Presenter: FRESNO POLICE DEPARTMENT (1520)
DOMESTIC VIOLENCE UPDATE
CCN: 32343 | POST Certification: II | Reimbursement Plan: IV | 2 Hours
For Cycle 2021/2022 | Revised 03/15//2022

COURSE GOAL

This course will provide in-service patrol officers with training that meets the requirements of PC 13519(g). Students will receive instruction on legal updates including strangulation, stalking, protection orders, and gun violence restraining orders. They will learn about the cycle of violence and the impact on the family, as well as the importance and availability of community resources to foster and cultivate trust with victims.

EXPANDED COURSE OUTLINE

I. CYCLE OF VIOLENCE AND IMPACT ON THE FAMILY

A. Behaviors Batterers Use to Instill Fear and Control Over Their Partner
    1. What do peace officers encounter on calls for service?
    2. Purpose these behaviors serve – the end goal
    3. Discuss the group activity
B. Victim Characteristics and Behaviors
    1. fMRI emotional regulation
    2. National Domestic Violence Hotline Study
    3. PTSD vs Battered Women's Syndrome
C. Impacts on a Child at Time of Law Enforcement Intervention
    1. Still Face baby video (the good, the bad, the ugly)
    2. Review study of childhood neglect and brain development
    3. Review attachment theories and love mapping
D. Illustrate How Communities of Color are Impacted by Incarceration and Violence
    1. Fresno PD grant statistics on victims
    2. Root causes of domestic violence in Black communities

II. LEGAL UPDATES

A. Recent Changes to Penal Code and Legal Mandates
    1. Lethality assessment program (2018 SB 1331)
    2. Strangulation advisement (2017 SB 40)
    3. Statute of limitation change to PC 273.5(a) (2019 SB 273 Rubio)

B. Strangulation
    1. Differentiate Between PC 273.5(d) and PC 245(a)(4)
    2. Recognize the elements
    3. Understanding GBI as part of the criminal statute
    4. Understanding exposure ((2,3,4) vs (2,3,4) + (3,4,5 with a strike and 50k)

C. Stalking
    1. Demonstrate the probable cause threshold for stalking (PC 646.9)
    2. Recognize the elements
    3. Laying out a conduct of behavior pattern
    4. Understanding exposure and prior felony conviction

D. Protection Orders
    1. Discuss and differentiate between PC 273.6(a) and PC 166(c)(1)
    2. PC 166(c)(4) vs PC 273.6(d) felony
    3. Recognize the elements
    4. Out of town or out of state protection orders
    5. Cite and release per PC 1270.1

E. PC 591.5 vs PC 136.1(b)(1)
    1. Recognize the elements
    2. Forfeiture by wrongdoing – express waiver of 5th Amendment right cross examination

F. Review Legal Mandates
    1. Identify legal sections where mandates are located (PC, FC, GC, SB)
    2. When you “shall” vs. “may” make an arrest
    3. Dominant aggressor and Dual Arrests
    4. Discuss immunity vs qualified immunity
    5. Civil suit potential

III. COMMUNITY RESOURCES

A. Victim Trust
    1. Continue to foster and cultivate trust with victims, especially underserved populations
    2. Know what resources are available to achieve the goal of protecting the victim
    3. Trauma informed interviewing techniques to promote victim physical and emotional safety

B. Local Resources and What They Offer
    1. Marjaree Mason Center and services
    2. Crime Victim Assistance and qualifying services
    3. Centro La Familia and services
    4. Breaking the Chains and services
    5. Fresno Economic Opportunities Commission and services
    6. U-Visa program

IV. GUN VIOLENCE RESTRAINING ORDERS

A. Proactively Address Future Firearm Violence
B. PC 18125
    1. Review and discuss elements
    2. EPO 002
    3. Legal authority (PC 18145)
    4. Legal procedure (PC 18140)
C. Field Application
    1. Check the box for immediate surrender
    2. Anticipatory warrant or Georgia vs Randolph
    3. Applicable citations
D. Explaining Conditions Met to Judge/Commissioner
    1. Immediate and present danger to self or others (PC 18155, PC 18150(b)(1), PC 18150(b)(2)
    2. 21-day order unless extension authorized
    3. Firearm use is NOT required

V. LEARNING ACTIVITES

A. Learning Activity 1
    1. Students will collaborate in small groups to identify and develop their own power and control wheel
        a. Behaviors of abusers
        b. Behaviors of victims
        c. Mechanisms of control or coercion and criminal conduct that does not require intimate partner relationships defined in penal code as an element to complete the criminal violation.

B. Learning Activity 2
    1. Students will participate in facilitated discussion after reviewing a victim statement at a 2018 Congressional Session
        a. Whether or not the behavior described rises to the level of a crime
        b. Documentation, Report Writing and evidence collection teach back
        c. Identify those who were impacted by the violence
        d. Public perception of abuse

C. Learning Activity 3
    1. Students will collaborate in small groups to identify legal mandates all peace officers shall abide by. Groups will complete the following tasks:
        a. Identify legal mandates that “shall” be done per Penal Code
        b. Identify legal mandates that “shall” be done per Family Code
    c. Identify legal mandates outlined in the Government Code
    d. Determine what actions are found in the POST Guidelines for Domestic Violence as factors that shall NOT be considered
    e. Determine actions that are beneficial but not required