

Introduced by Senator JacksonFebruary 18, 2016

An act to amend Section 13519 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1200, as introduced, Jackson. Peace Officer Standards and Training: domestic violence: animal cruelty.

Existing law directs the Commission on Peace Officer Standards and Training to establish minimum standards relating to the training of law enforcement officers and establishes standards that are applicable to specific types of cases, including domestic violence. Existing law requires the commission to implement a course or courses of instruction for the training of law enforcement officers in California in the handling of domestic violence complaints and to develop guidelines for law enforcement response to domestic violence. Existing law requires the course of basic training for law enforcement officers to include adequate instruction in specified procedures and techniques, including the legal duties imposed on peace officers in domestic violence cases and the services and facilities available to victims and batterers.

This bill would require the course of basic training for law enforcement officers on domestic violence to include adequate instruction on the seriousness of animal cruelty and its link to violence against humans. The bill would define law enforcement officer for purposes of these domestic violence training requirements to include probation officers. By imposing these training requirements on county probation officers, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13519 of the Penal Code is amended to
 2 read:
 3 13519. (a) The commission shall implement ~~by January 1,~~
 4 ~~1986,~~ a course or courses of instruction for the training of law
 5 enforcement officers in California in the handling of domestic
 6 violence complaints and also shall develop guidelines for law
 7 enforcement response to domestic violence. The course or courses
 8 of instruction and the guidelines shall stress enforcement of
 9 criminal laws in domestic violence situations, availability of civil
 10 remedies and community resources, and protection of the victim.
 11 Where appropriate, the training presenters shall include domestic
 12 violence experts with expertise in the delivery of direct services
 13 to victims of domestic violence, including utilizing the staff of
 14 shelters for battered women in the presentation of training.
 15 (b) As used in this section, “law enforcement officer” means
 16 ~~any~~ *an* officer or employee of a local police department or sheriff’s
 17 office, ~~any~~ *a* peace officer of the Department of Parks and
 18 Recreation, as defined in subdivision (f) of Section 830.2, ~~any~~ *a*
 19 peace officer of the University of California Police Department,
 20 as defined in subdivision (b) of Section 830.2, ~~any~~ *a* peace officer
 21 of the California State University Police Departments, as defined
 22 in subdivision (c) of Section 830.2, a peace officer, as defined in
 23 subdivision (d) of Section 830.31, ~~or~~ a peace officer as defined in
 24 subdivisions (a) and (b) of Section 830.32, *or a peace officer*
 25 *specified in subdivision (a) of Section 830.5 as a probation officer*
 26 *or a deputy probation officer.*

- 1 (c) The course of basic training for law enforcement officers
2 shall, ~~no later than January 1, 1986,~~ include adequate instruction
3 in the procedures and techniques described below:
- 4 (1) The provisions set forth in Title 5 (commencing with Section
5 13700) relating to response, enforcement of court orders, and data
6 collection.
 - 7 (2) The legal duties imposed on peace officers to make arrests
8 and offer protection and assistance including guidelines for making
9 felony and misdemeanor arrests.
 - 10 (3) Techniques for handling incidents of domestic violence that
11 minimize the likelihood of injury to the officer and that promote
12 the safety of the victim.
 - 13 (4) The nature and extent of domestic violence.
 - 14 (5) The signs of domestic violence.
 - 15 (6) The legal rights of, and remedies available to, victims of
16 domestic violence.
 - 17 (7) The use of an arrest by a private person in a domestic
18 violence situation.
 - 19 (8) Documentation, report writing, and evidence collection.
 - 20 ~~(9) Domestic violence diversion as provided in Chapter 2.6~~
21 ~~(commencing with Section 1000.6) of Title 6 of Part 2.~~
 - 22 (9) *Diversion opportunities for domestic violence defendants.*
 - 23 (10) Tenancy issues and domestic violence.
 - 24 (11) The impact on children of law enforcement intervention
25 in domestic violence.
 - 26 (12) The services and facilities available to victims and batterers.
 - 27 (13) The use and applications of this code in domestic violence
28 situations.
 - 29 (14) Verification and enforcement of temporary restraining
30 orders when (A) the suspect is present and (B) the suspect has fled.
 - 31 (15) Verification and enforcement of stay-away orders.
 - 32 (16) Cite and release policies.
 - 33 (17) Emergency assistance to victims and how to assist victims
34 in pursuing criminal justice options.
 - 35 (18) *The seriousness of animal cruelty and its link to violence*
36 *against humans.*
- 37 (d) The guidelines developed by the commission shall also
38 incorporate the ~~foregoing~~ factors *in subdivision (c)*.
- 39 (e) ~~(1)~~ All law enforcement officers who have received their
40 basic training before January 1, 1986, shall participate in

1 supplementary training on domestic violence subjects, as prescribed
2 and certified by the commission.

3 ~~(2) Except as provided in paragraph (3), the training specified~~
4 ~~in paragraph (1) shall be completed no later than January 1, 1989.~~

5 ~~(3) (A) The training for peace officers of the Department of~~
6 ~~Parks and Recreation, as defined in subdivision (g) of Section~~
7 ~~830.2, shall be completed no later than January 1, 1992.~~

8 ~~(B) The training for peace officers of the University of California~~
9 ~~Police Department and the California State University Police~~
10 ~~Departments, as defined in Section 830.2, shall be completed no~~
11 ~~later than January 1, 1993.~~

12 ~~(C) The training for peace officers employed by a housing~~
13 ~~authority, as defined in subdivision (d) of Section 830.31, shall be~~
14 ~~completed no later than January 1, 1995.~~

15 ~~(4)~~

16 *(f)* Local law enforcement agencies are encouraged to include,
17 as a part of their advanced officer training program, periodic
18 updates and training on domestic violence. The commission shall
19 assist where possible.

20 ~~(f)~~

21 *(g)* (1) The course of instruction, the learning and performance
22 objectives, the standards for the training, and the guidelines shall
23 be developed by the commission in consultation with appropriate
24 groups and individuals having an interest and expertise in the field
25 of domestic violence. The groups and individuals shall include,
26 but shall not be limited to, the following: one representative each
27 from the California Peace Officers' Association, the Peace Officers'
28 Research Association of California, the State Bar of California,
29 the California Women Lawyers' Association, and the—State
30 Commission on the Status of Women and Girls; two representatives
31 from the commission; two representatives from the California
32 Partnership to End Domestic Violence; two peace officers,
33 recommended by the commission, who are experienced in the
34 provision of domestic violence training; and two domestic violence
35 experts, recommended by the California Partnership to End
36 Domestic Violence, who are experienced in the provision of direct
37 services to victims of domestic violence and at least one
38 representative of service providers serving the lesbian, gay,
39 bisexual, and transgender community in connection with domestic

1 violence. At least one of the persons selected shall be a former
2 victim of domestic violence.

3 (2) The commission, in consultation with these groups and
4 individuals, shall review existing training programs to determine
5 in what ways domestic violence training might be included as a
6 part of ongoing programs.

7 ~~(g)~~

8 (h) Each law enforcement officer below the rank of supervisor
9 who is assigned to patrol duties and would normally respond to
10 domestic violence calls or incidents of domestic violence shall
11 complete, every two years, an updated course of instruction on
12 domestic violence that is developed according to the standards and
13 guidelines developed pursuant to subdivision—~~(d)~~ (g). The
14 instruction required pursuant to this subdivision shall be funded
15 from existing resources available for the training required pursuant
16 to this section. It is the intent of the Legislature not to increase the
17 annual training costs of local government entities.

18 SEC. 2. If the Commission on State Mandates determines that
19 this act contains costs mandated by the state, reimbursement to
20 local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.