

SAN JOSE POLICE DEPARTMENT
FAMILY VIOLENCE UNIT

Procedural Guidelines

Revised July 2022

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PURPOSE

This manual will serve as a guide to the operation of the Family Violence Unit. Changes are inevitable and the procedures will be reviewed and updated as needed. This manual will not supersede those guidelines and orders represented in the San Jose Police Department Duty Manual.

UNIT MISSION

The goal of the Family Violence Unit is to address family violence issues by serving as the nucleus for a multi-agency effort. The Family Violence Unit focuses on three areas of behavior that most often victimize the family: the unit specifically addresses Domestic Violence, Stalking/Threat Management, and Child/Elder Dependent Abuse. The Family Violence Center is the focal point for this multi-disciplinary approach. In addition to the San Jose Police Department, the Family Violence Center is staffed by representatives from the Department of Family and Child Services, and a survivor advocate from the YWCA of Silicon Valley. This cooperative effort provides the integration of effective investigation and support services to survivors of family violence in a safe and friendly environment. The law enforcement component of the Family Violence Center is committed first and foremost to the safety of the survivors of family violence. This is accomplished primarily by the enforcement of appropriate criminal statutes. Secondly, police personnel actively refer survivors to partner agencies within the center for counseling services, financial aid, shelter, and restraining order acquisition.

UNIT HISTORY

The Family Violence Unit was established in April 1997 as the result of a federal grant. The main purpose for the establishment of the unit was to provide specialized services to survivors of family violence by highly dedicated professionals in a safe environment.

[REDACTED]

Simultaneously, follow-up investigators were allowed an opportunity to conduct a thorough investigation with state-of-the-art forensic equipment.

UNIT COMPOSITION

The Family Violence Unit is composed of the following police personnel:

- One lieutenant
- Three sergeants
- Ten officers

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- Two clerical staff positions

Unit investigators are divided into three teams with the following areas of responsibility:

Domestic Violence Team:

The Domestic Violence Team investigates all domestic violence assaults as outlined in Penal Code section 13700. These include complaint of pain injuries up to the crime of attempted murder. The domestic violence team is trained to keep in mind the unique dynamics of violence within the family structure as well as the power and control issues that confront the survivor in most cases. They direct each investigation with these issues in mind while maintaining a high degree of sensitivity for the survivor. Each case is judged as to a lethality factor toward the survivor.

Threat Management Team:

The Threat Management Team investigates all stalking, criminal threats, restraining order violations, and annoying phone calls that occur within the parameters of domestic violence. The team also investigates workplace violence situations involving city employees, as well as most stalking cases involving high-profile or public officials. Team members are trained in using various threat assessment tools and each case is judged as to a lethality factor toward the survivor.

Child/Elder/Dependent Abuse Team:

The Child / Elder / Dependent Abuse team is in the unique position of investigating crimes where many of the survivors cannot speak for themselves. These cases involve injuries such as shaken baby syndrome, multiple bruises, fractures, and burns. Team members are trained in various investigative techniques to determine the truth. They are required to have a working knowledge and the ability to discuss forensic evidence with medical doctors. They must also possess the ability to properly interview young children to elicit truthful information. Most of this team's cases require extensive follow-up investigation to resolve.

The Family Violence Center has additional staffing as follows:

- (1) Full-time advocate provided by the YWCA of Silicon Valley
- (1) Part-time staff member provided by the Department of Family & Children's Services.

STAFFING GUIDELINES

Daily schedules may vary within reasonable parameters according to the personal needs of individual investigators. The overriding concern is the effective operation of the Family Violence Unit

unit personnel will strive to flex their weekly work schedules to minimize overtime. Unless otherwise approved by a supervisor, a regular daily work schedule will be observed. In addition, the following guidelines apply:

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- If an investigator varies from their assigned schedule, the individual's supervisor, or an alternate supervisor, will be advised.
- If an investigator will be more than 15 minutes late for their assigned shift, the individual's supervisor, or an alternate supervisor, will be advised.
- If an investigator calls in sick or needs to use emergency time off, the investigator's supervisor, or an alternate supervisor will be advised.
- Time off requests will be made through the member's supervisor, and posted on the Time Off calendar, if approved. This calendar should also include all planned vacations, training, etc. The minimum staffing for the unit will be one sergeant and two officers. Any exception to this rule will be cleared by the Unit Commander.
- Officers responding to the field will make note of their task on the status board. If the officers anticipate being gone longer than two hours, they should apprise their supervisor of their itinerary. If their supervisor is unavailable, the officers will clear their activity through the other unit supervisor.
- Unless prior arrangements with a supervisor have been made, all officers are expected to complete their 10.5-hour shift before leaving the office.

OVERTIME

- Any pre-planned overtime will be approved by a supervisor. In the event an investigator's accumulated compensatory time exceeds 240 hours, the Unit Commander will be notified, and a reduction plan will be formulated. Regardless, all unit members will abide by the current Memorandum of Agreement (MOA) and comply with all overtime reductions as specified in MOA Section 13.6.5.
- All FVU paid overtime of more than ten hours will be approved by the Unit Commander. Due to the variety of overtime shifts available throughout the department, members will be cognizant of their FVU duties. Overtime assignments will not conflict with the member's FVU work hours or responsibilities.
- To this end, a Unit member working City-funded pay jobs must obtain the correct VIS code that identifies the overtime fund from which the funds will be derived and include the number on the applicable timesheet.

STAFF MEETINGS

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- Staff meetings are an essential vehicle for the exchange of vital criminal and administrative information among unit members. It is the supervisor's responsibility to ensure investigators attend regularly scheduled staff meetings.
- If an investigator cannot attend a meeting, they must notify their supervisor. Supervisors will update their team members of any pertinent information distributed at the missed meeting.

FAMILY VIOLENCE CENTER DUTY TEAM:

- [REDACTED] . It is imperative that investigators be available to ensure the safety of the survivors and the staff and to conduct preliminary reporting or follow-up investigations as needed. A Duty Officer will be identified each day and a replacement will be identified if the Duty Officer needs to be absent during the day.
- [REDACTED]
- The Duty Team will be armed and have the appropriate safety equipment available to ensure the safety and security of the Family Violence Center and its occupants. Additional duties of the Duty Team will be:
 - Transport cases to DA and Court
 - Mail Run
 - Records
 - Case Management
 - BOI mailboxes
 - Provide office coverage
 - [REDACTED]
 - Handle phone inquiries
 - [REDACTED]

CASE MANAGEMENT

- Cases are assigned and distributed into the Family Violence Unit Versadex handles by OSSD. Cases received by the Family Violence teams (domestic violence, child abuse, or threats) will be reviewed and assigned to an investigator by each sergeant acting as the Case Coordinator. The Case Coordinator will attempt to identify incidents of recidivism and multiple cases involving the same survivor and/or suspect. An attempt will be made to consolidate these cases and assign them to one investigator.

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Unassigned cases may be closed by using the appropriate RMS Code including “X” transfers to cooperating agencies, i.e., YWCA, C.P.S., Probation, Parole, Social Services, Victim/Witness Assistance, Adult Probation, and Pacific Bell.

When a case is assigned to an investigator, the supervisor will be responsible for tracking the progress of the case [REDACTED].

The supervisor will monitor the caseload of each of the investigators under his/her supervision.

- The supervisor will monitor cases in his/her handle for quality assurance, timeliness, and completeness.
- The investigator will document his/her follow-up in “text” form or in the case notes in [REDACTED]
- The investigator will document the status of his/her cases.
- When the investigator closes a case, he/she will ensure the DA complaint sheet is scanned and attached to the case.
- When a case has been closed, the investigator will complete the clearance block and submit the case to his/her supervisor for approval.

Cases will be assigned in the following priority:

- In-custody
- Major injuries with witnesses
- Major injuries with no witnesses
- High profile with potential community interest
- Minor injuries with witnesses
- Minor injuries with no witnesses
- Other factors considered in determining priority of case assignments include:
 - Presence of children
 - Pattern of abuse
 - Weapons involved or registered
 - Discernable pattern of abuse
 - Cases will be assigned to the appropriate investigator based on the following parameters:
 - Prior incident involving the survivor
 - Prior incident involving the suspect
 - Necessary language skills

INVESTIGATIVE GUIDELINES

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The following suggestions may assist the investigator in organizing the case file and prioritizing investigative activities.

- After receiving the case, the investigator will review all documents [REDACTED]
[REDACTED]
- [REDACTED] This log will serve as a convenient reminder of completed work and the results. The log will assist supervisors or other investigators who may need to review or assist in the case and provide a record for any administrative review.
- Case notes should be brief but include enough detail to be easily comprehensible. Telephone numbers needed for follow-up should be logged into the case note section.
- Each investigator shall maintain a personal log of assigned cases and their dispositions for ease of reference on old cases and for furnishing of accurate statistics when needed.
- The investigator should review the assigned report received and highlight important facts for ease of reference. The investigator should find the following important facts in the report:
 - Identity information of survivor (name, address, telephone number)
 - [REDACTED]
 - [REDACTED]
 - Suspect information (name, description, etc.)
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- The investigator should research the criminal history of both survivor and suspect(s) for prior reports [REDACTED]
[REDACTED]
- The investigator should review the physical evidence booked, including any associated digital photographs. In cases presented to the district attorney's office for consideration of a criminal complaint, photographic evidence and 9-1-1 communication tapes will be included.
- [REDACTED]
[REDACTED]

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- [REDACTED]
- [REDACTED]
- The investigator will remind survivors of their right to have a domestic violence advocate and a support person present at any follow-up interview conducted by law enforcement, prosecutors, or defense attorneys (679.05 PC). The investigator should explain the benefits of, and offer to have, an advocate present during an interview. [REDACTED]
[REDACTED] It should be noted that an initial investigation to determine whether a crime has been committed and the identity of the suspects shall not constitute a law enforcement interview for the purpose of 679.05 PC.
- [REDACTED]
 - [REDACTED]
 - [REDACTED]
- [REDACTED]
- For cases where strangulation or suffocation was reported, the investigator should determine if a Strangulation Examination was performed by SAFE Team Nurses [REDACTED]
[REDACTED]
- [REDACTED]

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- Prior [REDACTED] cases [REDACTED] will be combined with the current case and submitted as a package to the issuing DA.
- If the case is rejected by the DA's office, the case should be transferred to Adult Probation. The transfer to Adult Probation will be documented [REDACTED].
- [REDACTED]
- If the case is rejected by the DA's office, the case should then be transferred to DFCS. However, the case will still be closed as a DA Reject. The transfer to DFCS will be documented [REDACTED]
- If the suspect is outstanding in major injury cases and/or there is a credible threat with [REDACTED]
- [REDACTED]
- The investigator should report exceptional work by first responders to the appropriate supervisor. The unit has a form letter which may be used to provide feedback. Deficiencies or problems in performance should also be addressed through the appropriate supervisor.
- In cases worthy of commendation, the investigator should contact the appropriate supervisor to initiate a notice of good police work to be routed through the proper chain of command. An action such as this promotes good relationships between the bureaus and motivates further good work.

INTERVIEWS AND INTERROGATIONS

Officers will, when possible, interview any person who may have the potential to supply information that relates to an incident under investigation. Interviews should be conducted at a place that is convenient and familiar to the person being interviewed as soon after the

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incident as is possible and practical. Officers will strive to conduct interviews in a manner which is low-pressure, informal, and causes the least amount of inconvenience to the person being interviewed.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CASES INVOLVING LAW ENFORCEMENT OFFICERS

- The Unit Commander will be notified *as soon as practical* in all cases involving law enforcement officers. In most instances, these cases will be investigated by IA/CID.
- Any case involving an allegation of criminal misconduct of a San Jose Police Officer will be triaged through the Commander of Internal Affairs.
- Cases involving officers will be handled as any other case in accordance with the latest version of the Santa Clara County Domestic Violence Protocol for Law Enforcement.
- The investigating supervisor will ensure that all appropriate criminal and administrative procedures are adhered to during the investigation.

The completed investigation will be presented to the DA's office by the Unit Commander and the investigating supervisor.

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EVIDENCE

- Evidence obtained during an investigation will be booked [REDACTED] as soon as practical.
- Under no circumstances will evidence remain in the unit, either in locked desks or case files.
- [REDACTED] will be immediately photographed, logged, and booked as evidence. Copies of document evidence may be retained in the case file.
- [REDACTED]. Evidence should not be left unsecured at the Center, in desks or vehicles.

PRESS RELEASES

- All press releases will be approved by the Unit Commander prior to release.
- An investigator may be required to draft a press release regarding his/her assigned case(s). A supervisor will provide technical assistance and direction as needed.
- In the absence of the Unit Commander, a unit supervisor may review and approve the press release. The supervisor will check with the Press Information Officer and a BOI Captain prior to issuance of the press release.
- A copy of any press release will be distributed to the following persons:
 - BOI Deputy Chief
 - BOI Captains
 - FVU Commander
 - SJPD Press Information Officer
 - Case file

EQUIPMENT:

Vehicles:

- Vehicles will be shared by investigators who will be responsible for keeping the vehicle clean and maintained in good condition.
- Supervisors are responsible for monitoring their team's vehicles to ensure that they are accruing mileage at a rate that is within G.S.A. parameters.

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[REDACTED]

[REDACTED]

Unit Investigative Equipment:

- All non-assigned investigative equipment [REDACTED] [REDACTED] will be signed out and returned to its assigned storage space upon completion of use. Such equipment is not to be stored in cars or desks.
- All individual equipment assigned to investigators [REDACTED] will be utilized for the duration of their assignment to the FVU and will be returned upon rotation to another position.

MISCELLANEOUS

Dress Standards [REDACTED]

- The standard business attire for male investigators will be a suit or sport coat and tie. Female investigators will adhere to a comparable standard of business attire. For special circumstances, supervisors may designate a more casual mode of dress. At a minimum, male investigators will wear a collared shirt and long pants (not jeans).
- At all times, investigators will maintain a neat and professional appearance and have appropriate business attire available, if needed.

Dress Standards [REDACTED]

Business casual is authorized [REDACTED] except for investigators or supervisors attending court or professional meetings. Business casual will always include a collared shirt (polo or button up) shirt for men and jeans or casual pants. Business casual for female will be professional and appropriate for an office setting.

Dress Standard (holidays):

Business casual is authorized for all city-recognized holidays. Business casual will always include a collared shirt (polo or button up) shirt for men and jeans or casual pants. Business casual for female will be professional and appropriate for an office setting.

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[REDACTED]

- [REDACTED]
- All personnel are expected to assist in answering incoming calls.
- **Incoming calls on the Officer's line (408-537-9750) will always be answered.**
- [REDACTED]
- [REDACTED]
- [REDACTED]