

DOMESTIC VIOLENCE UPDATE
Fontana Police Department 7530
CCN: 32343 | POST Certification II | 2 hours

COURSE GOAL: The purpose of this course is to provide officers with the tools and knowledge to respond and properly investigate safely and effectively incidents involving domestic violence.

I. Type of Abuse – Legal Updates

- 1) 13700 PC - Domestic Violence Defined
- 2) 13701(b) PC
 - a. Dual arrest are discouraged but not prohibited
 - b. Officers shall make reasonable effort to identify the dominant aggressor
 - i. Person determined to be the most significant rather than first aggressor
 - ii. Considered by officers to determine dominant aggressor
- A. 273.5(a) PC – Felony domestic violence
 1. Willful infliction of corporal injury
 2. Suspect willfully inflicted physical injury on:
 - i. Spouse or former spouse
 - ii. Cohabitant or former cohabitant
 - iii. Mother/father of child
 - iv. Finance. Current or previous dating relationship. Prior engagement
 3. Injury inflicted resulted in traumatic condition
 - i. Traumatic condition is a wound or other bodily injury, whether minor or serious
- B. 243(e)(1) PC – Misdemeanor domestic violence, battery
 1. Unlawful force or violence on:
 - i. Spouse or former spouse
 - ii. Cohabitant or former cohabitant
 - iii. Mother or father of child
 - iv. Fiancé or former fiancé
 - v. Boyfriend/girlfriend or former boyfriend/girlfriend
 2. No Injury necessary
 3. Straight misdemeanor

II. Other Crime Codes

- A. 136.1(c)(1) PC- Dissuading victim from reporting
- B. 236 PC- False imprisonment
- C. 207 PC- Kidnapping
- D. 422 PC- Criminal threats
- E. 591.5 PC- Vandalism
- F. 273.6 PC & 166(a)(4) PC
 - a. 273.6- Violation of Restraining Order, Protective Order, Stay Away Order
 - b. 166(a)(4)- Broader, violation of any court order or contempt of court
- G. 646.9 PC- Stalking
 - a. Pattern of conduct
 - b. Reasonable fear with credible threat
- H. 273a(a)/(b)- Child Abuse/Neglect

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- a. (a) "likely to produce great bodily harm or death", "inflicts unjustifiable physical pain or mental suffering", "having care and custody of child willfully causes, permits child to be placed in a situation where their person or health is endangered"
- b. (b) "circumstances or conditions other than those likely to produce great bodily harm or death", "willfully causes or permits any child to suffer, inflicts unjustifiable physical pain or mental suffering", "having care or custody of any child, willfully causes, permits the person or health of the child to be injured or willfully causes or permits child to be placed in a situation where their person or health is or may be endangered"

- I. 262 PC- Spousal rape
 - a. Difficult to prove
 - b. Underreported
 - c. BEAR Exam
 - d. Pre-text phone call

III. Mandates

- a. Mandates related to 13701 PC, 13730 PC and department general orders
- b. Victim confidentiality

IV. Evidence Collection

- a. Photos of:
 - i. Victim/Suspect
 - 1. Full body (front & back), close up, injuries, eyes, neck, shoulders, hands (top & bottom)

V. Strangulation

- A. Investigation Considerations:
 - 1. Encourage medical treatment
 - 2. What did the suspect say during the assault?
 - 3. How long did it last?
 - 4. Loss of consciousness?
 - 5. Shaken, thrown. One hand or two
 - 6. Amount of pressure – was it continuous
 - 7. Defensive injuries on suspect
 - 8. DAFFE Exam (Domestic Assault Forensic Exam)
 - a. Procedures to schedule examination

- B. Signs and symptoms
 - i. Hoarseness, loss of voice
 - ii. Swallowing or breathing difficulties
 - iii. Involuntary urination or defecation
 - iv. Bruises, redness or swelling
 - v. Petechiae
 - vi. Blood red eyes

VI. SB 1331 Domestic Violence- Lethality Assessments

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- a. 13519 (6) Effective January 1, 2018
- b. "The assessment of lethality or signs of lethal violence in domestic violence situations" must be included in the course training for peace officers
 - 1. What is a lethality assessment?
 - 2. Why is it important?
- c. Signs of lethality for proper assessment
 - 1. Checklist
 - 2. Questions
 - 3. Using the assessment tools

VII. Gun Violence Restraining Order (AB 1014)

- 1) Temporary Emergency Gun Violence Restraining Order
- 2) Ex Parte Gun Violence Restraining Order
- 3) Gun Violence Restraining Order Issued After Notice and Hearing

VIII. Report Writing

IX. Evidence / CSI

- 1. CSI vs. BWC
- 2. Voicemails/text/social media
- 3. Clothing, items
- 4. Physical marks
- 5. Medical records

X. Assessment-Learning Activity

- 1. Verbal Quiz to assess learning

XI. Resources

- a. Presentations by additional representatives in their field related to domestic violence incidents (DA office, CPS, WEAVE advocate)