI below.

EMERGENCY PROTECTIVE ORDERS SUPERSEDE ALL OTHER COURT ORDERS. Judges are available 24 hours a day at 805-289-8763 (during court hours) or at 805-340-1386 (after court hours, weekends and holidays)

G. GUN VIOLENCE RESTRAINING ORDER (GVRO): Civil restraining order that prohibits a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearm or ammunition. (Pen. Code, §§ 18100, et seq.) Ex parte GVROs may be sought by law enforcement, the family, or cohabitants. (Pen. Code, § 18150) (See Section 12)

V. NOTIFICATION TO VICTIMS OF THE AVAILABILITY OF EMERGENCY PROTECTIVE ORDERS

A. Law enforcement shall inform victims of the availability of an EPO when they have reasonable grounds to believe:

1. There is an immediate and present danger of domestic violence based on the person's allegation of recent abuse or threat of abuse.
 2. The EPO is necessary to prevent the occurrence or recurrence of domestic violence. *If the person requests such an order, the officer shall request an EPO from the court.* (Fam. Code, §§ 6251, 6250, 6275; Pen. Code, § 646.91)
- B. The duty to advise victims about EPOs exists even though no crime has yet been committed. All victims should be advised that they may or may not qualify for an EPO if certain requirements are not met. (Last sentence added per Sharon)
- C. The immediate and present danger determination shall be made regardless of the respondent's custody status or the protected person's continued residence in the home.

VI. PROCEDURES TO OBTAIN AN EMERGENCY PROTECTIVE ORDER:

- A. Complete the *Application for Emergency Protective order/Emergency Protective order* form lines 1 through 7 on the application (Form EPO-001 (rev. 1-2014) (CLETS)).
- B. During court hours, the officer shall contact a judge at 805-289-8763.
- C. After court hours, weekends, and holidays, the officer shall contact the duty judge at 805-340-1386.
- D. After approval, the judge will advise the officer what to record for lines 9 through 12 of the EPO section. The order may be granted for up to five (5) court days and will expire at 5:00 p.m. on the last specified court day.
- E. Once the EPO has been finalized, the officer shall provide a copy of the application and order to the issuing agency and to the protected party. A final copy of the application should be attached to the crime report for the court.
- F. The officer shall encourage the protected party to carry a copy of the EPO with him/her.

- G. The officer shall refer the individual to the Victim Services Division of the District Attorney's Office for assistance with obtaining further restraining orders.
- H. The officer shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice.
- I. If a Protective Order is obtained, a Crime/DV Incident Report shall be prepared on the incident.

VII. ORDERS MUST BE SERVED ON RESTRAINED PERSON

- A. Law enforcement shall make a reasonable effort to serve the restrained party with the EPO.
- B. Verbal admonishment by a law enforcement officer shall constitute valid service of the order under the following conditions:
 - 1. Verbal admonishment shall be conducted in person.
 - 2. The terms and conditions shall be read to the restrained person.
 - 3. The restrained person shall be advised to go to the local court to obtain a copy of the order containing the full terms and conditions of the order (Fam. Code, § 6383(g)).
- C. If applicable, law enforcement should check with dispatch to determine whether a served order is on file.
- D. If applicable, law enforcement should access information about the terms of the order through CLETS/NCIC. Law enforcement may also check www.ventura.courts.ca.gov for limited restraining order information on all protective orders entered into CLETS.
- E. If no record of service exists:
 - 1. Advise the restrained person that there is an order in effect.

2. If available, provide a copy of the order to the restrained person. If a copy is not available, have the terms of the order read over the phone and then verbally advise him/her of those terms.
3. Advise the restrained person that s/he is now subject to the terms of the order and can be arrested for any further violation.
4. Document your contact and the service of the order per your departmental policy. Record your name, ID number, and date, time, and location that the suspect received the notice.

Prepare a crime report for every domestic violence restraining order/protective order violation. Whenever the suspect is not present at the scene, a crime report and warrant declaration shall be submitted to the district attorney.

- F. If a copy is provided to the restrained person by the victim, law enforcement shall complete and sign a proof of service form.
1. Give the original proof of service form to the victim.
 2. Follow departmental protocols regarding documenting “service” of the Court order(s).

Section 10 - Law Enforcement Officer or Military Involved in Domestic Violence Procedures

No person, because of his or her occupation, should be exempt from the application of laws concerning domestic violence. When responding to a domestic violence call involving a law enforcement officer or member of the military, the following procedures are recommended:

- I. INVESTIGATIONS INVOLVING LAW ENFORCEMENT OFFICERS FROM OTHER AGENCIES
 - A. All cases shall be investigated in accordance with applicable statutes, departmental policies, this protocol, and the Peace Officer's Bill of Rights.
 - B. The supervisor of the investigative unit shall notify the agency that employs the officer as soon as possible.
 - C. A copy of the completed investigation shall be provided to the investigator's agency supervisor.

- II. INVESTIGATIONS INVOLVING OFFICERS WITHIN THE INVESTIGATING AGENCY
 - A. All cases shall be investigated in accordance with applicable statutes, departmental policies, this protocol, and the Peace Officer's Bill of Rights.
 - B. Each agency shall develop and follow specific department policies and procedures regarding officer involved domestic violence consistent with the Peace Officer's Bill of Rights.

- III. INVESTIGATIONS INVOLVING MILITARY
 - A. The intent of this policy is to eliminate all informal referrals, diversions, or report-taking omissions in the handling of domestic violence involving military personnel.
 - B. No informal agreements with the shore patrol or a suspect's commanding officer shall take precedence over a suspect's arrest and prosecution by the non-military authorities.

- C. Weapons seized from military personnel shall be treated as evidence in a crime and not as government property.
- D. When contacting military suspects, obtain their social security numbers and their assigned command information.
- E. If the arrested person is a member of the local military, the watch commander has discretion to notify the Naval command duty officer at (805) 207-7277, or the Naval base operator (quarterdeck) at (805) 989-7209.
- F. See Addendum G for additional military contact information and military victim services

Section 11 - Courtesy Reports

If the responding agency determines that the abuse took place in another jurisdiction, the responding agency shall immediately contact the jurisdictional agency to inquire if they want a “courtesy” report to be prepared. Some agencies may wish to respond and take over the investigation. If a courtesy report is requested:

- I. The “courtesy” report should meet the same standards as any crime report investigated by that jurisdiction.
- II. An effort should be made to recover any relevant evidence and photograph the injuries.
- III. A case number should be assigned pursuant to reporting requirements set forth in Penal Code section 13730.
- IV. The agency where the crime occurred should be notified as soon as possible and a complete copy of the investigative report should be sent to that agency’s record section and/or investigative unit.

Section 12 - Domestic Violence Gun Seizures

- I. It is a crime punishable by imprisonment in county jail or state prison or fine for a person restrained by a protective order to own or possess a firearm during the term of the order. (Pen. Code, §§ 273.6(g)(1), 29825)
- II. Law enforcement shall ask victims if they know of any unregistered firearms that the suspect has access to.
- III. An officer at the scene of a domestic violence incident involving a threat to human life or a physical assault, or serving a gun violence restraining order or protective order, is authorized to take temporary custody of any firearm or other deadly weapon in plain view or discovered pursuant to a consensual search as necessary for the protection of the peace officer or other persons present. (Pen. Code, § 18250(a))
 - A. Upon taking custody of a firearm or other deadly weapon, the officer shall give the owner or person who possessed a firearm a receipt. The receipt shall describe the firearm or other deadly weapon and list any identification or serial number on the firearm. The receipt shall indicate where and when the firearm or deadly weapon can be recovered. (Pen. Code, §18255)
 - B. If the weapon seized is not retained for use as evidence in the domestic violence incident or is not retained because it was illegally possessed, the weapon must be released to the owner or person in lawful possession 48 hours after the seizure or as soon thereafter as possible, but no later than five business days after the owner or person who was in lawful possession demonstrates compliance with Penal Code section 33850.
 - C. Complete a DV-800 *Proof of Firearms Turned In* form.
- IV. GUN VIOLENCE RESTRAINING ORDERS
 - A. An officer who reasonably believes a person is an immediate and present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may petition the court for a temporary gun violence restraining order. (Pen. Code, § 18125)

- B. Law enforcement petitioning the court should use the forms established by the Judicial Council. (Pen. Code, § 18105) The petition should describe the number, types, and locations of any firearms and ammunition that the deputy believes to be possessed or controlled by the person. (Pen. Code, § 18107) The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances. (Pen. Code, §§ 18125, 18150, 18175)
- C. If time and circumstances do not permit the submission of a written petition, law enforcement may make a telephonic request using the procedures for obtaining a telephonic search warrant in Penal Code section 1526 using the appropriate Judicial Council form. (Pen. Code, §§ 18140, 18145)
- D. Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order in accordance with Penal Code section 18120.

V. EX PARTE GUN VIOLENCE RESTRAINING ORDERS

- A. An immediate family member or law enforcement officer may file a petition requiring that the court issue an ex parte gun violence restraining order enjoining the subject from owning, purchasing, possessing, or receiving a firearm or ammunition.
- B. The petition shall state that the subject of the petition poses a significant danger of causing personal injury to himself, herself, or another and the ex parte gun violence restraining order is necessary to prevent personal injury to the subject of the petition or another person because less restrictive alternatives have been tried and found ineffective or are inadequate for the circumstances. (Pen. Code, § 18150, et seq.)

VI. SEARCH WARRANTS

- A. A search warrant may be obtained to remove a firearm or other deadly weapon from a domestic violence scene or premise occupied or under the control of a person arrested in connection with a domestic violence incident involving a threat to human life or a physical assault. (Pen. Code, § 1524(a)(9))

- B. A search warrant may be obtained, if a firearm or ammunition or both are in the custody or control of a person who is the subject of a Gun Violence Restraining Order (GVRO). (Pen. Code, § 1524(a)(14))
- VII. Procedures for initiating an 18400-weapon confiscation petition by law enforcement
- A. Law enforcement may petition the court within 60 days of seizure to keep the weapon if there is reasonable cause to believe that the return of the weapon would likely result in endangering the victim or other reporting person.
 - B. Attach a copy of the 18400 notice to the police reports prepared in connection with the domestic violence incident. (Pen. Code, §18405)
 - C. Determine whether the parties involved in the domestic violence incident have been involved in any prior incidents involving violence. Submit any such information with the 18400 packet.
 - D. Deliver the packet to the District Attorney's Office for review as soon as possible after the date of offense.
 - E. Have the packet date and time stamped at the front reception desk at the District Attorney's office.
 - F. Hand carry the packet to the assigned weapons confiscation Deputy District Attorney.
 - G. The District Attorney's Office will run the Automated Firearms computer screens in all domestic violence cases when feasible, and attempt to notify the courts of relevant information regarding those registered firearms.

Section 13 - Victim Assistance

- I. In all domestic violence incidents, an officer should:
 - A. Exercise reasonable care for the safety of the victims, officers, and parties involved.
 - B. Assist in arranging to transport the victim to an alternative shelter if the victim expresses a concern for safety or the officer determines a need exists.
 - C. Explain options available to the victim, including emergency protective orders, temporary restraining orders, and in cases of arrest, the follow up procedures and ensuing criminal proceedings.
 - D. Provide the victim with the District Attorney's Marsy's Law card, and, if applicable, your department's information for victims of domestic violence.
 - E. Verify and enforce court-issued protective orders as set forth in this protocol.
 - F. If a child is endangered by the domestic violence incident, Child and Family Services (CFS) shall be telephonically notified immediately, or as soon as practicably possible (805-654-3200) In addition, a Suspected Child Abuse Report (SS 8572) shall be transmitted to CFS within 36 hours of the incident.
 - G. Sexual assault victims shall be advised that pursuant to Penal Code section 293, his or her name will become a matter of public record unless he or she requests that it not be made public.
- II. When a party in a domestic violence incident requests law enforcement assistance to remove personal property to another location, officers shall stand by for a reasonable amount of time until the party has safely done so.

Addendum A – Risk Factor Awareness

Several risk factors have been associated with serious injury and homicide. It is important to recognize that significant risks can be present in a case without the presence of visual evidence such as signs of physical abuse.

Important Note: Risks can extend beyond the victim to her/his children and other family members, co-workers, new intimate partners, others living in the home, etc.

- I. Lethality risk factors for domestic violence may include:
- Ready access to firearms, knives, other deadly weapons.
 - Parties lived together within the past year and the victim has recently left or threatened to leave.
 - Suspect is unemployed.
 - Threats or use of firearms or other weapons against victim.
 - Specific threats to harm or kill victim, children, family members or pets.
 - Suspect has not previously been arrested for domestic violence.
 - Suspect is constantly jealous, obsessive/possessive or controlling of victim's daily activities.
 - Suspect is not the biological parent of victim's child or children.
 - Forced sex or sexual acts.
 - Physical violence that has increased in frequency and/or severity in the past year.
 - Perceived betrayal such as victim is in a new relationship or has recently filed for child custody or child support.
 - Current history of restraining order violations with intimate partner or family members.

- Current or history of strangulation, often referred to as “choking.”
- Alcohol abuse, illicit drug use, or prescription drug abuse.
- Mental health challenges such as suicidal thoughts or gestures, and/or past or current suicidal attempts or behaviors.
- Stalking behaviors such as suspect monitoring the victim’s whereabouts, phone or computer use, and/or following the victim.
- Increased physical violence during pregnancy.
- Isolation from friends, family, coworkers, or others.

II. If risk factors are identified, consider the following:

- Request an Emergency Protective Order, unless a restraining order is already in place.
- Request a bail enhancement or no bail, if applicable.
- Ensure that the victim receives the DV hotline numbers and DV Resource Guide (see Addendum E).

III. Assessing victim and/or suspect for suicide:

A. Ask questions such as:

- Have you ever felt so bad that you didn’t want to go on living? Do you feel that way now?
- Have you ever attempted or thought about suicide in the past?
- Are you thinking about killing yourself? Do you have a plan?

B. If suicide risks are present, contact the Crisis Intervention Team at 866-998-2243 for an assessment.

Addendum B – Strangulation

The California Legislature recognizes strangulation as a serious threat to the health and well-being of the citizens of California. In 2012, California Penal Code section 273.5 was amended to specifically include injuries as a result of strangulation and suffocation as grounds for felony prosecution:

Penal Code section 273.5 (d): “...traumatic condition” means a condition of the body, such as a wound, or external or internal injury, including, but not limited to, *injury as a result of strangulation or suffocation*, whether of a minor or serious nature, caused by a physical force. For purposes of this section, “*strangulation*” and “*suffocation*” include *impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck.*” [Pen. Code, § 273.5(d)]

Non-fatal strangulation is a significant risk factor for predicting future homicide in family abuse cases including domestic violence, elder abuse, and child abuse. Female survivors of non-fatal strangulation are more than 600% more likely to become a victim of attempted homicide and more than 700% more likely to become a victim of homicide. Often, strangulation leaves no visible signs of injury.

Completion of the Strangulation Documentation Supplemental Form is recommended in every “choking”/strangulation case, regardless of whether there are visible injuries. This form shall be submitted with the crime report(s) to the District Attorney’s Office for review.

- I. Visible Injuries: Although visible injuries are not often present, it is imperative to document any that do exist. Visible injuries can include but are not limited to:
 - A. Vertical fingernail scratch marks on the victim may be an indication of self-inflicted defensive wounds. Victim attempts to release the suspect’s grasp around the neck.
 - B. Half-moon shaped abrasions are generally less than one centimeter in size, on the back of the victim’s neck (potentially under the hair) may provide evidence the suspect’s hands were wrapped around the neck.
 - C. Bite marks on the suspect may indicate the victim’s attempts to get the suspect to release his/her grip. The victim may *not* remember biting the suspect. Some bite areas may include the suspect’s bicep(s), forearm(s), shoulder(s), and upper chest.

- D. Head injuries to the victim may happen when the suspect hits the victim's head on the floor or wall during strangulation.
 - E. Swelling (edema) of the victim's neck, lips, and/or tongue. Describe these in the narrative, as they may not photograph well.
 - F. Bruising to the neck, such as a pressure point from the suspect's thumb(s) on the neck or from a ligature. Often this bruising does not appear right away and may appear as redness on the neck.
 - G. Bruising underneath the victim's chin may occur from pressure when a victim pushes down with their chin to break the grip of the offender.
 - H. Petechiae may be present in some cases. These are pin point red or red-purple non-blanching dots that may be seen on the earlobes, eyelids, eyes, lips, cheeks, behind the ears, or elsewhere on the face or neck. Petechiae are caused when the jugular vein is blocked by pressure and capillaries (tiny blood vessels) burst. This same phenomenon can also occur in the brain of strangulation victims and it is extremely important to document its presence.
- II. Non-Visible Injuries (Symptoms): This evidence can be critical to the case, as visible injuries are often not present in cases of actual strangulation. It is important to ask victims about how they felt during and after the incident, as well as during the current interview. Since experiences may change with time, some victims may experience symptoms later.

Strangulation injuries are frequently not visible. Domestic Violence professionals must investigate further to gather evidence related to strangulation.

- III. Suspect Characteristics: It is important to ask the victim to describe characteristics about the suspect during the assault. Questions can include:
- A. In what direction did the suspect look during the assault?
 - B. What did the suspect look like while strangling you?
 - C. Did the suspect threaten to hurt or harm you during the assault?
 - D. What did the suspect say before, during, and after the assault?

VICTIM NAME (Last, First, Middle)	DATE OF BIRTH	M <input type="checkbox"/>	F <input type="checkbox"/>	CASE #
SUSPECT NAME (Last, First, Middle)	DATE OF BIRTH	M <input type="checkbox"/>	F <input type="checkbox"/>	

STRANGULATION EVENT QUESTIONS

(Audio/BWV record the victim's response to all of the following)

- What did suspect use to strangle you? Left Hand Right Hand Two Hands Forearm Knee/Foot
 Other Object(s): _____
 Describe manner/method in detail in narrative.
- Estimate how long strangulation lasted: _____ Minute(s) _____ Second(s) Multiple Times: Yes # _____ No
- Estimate the amount of force suspect used to strangle:
 (1 = weak, 10 = very strong): 1 2 3 4 5 6 7 8 9 10
- Describe suspect's emotional demeanor while strangling you: _____
- Describe the suspect's face/expression during strangulation: _____
- What did suspect say while strangling you? _____
- What else did suspect do while strangling you? _____
- Were you able to speak during the strangulation? Yes No If yes, what did you say? _____
- Did you do anything to attempt to physically stop the strangulation? Yes No Describe: _____
- What made the suspect stop? _____
- What did you think during the strangulation? _____
- Has suspect strangled you on other occasions? Yes No If yes, # of occasions: _____
- When/Where: _____
- If you are having trouble remembering, what do you remember about what happened?
 (Describe detail in narrative) _____

SYMPTOMS EXPERIENCED BY VICTIM (CHECK ALL THAT APPLY)

SYMPTOM	DURING	AFTER	SYMPTOM	DURING	AFTER	SYMPTOM	DURING	AFTER
Vision Changes: Tunnel	<input type="checkbox"/>	<input type="checkbox"/>	Coughing Blood	<input type="checkbox"/>	<input type="checkbox"/>	Hoarse Voice	<input type="checkbox"/>	<input type="checkbox"/>
Vision Changes: Spots	<input type="checkbox"/>	<input type="checkbox"/>	Nausea	<input type="checkbox"/>	<input type="checkbox"/>	Loss of Voice	<input type="checkbox"/>	<input type="checkbox"/>
Hearing Loss/Changes	<input type="checkbox"/>	<input type="checkbox"/>	Vomit/Dry Heaving	<input type="checkbox"/>	<input type="checkbox"/>	Whisper Voice	<input type="checkbox"/>	<input type="checkbox"/>
Loss of Consciousness	<input type="checkbox"/>	<input type="checkbox"/>	Dizziness	<input type="checkbox"/>	<input type="checkbox"/>	Neck Pain/Tender	<input type="checkbox"/>	<input type="checkbox"/>
Unable to Breathe	<input type="checkbox"/>	<input type="checkbox"/>	Headache	<input type="checkbox"/>	<input type="checkbox"/>	Trouble Swallowing	<input type="checkbox"/>	<input type="checkbox"/>
Difficulty Breathe	<input type="checkbox"/>	<input type="checkbox"/>	Feel Faint	<input type="checkbox"/>	<input type="checkbox"/>	Pain Swallowing	<input type="checkbox"/>	<input type="checkbox"/>
Rapid Breathing	<input type="checkbox"/>	<input type="checkbox"/>	Disorientation	<input type="checkbox"/>	<input type="checkbox"/>	Sore Throat	<input type="checkbox"/>	<input type="checkbox"/>
Pain While Breathing	<input type="checkbox"/>	<input type="checkbox"/>	Memory Loss	<input type="checkbox"/>	<input type="checkbox"/>	Urinate	<input type="checkbox"/>	<input type="checkbox"/>
Shallow Breathing	<input type="checkbox"/>	<input type="checkbox"/>	Painful to Speak	<input type="checkbox"/>	<input type="checkbox"/>	Defecate	<input type="checkbox"/>	<input type="checkbox"/>
Coughing	<input type="checkbox"/>	<input type="checkbox"/>	Raspy Voice	<input type="checkbox"/>	<input type="checkbox"/>	Other:	<input type="checkbox"/>	<input type="checkbox"/>

REPORTING OFFICER'S NAME & ID NUMBER:	DATE AND TIME:	APPROVED BY:

OFFICER OBSERVED INJURIES (CHECK ALL THAT APPLY)			
FACE	EYES	NOSE	MOUTH
<input type="checkbox"/> Skin Red/Flushed <input type="checkbox"/> Red Spots (e.g. petechiae) <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Swelling <input type="checkbox"/> Bruising	<input type="checkbox"/> Red Eye <input type="checkbox"/> Left <input type="checkbox"/> Right <input type="checkbox"/> Red Spots in Eye <input type="checkbox"/> Left <input type="checkbox"/> Right <input type="checkbox"/> Red Spots on Eyelid <input type="checkbox"/> Left <input type="checkbox"/> Right <input type="checkbox"/> Blood in Eyeball <input type="checkbox"/> Eyelid(s) drooping	<input type="checkbox"/> Redness <input type="checkbox"/> Red spots (i.e. petechiae) <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Swelling <input type="checkbox"/> Bleeding	<input type="checkbox"/> Swollen Lips <input type="checkbox"/> Swollen Tongue <input type="checkbox"/> Bruise(s) <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Red Spots in Palate or Gums
EARS	UNDER CHIN	NECK	SHOULDERS
<input type="checkbox"/> Redness <input type="checkbox"/> Red spots (i.e. petechiae) <input type="checkbox"/> Bleeding <input type="checkbox"/> Bruising or Discoloration <input type="checkbox"/> Swelling <input type="checkbox"/> Red Spots Behind Ear(s) <input type="checkbox"/> Bruising Behind Ear(s)	<input type="checkbox"/> Redness <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Lacerations <input type="checkbox"/> Bruises <input type="checkbox"/> Linear Marks (e.g. fingernail marks) <input type="checkbox"/> Other:	<input type="checkbox"/> Redness <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Bruises <input type="checkbox"/> Linear Marks (e.g. fingernail marks) <input type="checkbox"/> Ligature Marks <input type="checkbox"/> Red Spots (e.g. petechiae) <input type="checkbox"/> Swelling	<input type="checkbox"/> Redness <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Lacerations <input type="checkbox"/> Bruises <input type="checkbox"/> Other:
HANDS, FINGERS, ARMS	HEAD	CHEST	OTHER
<input type="checkbox"/> Redness <input type="checkbox"/> Bruising <input type="checkbox"/> Swelling <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Broken Fingernails	<input type="checkbox"/> Lumps/Bumps <input type="checkbox"/> Lacerations <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Hair missing <input type="checkbox"/> Red Spots on Scalp (e.g. petechiae)	<input type="checkbox"/> Redness <input type="checkbox"/> Scratches or Abrasions <input type="checkbox"/> Lacerations <input type="checkbox"/> Bruises <input type="checkbox"/> Linear Marks (e.g. fingernail marks)	Describe _____ _____ _____ _____

OFFICER CHECKLIST

- Photograph all injuries, scene and physical evidence.
- Audio and/or Body Worn Video recording of all statements from victim, suspect, children and witnesses.
- If strangulation was done using an object, photograph and collect the object.
- Document where all evidence items were found.
- Determine if jewelry was worn by either party during the incident. If so, photograph it and, when feasible, look for pattern injuries.
- If defecation or urination in clothing, collect the clothing as evidence.
- If victim vomited, take photos of the vomit.
- Contact Supervisor and consider contacting duty detective.
- Take photographs of BOTH parties to document injuries and/or lack of injuries. Include hands, arms, face, chest, neck and all other areas the parties claim injury or physical contact occurred.
- Obtain signed Authorization for Medical Records Release from victim (and suspect if applicable).
- Insure the canvas for both eye and ear witnesses is completed and all contact information documented.
- Obtain evidence from hospital, if available, or follow-up to retrieve.

REPORTING OFFICER'S NAME & ID NUMBER:	DATE AND TIME:	APPROVED BY:

Addendum C – Common Charges

Domestic Violence incidents may result in a violation of one or more of the following sections of the Penal Code:

136.1	Intimidating or dissuading a witness (Felony if by force, threat, or conspiracy)
148	Resisting arrest by interfering with lawful duties of a peace officer
166(a)(4)	Disobedience of any court order
166(c)(1)	Disobedience of restraining order (misdemeanor)
166(c)(4)	Second conviction (felony)
187	Murder
664/187	Attempted murder
207	Kidnapping
236	False Imprisonment
240	Assault
242	Battery
243(d)	Battery with serious bodily injury (felony)
243(e)(1)	Domestic battery (injury not required)
245	Assault with a deadly weapon, firearm, or force likely to cause GBI
246	Shooting at an inhabited dwelling
246.3	Negligent discharge of a firearm
262	Spousal rape
273.5(a)	Corporal injury to spouse/cohabitant
273.6	Domestic violence restraining order violation
273.6(d)	Domestic violence restraining order violation with threat
273a(a)	Child abuse (felony)
273a(b)	Child abuse (physical or emotional- misdemeanor)

368	Elder abuse
417(a)	Brandishing a weapon
418	Forcible entry into the home of another
422	Criminal threats
459	Residential burglary
591	Malicious destruction of electronic device (phone)
594	Vandalism
602.5	Trespassing
603	Forcible entry with damage to property
646.9	Stalking
653m	Annoying phone calls
12022	Possession of a deadly weapon
29800(a)(1)	Possession of a firearm by convicted felon
29825(b)	Possession of a firearm while subject to a restraining order
29805	Possession of a firearm within ten years of specified misdemeanor conviction (includes domestic violence offenses)
27500(b)	Supplying, delivering, selling, giving possession or control of firearm to prohibited person pursuant to Penal Code 12021 or 12021.1

Addendum D – Safe Harbor Multidisciplinary Centers

SAFE HARBOR EAST

2639 Avenida Simi
Simi Valley, California 93065

Business Hours Activation Line: 805-579-6912
After Hours Activation – Answer Net: 800-289-9858
Program Coordinator Jacquie Richardson Cell (24/7) 805-551-3449
District Attorney Safe Harbor Victim Advocate 805-494-8257

SAFE HARBOR WEST

2982 Martha Drive
Ventura, California 93003

Business Hours Activation Line: 805-641-4430
After Hours Activation - Answer Net: 800-289-9858
Program Coordinator Susan Becker Cell (24/7) 805-947-8158
District Attorney Safe Harbor Victim Advocate 805-647-4427

Addendum E – Domestic Violence Resources

National Domestic Violence Hotline 1-800-799-SAFE (7233)

Domestic Violence Services, Shelters & Restraining Order Assistance

District Attorney’s Office Crime Victim Assistance Unit.....805-654-3622

Coalition for Family Harmony (24-Hour Hotline and Shelter)800-300-2181

Interface Child and Family Services (24-Hour Hotline and Shelter) 800-636-6738

Other Services

Children’s Intensive Response Team (for suicidal/violent children, teens) ...866-431-2478

Child Protective Services 805-654-3200

211 Ventura County (24-hour hotline referral services)..... **dial 2-1-1 or 800-339-9597**

Ventura County Behavioral Health
(available 24/7 for people in crisis or seeking help).....866-998-2243

Children’s Resources

Interface Child and Family Services (Youth Crisis Outreach Line).....805-469-5882

CASA (Court Appointed Special Advocates).....805-389-3120

City Impact (Outreach and support for at risk youth).....805-983-3636

121 Help.me (North American Alliance of Child Helplines).....855-201-2121

California Youth Crisis Line (Statewide help line)800-843-5200

All resources are available in Spanish

Translation Services

Mixteco Indigena Community Organizing Project (MICOP)
(Spanish and Mixteco Translation).....805-483-1166

<http://www.counts.ca.gov/3796.htm>

(Provides contact information for Court interpreters in all languages)

Addendum F – Protective Orders

Different types of protective orders are issued by Ventura County courts and victims may obtain multiple orders. The most restrictive order prevails, with an emergency protective order (EPO) superseding all other orders. (Pen. Code, §136.2(c)(1)(B)(2)) The conduct of the parties cannot modify a restraining order. (Pen. Code, §13710(b)) Only a judge can modify an order.

An order may require “No contact” or may be limited to “No force or violence.” No force or violence restraining orders permit a restrained person to have contact with a protected person, however, they are not allowed to: harass, strike, threaten, assault (sexually or otherwise), follow, stalk, molest, destroy or damage personal or real property, disturb the peace, keep under surveillance, or block movements of the protected party.

Each order is issued with a unique case number. The following is a guide of sample court case numbers for the corresponding type of protective order:

Type of Order	Sample Court Order Case Number
Emergency Protective Order	Agency DR# (ex: 17-00210)
Civil Harassment Restraining Order	CH - 56-2017-00452989-CU-HR-VTA
Elder Abuse Restraining Order	EA -26-2017-23896214-CU-PT-VTA
Criminal Protective Order	CPO #71350
Civil Domestic Violence Restraining Order	D191856 (filed in Ventura courthouse) Or SD 191856 (filed in Simi courthouse)
Dependency Restraining Order	D542456
Juvenile Court Order	J123621
Gun Violence Restraining Order	2017-00494147

Addendum G – Military Contacts and Resources

Domestic violence, sexual assault, and child abuse have a negative impact upon military readiness, effectiveness, good order, and discipline. In order to address these concerns, the U.S. Department of Defense has developed policies and procedures and mandated the creation of various investigative and support services. Accordingly, properly responding to these incidents is a leadership issue.

THE NAVY FAMILY ADVOCACY PROGRAM (FAP)

The Navy Family Advocacy Program (FAP) assists with, and responds to, all allegations of domestic abuse and child abuse. Naval victim advocates assist victims with resources and referrals to help them maintain safety in or out of an abusive relationship. The Navy may intervene with immediate safety needs by issuing a **Military Protective Order** that instructs the service member to stay away from the alleged victim. This is recognized by the Navy only. A civilian protective order is necessary for law enforcement protection.

THE NAVAL BASE VENTURA COUNTY SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM (SAPR)

The Naval Base Ventura County provides 24/7 crisis response to victims of sexual assault, including active duty military, military dependents over the age of 18, and reservists. The SAPR program offers a variety of resources, including 24/7 on-call advocates, a victim's legal counsel, safety assessment and planning, and other forms of assistance. SAPR victim advocates provide immediate crisis response and continued support throughout the entire process. They can accompany victims to all law enforcement, legal, and medical appointments and facilitate connecting victims with various military and civilian supportive resources.

CONTACTS FOR NAVAL BASE VENTURA COUNTY

Naval Base Ventura County serves both Point Mugu and Port Hueneme. The following services are available for active duty military personnel, reservists, and military dependents:

Counseling and Advocacy Program
(Family Advocacy, Domestic Abuse and Child Abuse)
805-982-5330

Domestic Abuse Victim Advocates
805-982-3788 Office
805-202-6543 24/7 Duty Cell
805-509-5319 24/7 Duty Cell

Sexual Assault Response Coordinator
(Sexual assault involving service members or their dependents over 18)
805-982-6139 Office
805-207-5309 24/7 Duty Cell

Sexual Assault Victim Advocacy Support Specialist
805-746-1538 24/7 Duty Cell

Sexual Assault Safe Helpline
(Department of Defense, confidential and anonymous)
877- 995-5247

Force Protection (Base Police)
805-982-4591

Naval Criminal Investigative Services (NCIS)
805-982-4524

Fleet & Family Support Center
1000 23rd Avenue, Bldg 1169
Port Hueneme, CA 93043
805-982-5037

Fleet & Family Support Center
Point Mugu North Mugu Road
Bldg 225 Point Mugu, CA 93043
805-989-8146