

DOMESTIC VIOLENCE TEAM REPORT

George Castello
December 1, 1986

INTRODUCTION

The area of study undertaken by the Domestic Violence Team has focused on three distinct social and legal problems: 1) domestic violence 2) child abuse, and 3) the special problems of the undocumented community with domestic violence and child abuse. The objective of this paper, however, has not been a systematic or indepth analysis of these problems. Rather, its assigned role is to provide "legal" definitions and responses (i.e. statutes, judicial decisions, policies etc.) to child abuse and domestic violence by local and state government.

For domestic violence, civil remedies under the Domestic Violence Prevention Act (CCP Section 540 et seq.) have been a principle focus; as has been Penal Code Section 273.5, which defines felony battery among cohabitants. Locally, the settlement last year of the class action suit -- Lula Mae Thomas et. al. v. City of Los Angeles, (which resulted in indepth guidelines for the Los Angeles Police Department) is covered.

For child abuse, the Child Abuse Reporting Law (PC Section 11165 et seq.) provides definitions and assigns criminal liability to those professions working closely with children. In response to the statute, the Los Angeles Unified School District issued in 1985, new guidelines for reporting child abuse, which are included.

The special problems of the undocumented community with child abuse and domestic violence have been difficult to reach within the scope of this paper. Fearful of coming into contact

with the Immigration and Naturalization Service, and because of cultural factors, a hesitancy to report abuse is widespread. Police policy regarding the undocumented is covered, along with a brief look at the new Immigration Bill and its possible effects regarding child abuse and domestic violence.

The methodology has consisted primarily of statutory research of applicable California law and interviews with Los Angeles City personnel working in the criminal justice system. (Statutes and agencies cited are from California). Reports and guidelines of the California Attorney General, Los Angeles Police Department (LAPD) and Los Angeles Unified School District (LAUSD) have provided much useful information. Secondary sources examining child abuse and domestic violence have been consulted but have provided little useful information beyond a general overview.

I. DOMESTIC VIOLENCE

Historically, the American legal system has come full circle in its response to domestic violence. During the 19th century, a husband's right to "moderately chastise" or batter his wife was recognized by the courts.¹ This "right" was often referred to as the "Rule of Thumb," which allowed a husband to batter his wife as long as he did so with a rod "no thicker than his thumb."²

During the 20th century, the "Rule of Thumb" evolved into a policy of non-intervention by the criminal justice system; battery in the home was perceived as a personal or family

problem, best addressed if at all, civilly. When called, the police usually refused to arrest the batterer, often even when the victim was seriously injured.

Only in recent years has the notion that the criminal justice system is powerless to remedy domestic violence been rejected. Through education, community efforts, and political pressure, the legislature has enacted over the past decade comprehensive statutory protection for victims of violence in the home.

a. California's Civil Remedies

The Domestic Violence Prevention Act (DVPA) (CCP Section 540 et seq.) seeks to "prevent recurrence of domestic violence by spouse or household member against another household member and to provide a period of separation," by way of civil restraining orders.

DEFINITIONS:

1. Family or household members [CCP Section 542(c)]:
 - a. Spouse, ex-spouse, parent or child or any person related with second degree by blood or marriage, or
 - b. Any person who:
 - (1) regularly resides in household, or
 - (2) within past six months regularly resided in household.
2. Domestic Violence is abuse perpetrated against a family or household member [CCP Section 542(b)].
3. Abuse is defined [CCP Section 542(a)] as:

Intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury.

Under the DVPA, there is no requirement that the parties be related by blood, marriage or adoption, or of the opposite sex, or involved in a sexual relationship. Thus domestic partners (a heterosexual or homosexual cohabiting couple), blood related family (children/parents/grandparents), roommates, and spouses may file for restraining orders under the DVPA.

When the parties are married, a restraining order is available under the Family Law Act (FLA) (CC Section 4000 et seq.). This remedy is only available, however, when a divorce is also filed for. If spousal support is desired, the spouse must proceed under the FLA. Also available under the FLA, a division of property and debts may be obtained until the hearing.

Parties not meeting the criteria of the DVPA, but who require a restraining order and child custody may file under the Uniform Parentage Act (UPA) (CC Section 7000 et seq.). The UPA is available when when the parties have a child in common but have never been married and have not lived together within the last six months.

The showing needed for a TRO (Temporary Restraining Order) requires: 1) that the parties meet the relationship criteria of one of statutes described above, and 2) that the abuser must have deliberately caused physical injury to the person seeking the order; or the abuser must have made serious threats that he would cause physical injury.

Remedies available with the TRO or under an injunction after adjudication can order the abuser not to contact, molest, attack, batter, threaten, telephone or disturb the peace of the plaintiff. The abuser may be ordered out of the home, and required to pay spousal or child support. Violating the TRO (willfully and knowingly) is a misdemeanor and punishable under the Penal Code Section 273.6.

b. The Criminal Sanction

DEFINITIONS: Penal Code Section 13700:

- a) "Abuse" mean 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 another.
- b) "Domestic Violence" is abuse committed against an adult or fully emancipated minor who is a spouse, former spouse, cohabitant, former cohabitant, or a person with whom the suspect has had a child or has had a dating or engagement relationship.

The Penal Code definition of domestic violence and assignment of criminal misdemeanor or felony liability extends protection to "cohabitants" or former cohabitants of either sex. Domestic partners are covered by by the Penal Code (except PC Section 273.5). PC Section 13701 requires every law enforcement agency in the state to develop and implement written policies and standards regarding domestic violence by January 1, 1986. Under

this section, police are required to treat domestic violence the same as any other request for assistance where violence has occurred. Also under this section, police are mandated to provide victims of domestic violence with notice of their rights, remedies, and sources of assistance. (see Attachment a: LAPD's Victim Memo).

The police are further charged with developing a recordation system, an annual report, and a special incident for domestic violence by January 1, 1986. Monthly, police are to report all domestic violence calls to the Attorney General, who at year's end is to compile a report (this will be available in 1987).

SPECIAL PROTECTION FOR VICTIMS OF DOMESTIC VIOLENCE:

Penal Code Section 273.5

- a) Any person who willfully inflicts upon his or her spouse or any person who willfully inflicts upon any person of the opposite sex with whom he or she is cohabiting, corporal injury resulting in a traumatic condition, is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for 2, 3, or 4 years, or in the county jail for not more than one year.
- b) Holding oneself out to be the husband or wife of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section.
- c) As used in this section "traumatic condition" means a condition of the body, such as a wound or external or internal injury, whether of a minor or serious nature,

caused by a physical force.

The legislature added subsection "c" in 1985 to remove the felony requirement that "serious bodily injury" (PC Section 243) occur before a police officer could make an arrest. Any injury, "whether of a minor or serious nature" now constitutes a felony, allowing police to arrest an abuser when there is evidence of "traumatic condition."

In The People v. Gutierrez, 171 Cal. App. 3d 944 (1985), the California Court of Appeal held that the statute did not violate the Equal Protection Clause. It was proper, the court found, for the legislature to provide special protection for cohabitants.

Whether married or not, cohabiting partners are in the high risk category for domestic violence. The police officer responding to the scene of a domestic disturbance may be unable to effect an arrest and restore order were it not for for this section. To make an arrest without a warrant the crime must either be committed in the presence of the officer if a misdemeanor, or the officer must have reasonable cause for believing a felony has been committed.... Rarely, if ever, will the violence occure in the officer's presence, and he cannot arrest for a felony battery unless the victim suffered serious bodily injury. But an officer given the alternative of arresting for a felony under the provisions of section [273.5] may do so when he observes traumatic injury.

Id. at 950.

For the purposes of opposite sex domestic partners, PC

Section 273.5 provides a significant measure of protection previously unavailable. (It should be noted that PC Section 273.5 is unavailable for same sex cohabitants. Gay domestic partners are outside of its scope and remain under the "serious bodily injury" requirement for a felony arrest.) Any injury in the domestic violence sphere now constitutes a felony in California. Many critics now contend that the legislature has gone too far; too many arrests, for minor, even trivial injuries are burdening the police and the courts.³ Advocates for battered victims, however disagree.

These advocates, including the San Fernando Valley Neighborhood Legal Services and the Battered Women's Legal Counseling Clinic, represented Lula Mae Thomas et al. in their class action suit against Los Angeles. This suit was filed in in Superior Court in response to the LAPDs practice of nonintervention in domestic violence. In 1985, Lula Mae Thomas, et al. v. The City of Los Angeles, et al. was settled prior to trial. Under the terms of the consent decree (see attachment b) the Los Angeles Police Department now has the duty to treat domestic violence as any other violent crime, establish policies, and train of all officers in how to properly respond to domestic violence situations. The most controversial part of the consent degree, according to the LAPDs Domestic Violence Officer, Sgt. Robert Canfield, is that an officer's discretion to arrest or not to arrest according to his best judgment is removed under the decree. Standards and Procedures for LAPD Re: Domestic Violence Crimes, (see attachment c) states:

6. In accordance with applicable California law, an arrest

shall be made in a domestic violence incident when there is reasonable cause to believe that a felony has occurred, including but not limited to a violation of California Penal Code Section 273.5... (emphasis added).

7. When a California statute provides for alternative felony or misdemeanor charging or sentencing for a crime, LAPD personnel shall treat the domestic violence offense as a felony for arrest purposes,...

Id. at 2.

Sgt. Canfield believes that the LAPD must retain discretion (as they have in ordinary crime situations) to arrest depending on the circumstances. Somewhat paradoxically, however, he states that even if the "arrest shall be made" clause were amended, no change in the number of arrests in domestic violence incidents would occur.⁴

Lora Weinroth, counsel in the Lula Mae Thomas case, states that the discretion removed from the LAPD to arrest, is discretion that for years they had been abusing. The reason for the law suit was because of this issue: the LAPD had a practice of nonintervention in domestic violence.⁵

c. The Undocumented and Domestic Violence

The preceding sections covering civil and criminal protection, liability, and remedies includes the undocumented community within its scope. Access to the criminal justice system is not based upon immigration status. The policy of the LAPD

recognizes that the undocumented face domestic violence and crime in general more than other communities. Accordingly, when a unit from the LAPD is dispatched, the policy of the department is not to inquire into immigration status.⁶

The undocumented community's legal problems rest not with the city but with the Federal Government and are thus outside the scope of this paper. When the amnesty provisions of the new Immigration Bill are available to the undocumented some time in May 1987 (aliens illegally in the United States since 1/1/82 are eligible, with some exceptions, to become legal residents) a period of lessening fear of the criminal justice system may begin.

Advocates for the undocumented community, however, believe that fear of the Immigration and Naturalization Service is not the only factor causing a lack of reporting of domestic violence. Cultural factors, such as a tradition where violence in the home is not viewed as aberrant behavior, and an avoidance of the criminal justice system because of corruption or ineffectiveness, often ~~lead~~ victims to an attitude of stoic acceptance.⁷

d. Victims of Crime Programs [Also applies to child abuse]

Under California Government Code, Section 13959 et seq., victims of crime may receive financial assistance up to \$46,000 for unreimbursed medical, job income, and/or job retraining. Funded by the State Board of Control, it is administered locally (except for award determination). The Victims of Crime Program is

of particular importance to victims of domestic violence, but unfortunately is not widely known or used. There is no residency requirement for participation. The undocumented are eligible to apply.

ELIGIBILITY:

- 1) The victims of crime who suffer physical and/or emotional injury, or a survivor of a person who dies as a direct result of the crime.
- 2) Anyone legally dependent upon the victim for support.
- 3) Anyone who must receive psychological treatment as a result of a crime or who should be included in the psychological treatment of the victim.
- 4) Anyone who takes legal responsibility and/or pays for a victim's medical or burial expenses.

REQUIREMENTS:

- 1) The crime must be reported to the Police, Sheriff, Highway Patrol, or other law enforcement agencies.
- 2) The victim must cooperate in the investigation and prosecution of any known suspects.

FACTORS CAUSING INELIGIBILITY:

- 1) The victim committed a crime that is directly related to this incident.
- 2) The victim contributed to or took part in events that led up to the crime.
- 3) The victim refused to cooperate with the police in the investigation and prosecution of known suspects.
- 4) The applicant refuses to cooperate with the staff of the Victim Center in the verification of information in the

application.

During 1985, the average award from the Program was \$1,700; the time from application to award about 90 days. The Program also provides other services to victims. The services available include assistance with: finding shelter, food, TROs (help with paperwork), and medical referrals.⁸ (And see attachment d).

e. Recommendations

1. The City Council should be prepared to answer critics of the Lula Mae Thomas consent decree: should the police have discretion to not arrest felony batterers who have injured their victims?
2. The City Council should consider calling on the legislature to amend PC 273.5 to cover same sex cohabitants.
3. The City Council should consider funding a publicity campaign to make the Victims of Crime Program known to the public.

II. CHILD ABUSE

Child abuse is one of the most serious problems faced by society and the criminal justice system. The Child Abuse Registry of the California Department of Justice recorded a 72 percent increase in investigated child abuse cases between 1981 and 1983.⁹ In 1983, over 126,000 cases were reported, a 16% increase from 1981.¹⁰ With the problem growing so rapidly and seemingly out of control, the California Attorney General in 1984, appointed the Commission on the Enforcement of Child Abuse Laws. The Commission issued its Final Report in 1985, and

a follow-up report in 1986; these two sources provide the bulk of the following material.

a. Legal Definition of Child Abuse

Child Abuse Reporting Law (PC Section 11165 et seq.)

- a) "Child" means a person under the age of 18.
- b) "Sexual abuse" means sexual assault or sexual exploitation.

Sexual abuse covers a wide range of behavior. Included is rape, incest, sodomy, lewd or lascivious acts upon a child under 14 years of age, oral copulation, penetration of a genital or anal opening by a foreign object, and child molestation. Sexual exploitation relates to child pornography and/or prostitution.

- c) "Neglect" including severe and general neglect.

Severe neglect includes the negligent or willful failure of a parent or caretaker to provide adequate food, clothing, shelter, or medical care, with the health of the child endangered. General neglect includes circumstances when the parent or caretaker negligently fails to provide adequate food, clothing, shelter, or medical care where no physical injury to the child has occurred.

- d) "Willful cruelty or unjustifiable punishment of a child".

Willful cruelty or physical abuse may be defined as any act which results in a nonaccidental physical injury.

- e) "Corporal punishment or injury."

Punishment which results in a traumatic condition.

f) "Abuse in out-of-home care."

Includes any of the above definitions of child abuse where the person responsible for the child welfare is a foster parent, employee of a school, or other institution or agency.

After providing a legal definition of behavior constituting child abuse, the Reporting Law specifies who has a duty to report child abuse.

Mandatory Reporting (PC Section 11166(a)):

Medical practitioners, nonmedical practitioners, child care custodians and employees of a child protective agency are required to report to law enforcement, county welfare department, or the probation department, when they have reasonable suspicion that a child has been abused. The report should be made immediately or as soon as practically possible by telephone and in writing within 36 hours. Failure to report imposes criminal liability: "A mandated reporter who fails [to report] is guilty of a misdemeanor, punishable by confinement in jail not to exceed six months or by a fine of not more than \$1000, or both." (PC Section 11172). Civil liability may result under the doctrine of negligence. See Landeros v. Flood, 17 Cal. 3d 399 (1976).

Medical Practitioners: physician, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, emergency medical technician, paramedic, licensed nurse, dental hygienist.

Nonmedical Practitioners: public health workers who treat minors, coroner, marriage, family, or child counselor, religious practitioner who diagnoses, examines or treats children.

Child Care Custodians: school personnel (teacher, administrator, supervisor, certified employee), administrator of day camp, employee of licensed child care facility, Headstart teacher, public assistance worker, employees of child care institutions, social worker, probation officer, licensing worker.

Employees of Child Protective Agencies: Police, Sheriff, Probation, and Welfare departments.

Commercial Film and Photographic Print Processors: any employee who develops exposed film into negatives, slides or prints, or who makes prints from negatives or slides.

After a report has been made, information is exchanged between the Police, County Welfare Department, and the District Attorney (who would prosecute since child abuse is a felony). If the Police or County Welfare Department investigating have reasonable cause to believe that a child is endangered, under the Welfare and Institutions Code Section 305, they may place the child in protective custody for 48 hours, without the parents' consent. (See Welfare and Institutions Code Section 300 et seq. generally for information on dependency proceedings).

The Los Angeles Police Department has an "Abused Child Unit" which specializes in child abuse investigations. Under PC Section 13516(c), these officers are required to complete a training course prepared by the Commission on Peace Officer Standards and Training. Lieutenant M.D. Warkentin, officer in charge of the Unit, reports that they have been very successful but are being overwhelmed by the increasing number of cases being reported each year.¹¹ Warkentin also states that sexual abuse is the most

rapidly increasing form of child abuse, and constitutes 50% of all incidents investigated by the Unit.¹²

The City Attorney's role under the reporting law is in prosecuting for failure to report, as in the recent conviction of Los Angeles Unified School District administrator, Stuart Bernstein, who failed to notify Police in the Terry Bartholome case.¹³

b. Implementation of the Statute by the LAUSD

The reporting law was passed in 1981, but as is witnessed by the prosecution of Terry Bartholome, was not implemented by the Los Angeles Unified School District. On August 23, 1985, the LAUSD issued detailed instructions on the duty of its personnel to report child abuse (see attachment e: Bulletin No. 43: Child Abuse). LAUSD Police Chief Green states that all mandatory reporters who are school employees know the requirements of the statute.¹⁴ Another incentive for the LAUSD^{to} make known the reporting law to its personnel is a \$110 million civil suit brought against the District by the families of Terry Batholome's victims.¹⁵

The reporting law goes far in creating a duty not to ignore child abuse. Many advocates, however argue that it does not go far enough. Why not, they believe, create a duty to report for all people when they have reasonable suspicion that abuse is occurring. As is expressed throughout the literature, however, the criminal justice system is not in itself able to cure child abuse. In the majority of cases, abusers were victims themselves;

as in domestic violence, child abuse appears to be learned behavior, and must be addressed before it reaches the criminal justice system.

c. Prevention Through Education

Somewhat outside of the scope of this paper's purpose, educating youngsters that abuse is unacceptable behavior is a recommendation that the City of Los Angeles does have the authority to implement, and thus will be addressed briefly.

LAUSD: CARE (Child Abuse: Recognize and Eliminate Program)

The CARE program was created to prevent child abuse before it occurs and intervene on behalf of children already being abused. Training teachers in how to recognize and prevent abuse, following up on students who have been abused, and providing instruction to students in grades K-12 on "how to say no," CARE holds great promise in fundamentally addressing child abuse. The problem with CARE is one of nonimplementation (because of budget constraints). In existence for six years in Los Angeles, only 8% of LAUSD elementary schools now participate; only 1,000 out of 24,000 LAUSD teachers now participate; yet under 2% of the reports filed by CARE participants have been found unfounded by law enforcement.¹⁶

LAPD: CAPE (Child Abuse Prevention and Education Program)

In 1985, the LAPD proposed to the Los Angeles City Council a specialized child abuse program (CAPE), consisting primarily of a Field Referral Unit to identify and direct "at risk" families

to community child abuse prevention and treatment agencies; and an Educational Unit to stimulate the development of child abuse prevention programs throughout the community and schools. (This program shares similar methodology with the highly successful DARE Program: "Dare to Say No to Drugs" now in operation in Los Angeles schools.)(See attachment 6: CAPE Summary). Budgeted at one million dollars, the City Council declined to fund the program.¹⁷ If the usefulness of CAPE is judged by the impact of the DARE Program, the City Council should be urged reevaluate it a second time.

d. Child Abuse and the Undocumented

Data about the incidence of child abuse in the undocumented community is not available. Anecdotal evidence suggests that its incidence varies community by community (Mexican/Salvadorean/Korean etc.).¹⁸ The preceding section on child abuse and the criminal sanction applies in its entirety as law enforcement has no requirement for immigration status for investigation or prosecution of child abuse or failure by mandated reporters to report child abuse.

e. Recommendations

1. The City Council should consider calling on the legislature to bring the general public under a duty to report child abuse under PC Section 11165 et seq.

2. The City Council should consider calling on the LAUSD to fund the CARE Program allowing all elementary schools and teachers participate.

3. The City Council should reevaluate the LAPDs ^{the} Cape Program and consider funding it on a trial basis.

4. The City Council

FOOTNOTES

- 1 Bradley v. State, 2 Miss. (Walker) 156,158 (1824).
- 2 W. Prosser, The Law of Torts, 136 (1971).
- 3 Interview with LAPD Sgt. Robert Canfield, specialist on domestic violence, 11/21/86.
- 4 Interview, Canfield.
- 5 Interview with Lora Weinroth, attorney for the Battered Womens Legal Clinic and counsel in Lula Mae Thomas v. Los Angeles, 11/24/86.
- 6 Interview with Los Angeles City Attorney Cheryl Ward-Smith, 11/20/86; Ms Ward-Smith is also the chair for the Los Angeles County Council on child abuse; Interview, Canfield.
- 7 Herrera, Family Violence: For Latinos, Stereotypes Will Remain a Problem, Los Angeles Daily Journal, June 6, 1984, at 2, col. 3; Interview with Estelle Chun, attorney for The Asian Pacific Legal Clinic, 11/26/86.
- 8 Interview with Geraldo Jimenez, Coordinator of the Victims of Crime Program, 11/15/86.
- 9 Attorney General's Final Report: Commission on the Enforcement of Child Abuse Laws (April 1985), at ES-1.
- 10 Attorney General's Final Report, at ES-1.
- 11 Interview with LAPD Lieutenant M.D. Warkentin, 11/25/86.
- 12 Interview, Warkentin.
- 13 Pristin, A Case of Molestation: School Had Early Warning on Teacher, Los Angeles Times, October 19, 1986, Metro Section, at 1, col. 1.
- 14 Telephone conversation with LAUSD Police Chief Green, 11/23/86.
- 15 Pristin, A Case of Molestation.
- 16 Inter-Agency Council on Child Abuse and Neglect: Data Information Sharing System Report to Policy Committee (1986). LAUSD section, no page number. Participating in ICAN are the following agencies: Attorney General, Department of Children's Services, City Attorney, Community and Senior Citizens Services, Coroner, County Counsel, Department of Health Services, Juvenile/Dependency Court, LAPD, LAUSD, Department of Mental Health, Office of Education, Probation Department, Public Defender, Department of Public Social Services, Sheriff, Community Child Abuse Councils.
- 17 Interview, Warkentin: developer of the CAPE Program.
- 18 Interview, Estelle Chun; Interview, Lora Weinroth; Interview, Ward-Smith; Interview, Warkentin.

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- Senate Office of Research. The Silent Victim: Child Abuse in California. Sacramento, 1984.
- United States Attorney General. Task Force on Family Violence: Final Report. Washington, 1984.
- United States Department of Justice. Domestic Criminal Violence (Bibliography). Washington, 1982.

Attachment (a):

LAPD's Domestic Violence Victim Memo

LAPD 15.40.1 (1/88)

DOMESTIC VIOLENCE VICTIM'S MEMO

1. You have the right to go to the Superior Court and file a petition requesting any of the following orders:
 - Restraining the attacker from abusing you and other family members;
 - Directing the attacker to leave the household;
 - Preventing the attacker from entering your residence, school, business, or place of employment;
 - Awarding you, or the other parent, custody of or visitation with a minor child or children;
 - Restraining the attacker from molesting or interfering with the minor children in your custody;
 - Directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so;
 - Directing the defendant to make specified debt payments coming due while the order is in effect; and
 - Directing that either or both parties participate in counseling.
2. You can ask the City Attorney or District Attorney to file a criminal complaint.
3. You have the right to file a civil suit for losses suffered as a result of the abuse, including medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses incurred by you or the agency that shelters you.
4. For information about a shelter, or other services, in your community, contact:

INFO LINE

LA Metropolitan Area	688-0950
San Fernando Valley	501-4447
Harbor	603-6862
West Los Angeles	501-2929
Airport District	671-7464
Other than above districts	1-800-242-4812
Deaf Line (TDD)	1-800-242-4026

Attachment (b):

Lula Mae Thomas v. City of Los Angeles consent decree

ORIGINAL FILED
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COUNTY CLERK

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22 SUPERIOR COURT OF CALIFORNIA
23 COUNTY OF LOS ANGELES

24 LULA MAE THOMAS, et al.,)
25)
26 Plaintiff,)
27)
28 vs.)
29)
30 CITY OF LOS ANGELES, et al.,)
31)
32 Defendants.)
33)

CASE NUMBER CA 000572
CLASS ACTION
STIPULATED CONSENT DECREE
AND JUDGMENT

34 Plaintiffs, and each of them, having filed their complaint
35 individually and on behalf of all others similarly situated in the
36 above-entitled action, and defendants, and each of them, having
37 answered the complaint; and

38 The parties in their Settlement Agreement to this action

1 having each consented to the entry of this Judgment, without any
2 admission of liability, and without trial or adjudication of any
3 issue of fact or law; and

4 The parties, and each of them, having agreed to the general
5 principles enumerated below:
6

7 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:
8

9 1. This Court has jurisdiction over the subject matter of
10 this action and each of the parties thereto.

11 2. The Court incorporates the principles which the
12 parties have agreed will govern their conduct pursuant to this
13 Stipulated Consent Decree in the form of declaratory relief as
14 follows:
15

16 (i) All persons are guaranteed by the federal and
17 California Constitutions and various federal and California statutes
18 the equal protection of the laws as defined in said Constitutions
19 and Statutes.

20 (ii) The federal and California Constitutions do not
21 distinguish, to the detriment of the victims, between acts or
22 threats of violence occurring in a domestic setting and acts or
23 threats of violence in a non-domestic setting. Definitions of these
24 terms as applicable to the instant case may be found in the
25 "STANDARDS AND PROCEDURES FOR LAPD RE: DOMESTIC VIOLENCE CRIMES",
26 attached hereto and incorporated as Attachment "A", and hereinafter
27 referred to as Standards and Procedures.

28 (iii) Victims of domestic violence, as defined in the

1 Standards and Procedures are entitled to equal law enforcement
2 protection as may otherwise be appropriate in non-domestic
3 situations, including the enforcement of applicable criminal
4 statutes against the alleged perpetrator of a domestic violence
5 crime, as defined in the Standards and Procedures.

6 (iv) The Standards and Procedures represent a
7 significant advance in affording the equal protection of the laws to
8 victims of domestic violence as that term is defined in the
9 Standards and Procedures.

10
11 3. The Court, therefore, and in furtherance of these
12 principles, incorporates and adopts the Standards and Procedures
13 which shall be implemented as guidelines for official policies and
14 practices of the Los Angeles Police Department in dealing with acts
15 or threats of violence in a domestic setting.. The Standards and
16 Procedures shall be distributed to all sworn Los Angeles Police
17 Department officers and other employees of the Los Angeles Police
18 Department who, in the course of their duties, may be called upon to
19 deal with acts or threats of violence occurring in a domestic
20 setting within ninety (90) days of this Court's approval of this
21 Stipulated Consent Decree and Judgment.

22 4. The City of Los Angeles shall provide the plaintiffs'
23 attorneys of record a statement, within four (4) months after the
24 Court has approved the Stipulated Consent Decree and Judgment, of
25 the number of Los Angeles Police Department employees who have
26 received the Standards and Procedures. Said statement shall also be
27 filed with the Court. Until such time as all LAPD employees, as
28 defined in the preceding paragraph, are provided a copy of the

1 Standards and Procedures, the plaintiffs' attorneys of record and
2 the Court shall be provided a monthly updated statement as described
3 in the preceding sentence.

4 5. Within six (6) months of the Court's approval of the
5 Stipulated Consent Decree and Judgment all LAPD employees will be
6 given "roll-call" training in the Standards and Procedures. Said
7 "roll-call" training shall be provided according to Los Angeles
8 Police Department Manual Sections 3/222.10-3/222.50 and other
9 related and regular procedures of LAPD. Said "roll-call" training
10 shall be repeated every six (6) months.

11 6. The City of Los Angeles and the Los Angeles Police
12 Department further agree that the Standards and Procedures will be
13 used as the core training guidelines in the training of all new
14 police officers hired by the Los Angeles Police Department and of
15 other new employees who, in the course of their duties, may be
16 called upon to deal with acts or threats of violence occurring in a
17 domestic setting and in in service training on domestic violence.
18 This training shall be implemented as soon as practicable, but no
19 later than ninety (90) days after the Court's approval of this
20 document.

21 7. In the event that applicable principles of law and/or
22 legislative enactments modify, amend or expand applicable principles
23 of law and/or statutes regarding acts or threats of violence
24 occurring in a domestic setting, the City of Los Angeles and the Los
25 Angeles Police Department, in furtherance of the principles agreed
26 to by the parties and incorporated and adopted by this Court in
27 paragraph (2) above, shall provide training to all personnel and
28 employees as enumerated in paragraphs (3) through (6) above, in

1 a modification of the Standards and Procedures, if the City of Los
2 Angeles has in good faith determined that the Standards and
3 Procedures are in whole, or in part, contrary to applicable
4 principles of law and/or subsequent legislative enactments.

5 11. Modifications, or amendments that are only made in
6 order to accommodate operational problems encountered in
7 implementing the Standards and Procedures may be made without
8 application to the Court, provided that such modifications or
9 amendments do not alter the substantive provisions or procedural
10 mechanisms agreed upon by the parties to this action. Such
11 modifications or amendments shall not occur until after thirty (30)
12 days' prior notice has been provided to plaintiffs' counsel of
13 record. In the case of an emergency, minor operational
14 modifications or amendments may occur without prior notice to
15 plaintiffs' counsel, provided that plaintiffs' counsel is given
16 notification within seventy-two (72) working hours after such
17 emergency modification or amendment has occurred.

18 12. This Court reserves and retains jurisdiction to hear
19 any requests from the City of Los Angeles for relief from any aspect
20 of the Standards and Procedures. The foregoing retention of
21 jurisdiction shall be effective until December 31, 1989, at which
22 time it shall expire without further order of this Court.

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1 these new principles of law and/or legislative enactments within
2 ninety (90) days of their respective effective dates.

3 8. The City of Los Angeles and the Los Angeles Police
4 Department further agree that they will assign one person, or staff
5 of persons, to handle and respond to any questions presented by Los
6 Angeles Police Department personnel and employees regarding the
7 meaning and application of the Standards and Procedures. Counsel of
8 record for plaintiffs agree to assist the City of Los Angeles and
9 the Los Angeles Police Department in this matter, insofar as
10 practicable, during the time of retention of jurisdiction by this
11 Court. Said assistance will be without any remuneration to counsel
12 for plaintiffs by the City of Los Angeles or the Los Angeles Police
13 Department.

14 9. At the present time, this Court does not enter any
15 injunctive order. However, the Court hereby reserves and retains
16 jurisdiction to amplify, modify, supplement, amend or terminate the
17 order set forth above, including providing for injunctive relief if
18 necessary and appropriate. The parties agree that the words
19 "necessary and appropriate", as set forth in the preceding sentence,
20 shall apply to situations in which the plaintiffs have a good faith
21 belief that the City of Los Angeles and/or the Los Angeles Police
22 Department have established either express or implied policies or
23 practices which run counter to the principles indicated in paragraph
24 two (2) above and/or ignore the mandates set forth in the Standards
25 and Procedures.

26 10. The City of Los Angeles may, at any time during the
27 Court's jurisdiction over the action, apply to the Court with thirty
28 (30) days' prior notice to plaintiffs' counsel of record, to request

Attachment (c):

Standards And Procedures Regarding Domestic Violence

LAPD

FILING DEADLINE

The application is to be filed within one year of the date of the incident. If not, include with the application form a statement telling when you heard about the victims program, from whom, and the reason why you did not file sooner.

EMERGENCY AWARD

You may qualify for an emergency award of up to \$1,000 if you have a loss of your income or received emergency medical treatment. An application for emergency funds must be filed within six months after reporting the crime to the Police, Sheriff, Highway Patrol or other Law Enforcement agency.

The Board of Control has the right to grant, or refuse to grant, emergency awards.

OTHER REIMBURSEMENTS

Any reimbursements you have received, or will receive from any other source, such as life insurance, auto insurance, medical insurance, health benefits, workers' compensation, social security, civil recovery or restitution will be deducted from the award. When preparing a claim for reimbursement be sure to include the name and address of your insurance company, policy number, and policy holder's name, attach any documents you may have showing amounts paid that are related to the incident.

In addition, if you recover money by any judgment, settlement, or otherwise, as a result of the incident, the state has a right to be repaid from this source.

VERIFICATION AND

HEARING ON THE APPLICATION

After the application is reviewed you will be advised by mail of staff recommendation.

If you disagree with the recommendation, you may ask for an informal hearing before the Board of Control.

You will be notified at least ten days in advance of the date, time and place of the

hearing. Hearings are held in Sacramento, Los Angeles, San Diego and San Francisco. You may ask that your claim be heard at the hearing held in the location closest to you.

You may appear either in person or ask the Board to take action without your being present. You may take a lawyer or other representative to assist you in your presentation.

If you do not appear, the Board will consider the application. You will be notified by mail of their decision.

LEGAL FEES

In addition to your award, the Board may award legal fees for help in filing this claim. This cannot be more than 10% of the amount of the award or five hundred dollars (\$500), whichever is less. An attorney may not charge any fee in addition to that awarded by the Board for helping you file this application.

ADDRESS CHANGE

If you change your address or telephone number after you have sent in the application, please advise the Board of Control as soon as possible. Failure to notify the Board of a change of address may result in delays in processing the application.

WHERE TO SEND APPLICATION

If filing your own application, send the application and all documents to:

**STATE BOARD OF CONTROL
P.O. BOX 3036
Sacramento, CA 95812-3036
(916) 322-4426**

If filing through your local victim witness program provide the application and documents to them.



S-807

State of California VICTIMS of CRIME PROGRAM

Compensation Information Brochure

Under California Law (Govt. Code 13959-13969.1), some victims of crime may receive financial assistance for unreimbursed medical and income losses and job retraining as a result of the crime. The Restitution Fund, run by the State Board of Control, may be available to qualified victims. Help in filing applications may be received from a local county Victim Center, or if you have one, from your private attorney. Consult the government listings in your local telephone directory under County Victim Services, Victim-Witness Assistance, or contact your County District Attorney or Probation Department.

Before filling out the application form, please read this informational brochure. It is intended to help you understand who is eligible and give you information to help you send as complete an application as possible.

WHO IS ELIGIBLE?

- The victim of crime who suffers physical and/or emotional injury, or a survivor of a person who dies as a direct result of the crime.
- Anyone legally dependent upon the victim for support.
- Anyone who was present during the crime and who has a close relationship with the victim.
- Anyone who must receive psychological treatment as a result of a crime or who should be included in the psychological treatment of the victim.
- Anyone who takes *legal* responsibility and/or pays for a victim's medical or burial expenses.

TO QUALIFY YOU MUST MEET THESE REQUIREMENTS

The crime must be reported to the Police, Sheriff, Highway Patrol, or other Law Enforcement agency.

The victim must cooperate in the investigation and prosecution of any known suspects.

PRIOR TO 1-1-86:

— Both the victim and claimant must be residents of California at the time of the incident. The crime need not have happened in California.

AFTER 1-1-86:

— Non-residents are covered if the crime occurred in California

AN APPLICANT WILL BE INELIGIBLE IF:

- The victim committed a crime that is directly related to this incident.
- The victim contributed to or took part in events that led up to the crime.
- The victim refuses to cooperate with the police in the investigation and prosecution of known suspects.
- The applicant refused to cooperate with the staff of the Board of Control and/or local Victim Center in the verification of information in the application.

You have the responsibility to provide the Board of Control with all needed documents and financial information. You must give permission for the Board staff to examine all records related to the victim's injury. Once you have supplied all requested information and documentation your application will be acknowledged for processing.

AUTOMOBILE RELATED INJURIES

If the injury is the result of an automobile accident, you may file an application if the party at fault was charged with any of the following:

- Hit-Run
- Driving Under the Influence
- Using the vehicle as a weapon
- Fleeing the scene of a violent crime

LOSSES THAT ARE COVERED

Most medical, mental health counseling, funeral/burial, wage loss, loss of support, and job retraining expenses are covered if they are not reimbursed by other sources. The law provides that other available sources of reimbursement must be used first.

If you are self-employed and are applying for reimbursement for loss of income (your wages), you must include copies of your state or federal tax forms for the two years prior to the year of the incident, also include copies of the profit and loss statements for those last two years.

You must have a net loss of \$100 or 20% of your net monthly income, whichever is less, with certain exceptions, for example, senior citizens or persons on fixed income from retirement or disability.

LOSSES THAT ARE NOT COVERED

Personal property loss, including cash, cannot be repaid by the State Victims of Crime Restitution Fund. You may provide information to the Courts and they may order the party at fault to pay you. Expenses associated with the prosecution of assailant are not covered, see the local victim/witness program for assistance.

JOB RETRAINING OR SIMILAR EMPLOYMENT REHABILITATION SERVICES

If you are requesting payment for job retraining, you must first apply to the State Department of Rehabilitation for an evaluation of your retraining needs. Ask that the Department of Rehabilitation submit a retraining evaluation and plan to the Board of Control. The evaluation must state:

- the type of services or retraining you plan.
- who will provide the services
- the cost
- the need for the services.

Funds may be available upon receipt, by the Board, of a retraining evaluation and plan from the Department of Rehabilitation.

Attachment (d):

Victims of Crime Program literature

VICTIM INFORMATION CARD (Where to find help in L.A.)

Resources compiled by:

So. California Coalition on Battered Women
P O. Box 5036, Santa Monica, CA 90405 — (213) 392-9874

It is against the law for people to abuse their spouse, mate, or child.

- One out of every two families in the U.S. is involved in family violence.
- One fourth of all murders involve husbands and wives.
- Children may become physically and mentally injured from family violence.
- One half of all abused women were physically or sexually abused as children.

If you are the victim of family violence:

Call the nearest police department for assistance.

The Police are required to:

- Enforce temporary restraining orders P.C. Sec. 273.6
- Help you complete a citizen's arrest

The Police can:

- Help you obtain medical aid
- Escort you out of the house with your personal property and children if you request it.

TYPES OF ARRESTS

1. **Misdemeanor arrest.** Police can only arrest if the act is committed in their presence or if a warrant has been issued.
2. **Felony arrest.** Police may make an arrest on "reasonable belief" or "probable cause" that this person committed a felony.
3. **Citizen's arrest.** If the police will not make an arrest you may make a citizen's arrest if the crime has occurred in your presence. The police will help you if you ask them.

RAPE

It is illegal for a man to force his wife to have sexual relations.

DIVORCE, CHILD CUSTODY, & COMMUNITY PROPERTY

1. You do not need to prove guilt to get a divorce. It will not be held against you if you leave.
2. Custody of the child(ren) is determined only by what is in their best interest.
3. One half of all community property is yours. The courts will determine what is community property. It is best to have an attorney to obtain appropriate advice on these issues.

VICTIM COMPENSATION

If you have been injured, the state may repay you for medical expenses, loss of wages and rehabilitation up to \$23,000. You must file a claim within one year of the crime and injury. You may obtain an application at your local police department or at the Offices of the Los Angeles City or District Attorney. For further information call the Los Angeles City Attorney's Victim-Witness Assistance Program at 485-6976.



LOS ANGELES CITY ATTORNEY
VICTIM-WITNESS ASSISTANCE PROGRAM — 485-6976
JAMES K. HAHN, CITY ATTORNEY

STANDARDS AND PROCEDURES REGARDING DOMESTIC VIOLENCE

LOS ANGELES POLICE DEPARTMENT

DARYL F. GATES
Chief of Police

FEBRUARY, 1986

INTRODUCTION

The distribution of these guidelines is the result of the settlement of a lawsuit, *Lula Mae Thomas et.al vs. City of Los Angeles*, regarding domestic violence. Over the years law enforcement officers have used a variety of methods as alternatives to making arrests to resolve domestic violence incidents. However, it is the policy of this Department that domestic violence is alleged criminal conduct and that a request for assistance in a situation involving domestic violence is the same as any other request for assistance where violence has occurred.

STANDARDS AND PROCEDURES FOR LAPD RE: DOMESTIC VIOLENCE CRIMES

A. DEFINITIONS For purposes of this DOCUMENT, the terms set forth below are defined as follows:

1. **"FAMILY OR HOUSEHOLD MEMBER"** means a spouse or former spouse; or a cohabitant or former cohabitant who has or had a domestic relationship with a complainant; a person with whom the complainant has or has had a dating or engagement relationship as defined in Penal Code Section 13700(a); or in cases of enforcement of a valid restraining order such categories of persons who may be the subject of restraining orders within the purview of pertinent California statutes.
2. **"DOMESTIC VIOLENCE"** means any crime chargeable under the California Penal Code or any other relevant criminal statute or ordinance perpetrated against a FAMILY OR HOUSEHOLD MEMBER as defined in paragraph A(1) above by a FAMILY OR HOUSEHOLD MEMBER as is also defined in paragraph A(1) above, and including by way of example, and not by way of limitation, California Penal Code Sections 240; 242; 245; 261; 262; 273.5; 273.6; 415; 602.5; 594; 603; 653(m); and 13700.
3. **"PERSONNEL"** means any employee of the Los Angeles Police Department (hereinafter referred to as "LAPD") whose work consists of law enforcement and related activities whether such an employee is a sworn officer or a civilian employee.
4. **"RESTRAINING ORDERS"** are defined as valid restraining orders: Temporary Restraining Orders, Orders for Re-Issuance of Order to Show Cause, and/or Orders after Hearing obtained under Sections 4359, 4458, 4516, 7020 and 7021 of the California Civil Code, Section 527.6 of the California Code of Civil Procedure, and Chapter 4 (commencing with Section 540) of Title 7 of Part 2 of the California Code of Civil Procedure known as the Domestic Violence Prevention Act.
5. **"DOMESTIC RELATIONSHIP"** refers to relationships between persons who are presently living or residing in the same household or who have in the past lived or resided in the same household. A DOMESTIC RELATIONSHIP includes, but is not limited to, those relationships between persons who are presently, or have been in the past, involved in a sexual relationship or in a dating or engagement relationship as defined in Penal Code Section 13700(b).
6. **"COHABITANT"** means two or more persons who presently live or reside in the same household or who have in the past lived or resided in the same household irrespective of whether they are, or have been in the past, involved in a sexual relationship.
7. **"REPORT"** or **"REPORTS"** refers to procedures employed by the LAPD for completing all reports relative to an arrest. This includes arrests for felonies, misdemeanors or private persons' arrests for misdemeanors, pursuant to LAPD MANUAL Section 5/5.2, attached hereto and incorporated by reference as Attachment 1.
8. **"FILE"** or **"FILING"** refers to the procedures employed by the LAPD whereby an individual and/or a report related to an individual is referred to an appropriate prosecutorial agency for criminal complaint or prosecution, pursuant to LAPD MANUAL Section 4/720, attached hereto and incorporated by reference as Attachment 2.

8. When LAPD officers have probable cause to believe that a misdemeanor in a domestic violence situation has occurred in the officers' presence, for example, but not limited to, California Penal Code Sections 242 and 273.6, [Section 273.6 attached hereto and incorporated by reference as Attachment 4], the officers shall arrest the suspect solely in accordance with the criteria which determine whether an arrest is appropriate in a similar or identical non-domestic violence misdemeanor.
9. If the complainant in a domestic violence incident desires that an arrest be made, and the officers reporting to the scene are unable to make an arrest because a misdemeanor has not occurred in their presence, the officers shall follow the procedures set forth in LAPD MANUAL Sections 4/216.30 – 4/216.34 attached hereto and incorporated by reference as Attachment 5 and will also advise the domestic violence complainant of the power to make a private person's arrest. Except when impracticable, the information concerning a private person's arrest shall be given to a domestic violence complainant out of the presence of the suspect. Except when other emergency priorities preclude the immediate completion of such assistance, LAPD officers shall assist domestic violence complainants in effectuating a private person's arrest. Such assistance is limited to taking physical custody of the suspect, transporting the suspect to an appropriate LAPD facility, and aiding the complainant in completing and filing a crime report. Under these circumstances, LAPD personnel shall also advise the complainant as to how the crime report may be completed and filed pursuant to LAPD MANUAL Section 4/216.30.
10. If an arrest cannot be effectuated in a domestic situation as indicated in paragraphs 6 through 9 above, LAPD officers shall, without taking sides or expressing an opinion as to who is right or wrong, admonish all parties as to the criminal sanctions for unlawful conduct imposed by the California Penal Code in the same manner as they are required to do in non-domestic situations.
11. When a complainant in a domestic violence incident requests the assistance of LAPD officers in making a private person's arrest, and in the officers' opinion the elements of a lawful arrest are not present, the officers shall follow the procedures set forth in LAPD MANUAL Section 4/216.32.
12. Arrests in incidents of domestic violence shall be made solely in accordance with the standards applicable to arrests in incidents of non-domestic violence. The factors set forth in subparagraphs (a) through (p) of this paragraph shall not be used by LAPD officers to avoid or refuse to effectuate an arrest in incidents involving domestic violence, except as they may be relevant under California law in the determination of (1) the elements of a crime or (2) the power of a complainant to make a private person's arrest. If some of the factors in subparagraphs (a) through (p) may prove relevant in assessing the credibility of the complainant or a witness, they may be considered in the same manner as would be appropriate in incidents not involving domestic violence. However, these factors shall not be used by LAPD officers so as to avoid or refuse to effectuate an arrest in incidents involving domestic violence.
 - (a) Present or former marital status of the complainant and suspect;
 - (b) Present or former domestic relationship between the complainant and suspect;
 - (c) The existence or non-existence of valid restraining orders;
 - (d) The location of the incident;
 - (e) Potential financial consequences of the arrest to the complainant, the suspect, and/or their family;
 - (f) Complainant's prior history of complaints;
 - (g) Complainant's emotional state;
 - (h) The presence or absence of visible injuries;

3. LAPD personnel shall conduct criminal investigations in cases of domestic violence in the same manner and to the same extent as they are required to conduct identical or similar criminal investigations in cases that do not involve domestic violence.
4. If a complainant in a case of domestic violence claims to have sustained injuries, whether visible or not, and requests medical attention, or if LAPD personnel believe medical attention is necessary, and the complainant is physically unable to make a request for medical attention, officers should administer first aid as appropriate *and* as authorized pursuant to Departmental training and procedures and/or offer to obtain, or arrange for, medical treatment in the same manner as they would for cases not involving domestic violence complaints.
5. When officers are present at the scene of an incident of domestic violence and have probable cause to believe that a violation of Section 273.5 of the California Penal Code has taken place, they shall have photographs taken of the victim's injuries in accordance with LAPD MANUAL Section 4/272.40, incorporated by reference and attached hereto as Attachment 7.
6. When officers are present at the scene of an incident of domestic violence and have probable cause to believe that a misdemeanor has occurred, they shall complete and give to the victim Form 3.01.0, attached hereto and incorporated by reference as Attachment 8. Officers shall also advise the victim to contact the Photographic Section of the Scientific Investigation Division in order to make an appointment to have the injuries photographed in accordance with LAPD MANUAL Section 4/273.40, attached hereto and incorporated by reference as Attachment 7a.
7. When a complainant in a case of domestic violence requests LAPD officers to enforce a residence exclusion order that may be included within a valid restraining order that is issued against a subject who is present at the scene, LAPD personnel shall enforce the residence exclusion order in compliance with the law. LAPD officers shall follow the mandate of Judicial Council forms ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER (DOMESTIC VIOLENCE/ UNIFORM PARENTAGE), printed below Item 12, and ORDER PROHIBITING DOMESTIC VIOLENCE (FAMILY LAW—DOMESTIC VIOLENCE — UNIFORM PARENTAGE), printed below Item 15, both of which state: "This order is effective when made. The law enforcement agency shall enforce the order immediately upon receipt. It is enforceable anywhere in California by any law enforcement agency that has received the order or is shown a copy of the order. If proof of service on the restrained person has not been received, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it."
8. Whenever a complainant in an incident of domestic violence requests LAPD officers to remove a person from the premises in the absence of a valid restraining order, LAPD officers shall enforce any applicable Penal Code sections concerning trespass including by way of example and not by way of limitation Penal Code Sections 602(n) and 602.5 in the same manner as they would in a non-domestic violence situation.

ATTACHMENT "1" (continued)

- * **School Attendance Information.** When a juvenile is arrested for any of the charges listed in 4/218.69, the concerned investigating officer shall ensure that the school and school district of attendance are entered in the Arrest Report, Form 5.2, in the box entitled *Employer/School*.
- * **LA Numbers.** The LA numbers shall be placed on arrest reports prior to duplication unless there is an excessive delay in the return of the LA number from Records and Identification Division and it is not practicable to delay the distribution of the report.
- * **Location of Traffic-Related Arrest.** The *Location of Arrest* portion of traffic-related arrest reports shall be used to indicate the nearest intersection to the actual location of arrest except for arrests occurring on the freeways or outside the City limits.
- * **Circumstances of Arrest.** The circumstances of the arrest, including arrestee's statement, shall be recorded on a Continuation Sheet, Form 15.9. When the arrest is for a non-warrant misdemeanor, the report shall include any information having a bearing on the arrestee's qualification for an O.R. release.

Exception: When the arrest is for driving under the influence, the Driver-Under-the-Influence Arrest Report (Continuation), Form 5.2.5, shall be used.

The Notification of Refusal to Submit To or Complete Chemical Test portion of the Form 5.2.5 shall be completed when a person arrested for driving a vehicle while under-the-influence of an alcoholic beverage refuses to submit to or complete a chemical test.

When the arrestee is a juvenile, a Juvenile Arrest (Continuation), Form 5.2.6, will be used in addition to the Form 15.9.

- * **Narcotics—Secondary Charge.** When a narcotics arrestee is booked for a felony other than a narcotics offense, the word "Narcotics" shall be placed in the upper left corner of the arrest report.

5.2-12 Completion—Multiple Arrests. The multiple arrest report procedure may be used to report the arrest of two or more persons made at the same approximate time and location when the circumstances of the arrests are the same.

Exception:

- * 647(f) P.C. arrests.
- * Arrests reported on the Short Arrest Report, Form 5.2.1.

Offset master report forms shall be used as follows:

- * A separate Arrest Report, Form 5.2, shall be completed for each arrestee.
- * The circumstances of the arrests shall be recorded on a Continuation Sheet, Form 15.9. Booking numbers for all arrestees shall be placed in the space provided on this sheet.
- * A copy of the Continuation Sheet shall be attached to each copy of the Arrest Report, Form 5.2.

5.2-13 Completion—Combined Crime and Arrest Report (4/216.14).

5.2-14 Completion—Combined Evidence and Arrest Report (4/216.15).

ATTACHMENT "1"

LAPD MANUAL SECTIONS 5/5.2 through 5/5.2-14

5.2 ARREST REPORT, FORM 5.2

5.2-01 **Use of Form.** This form is used by officers to report the circumstances of all arrests or detention of persons by the Department, except:

- * When a person is detained by order of a court (4/606.02).
- * When a person is supplementally charged upon the request of a parole or probation officer (4/646.15).
- * When a person is detained on a bond surrender booking (4/606.41).
- * When the circumstances of an arrest are reported on a Short Arrest Report, Form 5.2.1 (5/5.2.1-01).
- * When an arrest is made on a misdemeanor warrant unless completion is required under 4/725.48.
- * When an arrest made by a CHP officer falls within the purview of the CHP (4/219.10).

This form is also used by officers:

- * As a "Contact Only" report to record juvenile arrests and dispositions when the circumstances require further investigation or are not serious enough to require a regular booking but are serious enough to require a permanent record be made of the case.
- * In conjunction with a Continuation Sheet, Form 15.9, entitled "Detective Information," to record petition information on a juvenile (4/218.71).
- * As a Combined Crime and Arrest Report (4/216.14).
- * As a Combined Evidence and Arrest Report (4/216.15).

5.1-10 **Completion-General.** This form shall show sufficient facts to establish a prima facie case for the offense charged and include all facts pertaining to any additional offenses committed by the arrestee.

The arrest report shall be completed as follows:

- * All misdemeanor, narcotic, and felony vice arrest reports shall be completed in the Area where the arrestee is booked.

Exception: Arrest reports for felony narcotics arrests in Pacific Area and West Los Angeles Area shall be completed in the Area of arrest.

- * All arrest reports for felony arrests, except narcotics and vice, shall be completed in the Area where booking approval is obtained.

Exception: Arrest reports for forgery arrests in the Areas within Operations-Valley Bureau shall be completed at Van Nuys Area.

Exception: When the arrestee is booked in the County Jail System, the following arrest reports shall be made at Central Area:

- * All misdemeanors.
- * Felonies when the responsible investigative unit is located in Parker Center.

When the arrest report is not completed in the Area of the responsible investigative unit, the arresting officer shall deliver a copy of the arrest report to the responsible investigative unit, when practicable, or cause notification to be made by teletype.

When an arrest resulting from a narcotics-involved investigation is made by an officer outside his Area of assignment, he shall cause a copy of the arrest and or evidence reports to be delivered to his Field Enforcement Section, concerned bureau narcotics unit.

ATTACHMENT "2" (continued)

720.60 OBTAINING COMPLAINTS—CHARGE BASED ON PRIOR MISDEMEANOR CONVICTION. When a complaint is to be requested and a prior misdemeanor conviction is to be alleged, the investigating officer shall:

- * Ascertain where the arrestee served the sentence for the prior conviction.
- * Request certified copies of both the concerned court docket and the order of commitment from the court having jurisdiction for the prior trial.

Prior Served at City Jail. When a complaint is requested alleging a prior conviction, and the sentence for the prior conviction was served at the Los Angeles City Jail, the investigating officer shall:

- * Ascertain whether the arrestee's fingerprint are on the Records and Identification Division's copy of the certification of commitment for the alleged prior. When the arrestee's fingerprints are on the certification, the investigating officer shall request a certified copy of the commitment record.
- * When the arrestee's fingerprints are not on the certification of commitment, the investigating officer shall request from Records and Identification Division a certified copy of the Booking Identification page of the Form 5.1 completed for the arrest which resulted in the prior conviction and shall cause the officer who fingerprinted the arrestee at the time of booking to be subpoenaed.

Prior Served at County Jail. When a complaint is requested alleging a prior conviction, and the sentence for the prior conviction was served at the County Jail subsequent to July 1964, the investigating officer shall notify the Commander, Sheriff's Fingerprint Section, by telephone. The notification shall include:

- * The arrestee's name, LASD number, and CII number.
- * The location of the arrestee, if in custody.
- * The approximate date the arrestee was sentenced for the prior conviction.

If the release for the prior conviction occurred before July, 1964, the investigating officer shall teletype the Bureau of Identification and request a certified copy of the LASD fingerprint card taken at the time of commitment for the prior conviction (4/170.55).

Prior Served in Other Than Los Angeles City or County Jail. At the arraignment, if the sentence for the prior conviction was served outside of Los Angeles County, the arraigning officer shall request the full-time interval before the preliminary hearing in order that proof of the prior conviction may be obtained.

Notification to Latent Print Section. When a complaint is being requested and a prior conviction is alleged, the investigating officer shall notify the Latent Print Section, Scientific Investigation Division. When practical, the arrestee shall be brought to the Latent Print Section for fingerprint comparisons.

ATTACHMENT "2" (continued)

Rejection of Complaint. If the District Attorney's Office does not issue a complaint, the investigating officer shall secure a written "Rejection of Complaint" signed by the District Attorney or one of his deputies. If the investigation indicates that a misdemeanor complaint should be applied for, the investigating officer shall submit a copy of the "Rejection of Complaint" to the City Attorney together with the other reports necessary to obtain the complaint.

Note: The investigating officer shall affix his signature to the original of the completed "Rejection of Complaint" in the space provided.

An officer shall not affix his signature to any other statement, written or printed, which purports to validate the rejection of a complaint or concurs with the reasons for nonissuance of a complaint.

Prior to forwarding the "Rejection of Complaint" to Records and Identification Division, the investigating officer shall cause to be entered in the upper right-hand corner of all copies:

- * The LA number, in the case of an ARRESTEE or a SUSPECT WITH AN ARREST RECORD IN RECORDS AND IDENTIFICATION DIVISION; AND
- * Forward the original copy of the "Rejection of Complaint" to Criminal Records Section, Records and Identification Division, OR
- * The related DR number of earliest issuance, in the case of a SUSPECT WHO HAS NEVER BEEN BOOKED BY THIS DEPARTMENT, AND
- * When appropriate, attach the original of the completed Follow-Up Report, Form 3.14, to the original of the "Rejection of Complaint" and forward to the Crime and Miscellaneous Report Section, Records and Identification Division.

720.32 FELONY ARREST REPORT USED FOR MISDEMEANOR COMPLAINT. When the felony arrest report issued to obtain a misdemeanor complaint, the investigating officer shall include, with the report, information of the prior record of the arrestee or a notation, "No prior record."

720.35 INCOMPLETE PRIMA FACIE EVIDENCE OF A CRIME. When an Arrest Report, Form 5.2, contains the elements of a crime but the investigating officer is unable to fully substantiate these elements, the investigating officer shall:

- * Obtain a felony complaint rejection approval from his watch commander.
- * Release the arrestee.

Note: In cases where the victim refuses to prosecute and his testimony is essential in substantiating the elements of the crime, a defendant may be released from custody and the case closed without a complaint being sought, unless:

- * The injury to the victim is of a serious nature and is likely to result in death or disablement, or
- * A firearm was used in the commission of the crime, or
- * There is a strong likelihood of future crimes being committed by the defendant against the victim, or
- * The defendant is on probation or parole; or
- * There are other crimes for which the defendant could be prosecuted without the testimony of the victim.

ATTACHMENT "5"

LAPD MANUAL SECTIONS 4/216.30 THROUGH 4/216.34

216.30 PRIVATE PERSON'S ARREST. Private persons desiring to make a lawful arrest for a misdemeanor not committed in an officer's presence shall be advised that they may:

- * Make a physical arrest, OR
- * Make a crime report and proceed through the City Attorney's Office.

216.31 PRIVATE PERSON'S LEGAL ARREST-RESPONSIBILITY. If a private person makes a lawful arrest and requests that an officer receive the arrestee, the officer *shall* do so (142 P.C.).

216.32 PRIVATE PERSON'S ARREST, ILLEGAL. When a private person's arrest is, or appears to be, illegal, the arresting person shall be advised and referred to the City Attorney's Office. When the arresting person insists upon arresting the individual, the officers shall:

- * Take the arrested person into custody.
- * Complete a Field Interview Report, Form 15.43.
- * Notify a supervisor of the circumstances of the arrest.
- * With the approval of the supervisor, release the arrested person.
- * Complete an Employee's Report, Form 15.7, including all the circumstances of the arrest and the release.

216.33 RECEIVING ARRESTED PERSON. All persons involved in a private person's arrest shall be advised that the officers are not making the arrest, but are merely receiving the arrested person. After receiving an arrested person, officers shall verify the identity of the person making the arrest, and determine the arrestee's eligibility for release from custody (4/216.55).

ARRESTEE ELIGIBLE FOR RELEASE FROM CUSTODY. If it is determined that the arrestee is eligible for release from custody, the procedures outlined in Section 4/216.65 shall be followed.

ARRESTEE INELIGIBLE FOR RELEASE FROM CUSTODY. When it is determined that the arrestee is ineligible for release from custody, officers shall:

- * Request the arresting person to accompany the officers to the station.
- * Assist the arresting person in completing the Arrest Report, Form 5.2. The officers' names and serial numbers shall appear only in the narrative portion of the report as "Transporting Officers" or as "Officers Receiving the Arrested Person."
- * Cause the arresting person to write the statement at the bottom of the Arrest Report, Form 5.2, "I have arrested this person."
- * Cause the arresting person to sign his full name, address, and telephone number following the above statement.
- * When the arresting private person has requested the arrestee to sign a statement indicating his guilt of theft and the arrestee has signed such a statement, the transporting officer shall obtain a copy of the statement and forward it with all other related reports through appropriate channels to the City Attorney's Office.
- * Book the arrestee to the arresting private person.
- * Complete other necessary reports.

Note: The arresting private person need not accompany the officers to the station when:

- * The arrest is for petty theft or misdemeanor forgery, AND
- * The crime occurred at a regularly established place of business, AND
- * All the elements of the offense are present and there appears to be probable cause for the arrest, AND

ATTACHMENT "6"

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 17

JUNE 24, 1983

SUBJECT: DOMESTIC VIOLENCE TEMPORARY RESTRAINING ORDERS—REVISED

PURPOSE: This Order revises Department procedures for enforcement of Temporary Restraining Orders (TRO), issued pursuant to the Domestic Violence Prevention Act, to ensure equal enforcement towards all parties involved. This Order also activates the Control Log, Domestic Violence Temporary Restraining Orders, Form 15.40.

PROCEDURE:

I. DOMESTIC VIOLENCE TEMPORARY RESTRAINING ORDER CONTROL LOG, FORM 15.40—ACTIVATED. This Form is used by the Mail Unit, Records and Identification Division, and geographic Area subpoena control and desk officers to record the receipt of Temporary Restraining Orders issued pursuant to the Domestic Violence Prevention Act. This form shall also be used to record any enforcement action taken by the Department pursuant to a TRO. The form shall be compiled in a three (3) ring, loose leaf binder maintained in a location accessible to concerned personnel.

II. DISTRIBUTION AND CONTROL OF TROS.

A. Distribution of TROs. The Mail Unit, Records and Identification Division (R&I), upon receiving TROs from the issuing court clerks, shall forward them to the concerned geographic Area.

Exception: The Mail Unit shall retain all TROs when the complainant's address and the concerned Area cannot be determined.

B. Control of TROs. Area Subpoena Control Officers, upon receipt of a TRO, and the Mail Unit, R&I, when retaining an unforwardable TRO, shall:

- * Obtain a miscellaneous DR number and record that number on the upper right corner of all pages of the TRO;
- * Maintain a Control Log, Form 15.40, of valid TROs on file;
- * Establish a file of those TROs in a location accessible to uniformed desk personnel; and,
- * Periodically purge expired TROs from the active file.

Note: TROs shall be retained by the respective Area or Mail Unit, R&I, for *two* years beyond the date of expiration.

III. OFFICER'S RESPONSIBILITIES AT THE SCENE OF A DOMESTIC DISTURBANCE.

A. Complainant in Possession of TRO. When officers are presented with a TRO in the field, they shall verify that:

- * The TRO has been certified by the issuing court;

Note: A certified copy of a TRO will bear an ink stamp signed by the deputy clerk of the concerned court indicating that the document is a correct and certified copy of the original on file with that court.

- * The TRO has not expired;
- * Proof of Service was properly served upon the restrained party; and,
- * A copy of the TRO is on file with the Department.

B. When the Department Does Not Have a Copy of the TRO. When officers discover that this Department does not possess a TRO which was presented in the field, they shall determine whether the complainant has an extra copy of the TRO. If so, officers shall request one and deliver it to the Area uniformed desk.

JUNE 24, 1983

- * Proceed with a private person's arrest for 273.6 P.C.; or,
- * Complete a Preliminary Investigation Report, Form 3.1, entitled "Contempt of Court" if the suspect left the scene prior to the officers arrival.

The narrative section of related crime and arrest reports shall contain the following information:

- * Court case number;
- * Expiration date;
- * Manner Proof of Service was accomplished and by whom; and,
- * Verbatim listing of the conditions of the TRO.

Note: The DR number obtained upon initial receipt and filing of a TRO shall not be assigned to a crime/arrest report completed pursuant to an enforcement action—a new DR number shall be obtained.

- F. **Notifications.** Officers, as soon as practical, shall notify the Area desk (or Mail Unit, Records and Identification, when applicable) maintaining the TRO of what enforcement action was taken, i.e., field interview, crime report, physical arrest. Department employees receiving the notification shall attach a brief narrative summary to the file copy of the TRO. The summary should also include:

- * DR/Booking numbers;
- * Date and time of the incident;
- * Name, serial number and unit designation of the responding officers; and,
- * Initials and serial number of the employee recording the information.

When Proof of Service was effected in the field, the officers should include the following information in their notification:

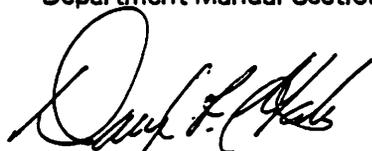
- * Name of the restrained party;
- * Manner Proof of Service was accomplished;
- * Date and time served; and,
- * Name, serial number and unit designation of the officer accomplishing service.

Desk officers receiving notification of a TRO *not* on file with this Department shall record the information on the Control Log, Form 15.40. The initials and serial number of the officer completing the log shall be included under "additional". Proof of Service and enforcement actions taken pursuant to the TROs shall also be recorded on the log until a file copy of the TRO can be obtained.

- IV. **FORMS AVAILABILITY:** A copy of the Control Log, Domestic Violence Temporary Restraining Orders, Form 15.40, is provided with this Order and shall be photocopied as needed until it becomes available through Supply Division.

AMENDMENTS: This Order adds Section 5/15.40 and amends Sections 2/620.51, 3/210.10, 4/216.03, and 4/216.06 of The Department Manual.

AUDIT RESPONSIBILITY: The Department Domestic Violence Coordinator, Operations-Headquarters Bureau, shall monitor compliance with this directive in accordance with the provisions of Department Manual Section 0/080.30.



DARYL F. GATES
Chief of Police

DISTRIBUTION "A"

ATTACHMENT "6"
(page 5)

SUPPLEMENTAL FACT SHEET

Example No. 3 - Van Nuys officers respond to the scene of a domestic dispute between a husband and wife. The wife alleges that a TRO is currently in force against her husband, but she does not have a copy of the TRO or Proof of Service.

Officers contact Van Nuys desk, but the TRO is not on file there. The desk officer then queries ADRIS which indicates that no TRO is on file with the Department.

The complainant (wife) states that her husband (restrained party) came into her residence and struck her on the face with his open hand. The complainant also states that one of the provisions of the TRO is that her husband may not come within 100 feet of her residence.

The complainant insists upon making a citizen's arrest for battery. The officers receive the husband into custody for violation of 242 P.C. and include the alleged violation of the TRO in the arrest report.

ATTACHMENT "6a"

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 13

APRIL 20, 1984

SUBJECT: MISCELLANEOUS MANUAL AMENDMENTS

PURPOSE: This Order informs Department employees of certain additions, deletions, and revisions in the Department Manual.

PROCEDURE:

- I. **MEDICAL TREATMENT FOR ARRESTEES UNDER THE INFLUENCE OF PHENCYCLIDINE (PCP).** Effective immediately, *all* arrestees who exhibit objective symptoms of being under the influence of phencyclidine (PCP) shall be given medical treatment prior to booking as outlined in Department Manual Section 4/648.10.

AMENDMENTS: This Order amends Section 4/216.27 and adds Section 4/648.16 to the Department Manual.

AUDIT RESPONSIBILITY: The commanding officer of each operations bureau and the Commanding Officer, Bureau of Special Investigation, shall monitor compliance with this directive in accordance with the provisions of Department Manual Section 0/080.30.

- II. **TEMPORARY RESTRAINING ORDERS.**

- A. **Temporary Restraining Orders—Revised.** Special Order No. 17, 1983, Domestic Violence Temporary Restraining Orders, established procedures for the control and enforcement of Domestic Violence Temporary Restraining Orders issued pursuant to the Domestic Violence Prevention Act. This Order revises Department procedures for the control and enforcement of *all* Temporary Restraining Orders (TROs) received by this Department.

All TROs shall be handled, controlled, and enforced in the same manner as described in Special Order No. 17, 1983.

Note: Provisions listed on a TRO issued pursuant to the Domestic Violence Prevention Act are enforceable under Section 273.6 of the Penal Code. Provisions listed on a TRO *not* issued pursuant to the Domestic Violence Prevention Act are enforceable under Section 166 of the Penal Code.

- B. **Temporary Restraining Order Control Log, Form 15.40—Revised.** The Domestic Violence Temporary Restraining Order Control Log, Form 15.40, is retitled the Temporary Restraining Order Control Log, Form 15.40. The Domestic Violence Temporary Restraining Order Control Log, Form 15.40, shall be used for all TROs until current supplies of the form are exhausted.

AMENDMENTS: This Order amends Sections 2/620.51, 3/210.10, 4/216.03, 4/216.06, and 5/15.40 of the Department Manual.

AUDIT RESPONSIBILITY: Commanding officers of each operations bureau shall monitor compliance with this directive in accordance with the provisions of Department Manual Section 0/080.30.

- III. **NOTICE OF STORED/IMPOUNDED VEHICLE, FORM 15.23—REVISED.** This Order revises the Notice of Stored/Impounded Vehicle to eliminate duplication of addressee information and to serve in lieu of the Department of Justice's (DOJ) Form BID 8135 when notification to the DOJ is required.

DISTRIBUTION "A"

S-823

APRIL 20, 1984

Note: The responsibilities of the Reviewing Officer and the Police Reserve Corps Regulatory Committee are not affected by this Order.

AMENDMENTS: This Order amends Sections 2/090.10 and 2/093.60 of the Department Manual.

VI. RETURN OF CITY-OWNED PROPERTY—REVISED. This Order revises Department procedures for the return of City-owned property involving the death of a Department employee.

Effective immediately, upon the death of a Department employee, Medical Liaison Section, Personnel Division, shall be responsible for obtaining all City-owned property issued to the deceased employee and the forwarding of that property to the proper division as outlined in Manual Section 3/376 and 3/607.30.

AMENDMENTS: This Order amends Sections 2/520.33 and 3/607.30 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Personnel Division, shall monitor compliance with this directive in accordance with the provisions of Department Manual Section 0/080.30.



DARYL F. GATES
Chief of Police

DISTRIBUTION "A"

Los Angeles Police Department PRELIMINARY INVESTIGATION of

Combined EVID Report MULTIPLE DRS ON THIS REPORT

SHOTS FIRED

USE OF FORCE

NARCOTICS STOLEN - NARC. DIV.

DSD (GAS) / CRASH

FIREARM STOLEN / LOST - DHD & RGI CRIME / PROPERTY TT SPVR.

EXTRA COPY TO:

PRELIMINARY CASE SCREENING
SUSPECT / VEHICLE NOT SEEN
PRINTS OR OTHER EVIDENCE NOT PRESENT
NO NOT DISTINCT
PROPERTY LOSS LESS THAN \$3000
NO SERIOUS INJURY TO VICTIM
ONLY ONE VICTIM INVOLVED

PREMISES (SPECIFIC TYPE)

ENTRY 458/BFV POINT OF ENTRY POINT OF EXIT
FRONT REAR SIDE ROOF FLOOR OTHER
METHOD INSTRUMENT / TOOL

VICTIM
LAST NAME, FIRST, MIDDLE (FIRM IF BUSINESS)
ADDRESS ZIP PHONE
R- B-
DR. LIC. NO. (IF NONE, OTHER ID & NO) OCCUPATION

VICT'S VEH. (IF INVOLVED) - YEAR, MAKE, TYPE, COLOR, LIC. NO.

LOCATION OF OCCURRENCE SAME AS V'S RES. BUS. R.D.
DATE & TIME OF OCCURRENCE DATE & TIME REPORTED TO PD
TYPE PROPERTY STOLEN / LOST / DAMAGED 3.4 GIVEN
STOLEN / LOST RECOVERED EST. DAMAGED ARSON / VAND

MO IF LONG FORM, LIST UNIQUE ACTIONS. IF SHORT FORM, DESCRIBE SUSPECT'S ACTIONS IN BRIEF PHRASES, INCLUDING WEAPON USED DO NOT REPEAT ABOVE INFO BUT CLARIFY REPORT AS NECESSARY IF ANY OF THE MISSING ITEMS ARE POTENTIALLY IDENTIFIABLE, ITEMIZE AND DESCRIBE ALL ITEMS MISSING IN THIS INCIDENT IN THE NARRATIVE.

REPORTING EMPLOYEE(S) INITIALS, LAST NAME SERIAL NO. DIV. / DETAIL
PERSON REPORTING SIGNATURE OR RECEIVED BY PHONE -
NOTE: IF SHORT FORM AND VICTIM / PR ARE NOT THE SAME, ENTER PR INFORMATION IN INVOLVED PERSONS SECTION.

Complete below sections if any Preliminary Case Screening boxes are not checked.

SUSP'S VEHICLE
YEAR MAKE MODEL TYPE Interior COLOR: Exterior Body Windows
1 CUSTOM WHEELS 1 DAMAGE 5 RIGHT 1 DAMAGE 5 RIGHT
2 PAINTED INSCRIPT. 2 MODIFIED 6 FRONT 2 CUST TINT 6 FRONT
3 LEVEL ALTERED 3 STICKER 7 REAR 3 CURTAINS 7 REAR
4 RUST / PRIMER 4 LEFT
5 CUSTOM PAINT
6 VINYL TOP

S-1 SEX DESC. HAIR EYES HEIGHT WEIGHT AGE CLOTHING NAME, ADDRESS, DOB, IF KNOWN; NAME, BRG. NO., CHARGE, IF ARRESTED.
PERSONAL ODDITIES (UNUSUAL FEATURES, SCARS, TATTOOS, ETC.) Weapon (VERBAL THREATS, BODILY FORCE, SIMULATED GUN, ETC IF KNOWN OR GUN, DESCRIBE FULLY)

S-2

INVOLVED PERSONS W - WITNESS R - PERSON RPTG. S - PERSON SECURING (459) D - PERSON DISCOVERING (459) P - PARENT
NAME V & W -- SEX DESC DOB ADDRESS CITY ZIP PHONE
R- B- R- B-

NARRATIVE 1) LIST ADD'L SUSPS., VICTS., & INVOLVED PERSONS. 2) RECONSTRUCT OCCURRENCE, INCL. ALL ELEMENTS OF CORPUS DELECTI. 3) IF NOT USING EVID CONTINUATION FORM, DESCRIBE EVIDENCE INCLUDE PRINTS, STATE LOCATION FOUND AND BY WHOM. GIVE DISPOSITION. 4) SUMMARIZE OTHER DETAILS, INCL. WHEN & WHERE PERSONS WITH 40 PHONE CAN BE LOCATED. 5) INDICATE TYPE OF TRANSLATOR NEEDED FOR ANY INVOLVED PERSON. 6) LIST ITEMS MISSING.

Table with columns: ITEM #, QUAN, ARTICLE, SERIAL #, BRAND, MODEL #, MISC. (COLOR, SIZE, INSCRIPTIONS, CALIBER, ETC.), DOLLAR VALUE

VICTIM INDEMNIFICATION INFORMATION (IF APPLICABLE):

APPROVAL AND REVIEW
SUPERVISOR APPROVING SERIAL NO. DETECTIVE SUPERVISOR REVIEWING SERIAL NO.
DATE & TIME REPRODUCED DIVISION CLERK
CLEARED BY ARREST Yes No

ATTACHMENT "8" (continued)

Page ____ of ____ 03.01.0 (R.3/85)

**Los Angeles Police Department
PRELIMINARY INVESTIGATION of**

Combined EVID. Report MULTIPLE DRS ON THIS REPORT

PRELIMINARY CASE SCREENING <input type="checkbox"/> SUSPECT / VEHICLE NOT SEEN <input type="checkbox"/> PRINTS OR OTHER EVIDENCE NOT PRESENT <input type="checkbox"/> MO NOT DISTINCT <input type="checkbox"/> PROPERTY LOSS LESS THAN \$5000 <input type="checkbox"/> NO SERIOUS INJURY TO VICTIM <input type="checkbox"/> ONLY ONE VICTIM INVOLVED		INVEST DIV		DR	
		LAST NAME, FIRST, MIDDLE (FIRM IF BUSINESS)		SEX	DESC.
VICTIM	ADDRESS		ZIP		PHONE
	R -		B -		
PREMISES (SPECIFIC TYPE)		DR. LIC. NO. (IF NONE, OTHER ID & NO)		OCCUPATION	
ENTRY ASB/BFV	POINT OF ENTRY	POINT OF EXIT	LOCATION OF OCCURRENCE	SAME AS V'S <input type="checkbox"/> RES. <input type="checkbox"/> BUS. <input type="checkbox"/> R.D.	PRINTS BY PREL INV. ATTEMPT Y N OBTAINED Y N
<input type="checkbox"/> FRONT <input type="checkbox"/> REAR <input type="checkbox"/> SIDE <input type="checkbox"/> ROOF <input type="checkbox"/> FLOOR <input type="checkbox"/> OTHER	METHOD		DATE & TIME OF OCCURRENCE	DATE & TIME REPORTED TO PD	
	INSTRUMENT / TOOL		TYPE PROPERTY STOLEN / LOST / DAMAGED <input type="checkbox"/> 3.4 GIVEN	STOLEN / LOST \$	RECOVERED \$ EST. DAMAGED ARSON / VAND \$
VICT'S VEH. (IF INVOLVED) - YEAR, MAKE, TYPE, COLOR, LIC. NO.		NOTIFICATIONS (PERSON & DIVISION)		CONNECTED REPORTS (TYPE & DR)	
MO IF LONG FORM, LIST UNIQUE ACTIONS. IF SHORT FORM, DESCRIBE SUSPECT'S ACTIONS IN BRIEF PHRASES, INCLUDING WEAPON USED. DO NOT REPEAT ABOVE INFO. BUT CLARIFY REPORT AS NECESSARY IF ANY OF THE MISSING ITEMS ARE POTENTIALLY IDENTIFIABLE, ITEMIZE AND DESCRIBE ALL ITEMS MISSING IN THIS INCIDENT IN THE NARRATIVE.					
REPORTING EMPLOYEE(S)	INITIALS, LAST NAME	SERIAL NO.	DIV. / DETAIL	PERSON REPORTING <input checked="" type="checkbox"/>	SIGNATURE OR RECEIVED BY PHONE -- <input type="checkbox"/>
	NOTE TO PERSON REPORTING: IF THIS BOX IS CHECKED, THIS COPY IS A COMPLETE REPORT OF THIS INCIDENT.				<input type="checkbox"/>

**INSTRUCCIONES EN ESPANOL AL REVERSO
KEEP THIS REPORT FOR REFERENCE**

Your case will be assigned to a detective for follow-up investigation based upon specific facts obtained during the initial investigation. Studies have shown that the presence of these facts can predict whether a detailed follow-up investigation would likely result in the arrest and prosecution of the suspect(s) or the recovery of property, in a manner that is cost-effective to you, the taxpayer. Significant decreases in personnel have made it impossible for detectives to personally discuss each and every case with all crime victims. A detective will not routinely contact you, unless the detective requires additional information.

TO REPORT ADDITIONAL INFORMATION: If you have specific facts to provide which might assist in the investigation of your case, please contact the detective Monday through Friday, between 8:00 A.M. and 9:30 A.M., or between 2:30 P.M. and 4:00 P.M. at telephone number _____. If the detective is not available when you call, please leave a message and include the telephone number where you can be reached.

COPY OF REPORT: If the checkbox under your signature is checked, this copy is the complete report. If it is not checked and you wish to purchase a copy of the complete report, phone 485-4193 to obtain the current purchase price, and send a check or money order payable to the Los Angeles Police Department to Records and Identification Division, Box 30158, Los Angeles, CA 90030. Include a copy of this report or the following information with your request: 1) Name and address of victims. 2) Type of report and DR number (if listed above). 3) Date and location of occurrence. NOTE: Requests not accompanied by proper payment will not be processed.

DR NUMBER. If not entered on this form, the DR number may be obtained by writing to Records and Identification Division and giving the information needed to obtain a copy of the report (see above paragraph). Specify that you only want the DR number. It will be forwarded without delay. There is no charge for this service.

CREDIT CARDS/CHECKS. Immediately notify concerned credit corporation or banks to avoid possibility of being liable for someone else using your stolen or lost credit card or check.

HOW YOU CAN HELP THE INVESTIGATION OF YOUR CASE

- Keep this memo for reference.
- If stolen items have serial numbers not available at time of report attempt to locate them and phone them to the detective at the listed number.
- If you discover additional losses, complete and mail in the Supplemental Property Loss form given to you by the reporting employee.
- Promptly report recovery of property.
- Promptly report additional information such as a neighbor informing you of suspicious activity at time crime occurred.

VICTIM-WITNESS ASSISTANCE PROGRAM: The Los Angeles City and County Victim-Witness Assistance Program (VWAP) can help to determine if you qualify for Victim of Violent Crime compensation. If you qualify, they will assist with filing your claim application. If you are a victim or a witness to a crime and will be going to court, they will explain the court procedures to you. Their staff may also assist you with other problems created by the crime.

To find the program location nearest to you, call the Victim-Witness Assistance Program at the Los Angeles City Attorney's Office (213) 485-6976, or the Los Angeles County District Attorney's Office (213) 974-7499.

Domestic violence team report

LOS ANGELES UNIFIED SCHOOL DISTRICT
Office of the Superintendent

BULLETIN NO. 42
August 23, 1985

SUBJECT: CHILD ABUSE—REPORTING NONACCIDENTAL PHYSICAL INJURIES, INJURIOUS ACTS OR OMISSIONS, SEXUAL ASSAULTS AND/OR NEGLECT OF CHILDREN

- I. Introduction
- II. Child Abuse Reporting Law
- III. Required Reporting Procedures
- IV. Processing Suspected Child Abuse Report Forms
- V. Definitions
- VI. Responsibilities of School Personnel
- VII. Liabilities for Failure to Report
- VIII. Confidentiality of Reporter's Identity

I. Introduction

This bulletin replaces Student Health Services Division Bulletin No. 16 on the same subject dated February 11, 1985.

The policies and procedures included here have been developed from Article 2.5, Sections 11165 et seq of the California Penal Code, and actions taken by the Los Angeles Unified School District Board of Education.

II. Child Abuse Reporting Law

Section 11166(b) of the California Penal Code mandates the reporting to designated authorities of cases of suspected child abuse and reads as follows:

"...any child care custodian, medical practitioner, nonmedical practitioner, or employee of a child protective agency who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse shall report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident." (Underlining added)

IV. WHILE THE LEGAL OBLIGATION TO REPORT CHILD ABUSE APPLIES TO CERTIFICATED EMPLOYEES AND A LIMITED NUMBER OF CLASSIFIED EMPLOYEES, IT SHALL BE THE POLICY OF LOS ANGELES UNIFIED SCHOOL DISTRICT THAT ALL EMPLOYEES SHALL COMPLY WITH THE LAW'S REPORTING PROCEDURES. THE DISTRICT WILL DEFEND ANY EMPLOYEES WHO MAKE A REPORT CONSISTENT WITH THIS POLICY IN THE COURSE OF THEIR EMPLOYMENT AGAINST ANY ACTIONS OR CLAIMS THAT MAY BE MADE AS A RESULT OF SAID REPORT AND WILL PAY ALL EXPENSES ASSOCIATED WITH SUCH DEFENSE. ANY FAILURE TO COMPLY WITH THIS POLICY MAY SUBJECT AN EMPLOYEE TO DISCIPLINARY ACTION.

- C. The detective, officer, or intake worker receiving a report of suspected child abuse or neglect will make a determination, based on information provided, concerning the course of action to be taken. They may direct the school to involve school police to take the report and in such instances school police:
1. may talk with the child concerning the suspected abuse;
 2. may not disrobe a child;
 3. should call the LAPD Abused Child Unit if they perceive the injuries/situation to be sufficiently serious as to require protective custody for the child.

School police shall take a report even if they do not agree with the school's suspicions or assessment of the situation. Reporting is an individual responsibility. When a person who is mandated to report makes a decision to do so, it does not require agreement from school police.

- D. The Suspected Child Abuse Report, Form SS 8572 (See Attachment C), must be completed within 36 hours of receiving information concerning the abuse incident and copies sent to the agency to which the telephone report was made (See IV below for processing of this form). This report is separate from the injury report completed by law enforcement or school police.
- E. After the telephone report has been made to the appropriate law enforcement or child protective agency, the person making the report shall apprise the school site administrator or designee. The site administrator or designee shall:
1. call the LAUSD School Police (if not already involved in accord with C above);
 2. call the Region/Division Office;
 3. see that the reporting procedure requirements as outlined in this bulletin are completed.
 4. In addition, in cases where a District employee is alleged to be the perpetrator, the school site administrator shall consult with:
 - . the Region/Division Superintendent
 - . the Staff Relations Coordinator.

IV. Processing Suspected Child Abuse Report Forms

A. Obtaining Copies of Report Form

1. Schools/units shall request copies of Form SS 8572, Suspected Child Abuse Report (P.C. 11166), by calling the District Child Abuse Office at 625-6319.

B. "Child Abuse" means:

1. physical injury inflicted by other than accidental means on a child by another person;
2. sexual assault/molestation and/or sexual exploitation of a child;
3. any act or omission proscribed by Section 273a (willful cruelty or punishment of a child) or 273d (corporal punishment or injury) of the California Penal Code.

C. "Child Neglect" means:

1. Severe neglect (situations where any person having care or custody of a child willfully causes or permits the child to be in a situation that the child's health is endangered).
2. General neglect (negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, or supervision where no physical injury to the child has occurred).

D. "Reasonable Suspicion" means that it is objectively reasonable for a person to entertain such a suspicion, based upon facts or allegations that could cause a reasonable person in a like position, drawing, when appropriate on his/ her training and experience, to suspect child abuse.

VI. Responsibilities of School Personnel

A. Certificated school staff (designated in the law as child care custodians and medical or nonmedical practitioners) who are required to report cases of suspected child abuse include but are not limited to the following:

- | | |
|---------------------------------|-----------------|
| 1. Administrator | 5. Nurse |
| 2. Children's Center Supervisor | 6. Psychologist |
| 3. Counselor | 7. Physician |
| 4. Dean | 8. Teacher |

B. Reporting duties under Section 11166 or in accordance with District policy apply to each employee as an individual. This individual responsibility cannot be impeded, inhibited, or assumed by an employee's administrator or supervisor nor may any person be subject to sanctions of any kind for making such a report.

1. The law mandates individual responsibility to ensure required reporting; however, a local school plan is needed to facilitate implementation of the legally required reporting process. This plan might include designating a particular staff member (nurse, counselor, coordinator, etc.) or SCAN Team members (CARE schools) to assist other employees in fulfilling the legal reporting requirements.

Required to
child
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fail
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- 3. develop a specific local school or site plan for reporting child abuse cases which includes the responsibilities of all site employees and the fact that the site administrator is to be apprised of all reports of suspected child abuse filed by staff;
- 4. ensure that all site employees are aware of and understand the local reporting plan;
- 5. direct that any suspected child abuse and/or neglect be reported to the appropriate investigative agency as identified in Attachments A and B of this Bulletin.
- 6. maintain a confidential log of all child abuse cases reported.

VII. Liability For Failure to Report

- A. Any person mandated by the Penal Code who fails to report an instance of child abuse which he/she knows or reasonably should know to exist:
 - 1. is guilty of a misdemeanor punishable by imprisonment in the county jail for a maximum of six months or by a fine of up to \$1000 or by both (P.C. 11172); and
 - 2. faces the possibility of personal civil liability and could be assigned costs of any subsequent related damages the child incurs.
- B. No employee reporting a suspected instance of child abuse who is mandated under provisions of the law shall be civilly or criminally liable for any such report (P.C. 11172).

Any other employee reporting a known or suspected instance of child abuse will not incur civil or criminal liability unless it can be proven that a false report was made and the person knew that the report was false (P.C. 11172).

VIII. Confidentiality of Reporter's Identity

The identity of all persons who report under this article shall be confidential and disclosed only between child protective agencies, or to counsel representing a child protective agency, or to the district attorney in a criminal prosecution or in an action initiated under Section 602 of the Welfare and Institutions Code arising from alleged child abuse, or to counsel appointed pursuant to Section 318 of the Welfare and Institutions Code, or to the county counsel or district attorney in an action initiated under Section 232 of the Civil Code or Section 300 of the Welfare and Institutions Code, or when those persons waive confidentiality, or by court order.

For further assistance, please call Shayla Lever, Director, District Child Abuse Office, at 625-6319.

APPROVED: Harry Handler, Superintendent

DISTRIBUTION: All Schools and Offices