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California
Commission on Peace Officer Standards and Training

GUIDELINES AND CURRICULUM FOR LAW ENFORCEMENT RESPONSE TO DOMESTIC VIOLENCE

NCJRS

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FOREWORD

Penal Code Section 13519 requires the Commission on Peace Officer Standards and Training to establish guidelines and training for law enforcement's response to domestic violence. This publication prescribes those guidelines and the training curriculum required for recruit and in-service officers.

The guidelines for law enforcement agencies are deliberately brief and intended to be elaborated upon by law enforcement administrators and complemented by the training course curricula. All pertinent requirements of the Penal Code, Title 5, Chapter 1, commencing with Section 13700, are provided for in the guidelines.

We are appreciative of the POST Domestic Violence Advisory Committee who labored tirelessly in developing these guidelines and curriculum. Lieutenant Robert Blankenship is particularly commended for his service as project director while on leave from the Redding Police Department. A special thanks is also extended to Police Chief Robert Whitmer Redding Police Department, for his support of this project.

Questions concerning these guidelines and curriculum should be directed to the Training Program Services Bureau at (916) 739-5372.



NORMAN C. BOEHM
Executive Director

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COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Introduction

Domestic violence is a growing problem in both California and the United States. Statistics from the California Department of Justice reveal that in almost one third of all willful homicides, the victim was killed by a spouse, parent or child. More dramatically, over one half of all female homicide victims were killed by a spouse, parent or child.¹ Hundreds of thousands of Americans are harmed, not by strangers, but by those they trust and love. They are victimized not on the street nor in the workplace but in their own homes. Children who are abused or who live in homes where parents are battered carry the terrible lessons of violence with them into adulthood. A great proportion of those who assault both strangers and loved ones were raised themselves in violent households. Most authorities agree that violence is learned behavior. Accordingly, to tolerate family violence is to allow the seeds of violence to be sown into the next generation.

When the President's Task Force on Victims of Crime studied the experience of victims in this country, it recognized that family violence is often much more complex in causes and solutions than crimes committed by unknown attackers. To be abused by a spouse, a parent, a trusted adult or by one's own child or to witness such abuse carries with it a particular agony. Victims wrestle with feelings of fear, loyalty, love, guilt and shame. In this they often face conflicts not experienced by those attacked by strangers. Adults will be torn between the desire to shield and help a loved one and their responsibility toward their own safety or others in the household. Children often face alone the terrible truth that those who should protect them are in fact a source of harm. Anyone who lives in a violent home experiences an essential loss. The one place on earth where they should feel safe and secure has become instead a place of danger. A victim of domestic violence is no less a victim than one set upon by strangers.

In 1984, the California Legislature passed Senate Bill 1472 (Watson) (now Section 13519, and 13700 et seq. of the Penal Code). This law requires:

- o POST, by January 1, 1986, to develop guidelines for law enforcement response to domestic violence cases. (Penal Code Section 13519(d))
- o POST, by January 1, 1986, to implement into the Basic Course instruction in the handling of domestic violence complaints for law enforcement officers. (Penal Code Section 13519)
- o All local police and sheriffs' officers who have received their basic training prior to January 1, 1986, to attend a supplementary training course on domestic violence by January 1, 1989. (Penal Code Section 13519(c))

¹ Lois Haight Herrington, Preface to the Final Report, U.S. Attorney General's Task Force on Family Violence (Washington: Department of Justice, 1984), iii-iv.

- POST to develop the necessary course(s) and guidelines to implement the mandate listed above, in consultation with appropriate groups and individuals, to include specific organizations mentioned in the bill. (Penal Code Section 13519(d))
- POST, in consultation with these groups and individuals, to review existing training programs to determine how domestic violence topics might be included. (Penal Code Section 13519(d))
- Law enforcement agencies to adopt and implement written policies and standards for response to domestic violence calls by January 1, 1986 and make them available upon request. (Penal Code Section 13701)
- Law enforcement agencies are also required to maintain records of protection orders issued in domestic violence incidences and to compile certain statistical data from domestic violence calls received. (Penal Code Section 13710)
- Law enforcement agencies to develop a system for recording all domestic violence related calls for assistance made to the department, including reporting requirements, as determined by the Attorney General by January 1, 1986. Each law enforcement agency is also required to develop an Incident Report form that includes a Domestic Violence Identification Code. (Penal Code Section 13730(c))

The purpose of this law is to address domestic violence as a serious crime against society and to assure the victim of domestic violence the maximum protection from abuse which the law and those who enforce the law can provide. It is the intent of the legislature that the official response to cases of domestic violence shall stress the enforcement of the laws to protect the victims and shall communicate the attitude that violent behavior in the home is criminal behavior and will not be tolerated. It is not the intent of the legislature to remove a peace officer's individual discretion where that discretion is necessary, nor is it the intent of the legislature to hold individual peace officers liable for exercising such discretion.

The following are guidelines for law enforcement response to domestic violence. These guidelines do not address child abuse cases nor cases of domestic disputes where there is no domestic violence or criminal violation. Whenever the word "shall" is used, the appropriate legal citation is referenced. Whenever the word "should" is used, law enforcement agencies should consider the substitution of the word with "shall." Departmental policies and procedures may be more specific and may supersede these guidelines. Relevant training on these guidelines should be provided to appropriate employees. For clarification, guidelines are presented in full capitalization and explanatory information in lower case. Penal Code Section 13700 specifies the following definitions which are included for clear understanding of these guidelines:

"ABUSE" MEANS INTENTIONALLY OR RECKLESSLY CAUSING OR ATTEMPTING TO CAUSE BODILY INJURY, OR PLACING ANOTHER PERSON IN REASONABLE APPREHENSION OR IMMINENT SERIOUS BODILY INJURY TO HIMSELF OR ANOTHER.

"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.

"OFFICER" MEANS ANY LAW ENFORCEMENT OFFICER EMPLOYED BY A LOCAL POLICE DEPARTMENT OR SHERIFF'S OFFICE, CONSISTENT WITH PENAL CODE SECTION 830.1.

"VICTIM" MEANS A PERSON WHO IS A VICTIM OF DOMESTIC VIOLENCE.

This document specifies POST's general guidelines for law enforcement response to domestic violence and curriculum mandated by Penal Code Section 13519.

GUIDELINES FOR LAW ENFORCEMENT RESPONSE TO DOMESTIC VIOLENCE

I. ENFORCEMENT OF LAWS

Guideline 1 - ENFORCE LAWS RELATING TO DOMESTIC VIOLENCE.

Historically, law enforcement agencies have utilized a variety of dispute resolution methods as alternatives to arrest in domestic violence incidents. Based on public attitudes, lack of prosecution of domestic violence cases, and departmental priorities, a number of factors influenced law enforcement officers to make no arrest in a majority of cases. It is the intent of the legislature that the official response to cases of domestic violence shall stress the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior in the home is criminal behavior and will not be tolerated. The following factors, for example, should not be used to avoid making an arrest:

1. marital status of suspect and victim,
2. whether or not the suspect lives on the premises with the victim,
3. existence or lack of temporary restraining order,
4. potential financial consequences of arrest,
5. complainant's history or prior complaints,
6. verbal assurances that violence will cease,
7. complainant's emotional state,
8. non-visible injuries,
9. location of the incident (Public/Private),
10. speculation that complainant may not follow through with the prosecution, or that the case may not result in a conviction.

II. FELONY ARREST

Guideline 2 - MAKE AN ARREST WHEN THERE IS REASONABLE CAUSE TO BELIEVE THAT A FELONY HAS OCCURRED.

III. MISDEMEANOR ARREST

Guideline 3 - MAKE AN ARREST WHEN THERE IS REASONABLE CAUSE TO BELIEVE THAT A MISDEMEANOR (INCLUDING VIOLATIONS OF COURT ORDERS) HAS OCCURRED IN THE OFFICER'S PRESENCE.

1. Officers considering releasing the suspect on a citation shall evaluate the likelihood of a continuing offense which is one of the statutory conditions under which a field release is not appropriate. Any one of the following may support the likelihood of a continuing offense:
 - a. Whether the suspect has a prior history of arrests or citations involving domestic violence.
 - b. Whether the suspect is violating a criminal court-issued-stay away order.
 - c. Whether the suspect has previously violated, or is currently violating, valid temporary restraining orders.
 - d. Whether the suspect has a prior history of other assaultive behavior (e.g., arrest/convictions for battery or aggravated assaults).
 - e. Statements taken from the victim that the suspect has a history of physical abuse towards the victim.
 - f. Statements taken from the victim expressing fear of retaliation or further violence should the suspect be released.

IV. PRIVATE PERSON'S ARREST (CITIZEN'S)

Guideline 4 - INFORM THE VICTIM OF THE RIGHT TO MAKE A PRIVATE PERSON'S ARREST WHEN A CRIME HAS BEEN COMMITTED OUTSIDE THE OFFICER'S PRESENCE WHICH DOES NOT MEET THE REQUIREMENTS FOR A FELONY ARREST. WHENEVER POSSIBLE, SUCH DISCUSSION SHALL BE HELD OUT OF THE PRESENCE OF THE SUSPECT.

Guideline 5 - ACCEPT A PRIVATE PERSON'S ARREST. OFFICERS SHOULD NOT DISSUADE VICTIMS FROM MAKING A LAWFUL PRIVATE PERSON'S ARREST.

V. REPORTING

Guideline 6 - WRITE A REPORT IN ALL INCIDENTS OF DOMESTIC VIOLENCE. PENAL CODE SECTION 13730 REQUIRES SUCH A REPORT SHALL BE IDENTIFIED ON ITS FACE AS A DOMESTIC VIOLENCE INCIDENT AND BE RETRIEVABLE.

Guideline 7 - IDENTIFY, IN THE REPORT, WHETHER OR NOT WEAPONS WERE INVOLVED. (PENAL CODE 13730(a))

Guideline 8 - PROVIDE THE VICTIM WITH THE CASE NUMBER OF THE REPORT, OR IF NOT IMMEDIATELY AVAILABLE, EXPLAIN TO THE VICTIM HOW THE NUMBER MAY BE OBTAINED.

VI. COURT PROTECTIVE ORDERS

Guideline 9 - VERIFY AND ENFORCE RESTRAINING ORDERS.

There are different types of restraining orders issued by a court in domestic violence situations. Penal Code Section 13710 requires law enforcement agencies to maintain a complete and systematic record of all protection orders with respect to domestic violence incidents, restraining orders, and proofs of service in effect. This section also requires that the systematic record shall be used to inform law enforcement officers responding to domestic violence calls of the existence, terms, and effective dates of protection orders in effect.

A. Verification of Restraining Orders

Whenever a complainant advises of the existence of a restraining order, the officer should ascertain:

1. Whether a restraining order is on file with the department or whether complainant has copy of restraining order in possession.
2. Whether a restraining order is still valid as to duration/time.
3. Whether the proof of service or prior notice exists or that the suspect was in court when the order was made.
4. The terms of the restraining order.

B. Arrest Criteria and Enforcement Procedures

1. A violation of a restraining order is a misdemeanor under either Penal Code Sections 273.6 or 166.4. Make an arrest when there is reasonable cause to believe the subject of the restraining order has violated the order in the presence of the officer and any one of the following conditions is met:
 - a. The existence of the order and proof of service on the suspect has been verified by the officer.
 - b. The complainant produces a valid copy of the order bearing a file stamp of a court and a proof of service on the subject.
 - c. The existence of the order has been verified by the officer; no proof of service is required if the order reflects that the suspect was personally present in court when the order was made.
 - d. The existence of the order has been verified, and there is proof that the suspect has previously been admonished by an officer.

2. When the officer verifies that a restraining order exists, but cannot verify proof of service or prior knowledge of order by suspect, the officer should:
 - a. Inform the subject of the terms of the order.
 - b. Admonish the subject of the order, that the subject is now on notice and that the violation of the order will result in arrest. If the subject continues to violate the order after being advised of the terms, an arrest should be made.
 - c. If the suspect complies after admonishment of the terms, the officer shall make a retrievable report pursuant to Penal Code Section 13730(c)) showing the suspect was admonished/advised of the terms of the order, the specific terms of the order suspect was advised about, the name of the admonishing officer, time and date. The department's copy of the restraining order will be updated to reflect the admonishment information listed above.
3. In the event the suspect has left the scene of the incident, an investigation should be made to determine if a crime has been committed. Penal Code Sections 13730(c) and 13701(i) require that a retrievable report shall be made and complainant shall be advised of the follow-up criminal procedure and case number of the report.

C. Order Not Verifiable

1. When the victim is not in possession of the TRO, and/or in case of computer error, officers may not be able to confirm the order's validity.
 - a. Penal Code Section 13730(c) requires that an officer shall write a report, give the victim the police report number and direct the victim to contact the appropriate department unit for follow-up information.
 - b. When an order is not verifiable through the verification procedures, officers should advise the victim of the right to make a private person's arrest for the appropriate violation.

Guideline 10 - VERIFY AND ENFORCE CRIMINAL COURT-ISSUED STAY-AWAY ORDERS

A. Verification of Stay-Away Orders

1. A stay-away order is issued in a criminal case where the probability of victim intimidation exists and violation of such is a misdemeanor under Penal Code Section 166.4. In

domestic violence incidents where a person advises an officer that a stay-away order has been issued, the officer should attempt to ascertain the terms and validity of the order.

- a. Request the victim show a copy of the order. Verify, through the department, that the suspect is under the court's jurisdiction, or
- b. Verify, through the department, that a stay-away order has been issued against the suspect.

B. Arrest Criteria and Enforcement Procedures

1. The Code of Civil Procedure Section 540 et seq. and 527.6 requires that when the order has been verified, officers shall effect an arrest if the suspect has violated any terms of the order. The report should note the specific violations of the order, and the victim shall be given the police report number for reference pursuant to Penal Code Section 13701(i).
2. A violation of the order is a violation of Penal Code Section 166.4. This violation can be added to other charges such as assault or battery.
3. An act of victim intimidation relating to the court proceedings is a violation of Penal Code Section 136 et seq. Examples of intimidation include:
 - a. Attempting to prevent or dissuade a victim from attending or giving testimony at any proceeding is a misdemeanor.
 - b. Using force, or expressing or implying threat of force or violence related to the court proceeding is a felony.

C. Order Not Verifiable

1. When the victim is not in possession of the stay-away order, and/or in cases of computer error, officers may not be able to confirm the order's validity.
 - a. Penal Code Section 13730 requires that officers shall write a report, give the victim the police report number and direct the victim to contact the appropriate department unit for follow up information.
 - b. When an order is not verifiable through the verification procedures, officers should advise the victim of the right to make a private person's arrest for the appropriate violation.

VII. TENANCY

Guideline 11 - REQUEST A PERSON WHO IS NOT IN LAWFUL POSSESSION OF THE PREMISES TO LEAVE THE PREMISES WHEN: (1) THE COMPLAINANT IS IN LAWFUL POSSESSION OF THE PREMISES, AND (2) THE COMPLAINANT HAS REQUESTED THAT THE PERSON LEAVE THE PREMISES.

- A. Arrest the suspect under Penal Code Section 602.5 if the suspect does not leave upon request.
- B. The officer should refer the complainant for a temporary restraining order or other appropriate civil remedy if the complainant requesting removal cannot show proof of lawful possession. "Lawful possession" of the premises is shown by a rental agreement, cancelled rent check, lease, grant deed, verification from landlord, court order, or other document showing person(s) to be removed.

VIII. VICTIM ASSISTANCE

Guideline 12 - ASSIST IN OBTAINING APPROPRIATE MEDICAL ATTENTION IF A COMPLAINANT CLAIMS INJURY WHETHER VISIBLE OR NOT.

Guideline 13 - ASSIST IN MAKING ARRANGEMENTS TO TRANSPORT THE VICTIM TO AN ALTERNATE SHELTER IF THE VICTIM EXPRESSES A CONCERN FOR SAFETY OR THE OFFICER DETERMINES A NEED EXISTS.

Guideline 14 - STAND BY FOR A REASONABLE AMOUNT OF TIME WHEN A COMPLAINANT REQUESTS POLICE ASSISTANCE WHILE REMOVING ESSENTIAL ITEMS OF PERSONAL PROPERTY.

Guideline 15 - EXPLAIN LEGAL OPTIONS AVAILABLE TO THE VICTIM INCLUDING THE PRIVATE PERSON'S ARREST PROCESS, TEMPORARY RESTRAINING AND STAY-AWAY ORDERS, AND IN CASES OF ARREST, THE FOLLOW-UP PROCEDURES AND ENSUING CRIMINAL PROCEEDINGS.

Guideline 16 - ADVISE THE VICTIM OF AVAILABLE COMMUNITY RESOURCES AND THE STATE VICTIM ASSISTANCE PROGRAM.

IX. OFFICER SAFETY

Guideline 17 - EXERCISE REASONABLE CARE FOR THE SAFETY OF OFFICERS AND PARTIES INVOLVED AND NO PROVISION OF THIS GUIDELINE SHALL SUPERSEDE THAT RESPONSIBILITY.

CURRICULUM

LAW ENFORCEMENT RESPONSE TO DOMESTIC VIOLENCE

COURSE OUTLINE

POST ADMINISTRATIVE MANUAL REFERENCE

Law

Commission Procedure D-7

LEGAL REFERENCE

Penal Code Section 13519, effective January 1, 1985, requires the Commission to implement a course of instruction in the handling of domestic violence complaints by January 1, 1986. The course of basic training for law enforcement officers shall, no later than January 1, 1986, include adequate instruction on specified procedures and techniques. All law enforcement officers who have received their basic training before January 1, 1986 shall participate in supplementary training on domestic violence subjects, as prescribed and certified by the Commission. This training shall be completed no later than January 1, 1989. Local law enforcement agencies are encouraged to include, as part of their advanced officer training program, periodic updates and training on domestic violence. Where appropriate, training presenters should include domestic violence experts with expertise in the delivery of direct services to victims of domestic violence, including utilizing the staff of shelters for battered women, in the presentation of training.

BACKGROUND

This curriculum was developed with the input of an advisory committee, as specified in the law. The curriculum is based upon POST guidelines for law enforcement response to domestic violence which was also developed with the input of the advisory committee.

CERTIFICATION INFORMATION

The following curriculum is applicable in its entirety to the Basic Course and to in-service officers who have received their basic training before January 1, 1986. This curriculum is in addition to the existing Basic Course curriculum on Law, Disputes, and Family Disputes. This supplementary training for in-service officers may be included as part of Advanced Officer Courses or certified as a Technical Course. To assist presenters and instructors, the POST Basic Course Unit Guides are available upon request and contain more detailed information on this curriculum.

TOPICAL OUTLINE

Recommended Hourly Breakdown for Supplementary Training

| | | |
|----|--|------------|
| A. | Overview of Domestic Violence | 1.5 |
| B. | Legislative Intent/POST Guidelines | 1.0 |
| C. | Enforcement of Laws | 1.5 |
| D. | Court Orders | 1.0 |
| E. | Tenancy | .5 |
| F. | Documenting Domestic Violence Incidents | .5 |
| G. | Victim Assistance and Referral | .5 |
| H. | Practical Application/Student Evaluation | <u>1.5</u> |

TOTAL MINIMUM HOURS 8.0

LEARNING GOAL AND PERFORMANCE OBJECTIVES

Learning Goal: The student will gain the ability to handle domestic violence incidents. (New Learning Goal 8.47.0)

A. Overview of Domestic Violence

80% 1. The student will identify the difference between domestic violence and a domestic dispute. (New P.O. 8.47.1)

80% 2. The student will identify the extent, nature and impact of domestic violence including: (New P.O. 8.47.2)

- A. Frequency of occurrence/escalating nature and lethality
- B. Impact on victims, children, and batterers
- C. Cycle of violence
- D. Dynamics of the victim and the batterer
- E. Learned behavior
- F. Family structure and culture
- G. Effectiveness and impact of law enforcement intervention
- H. Specific Interviewing Skills

B. Legislative Intent/POST Guidelines

80% 1. The student will identify essential elements of Penal Code Sections 13700 et seq. and 13519 and legislative intent for law enforcement response to domestic violence incidents including: (New P.O. 8.47.3)

- A. Domestic violence as a serious crime against society
- B. Enforcement of laws to provide maximum protection to the victim from abuse
- C. Violent behavior in the home is criminal behavior
- D. Not to remove a peace officer's individual discretion
- E. Not to hold individual peace officers liable for exercising such discretion
- F. POST Guidelines

C. Enforcement of Laws

80% 1. The student will identify the officer's responsibility and authority in taking enforcement action related to domestic violence incidents including: (New P.O. 8.47.4)

- A. Felonies
- B. Misdemeanors
- C. Private person's arrest
- D. Cite and release

D. Court Orders

80% 1. The student will identify the officer's responsibilities and authority to verify and enforce court orders including: (New P.O. 8.47.5)

- A. Restraining orders
- B. Stay-away orders

E. Tenancy

80% 1. The student will identify the officer's responsibility and authority with tenancy issues related to domestic violence and domestic disputes (Penal Code 602.5). (New P.O. 8.47.6)

F. Documenting Domestic Violence Incidents

80% 1. The student will identify the officer's responsibility in documenting incidents of domestic violence including: (New P.O. 8.47.7)

- A. Written report
- B. Legal requirements upon law enforcement agencies
- C. Providing victim with case number of the report

G. Victim Assistance and Referral

80% 1. The student will identify the officer's responsibility to provide assistance to victims of domestic violence including: (New P.O. 8.47.8)

- A. Medical attention
- B. Transportation to alternate shelter
- C. Stand by for removal of personal property
- D. Personal safety options

80% 2. The student will identify the officer's responsibility in referring victims of domestic violence for legal options and criminal follow up. (New P.O. 8.47.9)

- 80% 3. The student will identify the services most commonly provided by social services agencies for victims of domestic violence. (New P.O. 8.47.10)

H. Practical Application/Student Evaluation

- 80% 1. Given an exercise, the student will handle a domestic violence situation meeting all criteria of legislative intent, safety, effectiveness, legality, and reasonableness. (New P.O. 8.47.11)

Senate Bill No. 1472

CHAPTER 1609

An act to add Section 13519 to, and to add and repeal Title 5 (commencing with Section 13700) to Part 4 of, the Penal Code, relating to training of peace officers, and making an appropriation therefor.

[Approved by Governor September 29, 1984. Filed with Secretary of State September 30, 1984.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1472, Watson. Domestic violence: law enforcement training.

Existing law provides for the issuance of protective court orders in cases involving domestic violence. Existing law also requires that peace officers receive training in first aid, child abuse, and sexual assault cases in order to obtain the basic certificate issued by the Commission on Peace Officer Standards and Training.

This bill would require peace officers to receive specified training in responding to domestic violence calls. The bill would require that the course of instruction, the learning and performance objectives, and the standards for the training be developed by the Commission on Peace Officer Standards and Training, in consultation with appropriate groups and individuals having an interest and expertise in the field of domestic violence, as specified. The bill would appropriate \$40,000 from the Peace Officers Training Fund for support of the commission for expenses of convening the necessary experts and \$25,000 to the Department of Justice for compilation of information relating to domestic violence. Additionally, the bill would provide procedures for law enforcement officers in responding to domestic violence-related calls and make other provisions relating to domestic violence.

This bill would impose a state-mandated local program by requiring local law enforcement agencies to adopt and comply with specified procedures with respect to domestic violence incidents, to maintain records of protection orders issued in domestic violence incidents, and to compile and record by categories all domestic violence-related calls received.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the

constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1991, the provisions contained in the bill for which state reimbursement is required.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that:

(a) A significant number of homicides, aggravated assaults, and assaults and batteries occur within the home between adult members of families. Research shows that 35 to 40 percent of all assaults are related to domestic violence.

(b) The reported incidence of domestic violence represents only a portion of the total number of incidents of domestic violence.

(c) Twenty-three percent of the deaths of law enforcement officers in the line of duty results from intervention by law enforcement officers in incidents of domestic violence.

(d) Domestic violence is a complex problem affecting families from all social and economic backgrounds.

The purpose of this act is to address domestic violence as a serious crime against society and to assure the victims of domestic violence the maximum protection from abuse which the law and those who enforce the law can provide. It is the intent of the Legislature that the official response to cases of domestic violence shall stress the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior in the home is criminal behavior and will not be tolerated. It is not the intent of the Legislature to remove a peace officer's individual discretion where that discretion is necessary, nor is it the intent of the Legislature to hold individual peace officers liable.

SEC. 2. Section 13519 is added to the Penal Code, to read:

13519. (a) The commission shall implement by January 1, 1986, a course or courses of instruction for the training of law enforcement officers in California in the handling of domestic violence complaints and also shall develop guidelines for law enforcement response to domestic violence. The course or courses of instruction and the guidelines shall stress enforcement of criminal laws in domestic violence situations, availability of civil remedies and community resources, and protection of the victim. Where appropriate, the training presenters shall include domestic violence experts with expertise in the delivery of direct services to victims of domestic violence, including utilizing the staff of shelters for battered women in the presentation of training.

As used in this section, "law enforcement officer" means any officer or employee of a local police department or sheriff's office.

(b) The course of basic training for law enforcement officers shall, no later than January 1, 1986, include adequate instruction in the procedures and techniques described below:

(1) The provisions set forth in Title 5 (commencing with Section 13700) relating to response, enforcement of court orders, and data collection.

(2) The legal duties imposed on police officers to make arrests and offer protection and assistance including guidelines for making felony and misdemeanor arrests.

(3) Techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of the victim.

(4) The nature and extent of domestic violence.

(5) The legal rights of, and remedies available to, victims of domestic violence.

(6) The use of an arrest by a private person in a domestic violence situation.

(7) Documentation, report writing, and evidence collection.

(8) Domestic violence diversion as provided in Chapter 2.6 (commencing with Section 1000.6) of Title 5 of Part 2.

(9) Tenancy issues and domestic violence.

(10) The impact on children of law enforcement intervention in domestic violence.

(11) The services and facilities available to victims and batterers.

(12) The use and applications of this code in domestic violence situations.

(13) Verification and enforcement of temporary restraining orders when (A) the suspect is present and (B) the suspect has fled.

(14) Verification and enforcement of stay-away orders.

(15) Cite and release policies.

(16) Emergency assistance to victims and how to assist victims in pursuing criminal justice options.

The guidelines developed by the commission shall also incorporate the foregoing factors.

(c) All law enforcement officers who have received their basic training before January 1, 1986, shall participate in supplementary training on domestic violence subjects, as prescribed and certified by the commission. This training shall be completed no later than January 1, 1989.

Local law enforcement agencies are encouraged to include, as part of their advanced officer training program, periodic updates and training on domestic violence. The commission shall assist where possible.

(d) The course of instruction, the learning and performance objectives, the standards for the training, and the guidelines shall be developed by the commission in consultation with appropriate groups and individuals having an interest and expertise in the field of domestic violence. The groups and individuals shall include, but

shall not be limited to, the following: one representative each from the California Peace Officers' Association, the Peace Officers' Research Association of California, the State Bar of California, the California Women Lawyers' Association, and the State Commission on the Status of Women; two representatives from the commission; two representatives from the California Alliance Against Domestic Violence; two peace officers, recommended by the commission, who are experienced in the provision of domestic violence training; and two domestic violence experts, recommended by the California Alliance Against Domestic Violence, who are experienced in the provision of direct services to victims of domestic violence. At least one of the persons selected shall be a former victim of domestic violence.

The commission, in consultation with these groups and individuals, shall review existing training programs to determine in what ways domestic violence training might be included as a part of ongoing programs.

(e) Forty thousand dollars (\$40,000) is appropriated from the Peace Officers Training Fund in augmentation of Item 8120-001-268 of the Budget Act of 1984, to support the travel, per diem, and associated costs for convening the necessary experts.

SEC. 3. Title 5 (commencing with Section 13700) is added to Part 4 of the Penal Code, to read:

TITLE 5. LAW ENFORCEMENT RESPONSE TO DOMESTIC VIOLENCE

CHAPTER 1. GENERAL PROVISIONS

13700. As used in this title:

(a) "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself, or 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 or has had a dating or engagement relationship.

(c) "Officer" means any law enforcement officer employed by a local police department or sheriff's office, consistent with Section 830.1.

(d) "Victim" means a person who is a victim of domestic violence.

13701. Every law enforcement agency in the this state shall develop, adopt, and implement written policies and standards for officers' response to domestic violence calls by January 1, 1986. These policies shall reflect that domestic violence is alleged criminal conduct. Further, they shall reflect existing policy that a request for assistance in a situation involving domestic violence is the same as

any other request for assistance where violence has occurred. These existing local policies and those developed shall be in writing and shall be available to the public upon request and shall include specific standards for the following:

- (a) Felony arrests.
- (b) Misdemeanor arrests.
- (c) Use of citizen arrests.
- (d) Verification and enforcement of temporary restraining orders when (1) the suspect is present and (2) when the suspect has fled.
- (e) Verification and enforcement of stay-away orders.
- (f) Cite and release policies.
- (g) Emergency assistance to victims, such as medical care, transportation to a shelter, and police standbys for removing personal property.
- (h) Writing of reports.
- (i) Assisting victims in pursuing criminal options, such as giving the victim the report number and directing the victim to the proper investigation unit.

In the development of these policies, each local department is encouraged to consult with domestic violence experts, such as the staff of the local shelter for battered women and their children. Departments may utilize the response guidelines developed by the commission in developing local policies.

CHAPTER 2. RESTRAINING ORDERS

13710. Law enforcement agencies shall maintain a complete and systematic record of all protection orders with respect to domestic violence incidents, restraining orders, and proofs of service in effect. This shall be used to inform law enforcement officers responding to domestic violence calls of the existence, terms, and effective dates of protection orders in effect.

CHAPTER 3. STAY-AWAY ORDERS

13720. A stay-away order may be issued by the court in a criminal case involving domestic violence where, with notice to the defendant and upon an affidavit, a likelihood of harassment of the victim by the defendant has been demonstrated to the satisfaction of the court. Such an order may remain in effect as long as the suspect is under the court's jurisdiction, including any sentence or probationary period.

CHAPTER 4. DATA COLLECTION

13730. (a) Each law enforcement agency shall develop a system, by January 1, 1986 for recording all domestic violence-related calls for assistance made to the department including whether weapons are

involved. Monthly, the total number of domestic violence calls received and the numbers of such cases involving weapons shall be compiled by each law enforcement agency and submitted to the Attorney General.

(b) The Attorney General shall report annually to the Governor, the Legislature, and the public, the total number of domestic violence-related calls received by California law enforcement agencies, the number of cases involving weapons, and a breakdown of calls received by agency, city, and county.

(c) Each law enforcement agency shall develop an incident report form that includes a domestic violence identification code by January 1, 1986. In all incidents of domestic violence, a report shall be written and shall be thus identified on the face of the report as a domestic violence incident.

CHAPTER 5. TERMINATION

13731. This title shall remain in effect only until January 1, 1991, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1991, deletes or extends that date.

SEC. 4. The sum of twenty-five thousand dollars (\$25,000) is hereby appropriated from the General Fund to the Department of Justice for the purposes of Section 13730 of the Penal Code.

SEC. 5. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement pursuant to these sections. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

APPENDIX B

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