



DEPARTMENTAL REGULATIONS
CONCORD POLICE DEPARTMENT

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Chief of Police

DOMESTIC VIOLENCE AND RESTRAINING ORDERS

A. POLICY

The Concord Police Department recognizes the negative impact of Domestic Violence on both involved partners, children, the extended family, the neighborhood, our Agency and, ultimately, the entire community. The Concord Police Department is committed to a comprehensive response to Domestic Violence incidents with a dual emphasis on arrest and conviction of offenders and supportive intervention with victims.

The intent of the law and the policy of the Concord Police Department shall be to protect victims of Domestic Violence from continuing abuse and the threats creating fear of physical injury.

It is the policy of the Concord Police Department to encourage the arrest of Domestic Violence offenders if there is probable cause to believe that an offense has been committed. The investigating officer(s) shall investigate all Domestic Violence incidents to establish if the elements are present to justify a legal arrest.

In all cases of Domestic Violence, the initial investigating officer(s) shall provide the victim with appropriate follow-up information and current information on support services within and outside of the Concord Police Department.

B. PURPOSE

The purpose of this policy is to provide officers, dispatchers, and all other Concord Police Department support personnel with procedures to legally and effectively handle incidents of Domestic Violence, and the subsequent service and referral requests.

C. DEFINITIONS

1. **Abuse** means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.
2. **Cohabitant** means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to:
 - .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 husband and wife
 - .5 The continuity of the relationship

- .6 The length of the relationship
- 3. **Domestic Dispute** is defined as a verbal controversy or argument that is highly unlikely to manifest itself in physical violence.
- 4. **Domestic Violence** means abuse committed against an adult or a fully emancipated 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.
- 5. **Emergency Protective Order:** An ex parte court order (CCP 546) prepared by an officer and issued by a judge, commissioner, or referee, by telephone or otherwise, when the superior court is not in session and there is immediate and present danger of Domestic Violence to a victim. Such an order restrains activity and/or excludes the suspect from the premises and/or determines temporary custody of minor children. Such an order may also be issued for child abuse and stalking incidents.
- 6. **Primary Aggressor** is defined as the person determined to be the most significant, rather than the first aggressor.

D. PROCEDURES

1. General Provisions

- .1 Officers shall treat all domestic violence as serious criminal conduct. Domestic Violence incidents shall be treated the same as all other requests for police assistance in cases where there has been physical violence or the threat thereof.
- .2 Crisis intervention techniques and outside agency referrals shall not be used in lieu of an arrest where arrest is the most appropriate response unless there exists exigent and extraordinary circumstances. Crisis intervention techniques and outside agency referrals should be used in concert with an arrest and attempted with all domestic violence incidents.
- .3 The existence of the elements of a crime and/or the willingness of the victim to sign a Citizen's Arrest Form shall be the only factors that determine the proper method of handling the incident. The following factors, for example, are not to influence the officer's course of action in domestic violence incidents:
 - .01 Speculation that the complainant may not follow through with the criminal justice process or that the arrest may not lead to a conviction.
 - .02 The relationship or marital status of the suspect and the complainant, i.e., not married, separated, or pending divorce.
 - .03 Whether or not the suspect lives on the premises with the complainant.
 - .04 The existence or lack of a Temporary Restraining Order.
 - .05 The potential financial consequence of arrest.
 - .06 The complainant's history or prior complaints.
 - .07 Verbal assurances that violence will cease.
 - .08 The complainant's emotional state.
 - .09 The absence of visible injuries.

- .10 The location of the incident (i.e., public or private)
- .4 Whenever possible officers should complete a thorough investigation to determine who is the primary aggressor. Officers should avoid dual arrests; instead arresting only the primary aggressor.
- .5 In accordance with State law and Department Policy, an arrest should be made in a Domestic Violence incident when there is reasonable cause to believe that a felony has occurred.
- .6 In accordance with State Law 836(d) PC, if a person commits a battery upon his or her spouse, upon a person with whom he or she is cohabiting, or upon the parent of his or her child, an officer may arrest the person without a warrant where both of the following circumstances apply:
 - .01 The officer has reasonable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has been committed.
 - .02 The officer makes the arrest as soon as reasonable cause arises to believe that the person to be arrested has committed a battery, whether or not it has, in fact, been committed.
- .7 In accordance with State Law 836(c)(1) PC, when an officer responds to a call for service alleging a violation of a Domestic Violence Restraining Order or a Protective Order, and the officer has reasonable cause to believe the person against whom the order is issued has notice of the order and has committed an act in violation of, an officer shall arrest the person without a warrant and take that person into custody, whether or not the violation occurred in the presence of the arresting officer(s), absent a signed Citizen's Arrest.
- .8 In accordance with State Law, a 293 PC and 6254 GC Admonishment (CP-96) shall be completed when the following Penal Code Sections are violated: 220, 261, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, and 646.9.
- .9 Where an officer has reasonable cause to believe that a misdemeanor, other than the aforementioned in .5 and .6, has occurred in his presence in a Domestic Violence case, the suspect may be cited or booked, according to the provisions of Departmental Orders, and Citation Release Policy and Procedures.
 - .01 Officers shall evaluate the likelihood of a "continuing offense" (one of the statutory conditions under which booking rather than a citation is required). Any one of the following might constitute a continuing offense:
 - .001 Whether the suspect has a prior history of arrests or citations involving Domestic Violence.
 - .002 Whether the suspect has previously violated valid Temporary Restraining Orders.
 - .003 Whether the suspect has a prior history of other assaultive behavior (e.g., arrests/convictions for battery or aggravated assault).
 - .004 Statements taken from the complainant that the suspect has a history of physical abuse towards the complainant.
 - .005 Statements taken from the victim expressing fear of retaliation or further violence should the suspect be released.
- .10 When a crime has been committed outside the officer's presence which does not meet the requirements for a reasonable cause arrest, officers shall inform complainants of their right to

make a Citizen's Arrest. Whenever possible, such discussion shall be held out of the presence of the suspect.

- .11 Officers shall not dissuade complainants from making a Citizen's Arrest.
- .12 When a complainant requests an officer to remove a person from a premises and it can be shown that the complainant is in lawful possession of the premises (for example, by showing a rental agreement, canceled rent check, lease, grant deed, rent receipts, or other documents, or verification from apartment manager), and the person desired to be removed is not in lawful possession of the premises, the responding officer shall:
 - .01 Request the person to leave the premises and stand by until the person removes his/her belongings.
 - .02 Should the person refuse to leave upon request, the suspect may be arrested, and thereupon cited and released, unless one of the exceptions to the Department's Citation Release Policy exists.
- .13 If a complainant claims injuries, whether visible or not, which require medical attention, officer(s) shall administer first-aid as appropriate and arrange for emergency medical treatment.
- .14 Assistance to victims of Domestic Violence shall be provided as appropriate in such cases, including:
 - .01 Assistance in obtaining appropriate medical attention
 - .02 Arrangements for transportation to alternate shelter.
 - .03 Standing by a reasonable period of time if the victim requests assistance while removing a reasonable amount of personal property (e.g., a suitcase) to another location.
 - .04 Explaining criminal or civil legal options and procedures including availability of Restraining Orders and Emergency Protective Orders.
 - .05 Providing the victim the Concord Police Department "Resource Booklet for Victims of Domestic Violence."
 - .06 Providing the victim the report number, with a direct referral to the Domestic Violence team.

2. Domestic Violence Reporting Requirements (PC 13730)

- .1 In all incidents of Domestic Violence, a report shall be written, including weapon(s) involvement, regardless if an arrest was made.
 - .01 Types of weapons/threat levels could be: firearm, knife or cutting instrument, other dangerous weapon, personal weapon (hands, fists, feet, etc.); stalking, verbal threat.
 - .02 The Offense Report Form, on its face, has two boxes the officer uses to identify the incident as domestic violence and the type of weapon(s) or threat(s) used, if any.
 - .001 "DV," indicating Domestic Violence, shall be entered in Box #1.
 - .002 Weapon/Threat Level shall be entered in Box #2, using the following letters to indicate type:

F = Firearm
P = Personal
K = Knife/Cutting instrument
O = Other
V = Verbal Threat
S = Stalking

- .03 Some examples of Penal Code Sections that could be associated with Domestic Violence are: 273.5, 245A, 459, 207, 243(d) 243E(1), 262, 646.9, 136, 417(b), 422, 240, 166.4, 273.6, 602.5, 415, 467, 647, and 417.
- .2 Monthly, the total number of Domestic Violence calls received and the number of such cases involving weapons shall be compiled by the Statistics Unit and submitted to the Attorney General's Office.

3. **Temporary Restraining Orders/Restraining Orders**

There are several types of Temporary Restraining Orders/Restraining Orders.

- .1 Order to Show Cause and Temporary Restraining Orders: Issued prior to a hearing, with or without notice to the restrained party. Proof of service required prior to date of hearing. Expiration date is the **date and time** of hearing on the face page; usually less than thirty days. These orders are usually titled, "Temporary Restraining Orders."
 - .01 These orders may be extended to allow service on the restrained party.
 - .02 Order After Hearing - Restraining Order. Issued after a hearing. The length time this shall be in effect should be noted within the order.
 - .03 Stipulated Orders. Issued when both parties agree to the terms. Has the same effect as restraining orders.
 - .04 Divorces. A restraining order may be issued in conjunction with a dissolution of marriage. These orders are valid until/unless modified or canceled.
- .2 Emergency Protective Orders: Issued without hearing, usually telephonically by an on-call judicial officer. Expires five working days from the date and time of issuance.
 - .01 Ascertain Need for Emergency Protective Order - Criteria
 - .001 When the officer has reasonable grounds to believe a person is in immediate and present danger of Domestic Violence by a family or household member, the officer **may** request an ex parte Emergency Protective Order from the on-call judicial officer.
 - .002 Officers should make this determination based on the applicant's allegation of a recent incident of assault or threat of assault by a family or household member. Examples of situations providing grounds for an Emergency Protective Order, when coupled with recent assault or threats are:
 - .0001 The suspect is being arrested for a charge related to a Domestic Violence incident.
 - .0002 The suspect has a history of Domestic Violence.

- .0003 The victim expresses fear of retaliation or further violence.
 - .0004 Threats of serious danger have been made to the victim or to the victim's family.
 - .0005 The suspect is a danger to a child.
 - .0006 The suspect appears to be an imminent threat to the victim due to recent stalking incident(s).
- .003 Due to a reduction in family court staff hours and assistance, the following should also be considered, along with criteria set forth in Sections D.3.2.01.002.0001 through .0006:
- .0001 The victim has no viable means of transportation to Martinez.
 - .0002 The victim is non-English speaking.
 - .0003 The victim is physically impaired or disabled due to a pre-existing condition or injury, which precludes him/her from completing the TRO process.
- .004 The availability of an Emergency Protective Order shall not be affected by the fact that the endangered person has vacated the household to avoid abuse.
- .005 If the applicant requests the order include a "move out immediately" provision, the officer should verify that the applicant has lawful possession of the address named through marriage, rental agreement, or receipts, etc.
- .02 Request for Emergency Protective Order
- .001 The officer shall complete the Application for Emergency Protective Order form and secure signature (under penalty of perjury) of applicant.
 - .0001 Supervisor approval is required prior to contacting the on-call judicial officer.
 - .002 The officer shall contact the on-call judicial officer by telephone or otherwise and assert, from the application, the grounds for belief that an Emergency Protective Order is appropriate.
 - .0001 An on-call judicial officer roster is provided by the Presiding Judge of the Contra Costa Superior Court.
 - .00001 The duty roster shall be maintained **only** by S.O. Dispatch and all requests for E.P.O.s must be funneled through their dispatch.
 - .00002 The duty judge shall be provided a pager and cell phone. S.O. Dispatch shall first attempt to contact the duty judge at their home number, next by cell phone and finally by pager. The duty judge shall assume primary responsibility for being available during his/her assigned duty weeks. If the duty judge cannot be reached in this manner, S.O. Dispatch shall contact the next judge on the duty list.

- .00003 The duty judge shall arrange for back-up coverage if he/she is going to be on vacation or out of the area for the weekend, etc. and shall notify S.O. Dispatch of that information.
- .003 Upon oral issuance of the order by the on-call judicial officer, the Emergency Protective Order form shall be completed as per the judicial officer instructions regarding restrain, and/or temporary custody. The officer shall sign the Emergency Protective Order.
- .03 Issued Orders: The officer who requested the Emergency Protective Order shall:
 - .001 Provide a copy of the order to the protected party.
 - .0001 Advise protected party that the emergency order shall expire within five working days of the date and time of issuance.
 - .0002 Advise protective party how to secure a more permanent order.
 - .002 Serve a copy of the order on the restrained party, if the party can be reasonably located.
 - .003 While on duty, carry a copy of the order.
 - .004 Deliver a copy of the Emergency Protective Order and the application to the Records Bureau and a photocopy to the Communications Center.
 - .0001 Upon expiration of the Emergency Protective Order:
 - .00001 The records Bureau copy shall be mailed, by Records personnel, to the Superior Court of Contra Costa County at 1010 Ward Street, Martinez, California, 94553.
 - .00002 The Communications Center photocopy can be destroyed.
 - .005 Send the originals of the application and Emergency Protective Order to Records for filing in the appropriate case jacket.
- .04 Enforcement Procedures: Where a violation of any Emergency Protective Order has occurred, the officer shall verify the restrained party has been served, then arrest in accordance with all other restraining order procedures.
 - .001 If, after verbal admonishment by an officer of any Emergency Protective Order, he/she refuses to leave, an arrest may be made.
 - .002 A law enforcement officer, acting pursuant to Section 546 CCP, shall not be held civilly or criminally liable if he/she acted in good faith in requesting and enforcing an Emergency Protective Order.

4. **Civil Harassment Restraining Order**

- .1 Civil Harassment Temporary Restraining Order may be issued **without notice to the party to be restrained**, if the petition shows the harassment is continual. These orders, issued prior to a hearing, are valid for fifteen days, and also must have the date of expiration on the face. This date of expiration is also the date of hearing. It may also be extended for good cause to allow service on the party to be restrained.

- .2 Harassment Restraining Order is issued after a hearing, restraining contact. These orders may be issued for a period up to three years.

5. **Verification of Order**

In domestic dispute incidents where a person advises an officer of the existence of a Temporary Restraining Order, pertaining to the dispute, the officer shall attempt to ascertain if such an order is on file with the Department, or verify proof of service from a document in possession of the complainant. The Department keeps records in a readily accessible file. The existence of a valid Domestic Violence Restraining Order may also be verified in CLETS/DVROS (California Law Enforcement Telecommunications System/Domestic Violence Restraining order System).

6. **Arrest Criteria**

- .1 Officers shall make an arrest when there is reasonable cause to believe that the subject of the Temporary Restraining Order has violated the order, and one of the following conditions has been met:
 - .01 The existence of the order and proof of service on the suspect has been verified by the officer.
 - .02 The complainant produces a valid copy of the order and of proof of service on the suspect.
 - .03 The existence of the order has been verified by the officer and no proof of service is required because the order reflects that the suspect was present in court when the order was made.
- .2 Violators shall be cited or booked for violation of Penal Code Section 273.6, in addition to any other violations committed, such as assault, battery, or trespass.

7. **No Verification of Service**

- .1 Penal Code Section 166.4 requires a showing **Willful disobedience**, and Penal Code Section 273.6 requires a **Willful and Knowing Violation of a Court Order**, as an element of each offense.
- .2 When an officer verifies that a Restraining Order exists but cannot verify either proof of service on the suspect or the fact that the suspect was present in court when the order was made so that no proof of service is required, the officer shall:
 - .01 Inform the suspect of the terms of the order.
 - .02 Admonish the suspect of the order that he/she is now on notice and that continued violation of the order will result in arrest.
 - .03 The officer shall document that the suspect has been informed of the terms of the order. Appropriate documentation shall be noted in the Restraining Order on file at the Department. The officer shall make an entry on the face of the Restraining Order that includes the date, time, and location that the suspect was informed of the terms of the Restraining Order. The officer will sign his/her name below the entry. In addition, this information shall be documented in the appropriate police report. If the complainant has a copy of the restraining order, the officer shall serve the subject of the order with a copy of the order and, upon request, sign a proof of service.

- .04 If the complainant has no copy of the order, so that the officer is unable to inform the subject of the terms of the order, then the officer shall inform the complainant of the necessity of recording proof of service with the Department.
- .05 If the suspect fails to leave or otherwise violates the terms of the Restraining Order, after having been told of the order, he/she is in violation of 273.6 PC or 166.4 PC and an arrest is appropriate and lawful.

8. General Information

- .1 Who may issue these orders:
 - .01 Superior Court Judges.
 - .02 Those Municipal and Justice Court Judges acting "Pro Tem."
 - .03 Family Law Judges (Superior Court) and Commissioners.
 - .2 Harassment Orders may also be issued in Municipal Court.
 - .3 How served on Police Departments:
 - .01 Mailed on the day of issuance by the Court Clerk.
 - .02 Transmitted personally by the plaintiff to the Police Department.
 - .03 Transmitted personally by the plaintiff's attorney.
- LACK OF POSSESSION OF A COPY OF ANY ORDER BY A POLICE AGENCY
DOES NOT PRECLUDE ENFORCEMENT OF THAT ORDER BY THE AGENCY.
- .4 Proof of Service
 - .01 Upon service, a copy of proof of service is to go to the Police Department.
 - .02 Lack of Proof of service does not preclude enforcement of these orders.
 - .5 Addresses on Restraining Orders
 - .01 Addresses are **not required**, although it is helpful to have them.
 - .6 Applicable Code Sections
 - .01 Domestic Violence Act 540-553 Civil Code of Procedure.
 - .02 Ex Parte Orders Within Family Law 4359 et seq Civil Code.
 - .03 Harassment Orders 527.6 Civil Code of Procedure.
 - .04 Restraining Orders 525 Civil Code of Procedure.
 - .05 Enforcement 273.6 PC.
 - .06 Other enforcement 166.4 PC

- .07 Child Custody 7020 Civil Code.
- .08 Child Custody Disputes Without Order 278 PC
- .09 Child Custody disputes With Order 278.5 PC
- .10 Child Custody Jurisdictions 784.5 PC

9. **Procedures for Restraining Orders**

- .1 Storage of Orders pursuant to 550 Civil Code of Procedure. The Department will:
 - .01 Make available a means of verifying the existence, terms, and current status of any order issued pursuant to this Chapter.
 - .02 Keep all valid and current orders on file until their expiration.
- .2 Procedures for enforcement of Orders under 273.6 PC:
 - .01 Verify the existence and terms of the order through the Department files; or
 - .02 Verify the existence and terms of the order through another department's files; or
 - .03 Verify the existence and terms of the order through a copy produced at the scene by the complainant.
 - .001 This order must reflect the issuance by a court through a "Filed" stamp or other documentation showing that the court did issue it.
 - .04 Verify that the offending party is violating a provision of the order.
 - .05 Verify that the offending party is aware of the order and its provisions by:
 - .001 Asking the offending party if he/she is aware of the order; or
 - .002 Verifying that proof of service exists; or
 - .003 Verifying that the offending party was present in court when the order was made.
 - .06 Arrest the offending party for violation of 273.6 PC.
- .3 Procedures for enforcement where the violation is not in the officer's presence:
 - .01 Explain Citizen's Arrest procedures to the complainant.
 - .02 Verify the existence of the order, including proof of service.
 - .03 Instigate a 273.6 PC report, being sure to include all of the elements necessary to establish a violation, including a **copy** of the order on file and proof of service.
 - .04 If the citizen does not place the offending party under Citizen's Arrest, the report should be written and submitted to the District Attorney's Office for issuance of a complaint and warrant of arrest.
- .3 Procedures for enforcement of orders under 166.4 PC:

- .01 Verify the existence of the order or injunction.
- .02 Verify that the offending party is aware of the order.
 - .001 Asking the offending party if he/she is aware of the order; or
 - .002 Verifying that proof of service exists; or
 - .003 Verifying that the offending party was present in court when the order was made.
- .03 Verify that the offending party is violating a provision of the order.
- .04 Arrest the offending party for a violation of 166.4 PC, a misdemeanor. Include a **copy** of the order on file and proof of service with the offense report.
 - .001 A Citizen's Arrest could also be obtained if the violation did not occur in the officer's presence.

10. **Administrative Procedures**

- 1. The original copy of a Restraining Order will be mailed to the Concord Police Department Records Bureau by the issuing court or transmitted personally by the plaintiff or plaintiff's attorney to the Concord Police Department Records Bureau.
 - .01 Upon receipt by the Department Secretary or the Records Bureau, the Restraining Order will be routed to the Lead Records Clerk.
 - .02 The Lead Records Clerk will check the Restraining Order for a proof of service. If no proof of service is attached to the order, a notation indicating no proof of service will be made on the face of the order.
 - .03 The Lead Records Clerk will note the expiration date of the order on the face of the order.
 - .04 The Lead Records Clerk will place the original copy of the restraining order in the predesignated file cabinet in the Records Supervisor's office.
 - .05 Upon expiration of the order, the Lead Records Clerk or Records Supervisor will remove the expired original copy of the order from the file for destruction.

11. **Domestic Violence Team**

- .1 The Domestic Violence Team, a unique unit with the Special Victims Unit, may consist of the following personnel:
 - .01 Two Detectives
 - .02 Civilian Case Facilitator(s)
 - .03 Civilian Victim Advocate(s)
- .2 The Domestic Violence Team shall conduct follow-up investigations, as necessary.
- .3 The Domestic Violence Team shall place significant emphasis on repeat offenders, regardless of the level of victim cooperation.

- .4 The Domestic Violence Team shall work with the appropriate supporting agencies to supply victims of Domestic Violence with alternative solutions, life skills, substance abuse counseling, peripheral victim referrals, and any other appropriate advocacy.
- .5 The assigned detectives and civilian personnel shall receive specialized training in that area of Domestic Violence.
- .6 The assigned detectives shall actively solicit the cooperation of the District Attorney's Office, relative to criminal complaints.
- .7 The Domestic Violence Team must take an adaptive approach to each new case, each new law, each new resource and each new organizational development in order to provide both traditional and non-traditional assistance to victims.
- .8 The Domestic Violence Team will receive copies of all Restraining Order complaints. If the Team determines an actual violation has occurred, a copy of the report will be routed to Records, so the violation can be documented in the CLETS Restraining Order System.

12. 12. Dispatch Center

- .1 Communications Operators are responsible for:
 - .01 The priority ranking of calls;
 - .02 Inquiry into the Department of Justice Restraining Order System (DOJROS) to determine if a served restraining order is in effect on any individual present at the scene of a domestic violence incident;
 - .03 Upon request by either a Concord Police Officer or an allied agency, transfer the requester to the Records Bureau to determine if an Emergency Protective Order (EPO) has been issued by this Department, and is currently in effect for any of the parties involved in the domestic violence incident.
- .2 Procedures
 - .01 Calls reporting threatened, imminent, or ongoing domestic violence, and/or the violation of any protection/restraining order shall be ranked among the highest priority calls. These calls will be handled as "Priority 1" calls, directly behind calls for 11-99, Code 33, 10-36, and 10-11.
 - .02 If outside the City of Concord, domestic violence calls are to be transferred to the Agency having jurisdictional responsibility. Preface the transfer with all known details. The victim or caller should be returned to the line as soon as possible to maintain continuous contact.
 - .03 After issuing and serving, or attempting to serve an EPO, the officer will provide a copy of the EPO to the Communications Center. Information from the order **shall immediately** be posted on the Dispatch Information clipboard and will remain posted until expired. This information will be purged no less than five working days from the date and time of issuance, by means of shredding by the Graveyard Lead Dispatcher or senior Dispatcher.
- .3 Notification of Release
 - .01 Should the victim of a domestic violence incident request to be notified when the arrested suspect is released from custody, the victim shall be transferred directly to jail personnel. If

unable to reach jail personnel, the victim's name, address and telephone number, as well as the suspect information shall be obtained, then relayed to jail personnel as soon as possible.

.001 When the Communications Center is notified by a jail facility that a domestic violence suspect has been released, the Dispatcher will check the Dispatch Information clipboard for a copy of the EPO. The Dispatcher will document the suspect's release on the posted copy. This information will be purged after 72 hours, by means of shredding by the Graveyard Lead Dispatcher or senior Dispatcher.

13. Confiscation of Firearm or Other Deadly Weapon (12028.5 PC)

1. When an officer responds to the scene of a domestic violence incident involving a threat to human life or a physical assault, the officer shall take temporary custody of any firearm or other deadly weapon discovered in plain sight or pursuant to a consensual search.
2. Upon taking custody of a firearm or other deadly weapon, the officer shall give the owner or person who possessed the weapon a receipt.
 - .1 The receipt shall describe the firearm or other deadly weapon and list any serial number or other identifying information.
 - .2 The receipt shall indicate where the firearm or other deadly weapon can be recovered and the date after which the owner or possessor can recover the weapon.
 - .01 No firearm or other deadly weapon shall be released by the Evidence Control Unit without authorization from the supervisor of the Domestic Violence Unit.
 - .3 No firearm or other deadly weapon shall be held less than 48 hours.
3. At the time that the firearm or other deadly weapon is confiscated, the reporting officer shall complete a "DECLARATION IN SUPPORT OF PETITION FOR JUDICIAL DETERMINATION RE RETURN OF FIREARM(S) OR OTHER DEADLY WEAPON(S)".
 - .1 The declaration shall be attached to the police report when submitted to the Records Bureau but no later than the end of officer's work shift.
 - .01 If the police report is completed in the EZ Writer system, the form shall be submitted to the Records Bureau prior to the officer going off duty.
 - .2 The Records Bureau shall promptly route the declaration form, with the corresponding police reports, to the Domestic Violence Unit.
 - .01 A representative from the Domestic Violence Unit shall forward the declaration form and corresponding police reports to the City Attorney's Office within 5 days of when the firearm(s) or other deadly weapon(s) was confiscated.
 - .02 Once the City Attorney has made a filing decision regarding the declaration, a representative from the Domestic Violence Unit shall either deliver the petition to the court of jurisdiction or arrange for release of the weapon(s), whichever is appropriate, no later than 10 days from the date that the weapon(s) were confiscated.