

EXPANDED COURSE OUTLINE
REGULAR BASIC COURSE
LEARNING DOMAIN 25
DOMESTIC VIOLENCE

Effective date of outline: February 15, 2017

I. LEARNING NEED

To effectively carry out their responsibilities, peace officers need a basic knowledge of legal definitions, terminology and applicable Penal Code sections as well as an understanding of how to classify the crimes that may lead to arrests.

LEARNING OBJECTIVES

- A. Recall the definition of domestic violence (Penal Code section 13700)
1. Domestic violence is abuse committed against an adult or a fully emancipated minor involved in one of the following nine relationships
 2. Spouse
 3. Former spouse
 4. Cohabitant
 5. Former cohabitant
 6. Dating relationship
 7. Former dating relationship
 8. Former engagement relationship
 9. Person with whom suspect has had a child (includes same gender)
- B. Recognize the crime elements required to arrest a suspect for the following crimes as applied to domestic violence incidents:
1. Willful infliction of corporal injury
 2. Battery
 3. Stalking
 4. Malicious destruction of telephone, telegraph, cable television, or electrical lines
 5. Preventing or dissuading a witness or a victim from testifying
 6. Criminal Threats
 7. Spousal Rape
- C. Recognize the crime classification for each crime that may result from a domestic violence incident as a misdemeanor or felony
1. Willful infliction of corporal injury: Felony
 2. Criminal threats: Felony
 3. Stalking: Felony
 4. Malicious destruction of phone, telegraph, cable television or electrical lines: Felony
 5. Preventing or dissuading a witness or a victim form testifying: Felony
 6. Battery as applied to domestic violence: Misdemeanor
 7. Spousal Rape: Felony

II. LEARNING NEED

Domestic violence causes tremendous harm to victims and society as a whole. Each member in an abusive or violent household suffers physically and/or emotionally, and often violence is spread from one generation to the next. Current law affords peace officers greater opportunity to assist victims and provides protection and education to help stop the cycle of violence.

LEARNING OBJECTIVES

- A. Identify common characteristics of a victim and a batterer
 - 1. Uses violence to feel powerful
 - 2. May have low self esteem
 - 3. As a child often witnessed or experienced violence
 - 4. Avoids responsibility for violent behavior by blaming
 - 5. Children, work, victim or others, drugs or alcohol

- B. Identify a peace officer's role in reducing domestic violence
 - 1. Simply responding to these calls has an impact
 - 2. A single arrest is most effective to continued violence.
 - 3. Proper documentation can have a positive impact

III. LEARNING NEED

When peace officers respond to a domestic violence call, it is essential that they proceed cautiously to ensure the protection of all people involved.

LEARNING OBJECTIVES

- A. Recognize the initial process for responding to a domestic violence call
 - 1. Must be handled with great caution and attention to safety
 - 2. Historically results in more injuries and death to officers than any other call for service
 - 3. Officer's must protect the safety of all involved including themselves

- B. Recognize under what circumstances an arrest should be made
 - 1. A felony or misdemeanor committed in officer's presence
 - 2. A felony outside the officer's presence
 - 3. A person arrested under a private person's arrest
 - 4. A person arrested under authority of Penal Code Section 836 (c) (1) and 836 (d)

- C. Identify physical evidence to be collected
 - 1. Any physical injury and the scene itself (take photos)
 - 2. The crime scene location (draw maps, diagrams, etc.)
 - 3. Blood samples
 - 4. Torn clothing
 - 5. Hair and fibers
 - 6. Firearms and /or weapons (Penal Code Section 12028.5)
 - 7. Overturned or damaged items

- D. Recognize procedures for seizing firearms or other deadly weapons
 - 1. Peace officer shall take temporary custody of a firearm or deadly weapon
 - 2. In plain sight or discovered pursuant to a consensual search for protection the peace officer and others
 - 3. Penal Code Section 12028.5 authorizes seizure of firearms and all weapons per Penal code section 12020

- E. Discuss resources available for victim protection
 - 1. A report identified a domestic violence
 - 2. Emergency Protective Orders (EPO)
 - 3. Temporary restraining orders (TRO)
 - 4. Orders after hearing (OAH)
 - 5. Shelter information/advocacy services
 - 6. Criminal Court stay away orders
 - 7. Workplace Violence Restraining Orders

IV. LEARNING NEED

When there is a court order involving domestic violence, it must be verified and enforced following specific procedures.

LEARNING OBJECTIVES

- A. Identify the differences between the types of court orders to include:
 - 1. Criminal protective/stay-away orders
 - 2. Emergency Protective Orders
 - 3. Restraining orders

- B. Identify the validity of a restraining order
 - 1. Restraining/protective order is on file with agency
 - 2. Complainant has a certified valid copy
 - 3. Order is found in the Department of Justice Domestic
 - 4. Violence Restraining Order System (DVROS). (Family Code section 6381)

- C. Identify the purpose for obtaining an Emergency Protective Order
 - 1. To protect children in danger of family violence
 - 2. To protect individual who are at risk of domestic violence
 - 3. Per Penal Code Section 13700

- D. Demonstrate how to enforce a court order
 - 1. Violation of a restraining order is a misdemeanor
 - 2. It is the peace officer's responsibility to address the violation

V. LEARNING NEED

A comprehensive investigation includes the collection of evidence and the documentation of events, resulting in a detailed report of the domestic violence incident and investigative action.

LEARNING OBJECTIVES

A. Identify what information needs to be documented in a report

1. Notation of whether officers observed any sign that the batterer (abuser) was under the influence of alcohol or controlled substance
2. Notation whether officer s has previously responded to a domestic violence call and the same location involving the same abuser and victim.
3. Notation of whether officers seized firearms or deadly weapons
4. Indicate whether fire armor deadly weapon was present at the location
5. Full description of crime scene
6. Number of prior incidents and known injuries
7. Responding agencies and case numbers
8. Protective Orders (expired, valid, or obtained at the scene)
9. Domestic Violence resource information provided to the victim
10. Copy of the “911” incoming call requested or obtained
11. Victim and batterer location upon arrival.
12. Relationship between victim and batterer
13. Victims physical and emotional condition
14. Batterer physical and emotional condition
15. Physical and emotional condition of al witnesses, including children elders, other household members and neighbors
16. Verbatim spontaneous statements form victim, batterer, and witnesses, including all children
17. Names and ages of all children living in the home, if any
18. Contact person if victim goes into hiding
19. Relevant physical evidence
20. Barterer’s probation and or parole status
21. Medical assistance requested

B. Identify how the peace officer can provide support for the victim

1. Provide the domestic violence resource information
2. Advise the victim of the availability of protective orders
3. Inform the victim about victim/witness services
4. Refer the victim to a shelter for emergency housing
5. Offer and provide civil (police) standbys for removing personal property out of people’s home.

VI. REQUIRED TESTS

- A. The POST-Constructed Comprehensive RBC Test 3.
- B. A scenario test that requires the student to demonstrate proficiency in responding to investigating a simulated domestic violence incident. At a minimum, the test shall evaluate the following competencies:
 - 1. Conflict Resolution - The ability to mediate disagreements by resolving a conflict using appropriate communication skills.
 - 2. Use of force - The ability to distinguish and apply reasonable force options in given circumstances.
 - 3. Leadership - The practice of influencing people, while using ethical values and goals to produce an intended change.
 - 4. Problem solving/Decision - Making - Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.
 - 5. Legal authority/Individual Rights - The identification of laws and constitutional rights governing consensual encounters, detentions, and arrests.
 - 6. Officer safety - The demonstration of situational and tactical awareness and appropriate response.
 - 7. Communication - The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.
 - 8. Stress Tolerance and Emotional Regulation - Maintaining self-control and making timely, rational decisions in stressful situations.

Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.

VII. REQUIRED LEARNING ACTIVITIES

- A. The student will participate in a learning activity relating to proper response to a domestic violence incident to include:
 - 1. Felony arrests
 - 2. Misdemeanor arrests
 - 3. Use of citizen arrests
 - 4. Verification and enforcement of temporary restraining orders when the suspect is present and when the suspect has fled
 - 5. Verification and enforcement of stay-away orders
 - 6. Cite-and-release policies
 - 7. Emergency assistance to victims to include medical care, transportation to a shelter, and law enforcement standbys for the removal of personal property
 - 8. Assistance to victims in pursuing criminal options to include giving the report number and directing the victim to the proper investigative unit
 - 9. Providing information card with local resources to victims at the scene

- B. The student will participate in a Learning Activity requiring them to demonstrate the knowledge and ability to obtain an Emergency Protective order (EPO).
1. Who is eligible for an EPO
 2. Legal authority
 3. Procedures for obtaining an EPO
 4. Completion of the appropriate documentation
 5. Scope and duration of the EPO
 6. Service of the EPO
 7. Data entry of the EPO into the Domestic Violence Restraining Order System (DVROS)
 8. Distribution of forms
- C. The student will participate in one or more learning activities from the POST-developed *Instructor's Guide to Learning Activities for Leadership, Ethics and Community Policing (December 2005)* or other comparable sources regarding domestic violence.

At a minimum, each activity, or combination of activities must address the following topics:

1. Application of SARA or other problem solving model (e.g., PBL) to identify crime elements, analyze known facts, develop and implement an appropriate response, and assess the effectiveness of the response
2. Knowledge of available community resources or referrals for victims and others involved in a domestic violence incident
3. How collaboration with the community builds trust and confidence in policing efforts
4. Discretion, flexibility and conflict resolution skills
5. Influence of officer's demeanor on persons present at the scene

VIII. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on domestic violence.

<u>Description</u>	<u>Hours</u>
POST Minimum Required Hours	<u>10</u>
Agency Specific Hours	<u>2</u>
Total Instructional Hours	<u>12</u>