

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).

Basis for criminal procedure administration:

- Short Title – CCP 1.01
- Objects Of This Code – CCP 1.03

9.2. Identify who are peace officers.

Instructor note: Chapter 2 of Code of Criminal Procedure is repealed by HB 4504 of the 88th Legislative Session and will be replaced with Chapter 2A effective January 1, 2025.

- Who Are Peace Officers – CCP 2.12
- Railroad Peace Officers – CCP 2.121
- Special Investigators – CCP 2.122
- Adjunct Police Officers – CCP 2.123
- Peace Officers From Adjoining States – CCP 2.124
- Special Rangers of Texas and Southwestern Cattle Raisers Association – CCP 2.125
- Peace officers commissioned by the Alabama Coushatta Tribe of Texas and the Kickapoo Traditional Tribe of Texas – CCP 2.126

9.3. List the duties of peace officers.

- Duties and Powers – CCP 2.13
- Intervention Required for Excessive Force – CCP 2.1387
- Duties of Law Enforcement Agency Filing Case – CCP 2.1397
- Neglecting To Execute Process – CCP 2.16
- Conservator of the Peace – CCP 2.17
- Custody of Prisoners – CCP 2.18
- Deputy – CCP 2.20
- Investigation of Certain Reports Alleging Child Abuse – CCP 2.27
- Investigation of Certain Reports Alleging Abuse, Neglect, or Exploitation – CCP 2.271
- Duties Regarding Misused Identity – CCP 2.28
- Report Required in Connection with Fraudulent Use or Possession of Identifying Information – CCP 2.29
- Report Concerning Certain Assaultive or Terroristic Offenses – CCP 2.30
- Use of Neck Restraints During Search or Arrest – CCP 2.33
- Duty to Request and Render Aid – CCP 2.34

Lecture Scenario:

The Smiths and the Walkers are neighbors and they do not get along with each other. The Smith's 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, in this scenario, are the officers required to report.

9.4. Discuss family violence prevention duties.

- Report Concerning Certain Assaultive or Terroristic Offenses – CCP 2.30
- Legislative Statement – CCP 5.01
- Definitions – CCP 5.02
- Family or Household Relationship Does Not Create an Exception to Official Duties – CCP 5.03
- Duties of Peace Officers – CCP 5.04
- Standby Assistance; Liability – CCP 5.045
- Reports and Records - CCP 5.05
- Venue for Protective Order Offenses - CCP 13.38

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.

Threat duties:

- Duty of Peace Officer as to Threats - CCP 6.05
- Peace Officer to Prevent Injury – CCP 6.06
- Conduct of Peace Officer - CCP 6.07
- Request for Protective Order – CCP 7B.101
- Request for Protective Order – CCP 7B.051

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

Disturbance duties:

- Officer May Require Aid - CCP 8.01
- Dispersing Riot – CCP 8.04
- Officer May Call Aid – CCP 8.05
- Means Adopted to Suppress – CCP 8.06
- Unlawful Assembly – CCP 8.07
- Power of Special Constable – CCP 8.09

Lecture Scenario:

Officers are responding to a call of 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.

Protective order duties:

- Application for Protective Order – CCP 7B.001
- Temporary Ex Parte Order – CCP 7B.002
- Required Findings; Issuance of Protective Order – CCP 7B.003
- Hearsay Statement of Child Victim – CCP 7B.004
- Conditions Specified by Protective Order – CCP 7B.005
- Warning on Protective Order – CCP 7B.006
- Duration of Protective Order; Rescission – CCP 7B.007
- Application of Other Law – CCP 7B.008

Lecture Scenario:

Officers are responding to a call of a family disturbance. The officers meet with the caller who informs the officer that her estranged husband is inside her home and 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.

Investigation of sexual assault duties:

- Polygraph Examination of Complainant Prohibited – CCP 15.051
- Additional Rights of Victims of Sexual Assault, Indecent Assault, Stalking, or Trafficking – CCP 56A.052
- Presence of Sexual Assault Program Advocate or Other Victim's Representative During Law Enforcement Interview – CCP 56A.3515
- Designation of Pseudonym; Pseudonym Form – CCP 58.102
- Offense – CCP 58.156