
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: SB 1331 **Hearing Date:** April 17, 2018
Author: Jackson
Version: April 2, 2018
Urgency: No **Fiscal:** Yes
Consultant: EC

Subject: *Peace Officers: Domestic Violence Training*

HISTORY

Source: California Partnership to End Domestic Violence

Prior Legislation: None known

Support: Unknown

Opposition: None known

PURPOSE

The purpose of this bill is to require the Commission on Peace Officer Standards and Training's domestic violence training course to include procedures and techniques for assessing lethality or signs of lethal violence in domestic violence situations.

Existing law states that the Commission on Peace Officer Standards and Training shall implement a course or courses of instruction for the training of law enforcement officers in California in handling of domestic violence complaints and also shall develop guidelines for law enforcement response to domestic violence. The course or courses of instruction and the guidelines shall stress enforcement of criminal laws in domestic violence situations, availability of civil remedies and community resources, and protection of the victim. When appropriate, the training presenters shall include domestic violence experts with expertise in the delivery of direct services to victims of domestic violence, including utilizing the staff of shelters for battered women in the presentation of training. (Pen. Code. § 13519 subd. (a).)

Existing law states that the course of basic training for law enforcement officers shall include adequate instruction in the procedures and techniques described below (Pen. Code § 13519 subd. (c)(1)-(17).):

- Provisions set forth in Title 5 (commencing with Section 13700) relating to response, enforcement of court orders, and data collection.
- Legal duties imposed on peace officers to make arrests and offer protection and assistance including guidelines for making felony and misdemeanor arrests.
- Techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of the victim.
- The nature and extent of domestic violence.
- The signs of domestic violence.

- The legal rights of, and remedies available to, victims of domestic violence.
- The use of an arrest by a private person in a domestic violence situation.
- Documentation, report writing, and evidence collection.
- Domestic violence diversion as provided in Chapter 2.6 (commencing with Section 1000.6) of Title 6 of Part 2.
- Tenancy issues and domestic violence.
- The impact on children of law enforcement intervention in domestic violence.
- The services and facilities available to victims and batterers.
- The use and applications of this code in domestic violence situations.
- Verification and enforcement of temporary restraining orders when (A) the suspect is present and (B) the suspect has fled.
- Verification and enforcement of stay-away orders.
- Cite and release policies.
- Emergency assistance to victims and how to assist victims in pursuing criminal justice options.

Existing laws states that the guidelines developed by the commission shall also incorporate the foregoing factors. (Pen. Code § 13519 subd. (d).)

This bill requires the course to include the assessment of lethality or signs of lethal violence in domestic violence situations.

COMMENTS

1. Need for This Bill

The author states:

Three women are murdered every day in the US by current or former partners. Many abusive situations turn deadly when a victim attempts to leave a relationship. Seventy-two percent of all murder-suicides involve an intimate partner, with 94 percent of the victims of these murder-suicides female, and more than half of all female homicide victims were killed in connection with intimate partner violence. The World Health Organization says that worldwide, a partner or spouse is the killer in 38 percent of women's homicides.

Lethal domestic violence is not limited to the batterer's primary victim – a study of partner homicides found that 20 percent of victims were not the intimate partners themselves but family members, friends, or bystanders.

SB 1331 will expand the training law enforcement officers receive pertaining to domestic violence to include specific training in assessing potentially lethal situations.

The goal of the lethality assessments is to prevent domestic violence homicides, serious injury, and re-assault by encouraging more victims to utilize the support

and shelter services of domestic violence programs. Lethality assessments are protocols designed for law enforcement first responders.

Excessive jealousy, having threatened suicide or homicide in the past, heavy drug or alcohol use, or previous cases of choking a victim are tied to increased risk of lethality. Victims are asked a series of questions based on research on factors linked to lethality; certain victims' responses trigger the "protocol referral," which is an immediate connection with a local advocacy program.

One in 10 victims of intimate-partner-related experienced some form of violence in the preceding month. Linking women to advocates has been demonstrated to improve women's quality of life as well as increase their engagement with the criminal legal process.

2. Domestic Homicide

In the 1970s and 1980s, an abundance of domestic violence disputes were filed and spurred a growing awareness in the prevalence and severity of the intimate partner violence. The awareness was coupled with increased criticism of the police and how they were not adequately responding to victims of domestic violence.¹

The result of insufficient and uncompleted police action may be fatal. Based on the Bureau of Labor Statistics from 1998 to 2002, 73% of domestic violence victims were female. Three-fourths of the persons who committed family violence were male. Murder was less than half of 1% of all domestic violence. About 22% of total homicides in 2002 were family murders. Of all murders of females in 2002, family members were responsible for 43%.²

Research identified key risk factors for domestic homicide:

- A prior history of domestic violence.
- An estrangement, separation, or an attempt at separation by partner.
- Access to/ownership of guns.
- Use of weapon in prior abusive incidents.
- Threats with weapons.
- Serious injury in prior abusive incidents.
- Threats of suicide.
- Drug or alcohol abuse.
- Forced sex of partner.
- Threats to kill victim
- Obsessiveness/extreme jealousy/extreme dominance.
- Restraining order or order of protection against perpetrator.³

This bill requires the Commission on Peace Officer Standards and Training's domestic violence training course to include procedures and techniques for assessing lethality to prevent domestic violence homicide, injury, and re-assault.

¹ Meg Townsend, "Law Enforcement Response to Domestic Violence Calls for Service," n.d., 109.

² Matthew R. Durose et al., "Family Violence Statistics: Including Statistics on Strangers and Acquaintances: (412162005-001)" (American Psychological Association, 2005), <https://doi.org/10.1037/e412162005-001>.

³ Neil Websdale, "Lethality Assessment Tools: A Critical Analysis," 2000, 10.

3. Maryland Lethality Assessment Program (LAP)

In 2000, the Maryland Network against Domestic Violence set the goals of identifying victims at high risk for homicide by an intimate partner and creating a plan to assist them with decreasing that risk. The committee included advocates, police officers, researchers, and professionals from related disciplines. Four research findings studies on intimate partner homicide were utilized.⁴

- Nearly half of domestic homicide offenders had been arrested in the year prior to the homicide;
- Women do not access domestic violence services at high rates;
- There is a significant reduction in risk of severe assault when victims utilize the services of a domestic violence advocacy program; and
- Abused women who used community-based domestic violence services were rarely the victim of murder or attempted murder.⁵

When a police officer responding to the scene of a domestic violence incident, the officer must determine that there is a “manifestation of danger”. Police officers use the following criteria (1) the officer believes that an assault or other violent act has occurred whether or not there was probable cause for arrest, (2) the officer is concerned for the safety of the victim once they leave the incident scene, (3) the officer is responding to a domestic violence call from a victim or at a location where domestic violence had occurred in the past, or (4) the officer has a “gut feeling” that the victim is in danger.

After danger is detected, Maryland’s LAP involves two steps. First, the officer uses a brief 11-item risk assessment, a lethality screen, to identify victims at high risk of homicide. Second, people that screen in as high risk based on the Lethality Screen are put in immediate telephone contact with a collaborating social service provider who provides them with advocacy, safety planning, and referral.

Between 2006 and 2012, officers have administered more than 56,000 screens. During that time period, 53% of victims screened at high risk with 57% of those talking with the advocate at the scene and 31% following up with the agency.

California’s domestic violence procedures may not fully resemble the Maryland LAP program, but LAP provides an example of procedures and techniques to measure lethality of domestic violence.

4. Related Legislation

AB 2136 (Bonta, 2018) requires the County of Alameda to develop a lethality assessment to develop tools for first responders to assess the lethality of domestic violence perpetrators in order to inform their decisions. Currently, AB 2136 has been referred to the Assembly Appropriations’ suspense file.

⁴ “Maryland Network Against Domestic Violence,” *Maryland Network Against Domestic Violence* (blog), accessed April 9, 2018, <https://mnadv.org/>.

⁵ “Police Departments’ Use of the Lethality Assessment Program: A Quasi-Experimental Evaluation,” n.d., 109.

The bill requires the program to investigate which strategies reduce domestic violence fatalities, the number of domestic violence survivors that have fewer violent incidents with their partner after contact with first responders, and the number of first responders that direct domestic violence survivors to resources.

The bill requires the Office of the District Attorney in the County of Alameda to annually prepare a report on the progress of the program and to prepare a final report to the Legislature on April 1, 2023.

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