



LAGUNA BEACH POLICE DEPARTMENT

TRAINING BULLETIN # 21-03

Domestic Violence

PURPOSE

The purpose of this training bulletin is to provide employees with the procedures regarding Domestic Violence incidents. This training bulletin will cover Lexipol Policy 320. Officers should familiarize themselves with CPC 243(e)(1), CPC 273.5, CPC 273.6, CPC 646.9, and CPC 1270.1.

For further details on the following Policy sections - 320.1 PURPOSE AND SCOPE, 320.2 POLICY, 320.3 OFFICER SAFETY and 320.4 INVESTIGATIONS sections (a) through (i), refer to the complete Lexipol Policy.

320.4 INVESTIGATIONS *(section j only)*

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

320.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

- (a)** Advise the victim that there is no guarantee the suspect will remain in custody.
- (b)** Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c)** Advise the victim whether any type of court order will be in effect when the suspect is released from jail.



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320.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim-witness unit).

(b) Document the resolution in a report.

320.5 VICTIM ASSISTANCE

See complete Lexipol policy for further.

320.6 DISPATCH ASSISTANCE

See complete Lexipol policy for further.

320.7 FOREIGN COURT ORDERS

See complete Lexipol policy for further.

320.8 VERIFICATION OF COURT ORDERS

See complete Lexipol policy for further.

320.9 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

320.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

(a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701).

Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.

1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).

(b) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of his/her right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).

(c) Officers shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):



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1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
4. Penal Code § 646.9 (stalking)
5. Other serious or violent felonies specified in Penal Code § 1270.1

(d) In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:

1. The intent of the law to protect victims of domestic violence from continuing abuse.
2. The threats creating fear of physical injury.
3. The history of domestic violence between the persons involved.
4. Whether either person acted in self-defense.

(e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the officer's presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

320.9.2 COURT ORDERS

See complete Lexipol policy for further.

320.9.3 PUBLIC ACCESS TO POLICY

See complete Lexipol policy for further.

320.9.4 REPORTS AND RECORDS

See complete Lexipol policy for further.

320.9.5 RECORD-KEEPING AND DATA COLLECTION

See complete Lexipol policy for further.

320.9.6 DECLARATION IN SUPPORT OF BAIL INCREASE

See complete Lexipol policy for further.