

DOMINANT/PRIMARY AGGRESSOR

(PC 13701)

Officer shall make reasonable efforts to determine the dominant aggressor at any domestic violence incident. **The dominant aggressor is the most significant, not necessarily the first, aggressor.**

Officer shall consider:

- intent of the law to protect DV victims
- threats creating fear of DV
- history of DV between the two
- if either acted in self-defense
- presence of fear
- credibility
- offensive/defensive injuries
- seriousness of injuries
- corroborating evidence
- height/weight of parties
- use of drugs/alcohol
- amount of detail in statement
- level of violence
- criminal history
- existing court orders (past and/or present)

PC 136.2 C.P.O. supersedes all other orders.

273.5 FELONY INJURY

(visible or verifiable)

- Spouse
- Former Spouse
- Cohab partner
- Former cohab partner
- Child in common

243 (e) (1) MISD NO INJURY on

- ▲ Spouse
- ♥ Former Spouse
- ▲ Cohab partner
- ♥ Former Cohab partner
- ▲ Child in common

243 (e) (1) MISD WITH OR WITHOUT INJURY on: all ♥

- ♥ Engaged
 - ♥ Former engaged
 - ♥ *Current dating**
 - ♥ *Former dating**
- *2001 update

243 PC: vict is:

- ♥ related by blood or marriage (parents/ grandparents/ siblings/ in-laws, including step)
- ♥ household and former household members
- ♥ a child of any of the above
- ♥ suspect's child

Probable Cause (P.C.) based upon locating and evaluating evidence:

- statements of parties
- statements of wits
- behavior of parties
- physical evid at scene (damage, etc)
- injuries self-defense or assaultive?

Document P.C. in narrative.

If no P.C., offer private person's arrest.

Then if no P.C., and/or no P.P. arrest = PIR.

♥ 836(d) PC Ofcr CAN make an arrest for an assault (241 PC) or battery (243 PC) or (domestic) battery 243 (e)(1) not committed in ofcr's presence when P.C. to believe offense committed.
▲ 836 (d) also BUT Dept says: SHALL make an arrest for misd w/P.C.