

**Unit Goal: This unit covers those sections of the Code of Criminal Procedure (CCP) that are not covered in other sections.**

**9.1. Discuss the statutory authority for administration of criminal procedure as enumerated by the Texas Code of Criminal Procedure (CCP).**

- A. Basis for criminal procedure administration:
  - i. Code of Criminal Procedure Art. 1.01 – Short Title
  - ii. Code of Criminal Procedure Art. 1.03 – Objects Of This Code

**9.2. Identify who are peace officers.**

**Instructor note:** Chapter 2 of Code of Criminal Procedure was repealed by HB 4504 of the 88th Legislative Session and has been replaced with Chapter 2A effective January 1, 2025.

- A. Code of Criminal Procedure Art. 2A.001 – Peace Officers Generally
- B. Code of Criminal Procedure Art. 2A.002 – Special Investigators
- C. Code of Criminal Procedure Art. 2A.003 – Peace Officers Commissioned by Tribal Council
- D. Code of Criminal Procedure Art. 2A.004 – Peace Officers from Adjoining States
- E. Code of Criminal Procedure Art. 2A.005 – Railroad Peace Officers
- F. Code of Criminal Procedure Art. 2A.006 – Special Rangers of Texas and Southwestern Cattle Raisers Association
- G. Code of Criminal Procedure Art. 2A.007 – Adjunct Police Officers
- H. Code of Criminal Procedure Art. 2A.008 – School Marshals

**9.3. List the duties of peace officers.**

- A. Code of Criminal Procedure Art. 2A.051 – General Powers and Duties of Peace Officers
- B. Code of Criminal Procedure Art. 2B.0251 – Intervention Required for Excessive Force; Report Required
- C. Code of Criminal Procedure Art. 2A.209 – Duties of Law Enforcement Agency Filing Case
- D. Code of Criminal Procedure Art. 2A.055 – Fine for Failure to Execute Process
- E. Code of Criminal Procedure Art. 2A.063 – Sheriff as Conservator of the Peace
- F. Code of Criminal Procedure Art. 2A.064 – Sheriff’s Duties Related to Custody of Defendants
- G. Code of Criminal Procedure Art. 2A.065 – Deputy or Other Officer to Discharge Sheriff’s Duties
- H. Code of Criminal Procedure Art. 2A.057 – Investigation of Certain Reports Alleging Abuse, Neglect, or Exploitation
- I. Code of Criminal Procedure Art. 2A.061 – Misused Identity Notifications
- J. Code of Criminal Procedure Art. 2A.201 – Peace Officers: Report in Connection with Certain Offenses Involving Sensitive Information
- K. Code of Criminal Procedure Art. 2A.202 – Peace Officers: Report Concerning Certain Assaultive or Terroristic Offenses
- L. Code of Criminal Procedure Art. 2B.0252 – Use of Neck Restraints During Search or Arrest Prohibited
- M. Code of Criminal Procedure Art. 2B.0301 – Duty to Request and Render Aid

**Lecture Scenario:**

The Smiths and the Walkers are neighbors and they do not get along with each other. The Smiths like to have parties at their home that often get very loud. The Walkers are tired of the

noise and confront the Smiths. The Smiths and Walkers begin calling each other names and threatening physical violence against one another. A third neighbor hears the commotion and calls police. Police meet with both families. The Walkers inform the police of the constant noise from the Smiths and tell police they often see small children at these parties until the early morning hours and all the adults are drunk, leaving the children unsupervised.

- Student must be able to articulate the duties of the officers responding to the call.
- Students must know what information the officers are required to report in this scenario.

**9.4. Discuss family violence prevention duties.**

**Instructor note:** Chapter 5 of Code of Criminal Procedure is repealed by HB 1610 of the 89th Legislative Session and will be replaced with Chapter 5A effective April 1, 2027.

- A. Code of Criminal Procedure Art. 5.01 – Legislative Statement
- B. Code of Criminal Procedure Art. 5.02 – Definitions
- C. Code of Criminal Procedure Art. 5.03 – Family or Household Relationship Does Not Create an Exception to Official Duties
- D. Code of Criminal Procedure Art. 5.04 – Duties of Peace Officers
- E. Code of Criminal Procedure Art. 5.045 – Standby Assistance; Liability
- F. Code of Criminal Procedure Art. 5.05 – Reports and Records
- G. Code of Criminal Procedure Art. 13.38 – Venue for Protective Order Offenses
- H. Code of Criminal Procedure Art. 56A.0521 – Additional Rights of Victims of Certain Family Violence Offenses, Stalking, and Violation of Protective Order or Condition of Bond

**Practical Scenario:**

Officers are responding to an emergency call involving family violence where the victim is being actively assaulted. When officers arrive, the subject is gone and the victim tells the officers that a family member that resides with them in the same home physically assaulted them, however they have no visible injuries.

- Students will role-play during this scenario. One pair of students will act as the officers, while another acts as the victim.
- Students acting as the officers must be familiar with what the duties of an officer in this situation are and what actions must be taken, if any, on their part.

**9.5. List the duties of officers relating to threats of injury or death to persons or damage to property.**

- A. Threat duties:
  - i. Code of Criminal Procedure Art. 6.05 – Duty of Peace Officer as to Threats
  - ii. Code of Criminal Procedure Art. 6.06 – Peace Officer to Prevent Injury
  - iii. Code of Criminal Procedure Art. 6.07 – Conduct of Peace Officer
  - iv. Code of Criminal Procedure Art. 7B.101 – Request for Protective Order
  - v. Code of Criminal Procedure Art. 7B.051 – Request for Protective Order

**9.6. List the duties of officers relating to suppression of riots and other disturbances.**

- A. Disturbance duties:
  - i. Code of Criminal Procedure Art. 8.01 – Officer May Require Aid
  - ii. Code of Criminal Procedure Art. 8.04 – Dispersing Riot
  - iii. Code of Criminal Procedure Art. 8.05 – Officer May Call Aid
  - iv. Code of Criminal Procedure Art. 8.06 – Means Adopted to Suppress

- v. Code of Criminal Procedure Art. 8.07 – Unlawful Assembly
- vi. Code of Criminal Procedure Art. 8.09 – Power of Special Constable

**Lecture Scenario:**

Officers are responding to a call regarding a small group of students causing a riot outside of a high school. When the officers arrive, they find a group of 10-15 students rioting. There are teachers and campus security also present outside the school, however, they are not taking any action to stop the students.

- Students will discuss what actions should be taken at this point and what powers they are able to exercise to stop the riot. Are they authorized to summon aid if needed?
- What is the agency's policy, if any, on dealing with student riots at schools? Are they handled the same as any other riot?

**9.7. List the duties of officers relating to protective orders for victims of sexual assault.**

A. Protective order duties:

- i. Code of Criminal Procedure Art. 7B.001 – Application for Protective Order
- ii. Code of Criminal Procedure Art. 7B.002 – Temporary Ex Parte Order
- iii. Code of Criminal Procedure Art. 7B.003 – Required Findings; Issuance of Protective Order
- iv. Code of Criminal Procedure Art. 7B.004 – Hearsay Statement of Child Victim
- v. Code of Criminal Procedure Art. 7B.005 – Conditions Specified by Protective Order
- vi. Code of Criminal Procedure Art. 7B.006 – Warning on Protective Order
- vii. Code of Criminal Procedure Art. 7B.007 – Duration of Protective Order; Rescission
- viii. Code of Criminal Procedure Art. 7B.008 – Application of Other Law

**Lecture Scenario:**

Officers are responding to a call regarding a family disturbance. The officers meet with the caller who informs the officer that her estranged husband is inside her home and is refusing to leave until she agrees to reconcile with him. She tells officers she has a protective order against him due to him physically abusing her. The officers meet with the subject who is inside the home. He tells officers that he was not aware of the order; therefore, there is nothing they can do to him. The officers learn that the order issued is a valid temporary ex-parte order.

- Students will discuss if the officers are able to enforce the order due to the subject having no knowledge of it.
- Students will be able to articulate what the order should state for a violation to be taking place in this scenario.
- Students must be able to explain the steps to obtain a protective order.

**Instructor Note:** Instructors should emphasize that the conduct must be prohibited by the protective order or there is no violation.

**9.8. List the duties of officers relating to the investigation of sexual assault.**

A. Investigation of sexual assault duties:

- i. Code of Criminal Procedure Art. 15.051 – Polygraph Examination of Complainant Prohibited
- ii. Code of Criminal Procedure Art. 56A.052 – Additional Rights of Victims of Sexual

- Assault, Indecent Assault, Stalking, or Trafficking
- iii. Code of Criminal Procedure Art. 56A.403 – Duties of Peace Officers Regarding Victims of Sexual Assault
- iv. Code of Criminal Procedure Art. 56A.3515 – Presence of Sexual Assault Program Advocate or Other Victim’s Representative During Law Enforcement Interview
- v. Code of Criminal Procedure Art. 58.102 – Designation of Pseudonym; Pseudonym Form
- vi. Code of Criminal Procedure Art. 58.156 – Offense