

EXPANDED COURSE OUTLINE  
REGULAR BASIC COURSE  
**LEARNING DOMAIN 25**  
DOMESTIC VIOLENCE

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. Abuse committed against
  - 2. An adult or minor
  - 3. Involved in certain relationships
- 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 telephone, telegraph, cable television or electrical lines – felony
  - 5. Preventing or dissuading a witness or a victim from testifying – felony
  - 6. Battery as applied to domestic violence – misdemeanor
  - 7. Spousal rape - felony

I. 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. Victim
  - 2. Batterer
  - 3. Children
- B. Identify a peace officer's role in reducing domestic violence:
  - 1. Increasing the chance of successful prosecution
  - 2. Decreasing possible repeat calls
  - 3. Providing potential resolution and closure which decreases officer frustration and stress
  - 4. Arrest is the single most effective deterrent to continued violence, regardless of prosecution

### 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. Before entering premises
  - 2. Upon entering
  - 3. Establish control
  - 4. Determine dominant aggressor
- B. Recognize under what circumstances an arrest should be made
  - 1. If only one person is assaultive or threatening arrest that person if there is probable cause
  - 2. If both parties appear to be assaultive or threatening assess for self-defense and arrest the aggressor
  - 3. If both parties appear to be assaultive or threatening and neither acted in self-defense, assess for dominant aggressor and only arrest the dominant aggressor
  - 4. If both parties are equally assaultive or threatening and neither acted in self-defense, arrest both as mutual (or dual) aggressors
  - 5. Citizen's arrest – certain conditions

- C. Identify physical evidence to be collected
  - 1. Photos of physical injuries and the scene
  - 2. The crime scene location
  - 3. Blood samples
  - 4. Torn clothing
  - 5. Hair and fibers
  - 6. Firearms and/or weapons
- D. Recognize procedures for seizing firearms or other deadly weapons
  - 1. Take temporary custody of any firearm or other deadly weapon in plain sight, discovered during a consensual or other lawful search, or other lawful means
  - 2. Give a receipt to the owner or person who possessed the weapon
  - 3. Penal code 12021.3 – officers shall hold the firearm at least 48 hours and do not return until the owner/claimant establishes authority to possess through D.O.J.
- E. Discuss resources available for victim protection
  - 1. Report identified as domestic violence
  - 2. Emergency restraining order (EPO)
  - 3. Temporary restraining order (TRO)
  - 4. Order 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. On file with the agency
  - 2. Complainant has a certified valid copy
  - 3. Order is found in DOJ domestic violence restraining order system
- C. Identify the purpose for obtaining an Emergency Protective Order

1. Provide for immediate and short term protection
  2. When necessary to prevent the occurrence or reoccurrence of domestic violence, child abuse, child abduction, stalking or elder abuse
  3. Discuss individuals which may be covered by an EPO
- D. Demonstrate how to enforce a court order
1. Arrest if PC exist
  2. Special issues “inviting over”
  3. Multiple orders

## 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. Any sign that the batterer was under the influence of alcohol or controlled substance
  2. If any law enforcement agency had previously responded to a domestic violence call at the same location involving the same parties
  3. If it was necessary to seize firearms or deadly weapons
  4. If deadly weapons or firearms were present at the location
  5. Additional information to assist in prosecution
- B. Identify how the peace officer can provide support for the victim
1. Medical aid
  2. Follow-up procedures
  3. Explain available resources and protective actions
  4. Transportation
  5. Civil stand-by
  6. Incarceration of batterer
  7. Notice of release
  8. Personal safety options

## 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

Description	Hours
POST Minimum Required Hours	<u>10</u>
Agency Specific Hours	<u>1</u>
Total Instructional Hours	<u>11</u>