

148555

BASIC COURSE INSTRUCTOR UNIT GUIDE

25

DOMESTIC VIOLENCE

March 1, 1994

148555

U.S. Department of Justice
National Institute of Justice

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THE COMMISSION
ON PEACE OFFICER STANDARDS AND TRAINING

STATE OF CALIFORNIA

619

The curricula contained in this document is designed as a *guideline* for the delivery of performance-based law enforcement training. It is part of the POST Basic Course guidelines system developed by California law enforcement trainers and criminal justice educators in cooperation with the California Commission on Peace Officer Standards and Training.

UNIT GUIDE 25

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Domestic Violence**

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DOMESTIC DISPUTES/CIVIL DISPUTES VS. DOMESTIC VIOLENCE

Given a word picture depicting a domestic dispute, a domestic violence incident or a civil dispute, the student will determine what situation is depicted.

Performance Objective 8.47.1

CURRICULUM

A. Domestic disputes/civil disputes vs. domestic violence

1. Domestic violence: 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 had a dating or engagement relationship.
 - a. Abuse: Intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or another.
 - b. Applications
 - (1) Only adults or emancipated minors
 - (2) Special relationships
 - (a) Spouses
 - (b) Former spouses
 - (c) Cohabitants
 - (d) Former cohabitants
 - (e) One who has or has had a dating or engagement relationship
 - (f) Person with whom the suspect has had a child

NOTE: Gay and lesbian relationships fall into the definition of domestic violence.

 - (3) Criminal activity and threats of imminent bodily injury
2. Domestic disputes: Issues of disagreement within the family that do **not** involve violence, threats of violence or court order violations.

3. Civil disputes: Issues of disagreements related to property and tenancy that are not criminal in nature but require intervention.

NOTE: Cite examples of domestic violence, domestic disputes and civil disputes explaining the differences between each dispute and violent actions.

RESPONSE BY OFFICER

Given a word picture depicting a possible domestic violence incident and the manner in which the officer responded, the student will identify if the response was appropriate.

- A. The depiction should include whether or not:
1. The suspect had a prior history of arrests or citations involving domestic violence
 2. The suspect had a prior history of other assaultive behavior (e.g., arrest/convictions for battery or aggravated assaults)
 3. Statements taken from the victim indicated that the suspect had a history of physical abuse towards the victim
 4. Statements taken from the victim expressed fear of retaliation or further violence should the suspect be released
 5. Firearms were involved
 6. A court order existed and was being violated or was previously violated (including temporary restraining order, emergency protective order, stay-away order and permanent restraining order)
 7. The suspect was in lawful possession of the residence and the victim requested that the suspect leave
 8. The victim was injured or claimed to be injured
 9. The victim expressed fear of being left alone or the officer determined the victim needed to be taken to an alternate shelter
 10. The victim wanted to leave but needed to remove some essential items
- B. The circumstances depicted should require one of the following responses by the officer:
1. Made an arrest when there was reasonable cause to believe that a felony occurred
 2. Made an arrest when there was reasonable cause to believe that a misdemeanor occurred in the officer's presence (violation of restraining order Penal Code Section 273.6 or 166(4))
 3. If the crime was committed out of the officer's presence, informed the victim of the right to make a private person's arrest and advised the victim on how to do it safely (Penal Code Section 836)
 4. Requested emergency protective orders when appropriate (Code of Civil Procedure Section 546(b))
 5. Verified and enforced court orders (Penal Code Sections 166.4 and 13730)
 6. Wrote a retrievable domestic violence incident report and included whether weapons were involved (Penal Code Sections 13730(a)(c) and 13701(i))
 7. Provided the victim with the case number of the report or explained how to obtain it (Penal Code Section 13701(i))
 8. Accepted a private person's arrest
 9. Assisted in obtaining appropriate medical attention for the victim
 10. Assisted in making arrangements to transport the victim to an alternate shelter
 11. If requested by victim, stood by for a reasonable amount of time while victim removed essential items of personal property
 12. Seized any firearms and/or deadly weapons in plain sight or found during a consent search and took them into temporary custody (Penal Code Section 12028.5)
 13. Provided a printed resource information card to the victim

Performance Objective 8.47.12

CURRICULUM

A. Domestic violence procedures

1. Review of officer safety procedures

- a. Approach
- b. Exterior safety
- c. Entry
- d. Interior safety
- e. Initial contact

2. Special interview skills

- a. In handling domestic violence incidents, it is important for officers to
 - (1) impress upon the parties involved that domestic violence is a crime;
 - (2) use special interview techniques to overcome a victim's reluctance to report the incident;
 - (3) investigate the incident as thoroughly as any crime not involving family members.
- b. Safety for the officers and parties requires the officers to maintain control of the parties during the interview.
- c. As soon as possible, separate the victim from the suspect to reduce the likelihood of victim intimidation.
 - (1) Do not jeopardize officer safety.
 - (2) Prevent eye contact
 - (3) Out of hearing range of suspect
- d. Reassure the victim
 - (1) Be aware of the victim's feelings which might hinder police investigation
 - (a) Fear for self, children and possibly, for suspect
 - (b) Immobilization, shock
 - (c) Feelings of helplessness to stop the batterer's violence
 - (d) Guilt, shame, or embarrassment

- (e) May feel responsible for the violence
- (f) May have been socially isolated and appear unresponsive or impaired

NOTE: Explain techniques: These techniques are the same as interviewing skills for rape or child abuse cases.

- (2) Make reassuring statements to increase victim's willingness to reveal the specifics of the crime, such as:
 - (a) Emphasize that the victim is not responsible or to be blamed for the violence
 - (b) Explain that the police are here to help the victim

e. Ask specific questions when gathering facts.

- (1) Victim may be in shock and not aware of injury or the extent. Ask questions which will clearly identify the injury and the extent.
- (2) Question statements indicating that the injuries were caused by an accident.
- (3) Ask questions to determine the history of violence for the police report.
- (4) Successful prosecution may depend on a tape recorded victim's statement.

NOTE: Victims may tend to deny or minimize extent of injury.

- f. If appropriate, advise victim that an arrest might help prevent future violence and can lead to "forced help" for the batterer. Explain the possibility of court ordered detoxification, specialized counseling and Domestic Violence Diversion. (Penal Code Section 1000.6)
- g. Explain to the victim the impact of violence on children in the home.
- h. When appropriate, advise both victim and suspect that the officer is initiating the arrest and what police action will follow.

3. Treat domestic violence as a crime

- a. Determine if a crime has been committed. If so:
 - (1) Obtain statements from victim, witness or suspect
 - (2) Collect evidence
 - (3) Seize firearms and/or deadly weapons—Officers should consider removal of firearms and/or deadly weapons pursuant to Penal

Code Section 12028.5 which states the officer may take temporary custody of any firearm or deadly weapon as described in Penal Code Section 12020, at the scene of a domestic violence incident.

- (a) Plain sight/consent search
- (b) Written receipt
- (c) Time constraints. Firearms and/or deadly weapons shall be held no less than 48 hours and no more than 72 hours.

NOTE: The exceptions to this section can be found in Penal Code Section 12028.5.

- (d) Follow-up (e.g., NCIC/DOJ checks on firearms)

4. The following factors are irrelevant when determining if an arrest should be made:

- a. Marital status of suspect and victim
- b. Whether or not the suspect lives on the premises with the victim
- c. Existence or lack of court orders
- d. Potential financial consequences of arrest
- e. Complainant's history or prior complaints
- f. Verbal assurances that violence will cease
- g. Complainant's emotional state
- h. Nonvisible injuries
- i. Location of the incident (public/private)
- j. Speculation that complainant may not follow through with the prosecution, or that the case may not result in a conviction

5. Felonies

a. Relevant Penal Code Sections:

- (1) 245 - Assault with a deadly weapon
- (2) 273.5 - Corporal Injury to Spouse, Cohabitant of the opposite sex or to a person who is the mother or father of his or her child
- (3) 243(d) - Battery
- (4) 262 - Rape of spouse

- (5) 136 - Intimidating or dissuading a witness (if threats or force are implied)
- (6) 417(b) - Brandishing a firearm in officer's presence
- (7) 646.9(b) - Stalking. Threatening violence
- (8) 422 - Threat to commit a crime which will result in death or great bodily injury to another person
- (9) 591 - Injuring telephone lines
- (10) 459 - Burglary
- (11) 207 - Kidnapping
- (12) 236 - False imprisonment
- (13) 3056 - Parole hold
- (14) 1203.2 - Probation hold

c. Standards of injury

- (1) Differences between 245, 273.5 and 243(d)
 - (a) Penal Code Sections 245 and 243(d) requires great bodily injury while 273.5 does not.
 - (2) 273.5 has a lower standard of injury trauma condition: "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."
- NOTE: Penal Code Section 273.5 is gender specific. Must be a conflict between the opposite sex.
- (3) Don't assume domestic violence is only misdemeanor criminal activity.
 - (4) If a crime is a wobbler book on the felony.

d. Arrest procedures

- (1) If the suspect is present, arrest on a felony charge.
- (2) If the suspect is not present, make detailed report for warrant and inform the victim of what to do next; of shelter and other assistance available.

6. Misdemeanors

a. Relevant penal code sections:

- (1) 240/242 - Assault and Battery
- (2) 166(4) - Contempt of Court Order
- (3) 273.6 - Violation of a Civil Court Order to Prevent Domestic Violence
- (4) 602.5 - Unauthorized entry of property
- (5) 646.9(a) - Stalking
- (6) 243(e) - Noncohabitating battery of a former spouse, fiancé or previous dating relationship

NOTE: Penal Code Section 243(e) is not gender specific. (Same sex conflicts apply)

- (7) 594 - Vandalism
- (8) 415 - Disturbing the peace
- (9) 467 - Deadly weapons: Possession with intent to assault
- (10) 647(f) - Drunk in public (in a public place)
- (11) 417 - Drawing, exhibiting or using firearms

NOTE: Review departmental arrest policy on domestic violence.

c. Arrest procedures

- (1) Arrest if an offense was committed in your presence.
- (2) If the suspect is present and the offense was not committed in officer's presence:
 - (a) Inform the victim of the right to make a private person's arrest and how to safely execute the arrest (Penal Code Section 836(b))
 - (b) Do not dissuade the victim from making a private person's arrest.

NOTE: Instructors should reference Penal Code Section 142.

- (c) Enforce private person's arrest.
- (d) If applicable, considerations for booking vs. citing (per agency policy)
 - 1) Cite and release - 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 will 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 or permanent restraining orders or emergency protection 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.

(e) If the suspect is gone when the officer arrives, they should

- 1) write a full report and forward to appropriate investigative unit;
- 2) give the victim a report number and tell victim how and where to file a complaint for purposes of issuing a warrant;
- 3) offer to obtain an emergency protective order (EPO) and explain the procedures for service of the EPO.

(f) Enforcement of court orders

B. Court protective orders

1. Introduction/definition

a. Definitions - common terminology frequently used:

NOTE: Emergency Protective Orders became effective July 1, 1988.

- (1) Emergency Protective Order is a restraining order, requested by the responding officer, which is enforceable until the close of the second judicial day.

NOTE: EPOs were formerly available only when the courts were closed but are now available 24 hours a day.

- (2) Ex Parte Restraining Order is a restraining order issued without prior notice or hearing and is usually valid until the OSC (Order to Show Cause) hearing date.
- (3) DVTRO is a Domestic Violence Temporary Restraining Order and is the most frequently obtained ex parte restraining order.
- (4) Proof of Service is a document signed under penalty of perjury that a suspect/defendant has been served a copy of the restraining order
- (5) OSC is an Order to Show Cause Hearing held to determine if ex parte TRO is justified and should be extended.

NOTE: Terms of orders may vary according to type.

- (6) Order after Hearing is a restraining order issued at the OSC hearing and is enforceable up to three years.
- (7) Permanent Injunction is a writ or order requiring a person to refrain from a particular act, granted by a court with no expiration date.
 - (a) Enforced under Penal Code Section 166(4)
- (8) Terms of order or what restraining orders issued by civil courts can do for victims:
 - (a) Restrain violent behavior or threats of violence.
 - (b) Provide for a "kick out" order when victim shows "colorable" right to possession, even though victim may not own house or pay any rent.
 - (c) Provides for stay-away orders which prohibit the suspect from coming within a designated number of yards of the victim, victim's home, work, school, or from victim's children, family, or household members who may be harassed or threatened.
 - (d) Provides for temporary custody and temporary support.
 - (e) Provides for restitution or court-ordered counseling for suspect.
 - (f) Restraining Orders are effective to prevent violence if there is enforcement by police; that has been the experience of victims, police and lawyers who work in the area.

- b. The following are types of restraining orders that can be issued by a civil superior court.

- (1) Emergency Protective Order is issued under CCP 546(b). The purpose of this order is to provide immediate and short-term protection when the Superior Court is not in session. The responding officer may request this order telephonically when they have reasonable grounds to believe a person is in immediate and present danger of domestic violence by a family or household member.

NOTE: May assign homework to students to learn their respective department's policy in obtaining emergency restraining orders

(a) Procedures:

- 1) Upon the oral issuance of the order, the officer shall reduce the order to writing on the prescribed forms and sign it.
- 2) The officer shall serve a copy of the emergency order on the restrained party, if the party can be reasonably located.
- 3) The officer shall give a copy of the emergency order to the protected party.
- 4) The officer who requested the emergency order, while on duty, shall carry a copy of the order or as appropriate per department policy.
- 5) A copy of the emergency order shall be filed by the end of the shift with the department and should be filed with the court as soon as practicable after issuance.

(b) Available to:

- 1) "Family or household member" means a spouse, former spouse, parent, child, any other person related by consanguinity of affinity within the second degree, or any other person who regularly resides in the household, or who, within the last six months, regularly resided in the household.

(c) Duration

- 1) An Emergency Protective Order shall expire not later than the close of judicial business on the second court day (CCP 546(b)).

- (2) DVPA - Domestic Violence Protection Act Restraining Order issued under CCP 540 upon reasonable proof of past acts of abuse and/or threats of violence that places another person in reasonable apprehension of imminent serious bodily injury.

(a) Available to:

- 2) Any unmarried person who is living together or has lived together within the past six months.
- (b) Duration
- 1) Ex parte order (before hearing) good for 20-25 days or to date of OSC hearing (CCP 546(a))
 - 2) Order After Hearing good for up to three years or longer IF extended by mutual stipulation of parties or by court Order (CCP 548)
- (3) FLA - Family Law Act Restraining Orders issued under CC 4359, 4458, and 4516
- (a) Available to:
- 1) Married persons in process of filing for divorce or legal separation
- (b) Duration
- 1) 4359(a)(2) orders restraining violence; 4359(a)(6) specifying specific behavior restrained are good for one year; and all other terms of FLA order are permanent unless modified by court (i.e., custody, and child support orders (See CC 4516).
- (4) UPA - Uniform Parentage Act restraining orders
- (a) Available to unmarried parents who have a minor child in common.
- (b) Duration: good for one year unless extended by court or by mutual stipulation (CC 7020(b)).
- (5) Civil Harassment restraining orders and Injunctions issued under CCP 527.6
- (a) Available to any person who suffers from course of unlawful harassment by another (defined to be a pattern of conduct or series of acts over a period of time which seriously alarms, annoys or harasses)
- (b) Duration:
- 1) Ex parte harassment restraining orders are usually good for 15 - 20 days or to date of Order to Show Cause Hearing

- 2) Harassment Injunction is a restraining order issued after hearing and is good for one to three years and can be extended by court order

c. Criminal stay-away orders

- (1) Restraining orders issued by a criminal court (superior or municipal) as part of a criminal case to prevent violence or intimidation by a suspect and available to:

- (a) Available to:

- 1) witness or victim to criminal proceeding

- (b) Duration

- 1) Good until criminal proceeding is completed.

2. Verify and enforce restraining orders

- a. There are different types of restraining orders issued by a court in domestic violence situations. 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. (Penal Code Section 13710)

NOTE: Advise students to determine actual location where their respective department maintains restraining orders for verification. Record keeping procedures vary from agency to agency.

- (1) Verification of permanent restraining orders can now be accessed through CLETS.

- b. Verification of restraining orders

- (1) Whenever a complainant advises of the existence of a restraining order, the officer should ascertain
 - (a) whether a restraining order is on file with the department or whether complainant has copy of restraining order in possession;
 - (b) whether a restraining order is still valid as to duration/time;
 - (c) Whether the proof of service or prior notice exists or that the suspect was in court when the order was made;
 - (d) the terms of the restraining order.

C. Arrest criteria and enforcement procedures for court orders

1. A violation of a restraining order is a misdemeanor under either Penal Code Section.
 - a. Penal Code Section 273.6 which provides that a knowing and willful violation of an order issued under DVPA, FLA, UPA, and harassment statute is a misdemeanor; or
 - b. Penal Code Section 166(4) which provides that a willful disobedience of any process or order lawfully issued by any court is a misdemeanor.
 - (1) A knowing and willful violation occurs if suspect violates any term of the restraining order. (Covered in 3(a)-(d) below)
2. By law and terms of the order itself, the orders are effective when issued and must be enforced by police.
3. Arrest when there is a reasonable cause to believe the suspect or 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, notified, or served by an officer.

NOTE: It is important to advise students that an invitation by the victim does not negate the order and that the suspect is still in violation of the court order. The court has the sole authority to issue and rescind court orders.
4. There should be no cite and release after an arrest for violation of a court order due to likelihood of recurrence or harm to the victim. Most courts will not issue a restraining order unless there has been evidence of abuse (whether or not a police report has been made) and imminent harm to victim if the suspect is not restrained.
5. 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 suspect of the terms of the order;
 - b. admonish the suspect of the order, that the subject is now on notice and that the violation of the order will result in arrest. If the suspect continues to violate the order after being advised of the terms, an arrest should be made.

NOTE: The victim should be advised to maintain a copy of the restraining order in their possession.

6. In the event the suspect has left the scene of the incident and an investigation determines that a crime has been committed or domestic violence exists, a retrievable report shall be made and the victim shall be advised of the follow-up criminal procedure and report number.

D. Order not verifiable

1. When the victim is not in possession of the restraining order, and/or in case of computer error, officers may not be able to confirm the order's validity.
 - a. In such cases, 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.
 - b. When the basis for a custodial arrest does not exist, officers should advise the victim of the right to make a private person's arrest.
2. Verify and enforce criminal court-issued stay away orders
 - a. Verification of restraining 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 if such an order is valid, and the terms 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) When the order has been verified, officers shall effect an arrest if the suspect has violated any terms of the order. The report shall note the specific violations of the order, and the victim is to be given the police report number for follow-up.
 - (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.

NOTE: Review elements of Penal Code Sections 136 et. seq. 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) In such cases, officers shall write a report, give the victim the police report number and direct the victim to contact the appropriate department.
 - (b) When the basis for a custodial arrest does not exist, officers should advise the victim of the right to make a private person's arrest.

E. Documenting cases of domestic violence

- 1. A report shall be made in all cases of domestic violence regardless of whether an arrest was made and shall be identified/coded as (Penal Code Section 13730) domestic violence.
 - 2. Reports shall include information on weapons involved in the case.
 - a. Obvious weapons such as guns and knives
 - b. Other weapons such as belts, baseball bats, wires, etc.
- NOTE: Explain local domestic violence coding procedures.
- 3. Reports shall include detailed description of injuries and the nature of the crime(s) (e.g., number of times victim was hit).
 - 4. Reports should include the following information, if available:
 - a. Statement of prior domestic violence
 - (1) Victim's statements
 - (2) Officer knowledge
 - (3) Documented reports
 - (4) That the officer provided victim with a printed resource information card
 - b. Medical records and/or victim's statements of past medical treatment received for past injuries

- c. Existence of court orders
 - d. Make note of victim's emotional condition
 - 5. Preserve all evidence--take photos, both initial and delayed
 - 6. Importance of documenting each incident
 - a. For use in future prosecutions
 - b. For use in civil courts re: restraining orders, etc.
 - 7. Assisting victims in pursuing criminal options
 - a. Give victim the case number of the report, or if not immediately available, advise how to obtain it.
 - b. Explain criminal complaint procedures, where to go next, where to have photos taken
- F. Explain steps and options for criminal or civil legal action
 - 1. In cases of arrest
 - a. Follow-up procedures for further statements, photos, etc.
 - b. Criminal procedures
 - c. Victim/witness services
 - d. Emotional support from the shelter
 - 2. If suspect is not apprehended, (e.g., gone on arrival/unable to locate)
 - a. Written report
 - b. Complete investigation, (e.g., evidence collection and photos, etc.)
 - c. Explain complaint warrant process
 - 3. Encourage victim to follow through with criminal prosecution
 - a. Explain domestic violence diversion.
 - b. The courts can order the offender to counseling, alcohol treatment programs, etc.
 - 4. Explain private person arrest procedure for future incidents and the safe procedure for effecting an arrest (Penal Code Section 836(b))
 - 5. Explain process of obtaining Emergency Protective Order and request such orders when appropriate.

6. Explain availability of restraining and stay-away orders
 - a. What restraining orders can do and where to get them
 - b. What a stay-away order is and how to get one
 7. Explain community resources and provide resource information to the victim which includes public, private, and/or local government resources (e.g., legal aid, family law, custody, tenancy, shelters, counseling services, etc.)
- G. Assistance to victims of domestic violence
1. Assist in obtaining appropriate medical attention
 - a. When complainant claims injury, whether visible or not.

NOTE: Many victims are in shock and may not be aware of how badly they are injured.
 2. Transportation arrangements to domestic violence shelters or alternate shelter.
 - a. Victim expresses concern for safety.
 - b. Officer determines a need exists.
 - c. Pursuant to departmental policies.

NOTE: Instructor should discuss departmental policies on transportation to alternate shelters and determine policies of local domestic violence shelters. Outside experts may be helpful in this area.
 3. Stand by for removal of only essential items of personal property at the time of incident or later upon request.
 4. Personal safety options
 - a. If suspect is arrested, let the victim know approximately how soon release may occur.
 - b. Encourage the victim to take steps to secure safety, (e.g., change locks, stay with friends, relatives, etc., change routines and travel routes).
 - c. Inform her of the existence of local shelter for battered women.
 - d. Encourage victim to call the police if needed.

SCENARIOS

HANDLING A DOMESTIC VIOLENCE INCIDENT

Given an exercise, the student will handle a domestic violence situation meeting all criteria of legislative intent, safety, effectiveness, legality, and reasonableness.

Performance Objective 8.47.11

CURRICULUM

A. Practical exercises

1. Given an exercise, the student will handle a domestic violence situation meeting all criteria of legislative intent, safety, effectiveness, legality, and reasonableness.

NOTE: Refer to POST Scenario Manual

LEARNING ACTIVITIES

LAW ENFORCEMENT RESPONSE TO DOMESTIC VIOLENCE

Given a video, film, photograph(s), audiotape, role-play, or other depiction of domestic violence incident, the student will participate in an instructor-led discussion relating to:

- A. Historical perspectives
- B. Legislative response and intent
- C. Domestic violence laws (Penal Code Section 13700 et seq.)
- D. Nature and impact
- E. Cycles of violence
- F. Dynamics of batterer and victim
- G. Family structure and cultural differences
- H. Effectiveness and impact of law enforcement response

Learning Activity 13.25.01

CURRICULUM

- A. Historical perspective
 - 1. Historically, one-third of all homicides and a larger percentage of assaults have taken place within the family.
 - 2. In the 1960's public awareness of the numbers of homicides and assaults to both officers and citizens led to the development of police crisis intervention training.
 - 3. A significant number of officers are killed and/or injured while intervening in cases of domestic violence, domestic disputes, and other disturbance calls.

NOTE: The instructor should research local events and provide this information to the class (i.e., Richmond PD, where two officers were killed by a domestic violence perpetrator well known to them; Riverside County Sheriff officer killed on approach to a domestic violence incident, etc.)

- 4. Emphasis on the criminal and lethal nature of domestic violence created legislation which mandates a changed police response to domestic violence.

NOTE: Law enforcement response to domestic violence Penal Code Section 13700, 13919 et seq.

- 5. Other historical factors:
 - a. Domestic violence, until recently, was accepted and condoned by society.

- b. Domestic violence was learned and perpetuated in the home.
- c. Domestic violence was not seen as criminal behavior, but rather as a "private family matter".
- d. Victims faced assaults, serious injuries and death
- e. Lack of assistance and intervention by public and private agencies led victims to be reluctant to ask for help or call the police.
- f. Recent public attention and community education in the area of domestic violence resulted in the recognition that victims needed effective criminal and civil remedies to break the cycles of violence.

B. Legislative intent

1. The purpose is to address domestic violence as a serious crime against society.
2. The official response to domestic violence stresses the enforcement of the laws to protect the victim and communicates the attitude that violent behavior in the home is criminal behavior not to be tolerated.
3. Senate bill 1541 was passed in 1985 and POST guidelines for the law enforcement response to domestic violence were established.

NOTE: The POST guidelines are available to the instructor.

4. Guidelines
 - a. Address domestic violence as a serious crime against society
 - b. Stress enforcement of laws to provide maximum protection to the victim from abuse
 - c. Address violent behavior in the home as criminal behavior which will not be tolerated
 - d. Maintain a peace officer's individual discretion
 - e. Attempt to shield the officer from liability for exercising such discretion
5. Society's expectations:
 - a. Protection of the victim

- b. Arrest and prosecution of the suspect
- C. Definitions and criteria for an incident to be considered domestic violence (Penal Code Section 13700)
- 1. Criteria
 - a. In order for an incident to be considered to be domestic violence and trigger the mandatory reporting requirement two factors need to be substantiated.
 - (1) The relationship of the parties
 - (2) Their conduct
 - 2. Definitions
 - a. 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 had a dating or engagement relationship.
 - b. 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.
 - 3. Relationships - Penal Code Section 13700 applies only to the following relationships:
 - a. Special relationship
 - (1) Adult or emancipated minor
 - (2) Spouse
 - (3) Former spouse
 - (4) Cohabitant: cohabitant does not include platonic relationships
 - (5) Former cohabitant
 - (6) A person with whom the suspect has had a child
 - (7) Current or previous dating relationship
 - (8) Engagement relationship
 - (9) (5)-(9) includes gay and lesbian relationships

NOTE: Other family relationships (i.e., parent/child, siblings or other persons living in the house) are not included in domestic violence.

4. Conduct of involved parties (criminal activity and threats):
 - a. Criminal activity; there has been an actual crime
 - b. Threats; placing another person in reasonable apprehension of imminent serious bodily injury to another
 - c. Domestic disputes: Issues of disagreement between the disputing parties that do not involve violence, threats of violence or court order violations are not domestic violence. Therefore no mandatory reports are required under Penal Code Section 13730.

D. Nature and impact of domestic violence

1. Frequency of occurrence/escalating nature and lethality
 - a. 25-40% of assaults and homicides are domestic violence
 - b. Recurs and escalates in frequency and severity over time
 - c. Without appropriate intervention will eventually result in serious injury or death
2. Impact on victims, children, and batterers
 - a. Victims
 - (1) Physical injury
 - (2) Emotional trauma
 - (a) Fear of further violence to self or family members
 - (b) Often receive disbelief and denial from friends, relatives, and service agencies
 - (c) Destroys positive self-image, ego and self respect resulting in shame and guilt
 - (d) May give up hope when no one believes them or will not help
 - (e) May turn to alcohol or drugs to cope
 - (f) May believe the batterer's perception that victim is to blame

- (g) May believe the batterer's statement that it will never happen again

3. Children

- a. Often learn that violence is an acceptable and expected part of relationships
- b. May be injured
 - (1) Accidentally
 - (2) Intentionally
 - (3) While intervening
- c. Often learn to use violence to express frustration, anger and needs
- d. May blame themselves for the problem
- e. May be emotionally or physically neglected.

4. Batterers

- a. Reinforce violence unless there are negative ramifications to violent behavior
- b. Reinforce their perception that violent behavior is appropriate
- c. Are reluctant to admit the extent of violence
- d. Avoid responsibility for their violent behavior, e.g.:
 - (1) Blame alcohol/drugs
 - (2) Blame others or victim

E. Cycles of violence

1. Intergenerational cycle of violence

- a. People learn violence by watching it in the family. When there are no negative ramifications, they may learn that violence is an acceptable and effective way to get what they want.

2. The three-phase cycle of violence

- a. Tension-building phase
- b. Acute battering phase

- c. Remorseful (asking for forgiveness, "loving") phase

NOTE: These cycles increase in frequency and battering becomes more severe as the cycle repeats itself.

F. Dynamics of the batterer and the victim

1. Batterer

- a. Violence is a tool used to feel powerful and to have control over others.
- b. Witnessed or experienced domestic violence as a child
- c. Often blames others (spouse, boss, society, etc.) "They made me do it."
- d. Often is afraid, jealous, or obsessed with controlling mate's activities
- e. May become desperate with fear of living without mate

NOTE: Fear escalates at time of separation/divorce leading to increased potential for homicide/suicide.

- f. Uses violence/aggression in reaction to conflict or anger
- g. May not be violent or aggressive outside the home
- h. May have low self esteem
- i. May experience remorse and state they will not repeat the violence
- j. May even believe they will not repeat the violence
- k. Often uses intimidation and threats of reprisal against victims/witnesses (e.g., Penal Code Sections 422, 646.9 and 136)

2. Victim

- a. May be immobilized by fear
- b. May believe any or all of the following myths:
 - (1) Violence is a traditional aspect of relationships
 - (2) Victim is responsible for the violence
 - (3) Victim should and can solve problem alone

- (4) There are no alternatives
- (5) If victim complies with batterer's demands, the violence will stop
- (6) Violence is caused by:
 - (a) Poor relationships
 - (b) Substance abuse
 - (c) Stress

NOTE: The above items are myths related to domestic violence. The instructor should emphasize that this training will provide proper perspective and information.

- c. Victims may believe that the family should be kept together at all costs
- d. Victims may remain in a violent relationship because of:
 - (1) Fear of retaliation if victim leaves
 - (2) Economics
 - (3) Children
 - (4) Lack of support from family, friends
 - (5) Lack of resources/options
 - (6) Low self-esteem
 - (7) Emotional dependency
 - (8) Threats of suicide by batterer
 - (9) Fear of unknown
 - (10) Belief that criminal justice system does not work
 - (11) Religious/cultural beliefs
- e. Victim may minimize extent of violence and injuries.
- f. Victim may have accepted the limitations and controls set by the batterer.
- g. Victim may be male although a majority are female.

G. Family structure and cultural differences

1. Cultural and socio-economic factors

- a. Domestic violence happens in all cultural and socio-economic groups. Research indicates that it crosses all lines of society and that it does not occur more among the poor or certain ethnic groups.
- b. Low-income families are more likely to turn to public agencies such as the police in larger numbers. Wealthier families may have other options such as turning to attorneys, private physicians, etc.
- c. Cultural background can affect when, how, from whom, and if a victim seeks help
- d. Language barriers may discourage some victims from calling the police or other public/private agencies

NOTE: Instructor should cite local examples

2. Family unit factors

- a. Societal pressures to keep the family together trap many battered victims from dissolving the marriages or calling the police and/or prosecuting the suspect.
- b. Violence in the family is not a private family matter but is serious criminal behavior.
- c. Law enforcement response in these situations should be viewed as a positive influence on the family unit.

H. Effectiveness and impact of law enforcement response

1. Arrest has been shown to be a deterrent regardless of whether or not the case is prosecuted.

NOTE: Instructors may wish to refer to the Minnesota study or any other available local information.

2. Impact on victim by positive law enforcement response

- a. Victim may begin to believe that something can be done
- b. Lessens guilt and shame
- c. Victim learns someone is willing to help
- d. Victim realizes they have legal rights

- e. May prevent continuing violence
 - f. Victim regains a measure of control
3. Impact on batterers by positive law enforcement response
- a. Learns that no matter what the motivation, domestic violence is not acceptable and is criminal behavior
 - b. There are negative consequences to being violent (arrest, jail, fine)
 - c. It is not a private, family or civil matter
 - d. May deter continuing violence
4. Impact on children by positive law enforcement response
- a. May prevent further violence, abuse, or emotional trauma
 - b. Relays message that violence is wrong
 - c. Establishes the violent parent as the responsible party, not the victim, or the child
5. Benefits to the officer
- a. Early response and proper documentation can have a positive impact.
 - (1) Increases chance of successful prosecution
 - (2) Can decrease repeat calls
 - (3) There is potential resolution and closure which decreases officer frustration and stress.

PRELIMINARY INVESTIGATION OF A DOMESTIC VIOLENCE INCIDENT

Given one or more simulation, role-play, re-enactment or other depiction of a domestic violence incident, the student will participate in an instructor-led discussion relating to:

- A. Initial response and on-scene actions
- B. Identification of involved parties
- C. Enforcement aspects
- D. Evidence considerations
- E. Documenting the incident
- F. Victim assistance actions
- G. Seizure of firearms and/or deadly weapons, if applicable

Learning Activity 13.25.02

CURRICULUM

- A. Initial call and response
 - 1. Origin of incident
 - a. Call received from dispatch
 - (1) Note all information provided by dispatch
 - (a) Type of call
 - (b) Location of incident
 - (c) Parties involved in incident
 - (d) Weapon involved, if any
 - (e) Is medical assistance enroute to incident
 - (f) Other reports of disturbances from the area
 - b. Incident observed (on-viewed) by officer
 - (1) As soon as practical, notify dispatch of:
 - (a) Your unit identification and location
 - (b) Type of disturbance (i.e., "415 in the street")
 - (c) Need for an additional unit
 - (d) Need for medical aid (The officer may not be able to determine this until after the parties are contacted and separated)

(2) Contact and attempt to separate the disputants

2. Response to the call - In all cases, the officer should insure that he/she proceeds to the scene of the incident in a safe and expeditious manner.

B. Arrival at the scene

1. Wait for backup, if available - Unless exigent circumstances exist, the officer should await the arrival of backup.

NOTE: Instructors should realize that individual agency policies and resources will vary widely in regards to the availability of assisting units.

2. Listen at door to the scene prior to contact
 - a. Unless exigent circumstances exist, the officer should listen at the door of the incident prior to making contact.
 - b. This enables the officer to gather information regarding the nature of the dispute and the attitude of the involved parties before contact is made.
3. Stand to the side of the door after knocking.
4. Make contact with the disputants and separate all parties.
5. Determine if there are injuries and request medical assistance as necessary
 - a. Remember, if there are children in the home they may have been injured in the course of the dispute, either accidentally or intentionally. Be sure to check on the well being of all the children in the home.
 - b. It is important to note that in many homes where domestic violence occurs, children are frequently subjected to abuse by one or both of the disputants.
6. Identify all parties involved
 - a. Disputants
 - (1) Complainant
 - (2) Suspect
 - b. Witnesses - A number of witnesses may be found in and around a scene of a domestic violence incident. The list of potential witnesses may include but is not limited to:
 - (1) Children
 - (2) Other family members
 - (3) Neighbors

(4) Friends

C. Determining if the incident is domestic violence and what crime has occurred

1. Question all parties to determine the nature of the relationship between the disputants (Refer to Penal Code Section 13700 for the definition of domestic violence)
 - a. Separate all involved parties before questioning
 - (1) It is important to separate all parties, including witnesses to prevent responses by one party being influenced by the statements of another.
 - (2) This is particularly important when questioning young children who may be witnesses to a disputant or violence between their parents.
2. Determining what crime, if any, has occurred
 - a. The students should be reminded that many crimes may occur in the context of a domestic situation.
 - b. Students should also be reminded that other actions short of a completed crime (e.g., some types of threats) would prompt the need for a report.
3. Prior history of the disputants
 - a. Existing court orders
 - b. Probation or parole
 - c. Outstanding warrants
 - d. Previous domestic violence incidents

D. Arresting the suspect

1. Suspect present at the scene
 - a. If a crime has occurred and it is a felony, misdemeanor committed in the officer's presence, or the suspect has been arrested for a misdemeanor under a private person's arrest the officer shall take that individual into custody.
 - b. In a private person's arrest, the arrest can be made by any person who witnessed the crime. It does not have to be the victim who makes the arrest.
 - c. Booking vs. citing
 - (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.

2. Suspect not present at the scene

- a. As soon as possible, provide dispatch with any suspect information including physical descriptions, direction of flight, mode of travel and other pertinent information.

E. Physical evidence considerations

1. Officers should follow their department's evidence collection procedures.
2. The following items should be considered for collection, if applicable:
 - a. Photographs of all physical injuries and scene, if appropriate
 - b. Crime scene documentation per departmental policy (i.e., diagrams, maps, etc.)
 - c. Weapons
 - d. Blood
 - e. Torn clothing
 - f. Hairs and fibers

F. Mandatory reporting of domestic violence incidents

1. Penal Code Section 13730(c) mandates that a report shall be made in all cases of domestic violence regardless of whether an arrest is made and shall be identified/coded as domestic violence.

G. Victim assistance

1. Provide victim with the report number or a means to obtain it.
2. Follow-up investigation
 - a. Officers should advise the victim of the follow-up investigation procedures and the means to contact the follow-up investigator.
 - b. The victim may be asked to give a follow-up statement to investigators.
 - c. Additional photographs may be taken to document changes in any injuries.
 - d. Victim may be required to provide any medical records for treatment received as a result of the assault
3. Providing a civil stand-by

- a. The officer should advise the victim that the department may provide a civil stand-by for the removal of essential property from the residence should the victim find it necessary to relocate to an alternative shelter.

4. Transportation to a shelter

- a. The officer should assist the victim in arranging transportation to an alternate shelter if necessary.
- b. An "alternate shelter" may be friend or family, as well as domestic violence shelters

5. Victim resource information

- a. The officer shall provide a victim with resource information in accordance with departmental policy. This provides the victim with information on counseling services, alternate shelters, medical and legal assistance.

H. Seizure of firearms and/or deadly weapons in a domestic/family violence incident

1. Firearms and/or deadly weapons as evidence

- a. When a firearm and/or deadly weapon is used in the commission of a crime, it shall be seized as evidence in accordance with departmental policy and statutory requirements.

2. Firearms and/or deadly weapons taken for safekeeping pursuant to Penal Code Section 12028.5: Penal Code Section 12028.5 authorizes peace officers to take temporary custody of any firearm and/or deadly weapon observed in plain view or found during the course of a consensual search at the scene of a domestic/family violence incident.

NOTE: Deadly weapons refers to those weapons seizable under Penal Code Section 12020.

- a. The officer must provide a receipt for all firearms taken for safekeeping pursuant to this section to the owner or possessor of the firearm.
- b. Any firearms taken pursuant to this section shall be held for no less than 48 hours and no more than 72 hours.
- c. Refer to departmental policy for procedures to return firearms seized under this section.

SUPPORTING MATERIAL

AND

REFERENCES

This section is set up as reference information for use by training institutions. These materials can be used for instruction, remediation, additional reading, viewing, or for planning local blocks of instruction. This list is not an endorsement of any author, publisher, producer, or presentation. Each training institution should establish its own list of reference materials.

**TOPICAL LIST OF SUPPORTING MATERIALS AND
REFERENCES INCLUDED IN THIS SECTION**

Domestic Violence: Law Enforcement Training
Domestic Violence Investigation Checklist

DOMESTIC VIOLENCE: LAW ENFORCEMENT TRAINING

LAW ENFORCEMENT RESPONSE TO DOMESTIC VIOLENCE

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 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 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.

- 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 responding to domestic violence calls of the existence, terms, and effective dates of protection orders in effect.

- 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, 1985. In all incidents of domestic violence, a report shall be written and shall be thus identified on the face of the report a domestic violence incident.

DOMESTIC VIOLENCE INVESTIGATION CHECKLIST

- I. Origin of the incident
 - A. By what means did you become involved?
 - B. What is the incident number?
 - C. Upon arrival what were your observations of the scene and the victim?
- II. The victim (obtain complete personal information/report data)
 - A. Describe the victim's condition, both physical and emotional
 1. Examples (be sure to use concrete terms when describing these observations)

a. angry	k. complaint of pain
b. apologetic	l. bruise(s)
c. crying	m. abrasion(s)
d. fearful	n. minor cut(s)
e. hysterical	o. laceration(s)
f. calm	p. fracture(s)
g. afraid	q. concussion(s)
h. irrational	r. other (explain)
i. nervous	explain opposing
j. threatening	conditions in your narrative
 - B. Describe the victim's location upon arrival
 - C. Administer first aid as necessary and report it
 - D. Record any spontaneous statements made by the victim
 - E. Document the victim's injuries in detail
 - F. Make note of the victim's relationship to the suspect
 1. Record all that apply

a. spouse	g. same sex
b. former spouse	h. emancipated minor
c. cohabitants	i. parent of child from
d. former cohabitants	relationship
e. dating/engaged	
f. former dating or engaged	
 - G. Length of relationship in years and months
 - H. If applicable, note the date the relationship ended

- I. Note any restraining orders in effect
 - 1. Current or expired
 - 2. Type: Emergency Temporary Permanent
 - 3. Issuing court
 - 4. Order or docket number

- J. Prior history of domestic violence?

- K. Prior history of violence documented
 - 1. Number of prior incidents
 - a. minor
 - b. serious

 - 2. Investigating agencies

 - 3. Case numbers

- L. Record any temporary addresses and telephone numbers of the victim

- M. Victim given
 - 1. Domestic violence information sheet

 - 2. Your jurisdiction's case or incident number

 - 3. Crimes against persons (investigation's) telephone number

III. Medical treatment

- A. Note the extent of treatment of injury to the victim
 - 1. Records all the apply
 - a. none
 - b. will seek own doctor
 - c. first aid
 - d. paramedics
 - e. hospital
 - f. refused medical aid

- B. Paramedics at scene: Yes or No
 - 1. Unit number

 - 2. Name(s) and ID#(s)

- C. Hospital by name (note if confidential)

- D. Attending physician(s)

E. List names of witnesses, including yourself and other officers, whom saw injuries

IV. Evidence collection

A. Photograph the crime scene

B. Take "full body" photograph of the suspect

C. Photograph the victim's injuries

D. Photograph the suspect's injuries

E. Impound all weapons used

1. Type of weapon used

2. How used?

F. Impound weapons for safe keeping

G. Who did all of the above and where were these items impounded and by whom

V. The suspect

A. Describe the suspect's location upon arrival

B. Administer first aid to the suspect

C. Record spontaneous statements made by the suspect

D. Describe the suspect's physical condition

E. Document the suspect's injuries and demeanor in detail

1. Examples (use concrete terminology)

- | | |
|----------------|----------------------|
| a. angry | j. complaint of pain |
| b. apologetic | k. bruise(s) |
| c. crying | l. abrasion(s) |
| d. fearful | m. minor cuts |
| e. calm | n. laceration(s) |
| f. afraid | o. fracture(s) |
| g. irrational | p. concussion(s) |
| h. nervous | q. other: explain |
| i. threatening | |

F. Document evidence of substance/chemical abuse by the suspect

G. Interview the suspect and document statements

VI. Witnesses

- A. Interview the reporting party
- B. Witnesses present during the domestic violence
- C. Statements taken and by who, reported by?
- D. Are witnesses listed on your report?
- E. List names and ages of children present
- F. Interview the children and record statements in reports
- G. Record names and addresses of emergency personnel
- H. Identify treating physician, take and report a statement
- I. Record the "911" incoming line and incident number

VII. Narrative preparation

- A. Include as much of the above information in your narrative as time, space and circumstance allow.
- B. A detailed statement from the victim and witnesses (and sometimes the suspect) are required.
- C. Your specific observations as well as complete documentation of all officers' actions and observations must be addressed.

ADDITIONAL REFERENCES

Banks, Herman, The Police Role in Domestic Violence vs. Family Dispute, Law and Order magazine, April 1984, pgs. 55-57.

Blevins, Lee, Domestic Violence and Restraining Orders California Police Recorder, April, 1984, pgs 25-30

Loving, Nancy, and Quirk, Michael, Spouse Abuse, FBI Law Enforcement Bulletin, December, 1982, pgs. 10-16

Sherman, Lawrence W., and Berk, Richard A., The Minneapolis Domestic Violence Experiment, Police Foundation Magazine

Van de Camp, John K., Domestic Violence Prevention Handbook, State of California handbook