# Lesson Title:
New York State Domestic Violence Incidents Pertaining to Police Officers

# Course:
New York State Domestic Violence Incidents Pertaining to Police Officers

# Duration (hours):
50 Minutes

# Prepared By:
Officer Douglas Middlebrook

# Date:
September 26th, 2002

# Method of Presentation:
Lecture, Hand-outs and Overheads

# Approved By:
Guy Rossa

# Instructor:
Douglas Middlebrook

### Objectives:
At the completion of this module of instructions, each officer will be able to indicate (using only class material) orally or in writing:

1. List two of the seven, family / household members involved in a domestic relationship as defined in the Irondequoit Police Department General Order 442.

2. The difference between domestic violence and domestic incident, according to the Irondequoit Police Department General Order 442.

3. List two of the six, New York State designated Family Offenses according to the Irondequoit Police Department General Order 442.

4. List one of the three ways to handle a Domestic Violence Incident without an arrest according to the Irondequoit Police Department General Order 442.

5. List two of the four reasons an arrest is made during a Domestic Violence Incident according to the Irondequoit Police Department General Order 442.

### Trainee References:
Objective Hand-outs

### Training Aids Required:
Hand-outs, Overheads, Easel

### Instructor References:
Irondequoit Police Dept. General Order 447, Criminal Procedure Law 140.10, 140.30, 530.11, 530.12
<table>
<thead>
<tr>
<th>Section</th>
<th>Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Introduction</td>
<td>A. Name, title, phone number on asset</td>
</tr>
<tr>
<td>II. Personal Profile</td>
<td>A. Personal history, education, background</td>
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<tr>
<td>III. Introduction of course</td>
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<tr>
<td>IV. Explain Course Objectives, referring to PD Gen: Order 447</td>
<td>Criminal CP 140.01, 140.05, 530.11, 530.12</td>
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<td>V. Hand out objective handout to officer</td>
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<td>VI. Family/Household Members Involved in Domestic Relations</td>
<td>1. Legally married (husband/wife) 2. Formerly married (ex) 3. Related by blood (brother/sister, parent/child) 4. Related by marriage (in-law) 5. Home child in common (boyfriend/girlfriend not living together) 6. Living together (ex) 7. Son or daughter or one's parent's relationship 8. Specified by law (e.g., foster families) *Note: #4 cannot be performed in family court re: Order of Protection (added for DV policies) Any not specified in CP 530.11</td>
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<tr>
<td>COPM CHECK (questions)</td>
<td></td>
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<td>VII. Explain there is a difference between DV and DF</td>
<td></td>
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<tr>
<td>Define Domestic Violence</td>
<td>A. Explain that officers will need to define the ex-offenders:</td>
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<tr>
<td>Define Domestic Incident</td>
<td>A. Explain that officers will need to define the ex-offenders:</td>
</tr>
<tr>
<td>COPM CHECK (questions)</td>
<td></td>
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VII. MS Designated Family Offenses (CH. 320.26)

1. Molestment, 1st or 2nd (PL 240.24)
   (a) 1st - threat, slip in face, push/hit
   (b) 2nd - following, repeatedly harass, place person in line of injury
   (c) Molests T or B (MS)

2. Aggravated Injury w/Jilt, 2nd or 1st, 11/5/95 (PL 240.30)
   (a) weapon used, threaten
   (b) MS

3. Assault 2nd or 3rd or any attempted Assault (PL 120.00)
   (a) 3rd - blackeye, bruising
   (b) MS
   (c) 2nd - serious injury (stitches, fractures)
   (d) MS

4. Disorderly Conduct (not limited to public place) (PL 240.23)
   (a) fighting, instigating vehicular traffic (accidently causing a risk)
   (b) Disorder - has to be in officer's presence

5. Restless Endangerment 1st or 2nd (PL 120.25)
   (a) 2nd - harm, on wife tries to stop husband swears at wife
   (b) MS
   (c) 1st - fires weapon to scare wife
   (d) MS

6. Menacing 2nd or 3rd (PL 120.14, 120.15)
   (a) 3rd - makes threat with weapon to harm
   (b) MS
   (c) 2nd - displays knife, pits gun
   (d) MS

COMP/REC (questions)
OBJECTIVE #4

Handling Domestic Violence/Incident Situations [w/out arrest]

1. Officers respond quickly and safely.
2. Upon arrival, await assisting officers unless intervention needed.
3. Upon entering scene:
   (a) Restore order/separate parties/find out relationship.
   (b) Take control of any weapons
   (c) Locate and check all occupants for their safety
   (d) Assess needs for medical assistance
4. Three ways of handling without arrest:
   (a) Separation for the night - allows parties time to calm down, collect thoughts.
   (b) Mediation, i.e. Counseling services
   (c) Referrals, i.e. Family Court
   (d) In some situations, officers asked for advice only.

COMP CHECK [questions]

OBJECTIVE #5

Arrest Policies [in conformance with CPL 140.10]

1. Felony
   (a) PC - individual has committed a felony - officer will not reconcile or mediate - will arrest.
2. Misdemeanor
   (a) PC - individual has committed a misdemeanor - officer will not reconcile or mediate - will arrest.
3. Violation (in officer's presence)
   (a) PC - is committed in your presence against the victim - will not attempt to reconcile - will arrest.
4. Violation (not in officer's presence)
   (a) Officer makes victim aware of rights, outside of offender's presence. Consent of victim PC - will arrest.

COMP CHECK [questions]
XI. Review Objectives, Summary
1. Family/Household Members - 2 of the 7 in writing
2. Define The Difference Between Domestic Violence And Domestic Incident
3. NYS Designated Family Offenses - 2 of the 6 in writing
4. Handling Domestic Violence/Incident w/out arrest - 1 of the 3 in writing
5. Arrest Policies During Domestic Incident - 2 of the 4 in writing

XII. Questions & Answers

XIII. Thank You