

**INSTRUCTOR NOTE:**

- It is recommended that the term “survivor” be used as well as “victim” throughout this training. While many law enforcement officers use the term “victim,” the term “survivor” may be preferred by some persons who have experienced sexual assault and family violence.
- Throughout the training in this chapter, sexual assault, particularly adult non-stranger sexual assault, should be distinguished from family violence for law enforcement’s initial response due to their unique dynamics and challenges.
- When working with victims of crime, it is critical that officers understand there is no universal reaction to sexual assault or trauma. Some examples include fear, shame, guilt, depression, anger and anxiety.
- Always refer to your agency or department policy and procedures when determining policies and procedures regarding sexual assault and family violence response.

**Unit 1 Sexual Assault**

**17.1 Define sexual assault and child sexual abuse.**

A. Sexual assault

- i. Texas Penal Code, Sec. 22.011 Sexual Assault
- ii. General considerations
  1. An aggressive act even without the use of physical force or a weapon.
    - a. It can be facilitated by intoxicating substances, verbal threats, guilt tactics, emotional manipulation, coercion, etc.
  2. In most cases, the perpetrator is someone the victim/survivor knows.
    - a. Also referred to as adult non-stranger sexual assault.
    - b. Most cases will not have signs of physical violence.

**INSTRUCTOR NOTE:** The definition of child varies between different statutes and offenses. Instructors should advise students to review the specific statute applicable to the victim to determine the correct age classification as a child.

B. Child sexual abuse

- i. Texas Penal Code, Sec. 22.011 (c) Sexual Assault
- ii. Texas Family Code, Sec. 51.02 Definitions
- iii. General considerations
  1. Approximately 40% of child sexual abuse victims are abused by older/more powerful children.
  2. Most child sexual abusers choose victims they have easy access to and spend time establishing trust prior to the abuse.

**17.2 Define consent in the context of sexual assault.**

A. Texas Penal Code, Sec. 1.07 (11)

- i. "Consent" means assent in fact, whether expressed or apparent.
- B. It is not consent if:
  - i. A sexual act is accomplished at any time through coercion, physical force, violence, intoxication tactics, or even threats of violence.
  - ii. The victim is silent.
  - iii. An offender knows the victim is unconscious or physically unable to resist, has a mental disturbance or diminished mental capacity.
  - iv. A person is intoxicated and unaware that the act is occurring.
- C. Any sexual act perpetrated against a victim younger than 17 years of age is nonconsensual.
  - i. "Romeo and Juliet" exception

**SUGGESTED ACTIVITY:** The Office of the Texas Governor's Sexual Assault Survivors' Task Force recommends the following video as a resource for valuable insight on consent and its implication on the response and investigation of adult non-stranger sexual assault:

- <https://www.youtube.com/watch?v=d7SffKB3c3E&t=6s>

### **17.3 Identify considerations for high-risk populations for sexual assault.**

- A. Regardless of the high-risk population(s) a victim may belong to, it is critical to:
  - i. Be mindful of your own biases and beliefs.
  - ii. Educate yourself on the culture of the communities within your service area.
    - 1. Accurate terminology promotes trust.
  - iii. Develop proactive partnerships with service providers that support specific populations.
  - iv. Do not take it personally if a victim feels more comfortable speaking to an officer of a different gender or race.
- B. High-risk populations include but are not limited to:
  - i. Children
  - ii. Elderly
  - iii. Immigrants
    - 1. Do not assume a victim's legal status.
    - 2. Be aware that some resources, especially state sponsored programs, may not be available to victims/survivors who are immigrants.
  - iv. LGBTQ+ community
    - 1. Do not ask questions about gender unless it is pertinent to the investigation.
    - 2. Use appropriate gender pronouns according to the victim/survivor.
      - a. Example: My pronouns are she/her/hers...what are yours?

3. Do not assume friends and family members are aware of the individual's sexual orientation or sexual identity/expression.
- v. Males
  1. Providing information about the prevalence of male sexual assault can be helpful in conveying that the victim is believed and not alone.
- vi. People of color
- vii. People with disabilities
  1. Ask about necessary accommodations prior to a meeting if possible.
    - a. Keep in mind many disabilities are not visible.
  2. Be familiar with ADA requirements.
- viii. Sex workers
  1. If human trafficking is suspected, follow your agency or department reporting protocols.
- ix. Tribal communities
  1. May have access to specific spiritual and cultural resources:
    - a. Traditional healers.
    - b. Tribal court – civil protections, traditional remedies.
    - c. Free health care – I.H.S.
    - d. Tribal advocacy programs, such as support groups, talking circles, court and hospital accompaniments, financial assistance, etc.

**17.4 1.4 Define a trauma-informed approach.**

- A. Based on scientific research in the field.
- B. Understand how trauma affects the brain.
- C. Reduces re-traumatization of victims.
- D. Increases victim's participation in the criminal justice process.

**INSTRUCTOR NOTE:** A trauma-informed approach reminds us that anyone could be a trauma survivor. Therefore, while this course refers to victims, ensure students understand that this approach is just as beneficial when interacting with witnesses, colleagues and civilians in general.

**17.5 Identify trauma-informed attitudes to build rapport with victims.**

- A. The first interactions between law enforcement and a survivor, child victim, or caregiver will heavily influence all future interactions.
- B. Be patient.
  - i. Do not interrupt.
  - ii. Speak clearly and with a calm tone.
  - iii. Repeat information in different ways if necessary.

- iv. "I understand this is a very difficult time. Please take your time and let me know how I can assist you."
- v. Allow at least two full sleep cycles between the initial statement and the investigative interview. It also helps gives the officer time to:
  - 1. Have the forensic medical exam completed.
  - 2. Review reports.
  - 3. Interview any witnesses and suspects.
- C. Meet victim's basic needs and concerns.
  - i. "Would you like to sit down first?"
  - ii. "Is there anything specific you need right now, like medication or a jacket? I'll do my best to help you get what you need."
  - iii. "Can we talk more about this here or would you prefer stepping outside?"
  - iv. Offer the victim language services when possible.
    - 1. Do not allow family members, friends, or suspects to act as interpreters.
- D. Do not threaten victims with prosecution for false reporting or infer in any way that they are being untruthful.
  - i. "Regardless of the circumstances, no one deserves to be treated this way. We're here to support you."
  - ii. "I am going to have to ask you a couple more questions about that. It's not because you are not making sense, I just want to really understand what happened so we can figure out how to better assist you right now."
  - iii. Explain why you are asking questions. Emphasize that it is not to question the victim's credibility, but to establish elements of the crime.
- E. Prepare victim with what to expect:
  - i. Who will follow up with the victim and how they will make contact.
  - ii. What to do if contacted by the suspect, or friend or family of the suspect.
  - iii. Officer's contact information and case number, if applicable.
- F. Respect their right to choose.
  - i. Do not pressure the victim to participate in the investigation or prosecution of the assault.
  - ii. Remind the victim it is their right to have an advocate present during any part of the criminal process.
    - 1. Remember, officers are legally required to offer victims an advocate from a sexual assault program to be present during the investigative interview.

**INSTRUCTOR NOTE:** Clarify to students that the legal requirement refers to the investigate interview, not initial contact or other interviews. However, it remains a victim's right to have an advocate present at any time during the process.

- iii. "It's completely up to you how you want to proceed. We are here to provide you with information so you can decide what's best for you right now."
- iv. "Here's what we can do to support you at this stage. Let me know if you have any questions or if there's anything specific you need."
- G. Use non-judgmental language.
  - i. Avoid:
    - 1. "Allegedly" or "alleged"
    - 2. "Their story"
    - 3. "Supposedly"
    - 4. "Lying"
  - ii. Do not ask victims "why" they did or did not do something during the assault.
    - 1. Instead, tell the victim why the question is being asked and ask in a non-judgmental way.
    - 2. "Tell me about the conditions that prevented you from leaving/escaping" instead of "why didn't you leave?"
  - iii. "Your reaction to this situation is valid and understandable. Everyone responds differently, and there's no right or wrong way to feel or act when you go through something like this."
  - iv. It is important not to use judgmental language when discussing the victim's relationship with the offender.
    - 1. There are mitigating circumstances as to why victims may stay, for instance:
      - a. Financial or emotional dependence on the abuser.
      - b. Threats to the victim or their family and friends if they leave.
      - c. Children may want to stay or return.
- H. Offer available resources in the area.
  - i. "Whenever you're ready, here's a list of resources that can offer support. Take your time to review them and let me know if you have any questions."
  - ii. "If you'd like, I can provide these resources discreetly, so you can keep them safe until you're ready to use them."

**INSTRUCTOR NOTE:** Instructors may inform students of local resources in their service area for victims of sexual assault and/or family violence.

- I. Notes on documentation
  - i. Do not have victim prepare a written statement unless agency policy requires.
    - 1. Inconsistencies between interview and written statement may be used against victim by defense.

- ii. When report writing, officers should use non-consensual language instead to clearly depict the crime that occurred.

**17.6 Recognize examples of trauma-informed questions.**

- A. Reiterate to the victim it is okay not to know the answers to all the questions.
  - i. The victim should not guess if they do not know or recall information.
- B. Use open-ended questions to avoid leading answers.
  - i. “How were you laying?” instead of “Were you laying on your stomach?”.
  - ii. “How would you describe your relationship with the accused?” instead of “You didn’t know the perpetrator well, did you?”.
- C. Trauma affects how the brain stores memories, causing the victim to likely not recall the incident in chronological order.
  - i. Avoid prompts such as “Start at the beginning and tell me what happened” or “and then what happened?”
  - ii. Instead, use “Where would you like to start?” or “what else could you tell me about...?”
- D. Ask questions about what they thought, felt, feared, saw, smelled, tasted, heard, or touched during the incident.
  - i. “Do you remember smelling anything?”
  - ii. “What do you recall hearing?”
  - iii. “What do you remember feeling physically?”
- E. Focus on what the victim can remember about their experience and build on what the victim recalls.

**SUGGESTED ACTIVITY:** Provide students with examples of realistic interactions between officers and victims disclosing sexual assault. Have students discuss recommendations for improving them in line with the trauma-informed principles they just learned.

**17.7 Discuss particular circumstances of sexual abuse disclosures by child victims.**

- A. Mandatory reporting
  - i. Texas Family Code, Sec. 261.101 Persons Required to Report; Time to Report
- B. In cases of child sexual abuse, a law enforcement officer’s role includes:
  - i. Intervening in any case of alleged family or sexual violence.
  - ii. Protecting the victims without regard to the relationship between the alleged offender and victim.
  - iii. Completing a written report and the necessary action under protective order statutes.
  - iv. Reporting abuse and neglect cases to the Department of Family and Protective Services (mandated statutorily).

- v. Enforcing court orders.
- C. First responders making initial contact with child victims should refrain from interviewing the child.
  - i. Consider the psychological condition of the child at the time of the interview. Questioning should not cause additional problems.
- D. Child Advocacy Centers (CACs) are a great resource for the following:
  - i. Forensic interviews
  - ii. Mental health services
  - iii. Medical services
  - iv. Victim and family advocacy

**INSTRUCTOR NOTE:** If applicable to the students' service area, inform them that counties not officially served by a CAC are often able to receive courtesy services from a nearby center, including the ability to have a child forensically interviewed by a trained interviewer. To find your local CAC visit <https://cactx.org/find-a-local-cac/>.

**17.8 Identify trauma-informed strategies to build rapport with child victims.**

- A. Be sensitive to the child's emotional and physical reaction to what is happening, especially if responding to a recent or ongoing incident.
- B. Body language
  - i. Use a calm and soothing tone of voice.
  - ii. Avoid crossing your arms.
  - iii. Do not tower over small children, as your height can be intimidating.
  - iv. Remove physical barriers between you and the victim.
  - v. Maintain eye contact.
  - vi. Be mindful of your facial expressions and maintain an impartial manner.
    - 1. Do not display horror, shock, or disapproval.
- C. Talk to them, not at them.
- D. If time allows, firstly relate to them by speaking about their hobbies or interests.
- E. Keep conversations simple and on their level.
  - i. Avoid technical language.
  - ii. "Did anyone try and make you do something you didn't want to do?" instead of "Did they force you?"
- F. Make sure they do not feel "in trouble" or "at fault."
  - i. Be mindful of their reluctance to speak given their possible dependence on the accused.
  - ii. Reassure them that you understand how they feel and that you have talked to other children who have been in similar situations.

- G. They may have a lack of trust in law enforcement, which could be a challenge in building trust and rapport.
  - i. Do not give up on them.
  - ii. Do not take their mistrust personally.

### 17.9 Identify age-appropriate questions when talking to child victims.

**INSTRUCTOR NOTE:** The purpose of the chart below is to make students aware that children can comprehend different concepts depending on their age. While students are not expected to memorize this content in detail, their general awareness is important in order to adapt their questions and expectations when interacting with children.

CONSIDERATIONS FOR AGE-APPROPRIATE INTERVIEW QUESTIONS							
AGE	WHO	WHAT	WHERE	HOW	CHRONOLOGICAL NARRATIVE	DURATION	FREQUENCY
2-4							
5-7							
8-12							
13+							

KEY

	Child <b>Should</b> be able to answer these questions.
	Child <b>MIGHT</b> be able to answer these question; interviewer should proceed with extreme caution.
	Child <b>WIL NOT</b> be able to answer these questions; interviewer should not ask.

Many factors go into a child's ability to answer questions including the child's developmental level, script memory, delayed outcry, and internal and external blocks to disclosure. This chart provides generalities and should NOT be considered valid in all cases.



- A. In addition to types of questions, it is beneficial to:
  - i. Clarify what they mean by words that are relevant to determining criminal elements.
  - ii. Whenever possible, use names and specific nouns instead of "he", "she", "there", or "that".
  - iii. Keep questions short.

### 17.10 Recognize sexual assault victims' rights.

- A. Texas Code of Criminal Procedure, Art. 56A.403 Duties of Peace Officers Regarding Victims of Sexual Assault
  - i. Peace officers shall:
    - 1. Provide the victim a written referral to the nearest sexual assault program.
    - 2. Provide the victim a written notice that contains:
      - a. The rights of victims.
      - b. Information about Track-Kit



3. Offer to request a forensic medical examination on behalf of the victim.
  4. Coordinate with a local response team to provide continuing care to the victim and/or to further investigate the offense (SARTs).
    - a. Texas Local Government Code §351.252 Establishment
      - Texas law requires every county to establish a SART.
- B. Texas Code of Criminal Procedure, Art. 56A.052 Additional Rights of Victims of Sexual Assault, Indecent Assault, Stalking, or Trafficking
- i. Victims of sexual assault receive additional rights, including:
    1. The right to a forensic medical exam, and the right to test for acquired immune deficiency syndrome (AIDS), and/or human immunodeficiency virus (HIV) infection.
    2. Additional rights upon request by the victim are:
      - a. Disclosure of information.
      - b. Notification of the status of evidence collected from the victim.
      - c. Counseling for acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection.
      - d. Information about the disposition of the defense.
- C. Texas Code of Criminal Procedure, Art. 56A.303 Forensic Medical Examination
- i. There is no cost for the forensic medical examination.
  - ii. Victims have a legal right to (a) obtain an exam within 120 hours of assault and (b) refuse the exam.
  - iii. In the case of child victims, a medical forensic exam should always be conducted, regardless of how long ago the assault occurred.
    1. Children must be at least 16 years old to refuse any medical examination.
  - iv. Must be done by a qualified medical professional, usually a sexual assault nurse examiner (SANE).
  - v. Officers may encourage the victim to:
    1. Gather a change of clothes in case clothing is collected as evidence.
    2. Not eat, drink, shower, use restroom, or brush teeth to preserve evidence.
- D. Texas Government Code, Sec. 420.034 Statewide Electronic Tracking System
- i. Officers must provide information about Track-Kit, even if the victim does not wish to pursue the investigation.
- E. Texas Government Code, Sec. 552.138 Exception: Confidentiality of Family Violence Shelter Center, Victims of Trafficking Shelter Center, and Sexual Assault Program Information

- i. Information maintained by a family violence shelter center, victims of trafficking shelter center, or sexual assault program is exempt from being public information.
- F. Texas Code of Criminal Procedure, Ch. 58 Subchapter C Confidentiality of Identifying Information of Sex Offense Victims
  - i. Victims can adopt pseudonyms to be used on public files and records concerning the offense.
  - ii. Once a pseudonym is used, the victim's identifying information is confidential and is prohibited from disclosure unless it serves a purpose to the investigation or prosecution of the offense.
    - 1. Disclosure of a child sexual assault victim's identifying information to anyone not assisting in the investigation, prosecution, or defense of the case is prohibited.
- G. Sexual assault/stalking/trafficking protective order (SAPO)
  - i. Children of any age may apply for a sexual assault, dating violence, or stalking protective order.

## **Unit 2 Family Violence**

### **17.11 Define family violence terms under the Family Code.**

- A. Texas Family Code, Sec. 71.001 Applicability of Definitions
- B. Texas Family Code, Sec. 71.003 Family
- C. Texas Family Code, Sec. 71.004 Family Violence
- D. Texas Family Code, Sec. 71.005 Household
- E. Texas Family Code, Sec. 71.006 Member of Household
- F. Texas Family Code, Sec. 71.021 Dating Violence
- G. Texas Code of Criminal Procedure, Art. 5.01 Legislative Statement
  - i. Family violence is a serious danger and threat to society and its members. Victims of family violence are entitled to the maximum protection from harm or abuse or the threat of harm or abuse as is permitted by law.

### **17.12 Recognize officer dynamics when responding to a family violence call.**

- A. Family violence calls are one of the most dangerous for responding officers.
- B. Family dynamics make both the victim and the suspect more unpredictable than parties involved in other crimes.
  - i. For the parties involved, these matters are personal and emotional.
  - ii. The incident may involve drugs and/or alcohol abuse.
  - iii. The caller may even become hostile towards the officers once a decision for an arrest is articulated.

- C. Most calls involve two subjects providing contradicting narratives regarding an unverifiable event.
- D. The goals are to:
  - i. Establish if the dots connect and the stories line up.
  - ii. Identify and protect the victim.
  - iii. Identify and hold the right person(s) accountable.
  - iv. It can be a challenge to achieve these goals while maintaining both the officer and the victim's safety.

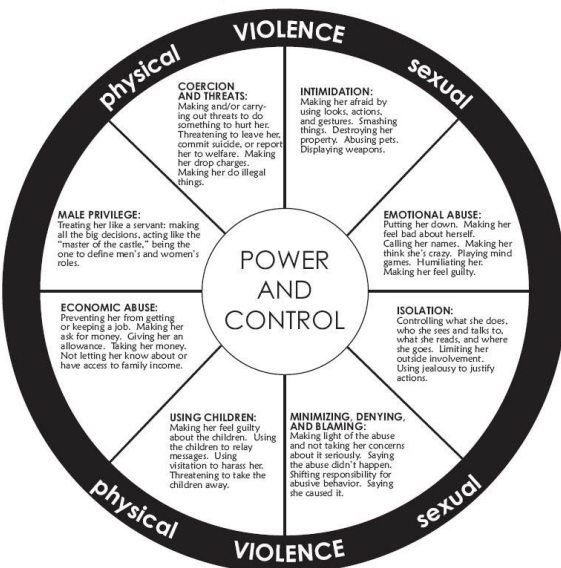
**INSTRUCTOR NOTE:** Share different examples of domestic violence calls and their potential threats to officer safety. For instance, the incident involving Jillian Michelle Smith, an Arlington Police Department Fallen Officer, illustrates the risks of dispatching only one officer to the scene. Local or state websites can provide further information on incidents involving fallen officers, if necessary.

- For more information on Jillian Michelle Smith, please visit [https://www.arlingtontx.gov/city\\_hall/departments/police/about\\_us/police\\_memorial/jillian\\_michelle\\_smith](https://www.arlingtontx.gov/city_hall/departments/police/about_us/police_memorial/jillian_michelle_smith)

### 17.13 Describe power and control dynamics in abusive relationships.

- A. An offender intentionally uses tactics to gain power and control over the victim in order to keep them from reporting or leaving the relationship.
  - i. They can be subtle, continuous and escalate over time.
  - ii. They are used in combination with each other.

**INSTRUCTOR NOTE:** Use the Power and Control Wheel below to exemplify these tactics. Advise students that the diagram refers to victims by “she/her” to reflect the family violence statistics at the time it was created. However, officers should be aware that anybody can be a victim.



Source: Domestic Abuse Intervention Project (1984).

**INSTRUCTOR NOTE:** A concise version of the Power and Control wheel has been included above for reference. Please refer to Appendix B to review it with the class.

- B. A victim does not “choose to stay” in an abusive dynamic.
  - i. When responding to recurring incidents, understand there are complex reasons as to why a victim may be reluctant to leaving or filing charges.
  - ii. All victims deserve access to justice and safety.

**SUGGESTED ACTIVITY:** Understanding these tactics allows officers to identify abuse, ask more targeted questions, gather more relevant evidence and develop a clearer picture of the victim’s experience. Allow students an opportunity to practice targeted questions by:

1. Providing examples of common statements made by victims during initial contact that refer to the tactics provided in the power and control wheel.
2. Discussing appropriate follow up questions that are also in line with a trauma-informed approach.

**17.14 Identify safety strategies when responding to a family violence call.**

- A. Approach the scene with caution.
  - i. If possible, at least two officers should respond.
- B. Obtain all relevant information from the dispatcher before arriving at the scene.
- C. Notify the dispatcher upon arrival.
- D. Avoid the use of sirens and lights unless it is apparent that the victim is in imminent danger of serious bodily injury.
- E. Position vehicle safely - not directly in front of residence.
- F. Be alert for assailants leaving the scene.
- G. When entering the residence
  - i. Ensure any resident consents to the entry.
  - ii. “Exigent circumstances” require that the officer enter without consent.
    1. Exigent means “requiring immediate action.”
    2. In some instances, the 911 call itself may support a determination of exigent circumstances or include an invitation to enter without force.

**SUGGESTED ACTIVITY:** Discuss what to do if no one answers the door.

- Discuss tactics to talk to parties into opening the door.
- Discuss tactics to talk to parties out in common areas for further investigation.
- Discuss the possibility of holding the door open if they try to close it.
- Discuss completing notes in the computer-aided dispatch (CAD) system vs. completing a report of what was or was not found if no criminal violation occurred.

**17.15 Identify strategies to determine the predominant aggressor in a family violence call.**

- A. Do not dismiss what children may say. They often share information very openly.

B. Investigate the following:

- i. What is the relative severity of the injuries inflicted on each person?
  1. Note that many injuries are not visible, in particular strangulation.
- ii. Do any injuries appear to be the result of self-defense?
- iii. Is one party in actual fear of the other?
- iv. Is the party with less serious injuries demanding that the other party be arrested too?
- v. Was the amount of force used appropriate and reasonable?
  1. For example, did one party react to a slap by punching the other repeatedly?
- vi. Do the stories make sense?
- vii. Can anyone else (children, witnesses, 911 tapes) corroborate either story?
- viii. Does the scene corroborate either story?
- ix. Who poses the most danger to the other?
- x. Who is at most risk for future harm or injury?
- xi. Is one party physically larger and stronger than the other?
- xii. Is there a history of violence by one of the parties against the other or against other people?
  1. Is one party usually the aggressor?

**17.16 Differentiate choking from strangulation.**

- A. When a victim says “choked” or “choked out,” they often do not know the difference between choking and strangulation.
  - i. The victim may also be minimizing what happened as a response to trauma or shame.
- B. It is imperative to clarify what act occurred because:
  - i. Strangulation is one of the most accurate predictors of future lethality.
  - ii. Strangulation can result in serious injury or death and the victim should be examined by a medical professional.
- C. Choking is internal blockage of the windpipe, whereas strangulation is external blockage that obstructs oxygen from getting into the lungs.

**INSTRUCTOR NOTE:**

- Neck lesions are not always immediately present. See Appendix A - Signs of Strangulation handout for more examples to share with students.
- Clarify to students that differentiating between choking and strangulation is important to address the needs of the victim and determine the predominant aggressor.
  - If strangulation is suspected, EMS or medical help should always be called.

**17.17 Identify strategies to handle a family violence call.**

**INSTRUCTOR NOTE:** Remind students that the trauma-informed attitudes and questions, as well as age-appropriate language, described in the sexual assault module are also applicable to family violence calls.

- A. Deescalate the situation.
  - i. 80% of crisis situations can be diffused through listening.
- B. Determine if any weapons were involved or are in the residence and secure them, if necessary.
- C. Be neutral, do not take sides.
- D. Verify the need for an interpreter.
  - i. Do not allow for family members, friends, or the suspect to translate.
- E. Locate and interview the complaining party.
  - i. Have complaining witness describe what occurred step by step and where each party was.
- F. Locate and interview the involved parties, then the witnesses.
- G. Officers are required by law to provide victims with information on their rights and resources.
  - i. Texas Code of Criminal Procedure, Art. 56A.401 Notification of Rights
  - ii. Texas Human Resources Code, Sec. 51A.003 Notice to Victims

**INSTRUCTOR NOTE:** Refer to the Health and Human Services Commission website at <https://www.hhs.texas.gov/services/safety/family-violence-program/family-violence-program-resources>

- H. When reviewing a suspect's criminal history, ask follow-up questions on any offense that stands out to you.
  - i. Some offenses may involve family violence elements but not have a Family Violence enhancement listed on TCIC.
- I. Always ask children what happened away from adults and document their response.
  - i. The child's comfort and safety should be prioritized.
  - ii. Discussions with children should be kept to what is necessary for safety.
- J. Inform all parties what action is to be taken.
  - i. Safety is key when having this discussion.
  - ii. Ensure victim has given statement before arrest is announced.
- K. Take photos of the victims, suspects, children, and the scene as appropriate.
  - i. Maintain the integrity of the crime scene.
- L. When documenting,
  - i. Pay special attention to the parties' demeanor and articulate what is observed.

- ii. Follow up and take notes on any past violence disclosures.
  - 1. This information could impact charges filed, protective order findings, and bond conditions.
- iii. Refer to the Penal Code when unsure about charge enhancements.
- M. If family violence is present or alleged, officers are mandated to report.
  - i. Texas Code of Criminal Procedure, Art 5.05 Records and Reports.
  - ii. UCR -10: Family Violence Checklist

**INSTRUCTOR NOTE:** Demonstrate to students how to separate parties upon entry and how to secure weapons considering the different types of locations officers may encounter when responding to family violence calls.

**17.18 Identify statutes regarding family violence protective orders (POs) under the Family Code.**

**INSTRUCTOR NOTE:** Protective order forms were standardized by Senate Bill 48 during the 88th Texas Legislative Session. Use the link below to provide students with examples of different protective orders:

- <https://www.txcourts.gov/rules-forms/standardized-protective-order-forms/>
  - A. General information
    - i. Texas Family Code, Sec. 81.002 No Fee for Applicant
    - ii. Texas Family Code, Sec. 82.001 Application
    - iii. Texas Family Code, Sec. 82.002 Who May File Application
    - iv. Texas Family Code, Sec. 83.001 Requirements for Temporary Ex Parte Order
      - 1. Keep in mind that an offender must have been served prior to being charged for a violation.
    - v. Texas Family Code, Sec. 85.025 Duration of Protective Order
  - B. Protective orders filed in other states
    - i. Texas Family Code, Chapter 88 Uniform Enforcement of Domestic Violence Protective Orders Act

**INSTRUCTOR NOTE:** The BPOC curriculum has already covered POs under the Code of Criminal Procedure (CCP) class. Use students' prior knowledge as a point of reference to point out differences and similarities between serving and enforcing orders filed under the CCP vs the Family Code.

**SUGGESTED ACTIVITY:** Present students with the scenario of an officer responding to a victim's call to enforce a protective order. Upon speaking with the suspect and conducting further investigation, the officer learns the suspect was not aware they were the subject of an ex-parte temporary order. Have students discuss the following:

- How should the officer get the suspect served in these situations?

- How should the officer have that documented for future calls considering other jurisdictions as well?

**INSTRUCTOR NOTE:** Discuss your agency or department's protocol on tracking ex parte temporary protective orders.

**17.19 Recognize legislation on bond conditions, Emergency Protective Orders, and violations in family violence cases.**

- A. Code of Criminal Procedure, Art. 17.292. Magistrate's Order for Emergency Protection.
- B. Code of Criminal Procedure, Art. 17.49 Conditions for Defendant Charged with Offense Involving Family Violence
- C. Texas Penal Code, Sec. 25.07 Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case
  - i. The suspect must have been served with a notice of Protective Order to be criminally enforceable.
- D. Texas Code of Criminal Procedure, Art. 14.03 (a)(3) May Arrest for Violation of a Protective Order Not in View

**17.20 Identify the legal requirements relating to medical treatment and medical examinations of a child.**

- A. Texas Family Code, Sec. 32.001 Consent by Non-Parent
  - i. A peace officer who has lawfully taken custody of a minor may provide consent if they have reasonable grounds to believe the minor is in need of immediate medical treatment.
- B. Texas Family Code, Sec. 32.003 Consent to Treatment by Child
  - i. Defines conditions when a child 16 years of age or older may consent to medical treatment and/or examination.
- C. Texas Family Code, Sec. 32.005 Examination Without Consent of Abuse or Neglect of Child
  - i. A physician, dentist or psychologist may examine a child 16 years of age or younger without consent provided there are reasonable grounds to believe their physical or mental condition has been adversely affected by abuse or neglect, unless prohibited by a court order.

**17.21 List the requirements for taking possession of a child in case of emergency.**

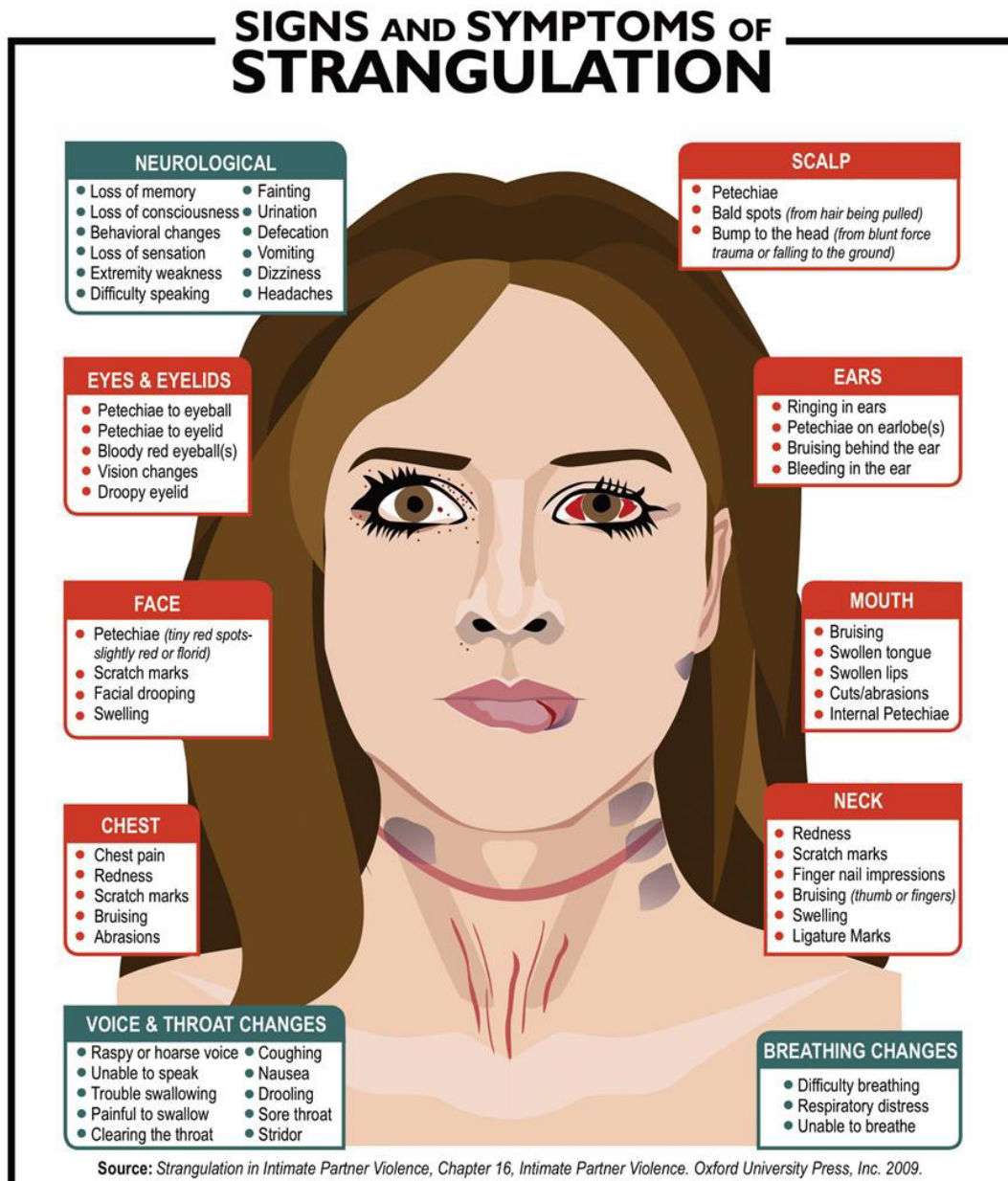
- A. Texas Family Code, Sec. 262.003 Civil Liability
  - i. A person who takes possession of a child without a court order is immune from civil liability if, at the time possession is taken, there is reasonable cause to believe there is an immediate danger to the physical health or safety of the child.



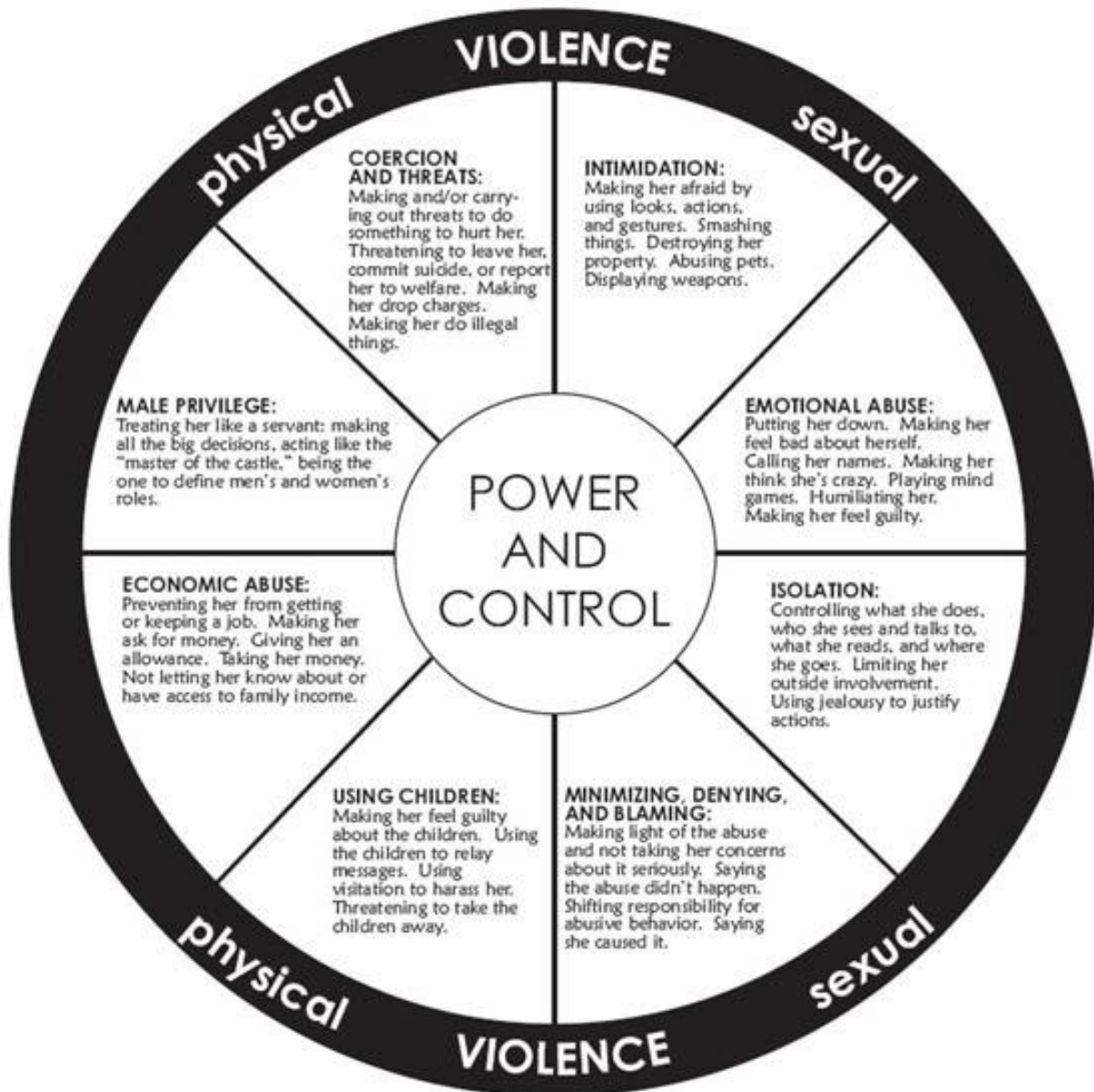
- B. Texas Family Code, Sec. 262.004 Accepting Voluntary Delivery of Possession of a Child
  - i. A law enforcement officer may take possession of a child without a court order on their voluntary delivery by the individual presently entitled to their possession.
- C. Texas Family Code, Sec. 262.007 Possession and Delivery of Missing Child
  - i. A law enforcement officer who, during a criminal investigation relating to a child's custody, discovers they are a missing child and believes that a person may flee with or conceal them, shall take their possession and provide their delivery to a person entitled to their possession.
- D. Texas Family Code, Sec. 262.104 Taking Possession of a Child in Emergency Without a Court Order
- E. Texas Code of Criminal Procedure, Art. 63.00905(g) Law Enforcement Requirements for Report of Missing Child
  - i. On determining the location of a child, other than a child who is subject to the continuing jurisdiction of a district court, an officer shall take possession of the child and shall deliver or arrange for the delivery of the child to a person entitled to possession of the child. If the person entitled to possession of the child is not immediately available, the law enforcement officer shall deliver the child to the Department of Family and Protective Services
- F. Texas Family Code, Sec. 262.108 Unacceptable Facilities for Housing Child
  - i. When a child is taken into possession under this chapter, that child may not be held in isolation or in a jail, juvenile detention facility, or other secure detention facility.
- G. Texas Family Code, Sec. 262.110 Taking Possession of Child in Emergency with Intent to Return Home
  - i. An officer may take temporary possession of a child without a court order on discovery of a child in a situation of danger to the child's physical health or safety when the sole purpose is to deliver the child without unnecessary delay to the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian who is presently entitled to possession of the child.

**INSTRUCTOR NOTE:** For the legal definition of emergency, see Family Codes 262.104, 262.003 and 262.110.

## APPENDIX A



## APPENDIX B



## COURSE REFERENCES

Designation of Pseudonym; Pseudonym Form, Code of Criminal Procedure § 58.102

Du Mont, Janice & Miller, Karen-Lee & Myhr, Terri. (2003). *The Role of “Real Rape” and “Real Victim” Stereotypes in the Police Reporting Practices of Sexually Assaulted Women. Violence Against Women*. 9. 466-486. <https://doi.org/10.1177/1077801202250960>

Duties of Peace Officers Regarding Victims of Sexual Assault, Texas Code of Criminal Procedure § 56A.403.

*First Responder Guide: Sexual Assault*. (n.d.).Office of Texas Governor Sexual Assault Survivors’ Task Force. [https://gov.texas.gov/uploads/files/organization/criminal-justice/LE\\_SA\\_Protocol\\_Guide\\_digital\\_1.pdf?fbclid=IwAR1\\_MOZu3v6xVQeOXeTLPkHmr2mqBiTXNK71-7OzDM2wtrhm-ZjZnUt7K8k](https://gov.texas.gov/uploads/files/organization/criminal-justice/LE_SA_Protocol_Guide_digital_1.pdf?fbclid=IwAR1_MOZu3v6xVQeOXeTLPkHmr2mqBiTXNK71-7OzDM2wtrhm-ZjZnUt7K8k)

Forensic Medical Examination, Texas Code of Criminal Procedure § 56A.303.

Grant, S., Waldman, A., Chabon, M. (Co-creators) 2019. *Interrogation Scene from Unbelievable*. [Video]. Netflix. Retrieved from YouTube [https://www.youtube.com/watch?v=p196J\\_c31dA](https://www.youtube.com/watch?v=p196J_c31dA)

Gurm, B., & Marchbank, J. (2020). Chapter 8: Why Survivors Don’t Report . In *Making Sense of a Global Pandemic: Relationship Violence & Working Together Towards a Violence Free Society*. essay, Kwantlen Polytechnic University: Surrey, BC.

*HB 1172 Sexual Assault Advocate Accompaniment: An implementation Guide for Law Enforcement*. (n.d.) Texas Association Against Sexual Assault. [https://taasa.org/wp-content/uploads/2021/12/advocacy\\_accompaniment\\_for\\_le\\_hb1172.pdf](https://taasa.org/wp-content/uploads/2021/12/advocacy_accompaniment_for_le_hb1172.pdf)