

AMENDED IN SENATE APRIL 4, 2016

SENATE BILL

No. 1200

Introduced by Senator Jackson

February 18, 2016

An act to ~~amend Section 13519 of~~ *add Sections 6037 and 13012.8* to the Penal Code, relating to ~~peace officers.~~ *animal cruelty.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1200, as amended, Jackson. ~~Peace Officer Standards and Training; domestic violence; animal cruelty.~~ *Animal cruelty; training; criminal statistics.*

(1) Existing law requires the Board of State and Community Corrections to adopt rules establishing minimum standards for the selection and training of local corrections and probation officers.

This bill would require those standards to include a requirement for the training of probation officers on domestic violence and would require the training to include, but not be limited to, training on the nexus between animal cruelty and violence against persons.

(2) Existing law requires the Department of Justice to collect data from specified local law enforcement agencies and to present an annual report to the Governor containing the criminal statistics of the preceding calendar year. Existing law requires those law enforcement agencies to install and maintain records needed for the correct reporting of statistical data and to report the data to the Attorney General in the manner the Attorney General prescribes.

This bill would require the department's annual report to the Governor to include information concerning arrests for animal cruelty. Because the bill would require local agencies to collect and report

additional information to the Attorney General, this bill would impose a state-mandated local program.

~~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.~~

(3) 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 6037 is added to the Penal Code, to read:
2 6037. As part of the minimum standards for training established
3 pursuant to Section 6035, the board shall include a requirement
4 for the training of probation officers on domestic violence that
5 shall include, but not be limited to, training on the nexus between
6 animal cruelty and violence against persons.

1 *SEC. 2. Section 13012.8 is added to the Penal Code, to read:*
2 *13012.8. The annual report published by the department*
3 *pursuant to Section 13010 shall include information concerning*
4 *arrests for violations of Section 597.*

5 SECTION 1. ~~Section 13519 of the Penal Code is amended to~~
6 ~~read:~~

7 ~~13519. (a) The commission shall implement a course or~~
8 ~~courses of instruction for the training of law enforcement officers~~
9 ~~in California in the handling of domestic violence complaints and~~
10 ~~also shall develop guidelines for law enforcement response to~~
11 ~~domestic violence. The course or courses of instruction and the~~
12 ~~guidelines shall stress enforcement of criminal laws in domestic~~
13 ~~violence situations, availability of civil remedies and community~~
14 ~~resources, and protection of the victim. Where appropriate, the~~
15 ~~training presenters shall include domestic violence experts with~~
16 ~~expertise in the delivery of direct services to victims of domestic~~
17 ~~violence, including utilizing the staff of shelters for battered women~~
18 ~~in the presentation of training.~~

19 ~~(b) As used in this section, "law enforcement officer" means~~
20 ~~an officer or employee of a local police department or sheriff's~~
21 ~~office, a peace officer of the Department of Parks and Recreation,~~
22 ~~as defined in subdivision (f) of Section 830.2, a peace officer of~~
23 ~~the University of California Police Department, as defined in~~
24 ~~subdivision (b) of Section 830.2, a peace officer of the California~~
25 ~~State University Police Departments, as defined in subdivision (e)~~
26 ~~of Section 830.2, a peace officer, as defined in subdivision (d) of~~
27 ~~Section 830.31, a peace officer as defined in subdivisions (a) and~~
28 ~~(b) of Section 830.32, or a peace officer specified in subdivision~~
29 ~~(a) of Section 830.5 as a probation officer or a deputy probation~~
30 ~~officer.~~

31 ~~(c) The course of basic training for law enforcement officers~~
32 ~~shall include adequate instruction in the procedures and techniques~~
33 ~~described below:~~

34 ~~(1) The provisions set forth in Title 5 (commencing with Section~~
35 ~~13700) relating to response, enforcement of court orders, and data~~
36 ~~collection.~~

37 ~~(2) The legal duties imposed on peace officers to make arrests~~
38 ~~and offer protection and assistance including guidelines for making~~
39 ~~felony and misdemeanor arrests.~~

- 1 ~~(3) Techniques for handling incidents of domestic violence that~~
2 ~~minimize the likelihood of injury to the officer and that promote~~
3 ~~the safety of the victim.~~
- 4 ~~(4) The nature and extent of domestic violence.~~
- 5 ~~(5) The signs of domestic violence.~~
- 6 ~~(6) The legal rights of, and remedies available to, victims of~~
7 ~~domestic violence.~~
- 8 ~~(7) The use of an arrest by a private person in a domestic~~
9 ~~violence situation.~~
- 10 ~~(8) Documentation, report writing, and evidence collection.~~
- 11 ~~(9) Diversion opportunities for domestic violence defendants.~~
- 12 ~~(10) Tenancy issues and domestic violence.~~
- 13 ~~(11) The impact on children of law enforcement intervention~~
14 ~~in domestic violence.~~
- 15 ~~(12) The services and facilities available to victims and batterers.~~
- 16 ~~(13) The use and applications of this code in domestic violence~~
17 ~~situations.~~
- 18 ~~(14) Verification and enforcement of temporary restraining~~
19 ~~orders when (A) the suspect is present and (B) the suspect has fled.~~
- 20 ~~(15) Verification and enforcement of stay-away orders.~~
- 21 ~~(16) Cite and release policies.~~
- 22 ~~(17) Emergency assistance to victims and how to assist victims~~
23 ~~in pursuing criminal justice options.~~
- 24 ~~(18) The seriousness of animal cruelty and its link to violence~~
25 ~~against humans.~~
- 26 ~~(d) The guidelines developed by the commission shall also~~
27 ~~incorporate the factors in subdivision (c).~~
- 28 ~~(e) All law enforcement officers who have received their basic~~
29 ~~training before January 1, 1986, shall participate in supplementary~~
30 ~~training on domestic violence subjects, as prescribed and certified~~
31 ~~by the commission.~~
- 32 ~~(f) Local law enforcement agencies are encouraged to include,~~
33 ~~as a part of their advanced officer training program, periodic~~
34 ~~updates and training on domestic violence. The commission shall~~
35 ~~assist where possible.~~
- 36 ~~(g) (1) The course of instruction, the learning and performance~~
37 ~~objectives, the standards for the training, and the guidelines shall~~
38 ~~be developed by the commission in consultation with appropriate~~
39 ~~groups and individuals having an interest and expertise in the field~~
40 ~~of domestic violence. The groups and individuals shall include,~~

1 but shall not be limited to, the following: one representative each
2 from the California Peace Officers' Association, the Peace Officers'
3 Research Association of California, the State Bar of California,
4 the California Women Lawyers' Association, and the Commission
5 on the Status of Women and Girls; two representatives from the
6 commission; two representatives from the California Partnership
7 to End Domestic Violence; two peace officers, recommended by
8 the commission, who are experienced in the provision of domestic
9 violence training; and two domestic violence experts, recommended
10 by the California Partnership to End Domestic Violence, who are
11 experienced in the provision of direct services to victims of
12 domestic violence and at least one representative of service
13 providers serving the lesbian, gay, bisexual, and transgender
14 community in connection with domestic violence. At least one of
15 the persons selected shall be a former victim of domestic violence.

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

20 (h) Each law enforcement officer below the rank of supervisor
21 who is assigned to patrol duties and would normally respond to
22 domestic violence calls or incidents of domestic violence shall
23 complete, every two years, an updated course of instruction on
24 domestic violence that is developed according to the standards and
25 guidelines developed pursuant to subdivision (g). The instruction
26 required pursuant to this subdivision shall be funded from existing
27 resources available for the training required pursuant to this section.
28 It is the intent of the Legislature not to increase the annual training
29 costs of local government entities.

30 ~~SEC. 2.~~

31 *SEC. 3.* If the Commission on State Mandates determines that
32 this act contains costs mandated by the state, reimbursement to
33 local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.

O