

The Crime Behind Closed Doors: Intimate Partner Violence in 2019

SPEAKERS:

- Nikhil Dandekar – Deputy District Attorney, San Luis Obispo County District Attorney
- Jane Pomeroy – Associate Director RISE
- Christina Kaviani – Associate Director Stand Strong

PROSECUTING DOMESTIC VIOLENCE

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(iv) Evidence

850. Testimony on Intimate Partner Battering and Its Effects: Credibility of Complaining Witness

You have heard testimony from _____ <insert name of expert> regarding the effect of (battered women’s syndrome/intimate partner battering/ _____ <insert other description used by expert for syndrome>).

_____’s <insert name of expert> testimony about (battered women’s syndrome/intimate partner battering/ _____ <insert other description used by expert for syndrome>) is not evidence that the defendant committed any of the crimes charged against (him/her).

You may consider this evidence only in deciding whether or not _____’s <insert name of alleged victim of abuse> conduct was not inconsistent with the conduct of someone who has been abused, and in evaluating the believability of (his/her) testimony.

New January 2006; Revised March 2017

BENCH NOTES

Instructional Duty

Several courts of review have concluded there is no sua sponte duty to give a similar limiting instruction (see CALCRIM No. 1193, *Testimony on Child Sexual Abuse Accommodation Syndrome*) when an expert testifies on child sexual abuse accommodation syndrome. (*People v. Mateo* (2016) 243 Cal.App.4th 1063, 1073–1074 [197 Cal.Rptr.3d 248]; *People v. Sanchez* (1989) 208 Cal.App.3d 721, 736 [256 Cal.Rptr. 446] and *People v. Stark* (1989) 213 Cal.App.3d 107, 116 [261 Cal.Rptr. 479] [instruction required only on request].) See also *People v. Humphrey* (1996) 13 Cal.4th 1073, 1088, fn. 5, 1090–1091, 1100 [56 Cal.Rptr.2d 142, 921 P.2d 1], which concludes that a limiting instruction on battered woman syndrome is required only on request. But see *People v. Housley* (1992) 6 Cal.App.4th 947, 958–959 [9 Cal.Rptr.2d 431], which did find a sua sponte duty to give CALCRIM No. 1193.

In *People v. Brown* (2004) 33 Cal.4th 892, 906–908 [16 Cal.Rptr.3d 447, 94 P.3d 574], the Supreme Court held that testimony from an expert in battered women’s syndrome could be admitted under Evidence Code section 801 even though there was no evidence of prior incidents of violence between the defendant and the alleged victim. The court held that the expert could testify generally about the “cycle of violence” and the frequency of recantation by victims of domestic abuse, without testifying specifically about “battered women’s syndrome”. (*Ibid.*) It is

unclear if the court is required to give a cautionary admonition sua sponte when such evidence is admitted.

Related Instructions

If this instruction is given, also give CALCRIM No. 303, *Limited Purpose Evidence in General*, and CALCRIM No. 332, *Expert Witness Testimony*.

See also CALCRIM No. 851, *Testimony on Intimate Partner Battering and Its Effects: Offered by the Defense*.

AUTHORITY

- Instructional Requirements. See Evid. Code, § 1107(a); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1088, fn. 5 [56 Cal.Rptr.2d 142, 921 P.2d 1].
- Abuse Defined. Evid. Code, § 1107(c); Fam. Code, § 6203.
- Domestic Violence Defined. Evid. Code, § 1107(c); Fam. Code, § 6211.
- Relevant After Single Incident of Abuse. See *People v. Brown* (2004) 33 Cal.4th 892, 906–908 [16 Cal.Rptr.3d 447, 94 P.3d 574]; *People v. Williams* (2000) 78 Cal.App.4th 1118, 1129 [93 Cal.Rptr.2d 356].
- Relevant to Rehabilitate Victim’s Credibility. *People v. Gadlin* (2000) 78 Cal.App.4th 587, 594–595 [92 Cal.Rptr.2d 890] [victim recanted incident and reunited with abuser]; *People v. Morgan* (1997) 58 Cal.App.4th 1210, 1215–1217 [68 Cal.Rptr.2d 772] [victim recanted].

Secondary Sources

1 Witkin, *California Evidence* (5th ed. 2012) Opinion Evidence, §§ 49–52.

3 Millman, Sevilla & Tarlow, *California Criminal Defense Practice*, Ch. 71, *Scientific and Expert Evidence*, § 71.04[1][d][v][C] (Matthew Bender).

RELATED ISSUES

Assumptions Underlying Expert Testimony

It is unnecessary, and potentially misleading, to instruct that the expert testimony assumes that physical or mental abuse has in fact occurred. (See *People v. Gilbert* (1992) 5 Cal.App.4th 1372, 1387 [7 Cal.Rptr.2d 660] [in context of child sexual abuse accommodation syndrome].)

Definition and Preferred Name

In 2004, the Legislature amended Evidence Code section 1107(d), changing all references from “battered women’s syndrome” to “intimate partner battering and its effects.” Previous decisional law continues to apply. (Evid. Code, § 1107(f).) Battered women’s syndrome has been defined as “a series of common characteristics that appear in women who are abused physically and psychologically over an extended period of time by the dominant male figure in their lives.” (*People v. Humphrey* (1996) 13 Cal.4th 1073, 1083–1084 [56 Cal.Rptr.2d 142, 921 P.2d 1].) The Supreme Court had previously noted that experts prefer to call the

syndrome “expert testimony on battered women’s experiences.” (See *People v. Humphrey, supra*, 13 Cal.4th at pp. 1083–1084, fn. 3.)

No Testimony on Actual State of Mind

While evidence is admissible “to explain how [a] defendant’s asserted subjective perception of a need to defend herself ‘would reasonably follow from the defendant’s experience as a battered woman,’ ” an expert may not give an opinion “that the defendant *actually perceived* that she was in danger and needed to defend herself.” (*People v. Erickson* (1997) 57 Cal.App.4th 1391, 1400, 1401 [67 Cal.Rptr.2d 740] [§ 1107(a) codifies existing rules regarding battered women’s syndrome testimony; original italics].) Section 1107 “does not create an exception to Penal Code section 29,” which prohibits an expert who is testifying about a mental defect from testifying about whether a defendant had a required mental state. (*People v. Erickson, supra*, 57 Cal.App.4th at pp. 1401–1402 [syndrome was characterized as mental defect].)

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9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF SAN LUIS OBISPO

11	THE PEOPLE OF THE STATE OF CALIFORNIA,)	CASE NO. 19F-00000
12	Plaintiff,)	
13	vs.)	PEOPLE'S TRIAL BRIEF AND
14)	MOTIONS IN LIMINE
15	JOHN DOE,)	Date: April 23, 2019
16	Defendant.)	Time: 1:30 p.m.
17)	Dept. 6
18)	

19 THE PEOPLE OF THE STATE OF CALIFORNIA, by and through their attorneys,
20 Dan Dow, District Attorney, and Nikhil Dandekar, Deputy District Attorney, respectfully
21 submit the following trial memorandum of facts and law relating to this case.

22 I.

23 STATEMENT OF THE CASE

24 A. Introduction

25 Defendant is charged in the information with one count Penal Code section
26 422(a), a felony, one count of Penal Code section 646.9(a), a felony, and a count of
27 Penal Code section 273.5(a), a felony. The People expect that their case-in-chief will
28

1 last approximately 4-6 days, excluding jury selection and depending on the in limine
2 rulings and trial schedule.

3 **B. People’s anticipated exhibits**

4 The People anticipate introducing the following exhibits:

- 5 1. Screenshots of text messages sent by defendant
- 6 2. 911 Call by Jane Doe
- 7 3. Photos of Jane Doe’s Injuries
- 8 4. Photos of Defendant
- 9 5. Photos of Crime Scene
- 10 6. Body Camera Footage of Defendant Interview By SLOSO
- 11 7. Photos of Beverly Doe’s Injuries

12 **D. People’s anticipated witnesses**

13 The People anticipate calling the following witnesses to testify in this matter
14 (witnesses #13 and #14 were previously undisclosed, but defense had a copy of the
15 police reports by both officers:

- 16 1. Jane Doe
- 17 2. Beverly Doe (Evidence Code 1109 victim – prior incident)
- 18 3. SLOSO Deputy
- 19 4. SLOPD Detective (Evidence Code 1109 witness)
- 20 5. Hank Abbas, San Luis Obispo County District Attorney Investigator

21 The People reserve the right to call any individuals whose testimony may
22 become necessary based on the evidence presented at trial.

23 **II.**

24 **STATEMENT OF ANTICIPATED FACTS**

25 **I. Jane Doe**

26 **II. Beverly Doe (Evidence Code 1109 Victim)**

1 III.

2 GENERAL MOTIONS IN LIMINE

3 The People respectfully submit the following motions in limine:

- 4 1) That the court admit the 911 call placed by Jane Doe as a non-testimonial,
5 spontaneous statement pursuant to Evidence Code section 1240 and *Davis v.*
6 *Washington*.

7 **A. Jane Doe’s 911 call to dispatch was a non-testimonial statement under**
8 ***Davis v. Washington* and does not violate the defendant’s Confrontation**
9 **Clause rights**

10 In *Crawford v. Washington* (2004) 541 U.S. 36, the United States Supreme Court
11 abandoned a quarter century of Sixth Amendment Jurisprudence and adopted a new
12 test for determining whether out-of-court statements could be admitted over
13 Confrontation Clause objection. Under the new test, the admission of an out-of-court
14 statement of an unavailable witness was barred if the statement constituted
15 “testimonial” hearsay unless the defendant had a chance to cross-examine the
16 declarant about the statement. However, the Supreme Court declined to give a precise
17 definition of “testimonial” hearsay. The Court did find that, at a minimum, it included
18 “prior testimony at a preliminary hearing, before a grand jury, or at a former trial; and to
19 *police interrogations.*” (*Id.* at p. 68 (emphasis added.))

20 Two years later, the Supreme Court refined the definition of “testimonial hearsay
21 in *Davis v. Washington* (2006) 547 U.S. 813. *Davis* involved a victim who spoke with a
22 911 operator initially while simultaneously being assaulted by the defendant. The victim
23 continued to talk immediately after the defendant fled.” These statements were found to
24 be non-testimonial and admissible, including statements identifying the assailant’s first,
25 middle, and last names. (*Id.* at 818, 827.)

26 In *Davis*, the Court said, “[s]tatements are *non-testimonial* when made in the
27 course of police interrogation under circumstances objectively indicating that the
28 primary purpose of the interrogation is to enable police assistance to meet an ongoing

1 emergency.” (*Id.* at p. 822, (emphasis added.)) Statements “are *testimonial* when the
2 circumstances objectively indicate that there is no such ongoing emergency, and that
3 the *primary purpose* of the interrogation is to establish or prove past events potentially
4 relevant to later criminal prosecution.” (*Ibid.* (italics added).) The court specifically noted
5 that 911 calls are “ordinarily not designed primarily to ‘establis[h] or prov[e]’ some past
6 fact, but to describe current circumstances requiring police assistance.” (*Id.* at p. 827.)

7 Following *Davis*, the California Supreme Court summarized, “the confrontation
8 clause is concerned solely with hearsay statements that are testimonial, in that they are
9 out-of-court analogs, in purpose and form, of the testimony given by witnesses at trial.”
10 *People v. Cage* (2007) 40 Cal.4th 965, 984. “*Davis* now confirms that the proper focus
11 is not on the mere reasonable chance that an out-of-court statement might later be used
12 in a criminal trial. Instead, we are concerned with statements, made with some
13 formality, which, viewed objectively, are for the *primary purpose* of establishing or
14 proving facts for possible use in a criminal trial. (*Id.* at p. 984 fn. 14.) This means that
15 the mere reference to possible criminal proceedings does not make a statement
16 testimonial when the primary purpose of the statement is not to establish past facts for
17 use in a criminal trial. (*People v. Brenn* (2007) 152 Cal.App.4th 166, 177, [holding that
18 the statements of a stabbing victim to a 911 dispatcher describing the circumstances
19 and location of the stabbing, identifying the perpetrator, and saying “I want to press
20 charges,” were non testimonial].)

21 Applying the primary purpose test set in place by the Court in *Davis*, Jane Doe’s
22 statements to the 911 dispatcher do not constitute testimonial hearsay. Jane Doe tells
23 the dispatcher that she ran next door to her friend’s house the moment the defendant
24 left the residence with her phone and called 911 from the friend’s landline. Ms. Doe
25 didn’t know where the defendant was going or when he would return, she just wanted to
26 report a crime that she had just suffered. The statement to the 911 dispatcher was not
27 made with the level of formality associated with a police interview, much less in-court
28

1 testimony. The purpose of the 911 dispatcher’s questions was to determine what kind of
2 aid she needed to render to Jane Doe and how law enforcement might be able to find
3 the defendant. Therefore, the statements are nontestimonial.

4 **B. Jane Doe’s 911 call to dispatch was a spontaneous statement pursuant**
5 **to Evidence Code section 1240**

6 Hearsay is evidence of a statement made outside of the courtroom that is offered
7 to prove the truth of the matter asserted. (Evid. Code, §1200.) A number of exceptions
8 exist, as codified in the Evidence Code. One of these exceptions is the spontaneous
9 statement exception, in which the declarant seeks to narrate, describe, or explain an
10 event witnessed by the declarant while he/she is under the stress of excitement caused
11 by the event. (Evid. Code, § 1220.) Another exception to the hearsay prohibition is
12 business records. Business records are an admissible form of hearsay if they are made
13 in the regular course of business, are made near the time of the event in question and
14 are authenticated by a custodian of record. (Evid. Code, §1271.)

15 2) That the court admit prior uncharged acts by the defendant pursuant to Evidence
16 Code 1109.

17 **A. The defendant’s prior uncharged stalking is relevant under Evidence**
18 **Code 1109.**

19 While basic evidentiary rules hold the defendant’s character evidence to be
20 inadmissible to show the defendant’s disposition to commit charged offenses, Evidence
21 Code section 1109 creates an exception in domestic violence cases. (Cal. Evid. Code, §
22 1109, subd. (a). The exception was created because the California State Legislature
23 determined that in domestic violence cases, policy considerations favored the
24 admission of such evidence. (*People v. Brown* (2011) 192 Cal.App.4th 1222, 1232.) The
25 statute specifically allows the admission of evidence of prior domestic violence to show
26 the defendant’s propensity to commit domestic violence. (*Ibid.*) Furthermore, admissible
27 prior domestic violence includes both charged and uncharged acts. (*Id.* at 1233; *People*
28

1 *v. Falsetta* (1999) 21 Cal.4th 903, 917-918.) Even when the defendant was not
2 convicted of a prior act, that evidence may still be admissible. (*Brown, supra*, 192
3 Cal.App.4th at 1233.) The prior acts don't have to be the same acts charged in the
4 instant case.

5 One point of note is that domestic violence is not limited merely to an
6 enumerated statute, but by the relationship of the parties. (*People v. Brown, supra*, 192
7 Cal.App.4th at 1238; Cal. Fam. Code, §6211; Cal. Pen. Code, §13700.) The stalking of
8 a girlfriend or prior girlfriend conforms to the kind of evidence anticipated by Evidence
9 Code section 1109. In *People v. Ogle*, the Second District held that evidence of the
10 appellant's prior stalking was admissible to prove propensity because stalking falls
11 within the Family Code definition of domestic violence. (*People v. Ogle* (2010) 185
12 Cal.App.4th 1138, 1143-1144.) In *People v. Rucker*, the Fourth District upheld the
13 admission of 1109 evidence of the appellant's prior domestic violence and subsequent
14 campaign of stalking and harassment of a prior victim. (*People v. Rucker* (2005) 126
15 Cal.App.4th 1107, 1118-1119.) In *Rucker*, the appellant had stalked and harassed an
16 1109 victim for two years after pulling a gun out on that victim. (*Ibid.* at p. 1112-13.)

17 Per Evidence Code section 1109, if the defendant is alleged to have committed
18 prior domestic abuse pursuant to Penal Code section 113700, evidence up to 10 years
19 old may be admitted. (Cal. Evid. Code, § 1109, subds. (d, e). The Penal Code definition
20 of abuse is "intentionally or recklessly causing or attempting to cause bodily injury, or
21 placing another person in reasonable apprehension of imminent serious bodily injury to
22 himself or herself, or another." (Cal. Pen. Code, §13700, subd. (a).)

23 In the case of the more expansive Family Code section 6211 definition of
24 domestic violence, evidence up to 5 years old may be admitted. (*Id.*) In the Family
25 Code, abuse is defined as follows: "(1) To intentionally or recklessly cause or attempt to
26 cause bodily injury. (2) Sexual assault. (3) To place a person in reasonable
27 apprehension of imminent serious bodily injury to that person or to another. (4) To

1 engage in any behavior that has been or could be enjoined pursuant to Section 6320.
2 (Cal. Fam. Code, § 6203, subd. (a).) The same code section specifically notes that
3 “abuse is not limited to the actual infliction of physical injury or assault.” (Cal. Fam.
4 Code, §6203, subd. (b).) The Family Code includes stalking, harassment, making
5 annoying telephone calls, and disturbing the peace of a victim as behaviors that fall
6 within its definition of domestic violence. (Cal. Fam. Code, §6230, subd. (a).)

7 The respective five year and ten year limits for 1109 evidence are not irrefutable.
8 Both are rebuttable presumptions that require the court to evaluate evidence on a
9 higher level of scrutiny than Evidence Code section 352. The year limitations were not
10 intended as “insurmountable obstacles to admission of more remote prior conduct.”
11 (*People v. Johnson* (2010) 185 Cal.App.4th 520, 529-530.) The *Johnson* court
12 determined that evidence beyond ten years old (and consequently five years for prior
13 domestic violence pursuant to the Family Code, though that issue was not specifically
14 heard by the court) was intended by the Legislature to be admissible if the court
15 deemed it to be more probative than prejudicial – this essentially flips the analysis under
16 Evidence Code section 352 to create a higher burden of admissibility. (*Id.*)

17 As a further note on Penal Code section 1109, the First District illuminated the
18 intent behind the law.

19 Consequently, we can rely on the inference that, by enacting sections
20 1108 and 1109, the obvious intention of the Legislature was to provide a
21 mechanism for allowing evidence of past sexual offenses or acts of
22 domestic violence to be used by a jury to prove that the defendant
23 committed the charged offense of the same type; recidivist conduct the
24 Legislature has determined is probative because of its repetitive nature.
25 Furthermore, it is apparent that the Legislature considered the *difficulties*
26 *of proof unique to the prosecution of these crimes* when compared with
27 other crimes where propensity evidence may be probative but has been
28 historically prohibited. (italics added.)
(*People v. Brown* (2000) 77 Cal.App.4th 1324, 1333-1334.)

1 protects the defendant from due process violations and clarifies that the jury has
2 different standards with which it is to evaluate the prior and present alleged offenses.

3 **IV.**

4 **CONCLUSION**

5 Excluding jury selection, the People estimate that their case in chief will be
6 concluded within 4-6 days.

7
8 Dated: June 3, 2019

9 Respectfully submitted,

10 Dan Dow
11 District Attorney

12
13 By: Nikhil Dandekar
14 Deputy District Attorney

852A. Evidence of Uncharged Domestic Violence

The People presented evidence that the defendant committed domestic violence that was not charged in this case[, specifically: _____
<insert other domestic violence alleged>.]

<Alternative A—As defined in Pen. Code, § 13700>

[*Domestic violence* means abuse committed against (an adult/a fully emancipated minor) who is a (spouse[,]/ [or] former spouse[,]/ [or] cohabitant[,]/ [or] former cohabitant[,]/ [or] person with whom the defendant has had a child[,]/ [or] person who dated or is dating the defendant[,]/ [or] person who was or is engaged to the defendant).]

<Alternative B—As defined in Fam. Code, § 6211>

[*Domestic violence* means abuse committed against a (child/grandchild/parent/grandparent/brother/sister) of the defendant.]

Abuse means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable fear of imminent serious bodily injury to himself or herself or to someone else.

[A *fully emancipated minor* is a person under the age of 18 who has gained certain adult rights by marrying, being on active duty for the United States armed services, or otherwise being declared emancipated under the law.]

[The term *cohabitants* means two unrelated persons living together for a substantial period of time, resulting in some permanency of the relationship. Factors that may determine whether people are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same residence, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) the parties' holding themselves out as husband and wife, (5) the parties' registering as domestic partners, (6) the continuity of the relationship, and (7) the length of the relationship.]

You may consider this evidence only if the People have proved by a preponderance of the evidence that the defendant in fact committed the uncharged domestic violence. Proof by a preponderance of the evidence is a different burden of proof from proof beyond a reasonable doubt. A fact is proved by a preponderance of the evidence if you conclude that it is more likely than not that the fact is true.

If the People have not met this burden of proof, you must disregard this evidence entirely.

If you decide that the defendant committed the uncharged domestic

violence, you may, but are not required to, conclude from that evidence that the defendant was disposed or inclined to commit domestic violence and, based on that decision, also conclude that the defendant was likely to commit [and did commit] _____ <insert charged offense[s] involving domestic violence>, as charged here. If you conclude that the defendant committed the uncharged domestic violence, that conclusion is only one factor to consider along with all the other evidence. It is not sufficient by itself to prove that the defendant is guilty of _____ <insert charged offense[s] involving domestic violence>. The People must still prove (the/each) (charge/ [and] allegation) beyond a reasonable doubt.

[Do not consider this evidence for any other purpose [except for the limited purpose of _____ <insert other permitted purpose, e.g., determining the defendant's credibility>].]

New January 2006; Revised August 2006, June 2007, April 2008, February 2014, March 2017

BENCH NOTES

Instructional Duty

The court must give this instruction on request when evidence of other domestic violence has been introduced. (See *People v. Falsetta* (1999) 21 Cal.4th 903, 924 [89 Cal.Rptr.2d 847, 986 P.2d 182] [error to refuse limiting instruction on request]; *People v. Jennings* (2000) 81 Cal.App.4th 1301, 1317–1318 [97 Cal.Rptr.2d 727]; *People v. Willoughby* (1985) 164 Cal.App.3d 1054, 1067 [210 Cal.Rptr. 880] [general limiting instructions should be given when evidence of past offenses would be highly prejudicial without them].)

If the court has admitted evidence that the defendant was convicted of a felony or committed a misdemeanor for the purpose of impeachment in addition to evidence admitted under Evidence Code section 1109, then the court must specify for the jury what evidence it may consider under section 1109. (*People v. Rollo* (1977) 20 Cal.3d 109, 123, fn. 6 [141 Cal.Rptr. 177, 569 P.2d 771] [discussing section 1101(b); superseded in part on other grounds as recognized in *People v. Olmedo* (1985) 167 Cal.App.3d 1085, 1096 [213 Cal.Rptr. 742]].) In the first sentence, insert a description of the uncharged offense allegedly shown by the section 1109 evidence. If the court has not admitted any felony convictions or misdemeanor conduct for impeachment, then, in the first sentence, the court is not required to insert a description of the conduct alleged.

The definition of “domestic violence” contained in Evidence Code section 1109(d) was amended, effective January 1, 2006. The definition is now in subd. (d)(3), which states that, as used in section 1109:

‘Domestic violence’ has the meaning set forth in Section 13700 of the Penal Code. Subject to a hearing conducted pursuant to section 352, which shall

include consideration of any corroboration and remoteness in time, ‘domestic violence’ has the further meaning as set forth in section 6211 of the Family Code, if the act occurred no more than five years before the charged offense.

If the court determines that the evidence is admissible pursuant to the definition of domestic violence contained in Penal Code section 13700, give the definition of domestic violence labeled alternative A. If the court determines that the evidence is admissible pursuant to the definition contained in Family Code section 6211, give the definition labeled alternative B.

Depending on the evidence, give on request the bracketed paragraphs defining “emancipated minor” (see Fam. Code, § 7000 et seq.) and “cohabitant” (see Pen. Code, § 13700(b)).

In the paragraph that begins with “If you decide that the defendant committed,” the committee has placed the phrase “and did commit” in brackets. One appellate court has criticized instructing the jury that it may draw an inference about disposition. (*People v. James* (2000) 81 Cal.App.4th 1343, 1357, fn. 8 [96 Cal.Rptr.2d 823].) The court should review the Commentary section below and give the bracketed phrase at its discretion.

Give the final sentence that begins with “Do not consider” on request.

Related Instructions

CALCRIM No. 375, *Evidence of Uncharged Offense to Prove Identity, Intent, Common Plan, etc.*

CALCRIM No. 1191A, *Evidence of Uncharged Sex Offense.*

CALCRIM No. 1191B, *Evidence of Charged Sex Offense.*

CALCRIM No. 852B, *Evidence of Charged Domestic Violence.*

CALCRIM No. 853A, *Evidence of Uncharged Abuse of Elder or Dependent Person.*

CALCRIM No. 853B, *Evidence of Charged Abuse of Elder or Dependent Person.*

AUTHORITY

- Instructional Requirement. Evid. Code, § 1109(a)(1); see *People v. Reliford* (2003) 29 Cal.4th 1007, 1012–1016 [130 Cal.Rptr.2d 254, 62 P.3d 601]; *People v. Frazier* (2001) 89 Cal.App.4th 30, 37 [107 Cal.Rptr.2d 100]; *People v. Falsetta* (1999) 21 Cal.4th 903, 923–924 [89 Cal.Rptr.2d 847, 986 P.2d 182] [dictum].
- Abuse Defined. Pen. Code, § 13700(a).
- Cohabitant Defined. Pen. Code, § 13700(b).
- Domestic Violence Defined. Evid. Code, § 1109(d)(3); Pen. Code, § 13700(b); Fam. Code, § 6211; see *People v. Poplar* (1999) 70 Cal.App.4th 1129, 1139 [83 Cal.Rptr.2d 320] [spousal rape is higher level of domestic violence].
- Emancipation of Minors Law. Fam. Code, § 7000 et seq.
- Other Crimes Proved by Preponderance of Evidence. *People v. Carpenter*

(1997) 15 Cal.4th 312, 382 [63 Cal.Rptr.2d 1, 935 P.2d 708]; *People v. James* (2000) 81 Cal.App.4th 1343, 1359 [96 Cal.Rptr.2d 823].

- Propensity Evidence Alone Is Not Sufficient to Support Conviction Beyond a Reasonable Doubt. *People v. Younger* (2000) 84 Cal.App.4th 1360, 1382 [101 Cal.Rptr.2d 624]; *People v. James* (2000) 81 Cal.App.4th 1343, 1357–1358, fn. 8 [96 Cal.Rptr.2d 823]; see *People v. Hill* (2001) 86 Cal.App.4th 273, 277–278 [103 Cal.Rptr.2d 127] [in context of prior sexual offenses].
- Charged Sex Offenses Proved Beyond a Reasonable Doubt May Be Evidence of Propensity. *People v. Cruz* (2016) 206 Cal.Rptr.3d 835, 2 Cal.App.5th 1178, 1186–1186]; *People v. Villatoro* (2012) 54 Cal.4th 1152, 1161 [144 Cal.Rptr.3d 401, 281 P.3d 390].
- Previous Version of This Instruction Upheld. *People v. Johnson* (2008) 164 Cal.App.4th 731, 738 [79 Cal.Rptr.3d 568].
- No Sua Sponte Duty to Give Similar Instruction. *People v. Cottone* (2013) 57 Cal.4th 269, 293, fn. 15 [159 Cal.Rptr.3d 385, 303 P.3d 1163].

Secondary Sources

5 Witkin & Epstein, California Criminal Law (4th ed. 2012) Criminal Trial, §§ 720–722.

1 Witkin, California Evidence (5th ed. 2012) Circumstantial Evidence, §§ 101, 102.

4 Millman, Sevilla & Tarlow, California Criminal Defense Practice, Ch. 83, Evidence, § 83.12[1] (Matthew Bender).

6 Millman, Sevilla & Tarlow, California Criminal Defense Practice, Ch. 142, Crimes Against the Person, § 142.13 (Matthew Bender).

COMMENTARY

The paragraph that begins with “If you decide that the defendant committed” tells the jury that they may draw an inference of disposition. (See *People v. Hill* (2001) 86 Cal.App.4th 273, 275–279 [103 Cal.Rptr.2d 127]; *People v. Brown* (2000) 77 Cal.App.4th 1324, 1334–1335 [92 Cal.Rptr.2d 433].) One appellate court, however, suggests using more general terms to instruct the jury how they may use evidence of other domestic violence offenses, “leaving particular inferences for the argument of counsel and the jury’s common sense.” (*People v. James* (2000) 81 Cal.App.4th 1343, 1357, fn. 8 [96 Cal.Rptr.2d 823] [includes suggested instruction].) If the trial court adopts this approach, the paragraph that begins with “If you decide that the defendant committed the uncharged domestic violence” may be replaced with the following:

If you decide that the defendant committed the uncharged domestic violence, you may consider that evidence and weigh it together with all the other evidence received during the trial to help you determine whether the defendant committed _____ <insert charged offense involving domestic violence>. Remember, however, that evidence of uncharged domestic violence is not sufficient alone to find the defendant guilty of _____ <insert charged offense involving

domestic violence>. The People must still prove (the/each) (charge/ [and] allegation) of _____ <insert charged offense involving domestic violence> beyond a reasonable doubt.

RELATED ISSUES

Constitutional Challenges

Evidence Code section 1109 does not violate a defendant's rights to due process (*People v. Escobar* (2000) 82 Cal.App.4th 1085, 1095–1096 [98 Cal.Rptr.2d 696]; *People v. Hoover* (2000) 77 Cal.App.4th 1020, 1028–1029 [92 Cal.Rptr.2d 208]; *People v. Johnson* (2000) 77 Cal.App.4th 410, 420 [91 Cal.Rptr.2d 596]; see *People v. Falsetta* (1999) 21 Cal.4th 903, 915–922 [89 Cal.Rptr.2d 847, 986 P.2d 182] (construing Evid. Code, § 1108, a parallel statute to Evid. Code, § 1109); *People v. Branch* (2001) 91 Cal.App.4th 274, 281 [109 Cal.Rptr.2d 870] (construing Evid. Code, § 1108) or equal protection (*People v. Jennings* (2000) 81 Cal.App.4th 1301, 1310–1313 [97 Cal.Rptr.2d 727]; see *People v. Fitch* (1997) 55 Cal.App.4th 172, 184–185 [63 Cal.Rptr.2d 753] (construing Evid. Code, § 1108).

Exceptions

Evidence of domestic violence occurring more than 10 years before the charged offense is inadmissible under section 1109 of the Evidence Code, unless the court determines that the admission of this evidence is in the interest of justice. (Evid. Code, § 1109(e).) Evidence of the findings and determinations of administrative agencies regulating health facilities is also inadmissible under section 1109. (Evid. Code, § 1109(f).)

See the Related Issues sections of CALCRIM No. 375, *Evidence of Uncharged Offense to Prove Identity, Intent, Common Plan, etc.*, and CALCRIM No. 1191, *Evidence of Uncharged Sex Offense*.

VISION:

A world free of sexual and intimate partner violence.

NUESTRA VISIÓN:

Un mundo sin violencia sexual y sin violencia de pareja íntima.

MISSION:

Transform the lives of sexual and intimate partner violence survivors, their families and the community through services and education that promote safety, healing, and empowerment.

NUESTRA MISIÓN:

Transformar la vida de los sobrevivientes de la violencia sexual y de pareja íntima, la vida de su familia y la comunidad por medio de servicios y educación que promueven la seguridad, la recuperación y maneras de fortalecerse.

RISE is a non-profit 501(c)(3) organization that provides crisis intervention and treatment services to survivors of sexual and intimate partner violence and their loved ones. All services are provided confidentially, free of charge, and in English and Spanish to anyone regardless of age, ethnicity, gender, sexual orientation, religion, or ability.

RISE es una organización 501(c)(3) sin fines de lucro que provee intervención en casos de crisis y servicios de tratamiento para los sobrevivientes de la violencia sexual y de pareja íntima y para sus seres queridos. Todos los servicios son confidenciales y gratis y se ofrecen en inglés y español para cualquier persona sin tomar en cuenta su edad, su etnicidad, su género sexual, su orientación sexual, su religión o sus habilidades.

LOCATIONS | OFICINAS

51 Zaca Lane #100 San Luis Obispo CA 93401	1030 Vine Street Paso Robles CA 93446
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PHONE | TELÉFONO 805-226-5400



RESPECT | INSPIRE | SUPPORT | EMPOWER

RESPECTAR | INSPIRAR | APOYAR | FORTALECER

SEXUAL ASSAULT/ABUSE
AND INTIMATE PARTNER
VIOLENCE PROGRAMS

PROGRAMAS PARA
EL ASALTO/ABUSO
SEXUAL Y LA VIOLENCIA
DE PAREJA ÍNTIMA

TOLL-FREE 24-HOUR CRISIS LINE:

Línea telefónica para crisis, gratis y disponible 24 horas al día

855-886-RISE (7473)

RISEslo.org



SERVICES | SERVICIOS

24-HOUR CRISIS LINE

Trained advocates provide confidential crisis intervention, support, and referrals to survivors of sexual assault/abuse and intimate partner violence. Services are also available to family and loved ones of survivors.

ACCOMPANIMENT AND ADVOCACY

Trained advocates accompany survivors at medical facilities, court, during SART exams, and law enforcement interviews. Advocates act as liaisons with other agencies on behalf of survivors and provide case management.

EMERGENCY SHELTER

Safe houses in Atascadero and Paso Robles host survivors in a stable, confidential location. Residents of the shelters and their children receive empowerment-focused advocacy, case management, and therapy.

LEGAL SUPPORT

Our Legal Services Department supports survivors seeking protection through Temporary Restraining Orders. Referrals for child custody, immigration, and housing issues are also available.

COUNSELING

Licensed therapists and supervised associates and trainees provide individual and group counseling to those affected by sexual assault/abuse and intimate partner violence.

PREVENTION EDUCATION

Educators facilitate discussion in schools about the dynamics of sexual assault and intimate partner violence, healthy relationships, bystander intervention, and violence prevention. Programs are designed to inspire youth leadership and community mobilization.

LÍNEA TELEFÓNICA PARA CRISIS, DISPONIBLE 24 HORAS AL DÍA

Nuestros ayudantes entrenados ofrecen intervención confidencial en casos de crisis, apoyo y referencias para los sobrevivientes del asalto/abuso sexual y la violencia de pareja íntima. También les ofrecemos servicios a la familia y los seres queridos de los sobrevivientes.

ACOMPAÑAMIENTO Y ABOGACÍA

Nuestros ayudantes entrenados acompañan a los sobrevivientes a los centros de servicios médicos, a la corte y durante los exámenes de SART y las entrevistas con la policía. Los ayudantes también se comunican con otras agencias de parte de los sobrevivientes por medio de administración de casos.

REFUGIO PARA EMERGENCIAS

Hay dos albergues de emergencia, uno en Atascadero y otro en Paso Robles, donde se hospedan a los sobrevivientes en un lugar estable y confidencial. Los residentes de los albergues y sus hijos reciben ayuda para fortalecerse, terapia y administración de casos.

APOYO LEGAL

Nuestros ayudantes legales apoyan a los sobrevivientes que buscan protección por medio de una orden de restricción temporal. También proveemos referencias para preguntas de custodia de niños, inmigración y alojamiento.

ASESORAMIENTO

Tenemos terapeutas acreditados y aprendices supervisados que les ofrecen asesoramiento individual y en grupo a las personas afectadas por el abuso sexual, el asalto sexual y la violencia de pareja íntima.

EDUCACIÓN PARA LA PREVENCIÓN

Nuestros educadores facilitan discusiones en escuelas sobre las dinámicas del asalto sexual, la violencia de pareja íntima, relaciones saludables, intervención de espectador y prevención de violencia. Los programas son diseñados para inspirar liderazgo de los jóvenes y movilización comunitaria.

COMMUNITY RESOURCES RECURSOS DE LA COMUNIDAD

EMERGENCY | EMERGENCIA

Police-Fire-Ambulance	911
Mental Health Crisis Line	800-838-1381
Suicide Hotline	800-783-0607
Child Welfare Services (CWS)	800-834-5437

SHELTER | REFUGIO

ECHO Homeless Shelter (Atascadero)	805-462-3663
Maxine Lewis Homeless Shelter (SLO)	805-781-3993
Good Samaritan Homeless Shelter (Santa Maria)	805-346-8185

DOMESTIC VIOLENCE SHELTERS REFUGIOS DE VIOLENCIA DOMÉSTICA

Stand Strong (SLO)	805-781-6400
Domestic Violence Solutions (Santa Maria)	805-925-2160

LEGAL SERVICES | SERVICIOS LEGALES

Self-Help Center/Family Law Facilitator	805-788-2491
Victim/Witness (District Attorney's Office)	866-781-5821
CA Rural Legal Assistance (CRLA)	805-544-7997
Lawyer Referral and Information Service	805-541-5502

MEDICAL & MENTAL HEALTH SERVICES SERVICIOS MÉDICOS Y DE SALUD MENTAL

Community Health Centers	866-614-4636
Community Counseling Center	805-543-7969
County Mental Health	800-838-1381
Drug & Alcohol Services	805-781-4275
Planned Parenthood	888-898-3806
The Center for Health & Prevention	805-544-2478
Access Support Network (HIV/AIDS)	805-781-3660

GENERAL ASSISTANCE | ASISTENCIA GENERAL

Department of Social Services	805-781-1600
Community Action Partnership	805-544-4355
The LINK Family Resource Center	805-466-5404

RISE Community Impact Report

LEGAL SERVICES
79 temporary restraining orders filed for 105 clients

PREVENTION EDUCATION
New prevention program in the City of SLO: Close to Home empowers community members to design solutions to violence in our community.

COUNSELING
198 clients receiving therapy
1,335 Hours (individual and group)
64% showed improvement in symptoms
Average of 200 on waitlist

VOLUNTEERS
↑ 11% increase in participation
6172 volunteer hours = \$102,000 value on the crisis line, accompaniments, and community outreach

EMERGENCY SHELTER
2 shelters, 28 beds, 8 families
6,627 of days of shelter
65 adults and 47 children in shelter (112)
76% exiting to safe housing
90% meeting their goals on exit
295 unmet requests for shelter

CRISIS SERVICES
Total 1,469 of crisis calls received
↑ 33% more calls than 2017
234 accompaniments / 497 hours of accompaniment
99 case management clients / 74% meeting their goals
349 clients received 524 crisis sessions

912 adults and 85 children



56% DV, 31% SA, 13% both

RISE served 997 clients in 2018

TOLL-FREE 24-HOUR CRISIS LINE: 855-886-RISE (7473) | RISEslo.org

RISE is a non-profit 501(c)(3) organization that provides crisis intervention and treatment services to survivors of sexual and intimate partner violence and their loved ones. All services are provided confidentially and free of charge. Se habla español.

Your Past Can Affect Your Health

Some parents/caregivers hurt their kids—it happens more than we think. Maybe they:

- ✓ Called you names, didn't feed you enough, couldn't love or care for you
- ✓ Injured you when they punished you or did sexual things to you or made you do things to them

Where you live and what you saw when you were a kid can affect you too. Like if you:

- ✓ Had a caregiver who was hurt by their partner, they argued a lot, or they had mental health or addiction problems
- ✓ Faced racism, lived in unsafe places, or were bullied

Even if some of this or a lot of this happened to you—it isn't the end of the story.

Simple Steps For Healing

Science tells us when you are hurt as a kid or as an adult you are at risk for having a hard time taking care of yourself. Let's change that.

1. The best way to make it better is to reduce the stress on your body.
 - Exercise—it calms the brain and body and helps you feel better.
2. It sounds silly, but when you get hurt, your body learns how to hold on to that stress and worry. There's a way to turn down anxiety when it's safe.
 - Deep breathing is the key to this. Check out "Tactical Breather," a free cell phone app to help you feel calm and reminds you how to slow your breathing to help you think.

Safety Planning

If you are being hurt by a partner, it is not your fault. You deserve to be safe and treated with respect.

If your safety is at risk:

- ☎ Call 911 if you are in immediate danger.
- ✚ Prepare an emergency kit in case you have to leave fast with: money, phone charger, keys, medicines, birth certificates and shot records.
- 💬 Talk to your health care provider for help using their phone to call the local or national hotlines on this card so the number you called can't be traced.

Call 911 if you are in immediate danger.



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Funded in part by the U.S. Department of Health and Human Services and Administration on Children, Youth and Families (Grant #90EV0414).

The National Domestic Violence Hotline is confidential, open 24/7, and has staff who are kind and can help you with a plan to be safer.

The Hotline
1-800-799-SAFE (1-800-799-7233)
TTY 1-800-787-3224 www.thehotline.org

Text trained counselors about anything that's on your mind:

Crisis Text Line
www.crisistextline.org
Text "START" to 741741



How's It Going?

Everyone deserves to have partners listen to what they want and need. Ask yourself:

- ✓ Is my partner or the person I am seeing kind to me and respectful of my choices?
- ✓ Is my partner willing to talk openly when there are problems?
- ✓ Does my partner give me space to spend time with other people?

If you answered YES to these questions, it sounds like you have a supportive and caring partner. Studies show that being cared for by the person you are with leads to better health, a longer life, and helps your kids.

Are There Times...

My partner or the person I'm seeing:

- ✗ Shames or humiliates me, makes me feel bad about myself, or controls where I go and how I spend my money?
- ✗ Ever hurts or scares me with their words or actions?
- ✗ Makes me have sex when I don't want to?
- ✗ Keeps me from seeing my doctor or taking my medicine?

These experiences are common. 1 in 4 women is hurt by a partner in her lifetime. If something like this is happening to you or a friend, call or text the hotlines on this card.

Helping a Friend

Everyone feels helpless at times and like nothing they do is right.

Sound familiar? This can be a bigger problem if you have a partner who is unhealthy or unsafe. Connecting with friends or family who are having hard times like this is so important.

You can help by telling them they aren't alone. "Hey, I've been there too and someone gave this card to me. It has ideas on places you can go for support and things you can do to be safer and healthier."

And for you? Studies show when we help others we see the good in ourselves, too.

Partners Can Affect Health

A lot of people don't realize that having a partner hurt you with their words, injure/hurt you or make you do sexual things you don't want to can affect your health:

- ✓ Asthma, diabetes, chronic pain, high blood pressure, cancer
- ✓ Smoking, drug and alcohol abuse, unplanned pregnancies and STDs
- ✓ Trouble sleeping, depression, anxiety, inability to think or control emotions

Talking to your health provider about these connections can help them take better care of you.

Stronger You

What does it mean to be strong, resilient or come back from bad experiences?

- ✓ Knowing you aren't at fault for what was done to you.
- ✓ Figuring out how to manage stress and find healthy ways to cope.
- ✓ Finding people who are safe can help you heal.

Maybe you have a good friend to talk with. Maybe you don't yet. For some, talking to the helpful people from the hotlines listed on this card might be a great first step.

Tu pasado puede afectar tu salud

Algunos padres/cuidadores lastiman a sus hijos/hijas, ocurre más de lo que piensas. Tal vez ellos/ellas:

- ✓ Te pusieron apodosos o sobrenombres, no te alimentaron lo suficiente, no te querían o no te cuidaban.
- ✓ Te hicieron daño cuando te castigaban o te hicieron participar en actividades sexuales, o que tú les hicieras cosas a ellos/ellas.

Dónde viviste y lo que viste cuando eras niña te puede afectar

Por ejemplo, si:

- ✓ Tenías una persona que te cuidaba que sufría maltrato de su pareja, o que discutía mucho con ella o que tenía problemas de salud mental o adicción.
- ✓ Enfrentaste el racismo, viviste en lugares inseguros o sufriste acoso.

No importa si esto te ocurrió sólo un poco o mucho – no es el final de la historia.

Pasos simples para sanar

La ciencia nos dice que cuando te hacen daño de niña o aún de adulta esto crea el riesgo de no saber cómo cuidarte tú misma.

Vamos a cambiar eso.

1. La mejor manera de que esto mejore es reducir el estrés en tu cuerpo.
 - El ejercicio calma la mente y el cuerpo y te ayuda a sentirte mejor.
2. Suena tonto, pero cuando te lastimas, tu cuerpo aprende a mantener esa tensión y preocupación. Hay una manera de bajar esa ansiedad cuando es seguro.
 - La respiración profunda es la clave de esto. Práctica la respiración profunda. También puedes usar aplicaciones celulares gratuitas en los teléfonos celulares que te pueden ayudar a sentirte tranquila y calmar tu respiración para ayudarte a pensar.

Plan de Seguridad

Si estás siendo lastimada por tu pareja, no es tu culpa. Mereces ser tratada con respeto y sentirte a salvo.

Si tu seguridad está en riesgo:

- ☎ **Llama al 911 si te encuentras en peligro inmediato. En caso de que tengas que salir rápido, prepara un maletín de emergencia con:**
- ✚ **Dinero, teléfono, cargador, llaves, medicamentos, certificados de nacimiento y registros de inmunizaciones.**
- 🗨 **Habla con tu proveedor de atención médica para que te ayude y puedas usar su teléfono para llamar a las líneas de emergencia locales o nacionales en esta tarjeta. De esta manera no podrán rastrear el número que llamaste. Para consejos para planear tu seguridad visita esta página: <http://espanol.thehotline.org/solicite-ayuda/el-camino-hacia-la-seguridad>**

Llama al 911 si estás en peligro inmediato



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Financiado en parte por el Departamento de Salud y Servicios Humanos y la Administración para Niños, Jóvenes y Familias (concesión #90 EV 0414).

Línea Nacional contra la Violencia Doméstica (National Domestic Violence Hotline) es confidencial, disponibles 24 horas al día, y con personal amable que te puede ayudar con un plan para estar más segura y referir a recursos en tu comunidad. También te puedes comunicar por medio de chat en su página de web.

Línea de Ayuda
1-800-799-SAFE (1-800-799-7233)
TTY 1-800-787-3224
<http://espanol.thehotline.org>

Información sobre leyes y lista de recursos nacionales:
www.womenslaw.org



¿Cómo van las cosas?

Todo el mundo merece tener una pareja que escucha lo que quieres y necesitas. Pregúntate:

- ✓ ¿Mi pareja o la persona con quien estoy saliendo, respeta mis decisiones?
- ✓ ¿Mi pareja está dispuesta a hablar abiertamente cuando hay problemas?
- ✓ ¿Mi pareja me da el espacio para pasar tiempo con otras personas?

Si respondiste “Sí” a estas preguntas, parece que tienes una pareja solidaria y cariñosa. Los estudios demuestran que tener esa atención de la persona con quien estás, conduce a una vida más saludable, más larga y con mejores resultados para tus niños/niñas.

Hay veces que...

Mi pareja o la persona que estoy viendo:

- ✗ ¿Me avergüenza o me humilla, me hace sentir mal sobre mí misma o controla a dónde voy y cómo gasto mi dinero?
- ✗ ¿A veces me hace daño o me atemoriza, o me amenaza con sus palabras o acciones?
- ✗ ¿Me obliga a tener sexo cuando yo no quiero?
- ✗ ¿Me impide ver a mi médico o tomar mi medicina?

Estas experiencias son comunes, 1 de cada 4 mujeres son agredidas por su pareja durante su vida. Si algo así te está sucediendo a ti o a una amiga/o, llama o manda un texto a las líneas de emergencia en esta tarjeta.

Ayudando a una amiga

Todas nos sentimos impotentes algunas veces—como si todo lo que hacemos sale mal.

¿Suena familiar? Esto puede ser un gran problema si alguien tiene una pareja que es nociva o perjudicial. El mantenerse en contacto con amigas/amigos o familiares que tienen dificultades en sus relaciones es muy importante.

Tú puedes crear la diferencia al dejarles saber que no están solas.

“Oye, yo he estado ahí también. Alguien me dio esta tarjeta y me ha ayudado con ideas de lugares a donde puedo ir para obtener ayuda y sentirme más segura y saludable.”

¿Y para ti? Los estudios demuestran que cuando ayudamos a otras personas nos sentimos bien con nosotras mismas también.

Tu pareja puede afectar tu salud

Mucha gente no se da cuenta que el tener una pareja que te lastima o te hiere con sus palabras, o te obliga hacer cosas sexuales que tú no deseas puede afectar tu salud:

- ✓ Asma, diabetes, dolor crónico, hipertensión arterial, cáncer
- ✓ Fumar, consumo de drogas y alcohol, embarazos no deseados y enfermedades de transmisión sexual
- ✓ Problemas para dormir, depresión, ansiedad, no poder pensar o controlar las emociones

El hablar con tu proveedor de salud acerca de estas conexiones, puede ayudarles a cuidarte mejor.

Ser más fuerte

¿Qué significa ser fuerte, resistente o recuperarse de las malas experiencias?

- ✓ Saber que no tienes la culpa de lo que te ha pasado.
- ✓ Consiste en saber cómo manejar el estrés y encontrar formas saludables para enfrentar la situación.
- ✓ Encontrar a personas que son sanas y que te pueden ayudar a sanar.

Tal vez tienes una buena amiga con quien puedes hablar. A lo mejor todavía no. Para algunas personas el poder hablar con alguien en las líneas de emergencia listadas en esta tarjeta puede ser un buen primer paso.

Stand Strong

SUPPORT AND RESOURCES TO END DOMESTIC VIOLENCE

About Stand Strong

Formerly known as the Women's Shelter Program of San Luis Obispo County, Stand Strong has been serving the community since 1977, when two women in Morro Bay opened up their home to survivors of domestic violence.

Other volunteers saw and joined them in their effort to provide safety to survivors. In 1979, this volunteer effort became formally incorporated as the Women's Crisis House. As services expanded for domestic violence survivors, the Women's Crisis House changed its name to the Women's Shelter Program of San Luis Obispo County.

In 2017, the Women's Shelter Program changed its name to Stand Strong to reflect the organization's role in the bigger conversation of dismantling domestic violence in San Luis Obispo County – calling on all community members to come together and support one another with dignity, respect, and compassion.

Mission Statement: To support survivors and end domestic violence in San Luis Obispo County.

The Stand Strong Vision: A society where intimate partners and family members treat each other with dignity, respect, and compassion; where oppression is replaced with equality; where the expression of conflict and anger is non-violent; where children grow up with their esteem intact and are nurtured in such a manner they recognize the value of speaking the truth, welcoming diversity and practicing cooperation. Our vision is a society free from intimate and political wars.

Legal Services: Stand Strong's Legal Services Program provides a holistic approach in assisting survivors of intimate partner violence. The services are designed to empower survivors with the information and options they need to safely break the cycle of abuse.

Eligible applicants may receive various free legal services such as consultations, referrals to legal resources, pro-per assistance, and legal representation in obtaining restraining orders, divorces or legal separations, support orders, safe custody orders, and visitation orders.

Education: Stand Strong provides trauma informed and culturally competent education and informational presentations to the San Luis Obispo County community on a variety of topics related to our work, including healthy relationships, the dynamics of intimate partner violence, preventing

relationship abuse, and so much more. Depending on your educational needs, Stand Strong provides the following presentations:

Counseling Services: No one affected by domestic violence should carry the burden alone. Stand Strong offers individual and group counseling for adults, teens, and children at our counseling centers in San Luis Obispo and South County.

Please call our counseling office at (805) 473-6507 for an assessment or for general questions.

Stand Strong provides counseling to help educate and heal those impacted by intimate partner violence (women, men, teens, and children) and those who choose to perpetrate. The requirements for acceptance and participation in the program are the same for everyone regardless of race, color, national origin, sexual orientation, age, gender, disability, belief systems, or spiritual-based practices. They are based on program requirements and funding guidelines. A sliding-scale fee is available for individuals who are dealing with issues of unresolved anger, controlling behavior, and verbal aggression as a result of Intimate Partner Violence (IPV). For more information on counseling for children, please scroll to the bottom of the page.

- Individual Counseling (for survivors and for perpetrators)
- Group Counseling (support groups, Latina groups, therapeutic art groups)
- Counseling for children and teens (individual counseling, play therapy, school-based counseling, art groups)

COUNSELING SERVICES FOR TRAUMATIZED CHILDREN

The Counseling Program at Stand Strong provides services for children who have experienced trauma.

Services & Resources for Children

This Counseling Program at Stand Strong offers individual and group counseling services to children who have experienced trauma in order to foster long-term healing and recovery through a range of child-focused counseling techniques sensitive to the child's emotional state, developmental level, language, and cognitive skills. Advocacy for the child is provided through coordination of community resources and support according to their individual needs. The goal is to identify, build, strengthen, and coordinate a network of support for the child and his/her family. All services for children are provided free of cost to the client and are available for Spanish-speakers.

Who is eligible to receive these services?

- Children who are victims of abuse, neglect, abduction, and parental substance abuse
- Children who have experienced domestic, family, school, and/or community violence
- Child and teen victims ages 4 to 17

- All child victims regardless of gender, race, color, ethnicity, religion, sexual orientation, or disability (provided program requirements and funding guidelines are met)

Children’s Services: In addition to Counseling Services, Stand Strong offers a variety of services for children.

These include:

- Therapeutic art
- Music
- Transportation to and from counseling
- Non-violent, culturally sensitive, and developmentally appropriate childcare while a parent participates in counseling

Prevention: Primary prevention aims to shift social norms away from ideas, beliefs, and behaviors that support a culture of violence. Primary prevention programs are developed to boost factors that protect against violence and to decrease factors that contribute to perpetration and victimization.

With 1 in 3 teens reporting experiencing abuse in a relationship, prevention of violence and the promotion of healthy relationship behaviors is paramount. Stand Strong is proud to provide San Luis Obispo County with two athletics-based violence prevention programs—Coaching Boys into Men and Athletes as Leaders. Both programs have been proven to increase participating athletes’ ability to identify abusive behaviors and increase their beliefs in gender equity, which are two factors proven to protect against abuse in relationships.

Coaching Boys into Men is a leadership and violence prevention program for male high school athletes. The 12-session, coach-facilitated program engages coaches and their athletes in conversation about promoting respect, responsibility, and nonviolence in their interpersonal relationships and on campus.

Athletes as Leaders is a similar program, developed for female and non-binary high school athletes. Its 10-session curriculum focuses on empowering teams to create positive girl culture, promote healthy relationships, and end gender-based violence.

Web Link to Additional Prevention Information: <https://standstrongnow.org/services/prevention/>