

Domestic Violence by
Police Officers/High-Profile
Persons



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I. PURPOSE:

This policy recognizes no profession is immune from committing domestic violence against their intimate partners. The purpose of this policy is to establish procedures for handling acts of domestic violence committed by police officers or High-Profile Persons and for implementing prevention strategies. This policy will provide police executives, officers, and all department employees guidance in addressing incidents where one (or more) party to a reported domestic violence incident is an employee, whether sworn or civilian, of any rank in any police department or is a High-Profile Person (HPP) such as an elected or appointed government official with policy making authority, sports or media figure, business executive, etc.

II. POLICY:

This policy offers a comprehensive, pro-active approach to domestic violence by police department employees and HPP with an emphasis on victim safety. It delineates a position of zero tolerance by the department. It is imperative to the integrity of the profession of policing, and the sense of trust communities have in their local law enforcement agencies that leaders, through the adoption of clear policies, make a definitive statement that domestic violence will not be tolerated.

Federal law prohibits police officers convicted of qualifying misdemeanor domestic violence crimes from possessing firearms. Officers found guilty of a qualifying domestic violence crime through criminal proceedings shall be terminated.

III. DEFINITIONS:

Administrative Orders: An order from the Chief of Police directing the accused officer to refrain from specified conduct toward or contact with a particular person. When any order, such as; stay away, restraining, criminal, and emergency or temporary protection orders or injunctions are issued by the court involving the accused officer, the administrative order shall mirror those orders.

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Domestic violence: refers to an act or pattern of violence perpetrated by an individual upon his or her intimate partner not done in defense of self or others, including but not limited to the following:

1. Bodily injury or threat of imminent bodily injury.
2. Sexual battery.
3. Physical restraint.
4. Property crime directed at the victim.
5. Stalking.
6. Violation of a court order of protection or similar injunction.
7. Death threats or death.

Intimate partner: is any person who meets one or more of the following criteria:

1. Is or was legally married to the police officer/HPP.
2. Has a child in common with the police officer/HPP.
3. Has or had a dating relationship with the police officer/HPP.
4. Is specified as an intimate partner by state law.
5. Is cohabitating or has cohabitated romantically with the police officer/HPP.

Nolo Contendere: A plea where the accused neither admits or denies their responsibility but will accept the prosecuting attorney's recommendations for punishment associated with the crime.

Protection order: refers to any injunction or other order issued by a court, including criminal or civil orders of protection, regardless of form, content, length, layout, or name (such as stay away, restraining, criminal, and emergency or temporary protection orders or injunctions), issued for the purpose of preventing the following:

1. Violent or threatening acts against another person.
2. Stalking or harassment of another person.
3. Contact or communication with another person.
4. Physical proximity to another person.

IV. **PROCEDURES:**

While prioritizing the safety of victims, this policy is designed to address prevention through hiring and training practices, provide direction to supervisors for intervention when warning signs of domestic violence are evident, institutionalize a structured response to reported incidents of domestic violence involving officers and offer direction for conducting the subsequent administrative and criminal investigations. Components of the policy include Prevention and Training, Early Warning and Intervention, Incident

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Response Protocols, Victim Safety, and Protection Post-Incident Administrative and Criminal Decisions.

V. PREVENTION AND TRAINING:

The department will adhere to a zero-tolerance policy towards police officer domestic violence and will not tolerate violations of the policy. The department will provide ongoing training to every officer on domestic violence and the zero-tolerance policy throughout all phases of the police officer's career.

A. Prevention Through Collaboration

1. Through ongoing partnerships with local victim advocacy organizations, the department shall develop domestic violence curricula and train officers in order to enhance the officers'/agency's response to victims.
2. The department shall provide local domestic violence victim advocacy organizations copies of all domestic violence training curricula, protocols, and policies for review and possible revision.

B. Training Topics

1. All officers shall receive comprehensive mandatory instruction covering the following topics:
 - a) Understanding domestic violence.
2. Departmental domestic violence
 - a) Response protocol.
 - b) Warning signs of domestic violence by officers.
 - c) Victim safety.
 - d) Federal domestic violence laws.
3. Ongoing Training
 - a) The department will use a variety of training techniques including in-service, roll-call, FTO, ride-along, and training bulletins to regularly reinforce standards of effective response protocol.
4. Program Evaluation
 - a) To enhance the effectiveness of the training, the department may work with internal or external organizations to evaluate the training and its impact.

VI. EARLY WARNING AND INTERVENTION:

A. Pre-Hire Screening and Investigation

1. The department will conduct thorough background investigations of all potential new employees using address history, driver's record, and protection order databases.

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2. All candidates will be asked if they have engaged in or been investigated for domestic violence and asked about any past arrests, suspended sentences, diversion programs, convictions, and protection orders related to elder abuse, child abuse, sexual assault, stalking, or domestic violence.
 3. Those candidates with a history of perpetrating violence (to include: elder abuse, child abuse, sexual assault, stalking, or domestic violence) will be screened out at in the hiring process.
 4. Candidates shall be clearly informed of the department's position of zero tolerance concerning domestic violence by officers.
- B. Post Conditional Offer of Employment
1. The psychological screening of all viable candidates will focus on indicators of abusive tendencies in their background.
 2. The department will strongly consider a no-hire decision in the case of a candidate with tendencies indicative of abusive behavior.
- C. Post-Hire Outreach
1. When new officers are hired, the department shall reach out to their intimate partners/family members to introduce this policy and other relevant department policies.
- D. Department Responsibilities
1. Based upon reasonable suspicion, the department may review the records of employees to determine whether convictions for qualifying misdemeanor crimes of domestic violence (MCDV) or valid protection orders exist.
 - a) If an employee is found to have a MCDV or is the subject of a qualifying protection order, department legal counsel and/or city/county attorney shall be consulted immediately regarding continued employment or duty assignment.
 2. The department will, either in response to observed warning signs or at the request of an officer, intimate partner, or other family member, provide non-punitive avenues of assistance before an act of domestic violence occurs.
 3. The department will inform officers at the request of the officer of the procedure for seeking confidential referrals, either internally or externally, to confidential counseling services.
 4. A disclosure on the part of any officer, intimate partner or family member to any member of the department that an officer has personally engaged in domestic violence will be treated as an admission or report of a crime and shall be investigated both administratively and criminally.
- E. Supervisor Responsibilities

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1. Supervisors shall be cognizant of and document any pattern of abusive behavior potentially indicative of domestic violence including but not limited to the following:
 - a) Aggressiveness
 - (1) Excessive and/or increased use of force on the job.
 - (2) Stalking and inappropriate surveillance activities.
 - (3) Unusually high incidences of physical altercations and verbal disputes.
 - (4) Citizen and fellow officer complaints of unwarranted aggression and verbal abuse.
 - (5) Inappropriate treatment of animals.
 - (6) On-duty or off-duty officer injuries.
 - b) Domestic violence-related issues
 - (1) Monitoring and controlling any family member or intimate partner through such means as excessive phone calling.
 - (2) Stalking any intimate partner or family member.
 - (3) Discrediting and/or disparaging an intimate partner.
 - c) Deteriorating work performance
 - (1) Tardiness.
 - (2) Excessive absences.
 - (3) Alcohol and drug abuse.
2. When the supervisor notes a pattern of problematic behavior (as detailed above), the supervisor shall:
 - a) Address the behaviors through a review or other contact with the officer and document all contacts.
 - b) Forward written reports capturing the behaviors to the Chief of Police or designee in a timely manner to determine discipline as warranted.
 - c) Prepare and submit to the Chief of Police or designee a written request for a psychological exam/ counseling by a psychologist/psychiatrist who is knowledgeable about domestic violence.
 - d) When warranted, request the chief order an officer to seek assistance from a certified program for batterers, and if such a program is not available, a counselor knowledgeable about domestic violence.

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F. Police Officer Responsibilities

1. Officers are encouraged to take personal responsibility in seeking confidential referrals and assistance from the department to prevent a problem from escalating to the level of criminal conduct against an intimate partner.
2. Officers who engage in the following actions will be subject to severe discipline up to and including dismissal:
 - a) Failure to report knowledge of abuse or violence involving a fellow officer.
 - b) Failure to cooperate with the investigation of a police officer domestic violence case (except in the case where that officer is the victim).
 - c) Interference with cases involving themselves or fellow officers.
 - d) Intimidation/coercion of witnesses or victims (i.e., surveillance, harassment, stalking, threatening, or falsely reporting).
3. Officers who learn they are the subject of a criminal investigation, regardless of jurisdiction, are required to immediately make a report to their supervisors and provide notice of the court dates, times, appearances, and proceedings. Failure to do so may result in severe discipline up to and including dismissal.
4. Officers who learn they are the subject of any protective order proceeding, whether or not the order is issued and regardless of jurisdiction, shall immediately notify their supervisor and provide a copy of the order if issued. If subject to a qualifying protection order, the officer shall surrender all firearms unless department policy allows for possession of the primary service weapon. Failure to do so may result in severe discipline up to and including dismissal.

VII. INCIDENT RESPONSE PROTOCOLS:

A. Department-wide response

1. The department shall accept, document, and preserve all calls or reports, including those made anonymously, regarding officer/HPP domestic violence as on-the-record information.
 - a) All reports of possible criminal activity implicating police officers/HPP in domestic violence shall be documented in accordance with the policies governing the handling of reports of domestic violence involving civilians.
 - b) The on-scene supervisor shall forward a copy of the report alleging domestic violence by the officer to the Chief of Police or designee.
 - c) All such incident reports shall be made available by the department to the victim without cost.

B. Patrol Response

1. Upon arrival on the scene of a domestic violence call or incident involving a police officer, the primary patrol unit shall immediately notify dispatch and request a supervisor of higher rank than the involved officer report to the scene, regardless of the involved officer's jurisdiction.

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2. The responding officers shall perform the following actions:
 - a) Obtain needed medical assistance
 - b) Address the immediate safety of all parties involved
 - c) Secure the scene and preserve evidence
 - d) Note all excited utterances, admissions and/or incriminating statements
 - e) Make an arrest if probable cause exists

C. On-Scene Supervisor Response

1. A supervisor of higher rank shall report to the scene of all police officer/HPP domestic violence incidents including a police officer, regardless of the involved officer's jurisdiction.
2. The on-scene supervisor shall assume command and ensure that the crime scene is secured and that all evidence is collected. Photographic and/or video documentation of the parties involved and the scene shall be recorded where such resources are available.
3. The on-scene supervisor shall inquire as to the safety of all children present at the time of the incident and all children in the household. As appropriate and necessary, the children should be interviewed separately from other parties.
4. In cases where probable cause exists, the on-scene supervisor shall ensure an arrest of the accused officer/HPP is made.
5. If the accused officer/HPP has left the scene and there is probable cause for an arrest, the on-scene supervisor shall make reasonable efforts to locate and arrest the accused officer/HPP, by issuing a KOPS Alert within the preceding 72 hours, exclusive of the day probable cause was established. If there is no arrest occurs within the 72 hours, an arrest warrant should be sought if appropriate.
6. Whenever an officer/HPP is involved in a domestic violence call not resulting in an arrest, the on-scene supervisor shall explain in a written report.
7. In the event that the victim has left the scene, the on-scene supervisor shall make every effort to follow through on the investigation and attempt to locate the victim.
8. The arrest of both parties involved in a domestic violence incident is to be avoided. The on-scene supervisor shall ensure that a thorough investigation is conducted and an arrest of the predominant aggressor is made in accordance with state law.
9. Whenever an officer is arrested, the on-scene supervisor shall relieve the accused officer of all service weapons regardless of whether the officer is a member of the responding department.

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10. The on-scene supervisor where allowable under federal, state, or local ordinances, will coordinate that all other firearms owned or at the disposal of the accused officer/HPP shall be seized for safety reasons.
11. The on-scene supervisor shall inquire whether the victim wants any firearms removed from the home for safekeeping by the department and make arrangements as necessary.
12. The on-scene supervisor shall ensure the victim is informed of the following:
 - a) The judicial process and victim rights.
 - b) The department's policy on police officer domestic violence, procedures, and cross-jurisdictional responsibilities as they apply.
 - c) The standard of probable cause for arrest.
 - d) Procedures for obtaining protective orders.
 - e) Victim compensation.
 - f) The availability of an on-scene advocate.
 - g) The availability of confidential transportation to a location that can provide improved victim safety.
 - h) Community resources and local domestic violence victim service.
 - i) The option to remove firearms for safekeeping.
13. The on-scene supervisor shall notify the Chief of Police or designee and the accused officer's immediate supervisor as soon as possible. In the event that the officer is from another jurisdiction, at the direction of the Chief of Police, the supervisor shall ensure that the accused officer's Chief of Police or designee is notified. All notifications, and attempts to notify, shall be fully documented.

D. Additional Critical Considerations

1. When responding to a domestic violence complaint involving a police officer from another jurisdiction, all responding officers, investigators, and supervisors shall follow the same procedures that are to be followed in responding to a domestic violence complaint involving an officer from their own department.
2. In the event that the reported incident involves the highest-ranking member of the department, the supervisor shall immediately notify the city administrator.
3. In responding to domestic violence incidents where the victim is a police officer/HPP, standard domestic violence response and investigation procedures should be followed.
4. In responding to domestic violence incidents where the parties involved are both police officers, standard domestic violence response and investigation procedures should be followed. After probable cause and dominant aggressor are determined, an arrest should be made, and all service weapons of the accused officer seized.

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E. Department Follow-Up

1. In a timely manner, the Chief of Police or designee shall ensure that all officers who responded to a police officer domestic violence call are debriefed. The debriefing shall include the following:
 - a) A review of department confidentiality guidelines.
 - b) A direct order prohibiting discussion of the incident outside of the official inquiry.
 - c) A clear delineation of assignments.
2. Follow-up investigators shall proactively seek out information on existing protective orders and, if found, shall enforce them and any applicable state and federal firearms laws and determine whether the officer violated department policy by failing to report the protective order.
3. Arrest warrants charging police officers with domestic violence and protective orders issued at a later time shall be served by no fewer than two officers with at least one being of senior rank to the officer being served. In cases where firearms have not previously been seized, firearms shall be seized if allowed by the department and decisions about service weapons will be made.
4. In the event, the protection order expires, or the victim asks that it be discontinued, the department shall still conduct a thorough administrative investigation.
5. Following the reported incident, the department shall designate a member of the command staff to perform the following duties:
 - a) Conduct a danger assessment of the accused officer to determine the potential for further violence and inform the victim of the possibility of danger regardless of the outcome of the assessment.
 - b) Act as a principal point of contact to keep the victim apprised of all developments.
 - c) Ensure that safety planning and danger assessment is made available to the victim.
 - d) Report the findings of the danger assessment to the chief who will make decisions concerning appropriate sanctions, administrative actions, and referrals for the accused officer.

VIII. VICTIM SAFETY AND PROTECTION:

- A. Departments will work with local victim advocacy organizations to connect victims and their children with appropriate services.
- B. The designated principal contact for the victim, shall inform the victim of confidentiality policies and their limitations, and ensure that confidentiality is maintained throughout the case.

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- C. The designated principal contact shall assist the victim and children in safety planning and caution the victim to be alert to stalking activities.
- D. All officers shall be aware of possible victim/witness intimidation or coercion and the increased danger when the victim leaves an abusive partner. If an officer suspects intimidation or coercion of the victim/witness is occurring, the officer shall prepare a written report to be delivered immediately to the investigator in charge of the case through the chain of command.
 - 1. In order to determine whether the victim/witness is being intimidated or coerced, the investigator in charge shall seek out secondary sources of information.
 - 2. Given the possibility that a victim will recant or choose not to participate in court proceedings, supplemental evidence shall be sought out and preserved.

IX. POST-INCIDENT ADMINISTRATIVE AND CRIMINAL DECISIONS:

- A. The department will conduct separate administrative and criminal investigations of alleged incidents of police officer domestic violence in a manner that maintains the integrity of both investigations and promotes zero tolerance. Regardless of the outcome of the criminal case, the department shall uphold all administrative decisions. If the facts of the case indicate that domestic violence has occurred or any department policies have been violated, administrative action shall be taken independent of any criminal proceedings as soon as practicable. The department will adhere to and observe all necessary protocols to ensure an accused officer's departmental and legal rights are upheld during the administrative and criminal investigations.
 - 1. Administrative Investigations and Decisions: The responsibility to complete the administrative investigation of a police officer domestic violence incident shall rest with the Internal Affairs Division of the department. The Chief of Police may ask an outside law enforcement agency to conduct the administrative investigation.
 - a) Regardless of whether an arrest was made on scene, the investigating official shall conduct an independent, comprehensive administrative investigation.
 - b) Where non-punitive information/evidence exists, the department shall take immediate administrative action against the accused officer that may include but not limited to the removal of badge and service weapons, and reassignment.
 - c) When an investigation of an incident uncovers officers, who had knowledge of violence on the part of another officer but failed to notify the department or engaged in actions intended to interfere with the investigation, the department shall investigate those officers and take disciplinary action. If criminal charges maybe warranted, the department shall refer the matter to an outside law enforcement agency for investigation.

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- d) The chief shall determine whether and when the accused officer should be issued an administrative order.
 - e) If administrative policies and/or administrative orders are violated, or sufficient concern exists regarding a violation, the department shall initiate an independent administrative investigation, and take disciplinary action up to and including dismissal.
 - f) In determining the proper course of administrative action, a department shall consider factors including the level of danger an officer poses as indicated by the outcome of the danger assessment of the officer, the officer's history of compliance with departmental rules, prior written or verbal threats, history of aggressive behaviors, and existence of an alcohol or substance abuse problem.
 - g) If the accused officer is assigned enforcement duties while the administrative and/ or criminal investigations are under way, those duties should not include response to domestic violence calls.
 - h) If the department determines through an administrative investigation that the officer violated department policy, regardless of whether the officer plead nolo contendere in response to criminal charges, the department may employ the full range of administrative sanctions. Any officer determined through an administrative investigation to have committed domestic violence shall be terminated from the department.
2. Criminal Investigations and Decisions The responsibility to complete a criminal investigation of an incident of police officer domestic violence shall rest with the criminal investigations unit. The Chief of Police or designee may ask an outside law enforcement agency to conduct the criminal investigation.
- a) The investigating official shall conduct criminal investigations as would be the case for any other criminal violation.
 - b) In accordance with the officer's and victim's privacy rights, the investigating official or agency shall conduct sufficient audio-recorded interviews of family members, friends, neighbors, colleagues, and others who may have information regarding criminal charges.
 - c) Even though an initial report may already exist concerning a police officer, reports of any subsequent or additional criminal or non-criminal incidents, which may include fellow officers engaging in surveillance or intimidation of the victim, shall be documented in separate incident reports, assigned a case number, cross-referenced with the original case number and investigated thoroughly.
 - d) The department will completely investigate the charges and where warranted seek prosecution even in cases where the victim recants.
 - e) The department will establish a liaison to work with the prosecuting attorney for each case. This liaison shall present all the information to the prosecuting

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attorney for action and ask that decisions about the adjudication of the case be made in a timely manner.

- f) As with any other case for criminal prosecution, the investigating officer shall request the filing of court papers/complaints.
- g) Any officer convicted through criminal proceedings of a domestic violence crime shall be terminated from the department.

3. Termination Procedures

- a) Upon the decision to terminate an officer, the chief shall do the following in accordance with department policy and state law:
 - (1) Notify the officer, in writing, of the effective date of termination.
 - (2) Inform the officer of available support services, to include counseling.
 - (3) Ensure that the victim is notified in a timely manner and offered available assistance, to include safety planning.
 - (4) Notify the state licensing body within 30 days and inform them of the reason for termination.
- b) Federal law prohibits anyone convicted of a misdemeanor domestic violence crime from possessing firearms. The department shall ensure compliance with federal law.