

DOMESTIC VIOLENCE BY POLICE OFFICERS

A Policy of the IACP *Police Response to Violence Against Women Project*

Effective Date: July 2003

I) PURPOSE

This policy recognizes that the profession of law enforcement is not immune from members 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 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 the department.

II) POLICY STATEMENT

This policy offers a comprehensive, pro-active approach to domestic violence by police department employees 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. In the process of implementing this policy, the department should review the records of all employees to determine whether convictions for qualifying misdemeanor crimes of domestic violence *(MCDV) or valid protection orders exist. 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.

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.

**For the definitions of qualifying misdemeanor crime of domestic violence and qualifying order of protection that trigger federal firearm provisions, see the Concepts and Issues Paper, page 1, section B, Definitions.*

III) DEFINITIONS

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

- Bodily injury or threat of imminent bodily injury
- Sexual battery
- Physical restraint
- Property crime directed at the victim
- Stalking
- Violation of a court order of protection or similar injunction
- Death threats or death

An "intimate partner" of a police officer is any person who meets one or more of the following criteria:

- Is or was legally married to the police officer
- Has a child in common with the police officer
- Has or had a dating relationship with the police officer
- Is specified as an intimate partner by state law
- Is cohabitating or has cohabitated romantically with the police officer

"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:

- Violent or threatening acts against another person
- Stalking or harassment of another person
- Contact or communication with another person
- 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: A) Prevention and Training B) Early Warning and Intervention C) Incident Response Protocols D) Victim Safety and Protection E) Post-Incident Administrative and Criminal Decisions.

A) 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.

1) Prevention Through Collaboration

- (a) 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.
- (b) 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.

2) Training Topics

Upon implementation of this policy, all officers shall receive comprehensive mandatory instruction covering the following topics:

- (a) Understanding Domestic Violence
- (b) Departmental Domestic Violence
 - i. Response Protocol
- (c) Warning Signs of Domestic Violence by Officers
- (d) Victim Safety
- (e) Federal Domestic Violence Laws

(For details on these training topics, see Concepts and Issues Paper, section A) Prevention and Training, #2)

3) Ongoing Training

Departments shall use a variety of training techniques including in-service, roll-call, FTO, ride-alongs, and training bulletins to regularly

reinforce standards of effective response protocol.

4) Program Evaluation

To enhance the effectiveness of the training, departments should work with internal or external research resources to evaluate the training and its impact.

B) EARLY WARNING AND INTERVENTION

1) Pre-Hire Screening and Investigation

- (a) Certification agencies and/or departments shall conduct thorough background investigations of all potential new employees using address history, driver's record, protection order database and a search on IADLEST.
- (b) All candidates shall 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.
- (c) Those candidates with a history of perpetrating violence (to include: elder abuse, child abuse, sexual assault, stalking, or domestic violence) should be screened out at this point in the hiring process.
- (d) Candidates shall be clearly informed of the department's position of zero tolerance concerning domestic violence by officers.

2) Post Conditional Offer of Employment

- (a) The psychological screening of all viable candidates will focus on indicators of abusive tendencies in their background.
- (b) Departments should strongly consider a no-hire decision in the case of a candidate with tendencies indicative of abusive behavior.

3) Post-Hire Intervention

- (a) 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.
- (b) Departments should engage in periodic outreach to officers and their intimate partners/family members with information on this policy, the point of contact within the department and referrals for local support services.

4) **Department Responsibilities**

- (a) The department shall develop cross-jurisdictional MOUs to ensure timely notification of an incident involving an officer.
- (b) The department shall, 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.
- (c) The department shall inform officers of the procedure for seeking confidential referrals, either internally or externally, to confidential counseling services.
- (d) 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.

5) **Supervisor Responsibilities**

- (a) Supervisors shall be cognizant of and document any pattern of abusive behavior potentially indicative of domestic violence including but not limited to the following:
 - i. Aggressiveness
 - a. Excessive and/or increased use of force on the job
 - b. Stalking and inappropriate surveillance activities
 - c. Unusually high incidences of physical altercations and verbal disputes
 - d. Citizen and fellow officer complaints of unwarranted aggression and verbal abuse
 - e. Inappropriate treatment of animals
 - f. On- or off-duty officer injuries
 - ii. Domestic violence-related issues
 - a. Monitoring and controlling any family member or intimate partner through such means as excessive phone calling
 - b. Stalking any intimate partner or family member
 - c. Discrediting and/or disparaging an intimate partner
 - iii. Deteriorating work performance
 - a. Tardiness
 - b. Excessive absences

c. Alcohol and drug abuse

- (b) When the supervisor notes a pattern of problematic behavior (as detailed above), the supervisor shall:
 - i. Address the behaviors through a review or other contact with the officer and document all contacts
 - ii. Forward written reports capturing the behaviors to the chief through the chain of command in a timely manner to determine discipline as warranted
 - iii. Prepare and submit to the chief a written request for a psychological exam/ counseling by a psychologist/psychiatrist who is knowledgeable about domestic violence.
 - iv. 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.

6) **Police Officer Responsibilities**

- (a) 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.
- (b) Officers who engage in the following actions will be subject to severe discipline up to and including dismissal:
 - i. Failure to report knowledge of abuse or violence involving a fellow officer
 - ii. Failure to cooperate with the investigation of a police officer domestic violence case (except in the case where that officer is the victim)
 - iii. Interference with cases involving themselves or fellow officers
 - iv. Intimidation/coercion of witnesses or victims (i.e., surveillance, harassment, stalking, threatening, or falsely reporting)
- (c) 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.

- (d) 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.

C) INCIDENT RESPONSE PROTOCOLS

1) Department-wide Response

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

2) Communications Response

- (a) Communications officers/dispatchers shall be instructed to assign a high priority to all domestic violence calls, including those that involve or appear to involve a police officer of any department.
- (b) Communications officers/dispatchers shall immediately notify the supervisor on duty and the dispatch supervisor of any domestic violence call received that involves, or appears to involve, a police officer, regardless of the involved officer's jurisdiction.
- (c) Communications officers/dispatchers shall prepare and preserve documentation of the facts and circumstances of the call, including the 911 tape, for use in potential administrative or criminal investigations.
- (d) Communications officers/dispatchers shall have available current contact information

of local domestic violence victim advocacy organizations for on-scene supervisors to provide to victims.

3) Patrol Response

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

4) On-Scene Supervisor Response

- (a) A supervisor of higher rank shall report to the scene of all police officer domestic violence incidents including a police officer, regardless of the involved officer's jurisdiction.
- (b) 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 scene shall be recorded where such resources are available.
- (c) The 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.
- (d) In cases where probable cause exists, the on-scene supervisor shall ensure an arrest is made.
- (e) If the alleged offender has left the scene and probable cause exists, the supervisor shall perform the following actions:
 - i. Exhaust all reasonable means to locate the alleged offender
 - ii. Ensure that an arrest warrant is sought, if unable to locate the alleged offender
 - iii. Document all subsequent actions in a timely manner

- (f) In the event that the victim has left the scene, the supervisor shall make every effort to follow through on the investigation and attempt to locate the victim.
- (g) Arrest of both parties involved in a domestic violence incident should be avoided. The supervisor shall ensure that a thorough investigation is conducted and an arrest of the dominant aggressor is made in accordance with state law.
- (h) Whenever an officer is arrested, the supervisor shall relieve the accused officer of all service weapons regardless of whether the officer is a member of the responding department.
- (i) Where allowable under federal, state, or local ordinances, all other firearms owned or at the disposal of the accused officer shall be seized for safety reasons.
- (j) The command staff officer shall inquire whether the victim wants any firearms removed from the home for safekeeping by the department and make arrangements as necessary.
- (k) The on-scene supervisor shall ensure the victim is informed of the following:
 - i. The judicial process and victim rights
 - ii. The department's policy on police officer domestic violence, procedures and cross-jurisdictional responsibilities as they apply
 - iii. The standard of probable cause for arrest
 - iv. Procedures for obtaining protective orders
 - v. Victim compensation
 - vi. The availability of an on-scene advocate
 - vii. The availability of confidential transportation to a location that can provide improved victim safety
 - viii. Community resources and local domestic violence victim service
 - ix. The option to remove firearms for safekeeping
- (l) Whenever a police officer involved domestic violence call does not result in an arrest or a warrant is not sought, the on-scene supervisor shall explain in a written report.
- (m) The on-scene supervisor shall notify the chief and the accused officer's immediate

supervisor as soon as possible. In the event that the officer is from another jurisdiction, the supervisor shall ensure that the accused officer's chief is notified. All notifications, and attempts to notify, shall be fully documented.

5) **Additional Critical Considerations**

- (a) 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.
- (b) In the event that the reported incident involves the chief of police or commissioner, the supervisor shall immediately notify the district/state's attorney and the individual in government who has direct oversight for the chief, for example, the mayor.
- (c) In responding to domestic violence incidents where the victim is a police officer, standard domestic violence response and investigation procedures should be followed.
- (d) 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 confiscated.

If a protective order is issued against an officer, additional firearm seizure may be required under state law.

6) **Department Follow-Up**

- (a) In a timely manner, the chief shall ensure that all officers who responded to a police officer domestic violence call are debriefed. The debriefing shall include the following:
 - i. A review of department confidentiality guidelines
 - ii. A direct order prohibiting discussion of the incident outside of the official inquiry
 - iii. A clear delineation of assignments
- (b) 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.

- (c) 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.
- (d) In the event the protection order expires or the victim asks that it be discontinued, the department shall still conduct a thorough administrative investigation.
- (e) Following the reported incident, the department shall designate a member of the command staff to perform the following duties:
 - i. 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
 - ii. Act as a principal point of contact to keep the victim apprised of all developments
 - iii. Ensure that safety planning and danger assessment is made available to the victim
 - iv. 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

D) VICTIM SAFETY AND PROTECTION

- 1) Departments shall work with community resources and advocacy agencies to connect victims and their children with appropriate services.
- 2) The command staff designated as principal contact for the victim, shall inform the victim of confidentiality policies and their limitations, and ensure that confidentiality is maintained throughout the case.
- 3) All officers shall be aware of possible victim/witness intimidation or coercion and the increased danger when the victim leaves an

abusive partner. The designated principal contact shall assist the victim and children in safety planning and caution the victim to be alert to stalking activities.

- 4) 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.
 - (a) In order to determine whether the victim/witness is being intimidated or coerced, the investigator in charge shall seek out secondary sources of information.
 - (b) Given the possibility that a victim will recant or choose not to participate in court proceedings, supplemental evidence shall be sought out and preserved.

E) POST INCIDENT ADMINISTRATIVE AND CRIMINAL DECISIONS

Departments shall conduct separate parallel 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, union, 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, or in the event that no such unit exists, the chief shall appoint an experienced investigator. The chief 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 using standard elements of criminal investigations. Victims and witnesses shall be re-interviewed and their statements recorded; crime scene evidence,

- photographs, and medical records accessed; and 911 tapes requested.
- (b) Where sufficient information/evidence exists, the department shall take immediate administrative action against the accused officer that may include removal of badge and service weapons, reassignment, sanctions, suspension, or termination.
 - (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 and criminally charge as warranted.
 - (d) The chief shall determine whether and when the accused officer should be issued an administrative order of protection. (See Concepts and Issues paper, section C Incident Response Protocols, #6 department follow-up)
 - (e) If administrative policies and/or administrative orders of protection are violated or sufficient concern exists regarding a violation, the department shall initiate an independent administrative investigation, seize firearms as allowed under department policy as soon as practicable, 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 domestic violence unit of the department, or in the event that no such unit exists, the criminal investigations unit or detective division. The chief 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 interviews (taped) 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 shall completely investigate the charges and where warranted seek prosecution even in cases where the victim recants.
- (e) The department shall establish a liaison to work with the prosecuting attorney for each case. This officer shall present all the information to the prosecuting 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 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:
 - i. Notify the officer, in writing, of the effective date of termination
 - ii. Inform the officer of available support services, to include counseling

- iii. Ensure that the victim is notified in a timely manner and offered available assistance, to include safety planning
- iv. 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.

Every effort has been made by the IACP Research Center Directorate and the Police Response to Violence Against Women Advisory Group to ensure that this policy incorporates the most current information and contemporary professional judgment on the issue. However, law enforcement administrators should be cautioned that no "model" policy can meet the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions, and collective bargaining agreements, and each agency needs to tailor its policies to ensure compliance with all laws, regulations, and agreements.

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For technical assistance or to address concerns, please contact:

*Nancy Turner
 Police Response to Violence Against Women Project Manager
 International Association of Chiefs of Police
 515 N. Washington Street, Alexandria, VA 22314
 or turnern@theiacp.org
 or 800/The-IACP x 216*

RCW 10.99.020
Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Agency" means a general authority Washington law enforcement agency as defined in RCW 10.93.020.
- (2) "Association" means the Washington association of sheriffs and police chiefs.
- (3) "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.
- (4) "Dating relationship" has the same meaning as in RCW 26.50.010.
- (5) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:
 - (a) Assault in the first degree (RCW 9A.36.011);
 - (b) Assault in the second degree (RCW 9A.36.021);
 - (c) Assault in the third degree (RCW 9A.36.031);
 - (d) Assault in the fourth degree (RCW 9A.36.041);
 - (e) Drive-by shooting (RCW 9A.36.045);
 - (f) Reckless endangerment (RCW 9A.36.050);
 - (g) Coercion (RCW 9A.36.070);
 - (h) Burglary in the first degree (RCW 9A.52.020);
 - (i) Burglary in the second degree (RCW 9A.52.030);
 - (j) Criminal trespass in the first degree (RCW 9A.52.070);
 - (k) Criminal trespass in the second degree (RCW 9A.52.080);
 - (l) Malicious mischief in the first degree (RCW 9A.48.070);
 - (m) Malicious mischief in the second degree (RCW 9A.48.080);
 - (n) Malicious mischief in the third degree (RCW 9A.48.090);
 - (o) Kidnapping in the first degree (RCW 9A.40.020);
 - (p) Kidnapping in the second degree (RCW 9A.40.030);
 - (q) Unlawful imprisonment (RCW 9A.40.040);
 - (r) Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145);
 - (s) Rape in the first degree (RCW 9A.44.040);
 - (t) Rape in the second degree (RCW 9A.44.050);

(u) Residential burglary (RCW 9A.52.025);

(v) Stalking (RCW 9A.46.110); and

(w) Interference with the reporting of domestic violence (RCW 9A.36.150).

(6) "Employee" means any person currently employed with an agency.

(7) "Sworn employee" means a general authority Washington peace officer as defined in RCW 10.93.020, any person appointed under RCW 35.21.333, and any person appointed or elected to carry out the duties of the sheriff under chapter 36.28 RCW.

(8) "Victim" means a family or household member who has been subjected to domestic violence.

[2004 c 18 § 2; 2000 c 119 § 5; 1997 c 338 § 53; 1996 c 248 § 5; 1995 c 246 § 21; 1994 c 121 § 4; 1991 c 301 § 3; 1986 c 257 § 8; 1984 c 263 § 20; 1979 ex.s. c 105 § 2.]

Notes:

Findings -- Intent--2004 c 18: "The legislature reaffirms its determination to reduce the incident rate of domestic violence. The legislature finds it is appropriate to help reduce the incident rate of domestic violence by addressing the need for improved coordination and accountability among general authority Washington law enforcement agencies and general authority Washington peace officers when reports of domestic violence are made and the alleged perpetrator is a general authority Washington peace officer. The legislature finds that coordination and accountability will be improved if general authority Washington law enforcement agencies adopt policies that meet statewide minimum requirements for training, reporting, interagency cooperation, investigation, and collaboration with groups serving victims of domestic violence. The legislature intends to provide maximum flexibility to general authority Washington law enforcement agencies, consistent with the purposes of this act, in their efforts to improve coordination and accountability when incidents of domestic violence committed or allegedly committed by general authority Washington peace officers are reported." [2004 c 18 § 1.]

Application -- 2000 c 119: See note following RCW 26.50.021.

Finding -- Evaluation -- Report -- 1997 c 338: See note following RCW 13.40.0357.

Severability -- Effective dates -- 1997 c 338: See notes following RCW 5.60.060.

Severability -- 1995 c 246: See note following RCW 26.50.010.

Finding -- 1991 c 301: "The legislature finds that:

The collective costs to the community for domestic violence include the systematic destruction of individuals and their families, lost lives, lost productivity, and increased health care, criminal justice, and social service costs.

Children growing up in violent homes are deeply affected by the violence as it happens and could be the next generation of batterers and victims.

Many communities have made headway in addressing the effects of domestic violence and have devoted energy and resources to stopping this violence. However, the process for breaking the cycle of abuse is lengthy. No single system intervention is enough in itself.

An integrated system has not been adequately funded and structured to assure access to a wide range of services, including those of the law/safety/justice system, human service system, and health care system. These services need to be coordinated and multidisciplinary in approach and address the needs of victims, batterers, and children from violent homes.

Given the lethal nature of domestic violence and its effect on all within its range, the community has a vested interest in the methods used to stop and prevent future violence. Clear standards of quality are needed so that perpetrator treatment programs receiving public funds or court-ordered referrals can be required to comply with these standards.

While incidents of domestic violence are not caused by perpetrator's use of alcohol and illegal substances, substance abuse may be a contributing factor to domestic violence and the injuries and deaths that result from it.

There is a need for consistent training of professionals who deal frequently with domestic violence or are in a position to identify domestic violence and provide support and information.

Much has been learned about effective interventions in domestic violence situations; however, much is not yet known and further study is required to know how to best stop this violence." [1991 c 301 § 1.]

Severability -- 1986 c 257: See note following RCW 9A.56.010.

Effective date -- 1986 c 257 §§ 3-10: See note following RCW 9A.04.110.

Effective date -- Severability -- 1984 c 263: See RCW 26.50.901 and 26.50.902.

Domestic violence defined under the Domestic Violence Prevention Act: RCW 26.50.010.

RCW 10.99.030

Law enforcement officers — Training, powers, duties — Domestic violence reports.

(1) All training relating to the handling of domestic violence complaints by law enforcement officers shall stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The criminal justice training commission shall implement by January 1, 1997, a course of instruction for the training of law enforcement officers in Washington in the handling of domestic violence complaints. The basic law enforcement curriculum of the criminal justice training commission shall include at least twenty hours of basic training instruction on the law enforcement response to domestic violence. The course of instruction, the learning and performance objectives, and the standards for the training shall be developed by the commission and focus on enforcing the criminal laws, safety of the victim, and holding the perpetrator accountable for the violence. The curriculum shall include training on the extent and prevalence of domestic violence, the importance of criminal justice intervention, techniques for responding to incidents that minimize the likelihood of officer injury and that promote victim safety, investigation and interviewing skills, evidence gathering and report writing, assistance to and services for victims and children, verification and enforcement of court orders, liability, and any additional provisions that are necessary to carry out the intention of this subsection.

(3) The criminal justice training commission shall develop and update annually an in-service training program to familiarize law enforcement officers with the domestic violence laws. The program shall include techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of all parties. The commission shall make the training program available to all law enforcement agencies in the state.

(4) Development of the training in subsections (2) and (3) of this section shall be conducted in conjunction with agencies having a primary responsibility for serving victims of domestic violence with emergency shelter and other services, and representatives to the statewide organization providing training and education to these organizations and to the general public.

(5) The primary duty of peace officers, when responding to a domestic violence situation, is to enforce the laws allegedly violated and to protect the complaining party.

(6)(a) When a peace officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, the peace officer shall exercise arrest powers with reference to the criteria in RCW 10.31.100. The officer shall notify the victim of the victim's right to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence.

(b) A peace officer responding to a domestic violence call shall take a complete offense report including the officer's disposition of the case.

(7) When a peace officer responds to a domestic violence call, the officer shall advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of the legal rights and remedies available. The notice shall include handing each person a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the following: (a) An order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; and (e) an order restraining your abuser from molesting or interfering with minor children in your custody. The forms you need to obtain a protection order are available in any municipal, district, or superior court.

Information about shelters and alternatives to domestic violence is available from a statewide twenty-four-hour toll-free hot line at (include appropriate phone number). The battered women's shelter and other resources in your area are (include local information)"

(8) The peace officer may offer, arrange, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.

(9) The law enforcement agency shall forward the offense report to the appropriate prosecutor within ten days of making such report if there is probable cause to believe that an offense has been committed, unless the case is under active investigation.

(10) Each law enforcement agency shall make as soon as practicable a written record and shall maintain records of all incidents of domestic violence reported to it.

(11) Records kept pursuant to subsections (6) and (10) of this section shall be made identifiable by means of a departmental code for domestic violence.

(12) Commencing January 1, 1994, records of incidents of domestic violence shall be submitted, in accordance with procedures described in this subsection, to the Washington association of sheriffs and police chiefs by all law enforcement agencies. The Washington criminal justice training commission shall amend its contract for collection of statewide crime data with the Washington association of sheriffs and police chiefs:

(a) To include a table, in the annual report of crime in Washington produced by the Washington association of sheriffs and police chiefs pursuant to the contract, showing the total number of actual offenses and the number and percent of the offenses that are domestic violence incidents for the following crimes: (i) Criminal homicide, with subtotals for murder and nonnegligent homicide and manslaughter by negligence; (ii) forcible rape, with subtotals for rape by force and attempted forcible rape; (iii) robbery, with subtotals for firearm, knife or cutting instrument, or other dangerous weapon, and strongarm robbery; (iv) assault, with subtotals for firearm, knife or cutting instrument, other dangerous weapon, hands, feet, aggravated, and other nonaggravated assaults; (v) burglary, with subtotals for forcible entry, nonforcible unlawful entry, and attempted forcible entry; (vi) larceny theft, except motor vehicle theft; (vii) motor vehicle theft, with subtotals for autos, trucks and buses, and other vehicles; (viii) arson; and (ix) violations of the provisions of a protection order or no-contact order restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, provided that specific appropriations are subsequently made for the collection and compilation of data regarding violations of protection orders or no-contact orders;

(b) To require that the table shall continue to be prepared and contained in the annual report of crime in Washington until that time as comparable or more detailed information about domestic violence incidents is available through the Washington state incident based reporting system and the information is prepared and contained in the annual report of crime in Washington; and

(c) To require that, in consultation with interested persons, the Washington association of sheriffs and police chiefs prepare and disseminate procedures to all law enforcement agencies in the state as to how the agencies shall code and report domestic violence incidents to the Washington association of sheriffs and police chiefs.

[1996 c 248 § 6; 1995 c 246 § 22; 1993 c 350 § 3; 1984 c 263 § 21; 1981 c 145 § 5; 1979 ex.s. c 105 § 3.]

Notes:

Severability -- 1995 c 246: See note following RCW 26.50.010.

Findings -- Severability -- 1993 c 350: See notes following RCW 26.50.035.

Effective date -- Severability -- 1984 c 263: See RCW 26.50.901 and 26.50.902.



"...By June 1, 2005, every agency shall adopt and implement a written policy on domestic violence committed or allegedly committed by sworn employees of the agency..."

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6161

Passed Washington State Legislature

2004 Regular Session

State of Washington
58th Legislature
2004 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Regala, McCaslin, Franklin, Brandland, B. Sheldon, Esser, Spanel, Winsley, Rasmussen, Kastama, Kohl-Welles, Shin, Haugen, Keiser, Hargrove, Kline, Doumit, Eide, Fraser, Jacobsen, Benton, Oke, Brown, Murray and McAuliffe)

READ FIRST TIME 01/23/04.

AN ACT Relating to general authority Washington law enforcement agencies adopting policies addressing domestic violence committed or allegedly committed by general authority Washington peace officers; amending RCW 10.99.020; adding a new section to chapter 10.99 RCW; and creating new sections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

{+ NEW SECTION. +} Sec. 1. The legislature reaffirms its determination to reduce the incident rate of domestic violence. The legislature finds it is appropriate to help reduce the incident rate of domestic violence by addressing the need for improved coordination and accountability among general authority Washington law enforcement agencies and general authority Washington peace officers when reports of domestic violence are made and the alleged perpetrator is a general authority Washington peace officer. The legislature finds that coordination and accountability will be improved if general authority Washington law enforcement agencies adopt policies that meet statewide minimum requirements for training, reporting, interagency cooperation, investigation, and collaboration with groups serving victims of domestic violence. The legislature intends to provide maximum flexibility to general authority Washington law enforcement agencies, consistent with the purposes of this act, in their efforts to improve coordination and accountability when incidents of domestic violence committed or allegedly committed by general

authority Washington peace officers are reported.

Sec. 2. RCW 10.99.020 and 2000 c 119 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) {+ "Agency" means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

(2) "Association" means the Washington association of sheriffs and police chiefs.

(3) {+} "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

{{(- (2) -)}} {+ (4) +} "Dating relationship" has the same meaning as in RCW 26.50.010.

{{(- (3) -)}} {+ (5) +} "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

- (a) Assault in the first degree (RCW 9A.36.011);
- (b) Assault in the second degree (RCW 9A.36.021);
- (c) Assault in the third degree (RCW 9A.36.031);
- (d) Assault in the fourth degree (RCW 9A.36.041);
- (e) Drive-by shooting (RCW 9A.36.045);
- (f) Reckless endangerment (RCW 9A.36.050);
- (g) Coercion (RCW 9A.36.070);
- (h) Burglary in the first degree (RCW 9A.52.020);
- (i) Burglary in the second degree (RCW 9A.52.030);
- (j) Criminal trespass in the first degree (RCW 9A.52.070);
- (k) Criminal trespass in the second degree (RCW 9A.52.080);
- (l) Malicious mischief in the first degree (RCW 9A.48.070);
- (m) Malicious mischief in the second degree (RCW 9A.48.080);
- (n) Malicious mischief in the third degree (RCW 9A.48.090);

(o) Kidnapping in the first degree (RCW 9A.40.020);

(p) Kidnapping in the second degree (RCW 9A.40.030);

(q) Unlawful imprisonment (RCW 9A.40.040);

(r) Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145);

(s) Rape in the first degree (RCW 9A.44.040);

(t) Rape in the second degree (RCW 9A.44.050);

(u) Residential burglary (RCW 9A.52.025);

(v) Stalking (RCW 9A.46.110); and

(w) Interference with the reporting of domestic violence (RCW 9A.36.150).

{{- (4) -}} {+ (6) "Employee" means any person currently employed with an agency.

(7) "Sworn employee" means a general authority Washington peace officer as defined in RCW 10.93.020, any person appointed under RCW 35.21.333, and any person appointed or elected to carry out the duties of the sheriff under chapter 36.28 RCW.

(8) {+} "Victim" means a family or household member who has been subjected to domestic violence.

{+ NEW SECTION. +} **Sec. 3.** A new section is added to chapter 10.99 RCW to read as follows:

(1) By December 1, 2004, the association shall develop a written model policy on domestic violence committed or allegedly committed by sworn employees of agencies. In developing the policy, the association shall convene a work group consisting of representatives from the following entities and professions:

(a) Statewide organizations representing state and local enforcement officers;

(b) A statewide organization providing training and education for agencies having the primary responsibility of serving victims of domestic violence with emergency shelter and other services; and

(c) Any other organization or profession the association determines to be appropriate.

(2) Members of the work group shall serve without compensation.

(3) The model policy shall provide due process for employees and, at a minimum, meet the following standards:

(a) Provide prehire screening procedures reasonably calculated to disclose whether an applicant for a sworn employee position:

(i) Has committed or, based on credible sources, has been accused of committing an act of domestic violence;

(ii) Is currently being investigated for an allegation of child abuse or neglect or has previously been investigated for founded allegations of child abuse or neglect; or

(iii) Is currently or has previously been subject to any order under RCW 26.44.063, this chapter, chapter 10.14 or 26.50 RCW, or any equivalent order issued by another state or tribal court;

(b) Provide for the mandatory, immediate response to acts or allegations of domestic violence committed or allegedly committed by a sworn employee of an agency;

(c) Provide to a sworn employee, upon the request of the sworn employee or when the sworn employee has been alleged to have committed an act of domestic violence, information on programs under RCW 26.50.150;

(d) Provide for the mandatory, immediate reporting by employees when an employee becomes aware of an allegation of domestic violence committed or allegedly committed by a sworn employee of the agency employing the sworn employee;

(e) Provide procedures to address reporting by an employee who is the victim of domestic violence committed or allegedly committed by a sworn employee of an agency;

(f) Provide for the mandatory, immediate self-reporting by a sworn employee to his or her employing agency when an agency in any jurisdiction has responded to a domestic violence call in which the sworn employee committed or allegedly committed an act of domestic violence;

(g) Provide for the mandatory, immediate self-reporting by a sworn employee to his or her employing agency if the employee is currently being investigated for an allegation of child abuse or neglect or has previously been investigated for founded allegations of child abuse or neglect, or is currently or has previously been subject to any order under RCW 26.44.063, this chapter, chapter 10.14 or 26.50 RCW, or any equivalent order issued by another state or tribal court;

(h) Provide for the performance of prompt separate and impartial administrative and criminal investigations of acts or allegations of domestic violence committed or allegedly committed by a sworn employee of an agency;

(i) Provide for appropriate action to be taken during an administrative or criminal investigation of acts or allegations of domestic violence committed or allegedly committed by a sworn employee of an agency. The policy shall provide procedures to address, in a manner consistent with applicable law and the agency's ability to maintain public safety within its jurisdiction, whether to relieve the sworn employee of agency-issued weapons and other agency-issued property and whether to suspend the sworn employee's power of arrest or other police powers pending resolution of any investigation;

(j) Provide for prompt and appropriate discipline or sanctions when, after an agency investigation, it is determined that a sworn employee has committed an act of domestic violence;

(k) Provide that, when there has been an allegation of domestic violence committed or allegedly committed by a sworn employee, the agency immediately make available to the alleged victim the following information:

(i) The agency's written policy on domestic violence committed or allegedly committed by sworn employees;

(ii) Information, including but not limited to contact information, about public and private nonprofit domestic violence advocates and services; and

(iii) Information regarding relevant confidentiality policies related to the victim's information;

(l) Provide procedures for the timely response, consistent with chapters 42.17 and 10.97 RCW, to an alleged victim's inquiries into the status of the administrative investigation and the procedures the agency will follow in an investigation of domestic violence committed or allegedly committed by a sworn employee;

(m) Provide procedures requiring an agency to immediately notify the employing agency of a sworn employee when the notifying agency becomes aware of acts or allegations of domestic violence committed or allegedly committed by the sworn employee within the jurisdiction of the notifying agency; and

(n) Provide procedures for agencies to access and share domestic violence training within their jurisdiction and with other jurisdictions.

(4) By June 1, 2005, every agency shall adopt and implement a written policy on domestic violence committed or allegedly committed by sworn employees of the agency that meet the minimum standards specified in this section. In lieu of developing its own policy, the agency may adopt the model policy developed by the association under this section. In developing its own policy, or before adopting the model policy, the agency shall consult public and private nonprofit domestic violence advocates and any other organizations and professions the agency finds appropriate.

(5)(a) Except as provided in this section, not later than June 30, 2006, every sworn employee of an agency shall be trained by the agency on the agency's policy required under this section.

(b) Sworn employees hired by an agency on or after March 1, 2006, shall, within six months of beginning employment, be trained by the agency on the agency's policy required under this section.

(6)(a) By June 1, 2005, every agency shall provide a copy of its policy developed under this section to the association and shall provide a statement notifying the association of whether the agency has complied with the training required under this section. The copy and statement shall be provided in electronic format unless the agency is unable to do so. The agency shall provide the association with any revisions to the policy upon adoption.

(b) The association shall maintain a copy of each agency's policy and shall provide to the governor and legislature not later than January 1, 2006, a list of those agencies that have not developed and submitted policies and those agencies that have not stated their compliance with the training required under this section.

(c) The association shall, upon request and within its resources, provide technical assistance to agencies in developing their policies.

{+ NEW SECTION. +} **Sec. 4.** The code reviser shall correct any cross-references to RCW 10.99.020 that are changed by this act.



Washington Association of Sheriffs and Police Chiefs

MODEL POLICY

OFFICER-INVOLVED DOMESTIC VIOLENCE

PURPOSE

The purpose of this policy is to establish clear procedures, protocols and actions for investigating, reporting and responding to domestic violence involving agency employees and law enforcement officers from other agencies and to thereby discourage and reduce acts of domestic violence by sworn law enforcement employees.

POLICY

Public confidence in law enforcement is important to our ability to maintain public safety. The public must trust that law enforcement employees are held to the standards of the law regarding domestic violence. Therefore, the agency will:

- Promptly respond to allegations of domestic violence by an employee according to this policy and all applicable laws.
- Give primary consideration to protection of the victim of domestic violence and enforcement of the laws.
- Respect the due process rights of all employees, according to applicable legal precedent and collective bargaining agreements.
- Expeditiously report and conduct thorough investigations into any allegation of a law enforcement employee involved in domestic violence.
- Train employees and seek to educate their families about intimate violence and avenues for assistance.

DEFINITIONS

Domestic violence as defined in RCW 10.99 includes two elements: first, a relationship between the perpetrator and the victim defined in RCW 10.99.020(3), and second, that a criminal act has occurred as defined in RCW 10.99.020(5).

Domestic dispute is an incident involving a relationship defined in RCW 10.99.020(3) where there was no criminal action.

Domestic violence treatment provider refers to a treatment provider certified by the State of Washington as a batterer's treatment provider as defined in RCW 26.50.150.

Domestic violence specialist refers to an individual with professional credentials in the dynamics of battering, advocacy and victim safety. The specialist may be associated the agency of jurisdiction, employing agency or by partnership with another agency.

Sworn employee means a general authority Washington peace officer as defined in RCW 10.93.020, any person appointed under RCW 35.21.333, and any person appointed or elected to carry out the duties of the sheriff under chapter 36.28 RCW.

Employee means any person currently employed with an agency.

ACTIONS

AGENCY ACTIONS:

- Provide pre-hire screening procedures reasonably calculated to disclose whether an applicant for a sworn employee position has a history of domestic violence or child abuse allegations or has been subject to protective order as defined in RCW 10.99.090.3a.
- Maintain ongoing and meaningful relationships with victim advocacy groups and other domestic violence professionals in the community.
- Provide education to agency employees on the dynamics of interpersonal violence.
- In response to observed behavior or at the request of the employee, the agency will provide information on programs under RCW 26.50.150 and may offer or recommend intervention services to employees. If domestic violence is suspected, referral to a domestic violence specialist or treatment provider is critical.
- Any employee who becomes aware of domestic violence committed by a sworn employee must immediately report that allegation to their supervisor.
- Employees who disclose that they have personally engaged in criminal acts of domestic violence are not entitled to confidentiality. Such acts shall be investigated in separate administrative and criminal investigations as appropriate.
- Provide information to the employing law enforcement agency as soon as possible after a domestic violence or domestic dispute report involving a sworn officer.
- Provide information on this domestic violence policy to employees and make it available to employee families and the public.
- Provide victims of domestic violence by agency employees an agency point of contact to assist the victim through the investigative process. Consideration should be given to selecting a point of contact at least one rank higher than the perpetrator and ideally someone other than the investigator.
- Provide victims of domestic violence by agency employees contact information about public and private nonprofit domestic violence services

and information regarding relevant confidentiality policies related to the victim's information.

- Respond to agency employees who are known by the agency to be victims of violence by sworn employees of the agency. Provide a point of contact and review safety concerns and domestic violence services information with the victim employee.
- Provide for an impartial administrative investigation and appropriate criminal investigation of all acts of domestic violence allegedly committed by a sworn employee and appropriate sanctions when it is found that an employee has committed an act of domestic violence. Administrative investigations may be conducted by the employing agency or through agreements with other law enforcement agencies.
- Consider whether to relieve a sworn employee of agency-issued weapons, equipment and identification; as well as suspending law enforcement powers pending resolution of an investigation.

EMPLOYEE ACTIONS:

- Employees are entitled to seek assistance through the employee assistance program, employee peer counselors, chaplains or psychological professionals, however, in situations where family violence is indicated a referral to a domestic violence specialist or treatment provider is critical.
- Employees with knowledge or information about any sworn employee in violation of this policy must report in writing to their supervisor or through the agency's professional standards function as soon as possible, but no later than 24 hours. Failure to report may subject the employee to disciplinary action.
- Employees who are victims of domestic violence are encouraged to request assistance, but are not subject to punitive measures for failing to report their abuse.
- Employees should be alert to the likelihood of victim or witness intimidation and shall immediately take appropriate action. This action will include, but is not limited to a report to their supervisor and/or through the agency's professional standards function within 24 hours.
- Employees are expected to fully cooperate with the investigation of allegations under this chapter as requested by a supervisor, professional standards investigator or by court subpoena.

- When a law enforcement agency responds to a call in which a sworn employee is alleged to have been involved in a domestic dispute or committed an act of domestic violence, the involved employee must immediately report that police response to their supervisor. A written report must follow within 24 hours of the time the employee is made aware of the allegation of domestic violence, or as required by the agency's internal investigatory process.
- When an employee becomes the subject of an investigation for child abuse or neglect, or becomes subject to an order under RCW 26.44.063 or RCW 26.50 or any equivalent order issued by another state or tribal court, that employee must immediately report the fact to their supervisor. A written report must follow within 24 hours of service or employee notification of the investigation, to include a copy of any order and any notices of court dates, appearances and proceedings received by the employee.

SUPERVISORS' ACTIONS:

- Supervisors should strive to be aware of behaviors in their subordinates that could be indicative of domestic violence and properly process their observations of such behavior.
- All agency supervisors are required to see that domestic violence incidents are properly recorded and processed according to this policy.

INCIDENT RESPONSE PROTOCOLS

- **Notification of an incident of domestic violence involving any law enforcement officer requires:**
 - **A prompt response**
 - **Full investigation**
 - **A complete written report by this agency, and**
 - **Notification to the employing agency.**
- Patrol responses to the scene of domestic violence involving law enforcement officers require on scene supervisory presence.
- All incidents of domestic violence by agency employees require notification through the chain of command to the agency head.
- Incidents of domestic violence by other law enforcement agency sworn employees require notification to the agency head of the employing agency.
- *The agency head may delegate responsibility for receiving such reports to a specialized unit and/or specific person. Anyone so designated should have specialized training regarding the dynamics of violent relationships, victim safety and the role of advocacy. The assignment should be reviewed each time for potential conflict of interest.*
- In the event of a report of domestic violence alleged to have been committed by the agency head, prompt notification will be made to the

employing entity's chief executive officer; or, in the case of an elected Sheriff, the County's Prosecutor.

RADIO RESPONSE

- Communications employees receiving domestic violence calls involving sworn officers of the agency will enter a call for service and notify the appropriate supervisor.
- If no supervisor is available to respond to the scene, communications will notify an on-call supervisor or supervisor from another agency.
- Prepare and preserve documentation of the facts of the call, including the 911 tape.

PATROL RESPONSE

- A patrol officer responding to an incident described as domestic violence involving a law enforcement officer should, whenever possible, request a supervisory response to the scene.
- The primary unit will conduct a thorough investigation, including, but not limited to:
 - Photographs of the crime scene & any injuries identified
 - Statements from all witnesses, including children, if any
 - The Domestic Violence Supplemental Report Form
 - Seizure of any weapons used or referred to in the crime
 - Signed medical releases
 - Copies of dispatch (CAD) records
 - 911 call recording preserved
 - Statement of the victim
 - Statement of the suspect, if possible
- The primary officer shall inquire if the victim requests any guns or specific weapons be removed for safekeeping and accommodate removal or explain the process for seeking a court order for removal.
- The primary unit will complete the report as soon as possible, but prior to the completion of their shift.
- A copy of the report should be forwarded to the agency's Domestic Violence Unit or a domestic violence specialist. Access to the report should then be restricted or physically secured, except as mandated by law.
- Patrol units responding to suspicious circumstances, compelling third party accounts of incidents, unexplained property damage, etc. or other troubling event involving law enforcement officers will complete written reports of the incident.

PATROL SUPERVISOR RESPONSE:

- A patrol supervisor shall respond whenever practical to the scene of any domestic violence incident involving a sworn law

enforcement employee regardless of employing jurisdiction. Supervisors will coordinate information and offer assistance to the agency of jurisdiction to provide a complete investigation.

- The patrol supervisor shall coordinate the investigation, applying appropriate resources and special units such as forensics, photography, domestic violence specialists, advocates and ensuring command notification.
- The supervisor will write a report on all incidents, whether deemed criminal or not and route it through the chain of command.
- If an agency officer is arrested, the on-scene supervisor will contact the employing agency head who will order the surrender of the officer's agency-issued weapons, and identification. Consideration should be given to other agency equipment and inquiries made about voluntary surrender of personal weapons that may be secured for safekeeping.
- If an officer from another police agency is arrested, the supervisor shall contact that jurisdiction as soon as practical, but at least prior to custody transport and request authorization to seize that employee's duty weapon(s) and agency identification or arrange for the employing agency to do so.
- The supervisor will endeavor to provide a good faith effort to locate the suspect if there is probable cause for an arrest.
- The supervisor will explain the process to the victim, including the opportunity for an emergency protection order and administrative no-contact order, if applicable.
- Advise the victim of the potential for public disclosure of records and/or the criminal discovery process as well as any applicable records release statutes and policies.
- The supervisor will provide the victim with a copy of this policy and contact information, acting as the agency point of contact until an assignment is made.

DOMESTIC VIOLENCE SPECIALIST RESPONSE:

- The domestic violence specialist will review the report and coordinate with the investigative unit or the agency of jurisdiction.
- For all situations involving an employee of the agency, the domestic violence specialist will contact the victim, introduce the point of contact and provide an update regarding the administrative process.
- Inform the victim that any information disclosed during either the criminal or administrative investigation is subject to public disclosure laws and policies of the department.
- The domestic violence specialist will coordinate with the appropriate prosecutor's office regarding charging and prosecution.

- The domestic violence specialist will coordinate with the appropriate advocacy organization to assist with victim safety concerns. Victim notification of each step in the administrative process is critical to victim safety.
- All completed investigations of domestic violence committed by any sworn law enforcement employees shall be promptly forwarded to the appropriate prosecuting authority for a charging decision.

COMMAND DUTY OFFICER:

- The command officer notified of an incident covered by this policy will see that the agency head is notified promptly of such incident.
- For incidents involving agency employees:
 - The command officer should respond to the scene if the involved employee is a sergeant or above or if the situation dictates command presence.
 - The command officer will make a decision regarding removal of the involved employee's law enforcement powers, duty weapon and other agency owned equipment, pending the outcome of the investigation and possible prosecutorial charging decision.
 - A command officer will issue an administrative order prohibiting contact with the victim if appropriate.
 - This decision will be forwarded through the professional standards function and/or the agency head for review and further action.
- For other law enforcement agencies:
 - The command officer will verify command notification of the employing agency.
 - The command officer will verify the supervisor has offered assistance with removing weapons, police powers, etc.
 - The command officer will see that the agency provides appropriate reports and any other requested documentation to the employing agency.

VICTIM SAFETY & NOTIFICATIONS:

- Working with community resources and domestic violence advocacy agencies, the agency shall make available to the victim:
 - Information on how to obtain protective orders and/or removal of weapons from his or her home.
 - Assistance with obtaining such orders in coordination with domestic violence victim advocates.
 - A copy of this policy and other agency policies referencing victim confidentiality.

- Information about public and private domestic violence advocacy resources to include the Washington State Domestic Violence Hotline.
- The agency should coordinate victim notification regarding criminal and administrative investigative processes through the designated agency liaison in order to assist with victim safety.

ADMINISTRATIVE PROCESS:

- The agency will observe all other appropriate policies and procedures generally applicable to investigation of alleged officer misconduct. The agency will respect rights of the accused employee under applicable collective bargaining agreements and case law.
- Administrative investigations will be conducted through the agency professional standards function or by an outside agency as directed by the agency head.
- Where sufficient information exists, the agency will make appropriate restrictions to assignments, law enforcement powers, building and records access and consider administrative reassignment and/or leave.
 - In determining the proper course of administrative action, the agency may consider consulting with treatment professionals and reviewing such factors as the employee's past conduct and history of complying with agency rules.
- Agency employees may be ordered to undergo fitness for duty evaluation or assessment by a domestic violence treatment provider prior to any disposition, depending on circumstances and in accordance with administrative policy, applicable collective bargaining agreements and civil service standards.

Officer-Involved Domestic Violence Training Pilot

Executive Summary
June 10-11, 2004

Overview

The enclosed materials were prepared for and utilized at the officer-involved domestic violence training pilot in Yakima, Washington, on June 10-11, 2004. That pilot training included representatives from selected counties in Western, Central and Eastern Washington and selected communities within each. The intention was to develop and test a training program that could be utilized by any community and locally modified to meet their needs.

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The pilot training was co-sponsored by the Washington State Attorney General's Office, the Washington Association of Sheriffs and Police Chiefs, the Washington Council of Police and Sheriffs, the Washington Association of Prosecuting Attorneys, the Washington State Association of Counties, the Association of Washington Cities, the Washington State Coalition Against Domestic Violence, the federal Office of Victims of Crime and the Washington State Office of Crime Victims Advocacy.

This packet contains tools developed for the June training that your agency may find useful as you develop or adopt your policy. We hope that you actively engage your local stakeholders and together put the tools in this packet to work.

Background

On April 26, 2003, Crystal Brame was shot in a grocery store parking lot by her husband, David Brame, Chief of Police for the city of Tacoma. Crystal Brame died one week later. David Brame committed suicide at the scene.

Crystal Brame's murder brought intense scrutiny to the particular challenges faced by victims of domestic violence and the law enforcement response when the abuser is a law enforcement officer. In the year following the murder-suicide, legislation, media scrutiny and the public demanded action by law enforcement. At the same time, most law enforcement agencies in Washington did not have policies that addressed officer-involved domestic violence incidents.

A workgroup, led by Attorney General Christine Gregoire, was formed in the wake of the Brame tragedy. Its goal was to bring together law enforcement, community-based advocates and other government and stakeholder organizations in order to develop a common understanding of the involved perspectives and complexities and begin discussing practical tools to respond to incidents in which a law enforcement officer has or is alleged to have committed domestic violence.

In October 2003, the workgroup coordinated and developed the Officer-Involved Domestic Violence Symposium conducted at the Criminal Justice Training Center. The day-long symposium was attended by over 400 law enforcement officers, domestic violence victim advocates, government officials and others, and included speakers, panels, and opportunity for discussion. The work group released its publication, Handbook for Developing, Implementing and Administering Local Programs to Address Domestic Violence Involving Law Enforcement Personnel at the summit.

Legislation signed into law in 2004 (Substitute Senate Bill 6161) requires that each law enforcement agency in Washington develop an officer-involved domestic violence policy by 2005 [RCW 18 L 04]. Further, it requires that law enforcement, "consult

public and private nonprofit domestic violence advocates. . ." in developing its policy or before adopting the Washington Association of Sheriffs and Police Chiefs (WASPC) model policy. The WASPC website address is www.waspc.org.

Pilot Training

Based on input at the October symposium and in anticipation of passage of the model policy legislation, the workgroup began laying the framework for an officer-involved domestic violence training pilot. Its purpose was to bring together stakeholders from three diverse regions of the state to lay the groundwork for the development of local policies.

The two-day training was held at the Yakima Convention Center on June 10-11, 2004. Invited were participants from three counties and selected communities within each. Participants included:

- Kitsap County
 - City of Bremerton
 - City of Port Orchard
 - City of Poulsbo
 - City of Bainbridge
 - Port Gamble/S'Kallam Tribe
- Walla Walla County
 - City of Walla Walla
- Yakima County
 - City of Yakima
 - Yakama Indian Nation

Professions represented at the training included: sheriffs and police chiefs, police guild presidents, prosecutors, 911 dispatch officials, risk managers, and community-based domestic violence victim advocates. The training and discussion focused on four key issues areas out of several that are required by SSB 6161 to be part of the policy.

1. Mandatory Reporting of Officer-Involved Domestic Violence;
2. Confidentiality and Victim Safety;
3. Recruitment and Screening; and
4. Weapons.

The training began with an overview of the 2004 legislation and remarks by WASPC President and Everett Police Chief Jim Scharf. Following these presentations, the participants were divided into discussion groups to grapple with scenarios designed to elicit critical thinking about each issue area.

Developing Your Domestic Violence Policy

Many of the tools utilized at the pilot training can be adopted for use in your community. A good place to start is to follow the step-by-step guidelines provided by the October 2003 workgroup-produced Handbook for Developing, Implementing, and Administering Local Programs to Address Domestic Violence Involving Law Enforcement Personnel. The handbook is an excellent tool to help guide your agency in the development of its policy. The Attorney General's Office provided a copy to each law enforcement agency in Washington in late 2003. It is also available for download on the Washington State Attorney General's Office website at www.atg.wa.gov.

Using the Scenarios

The following scenarios and questions are designed to facilitate conversation between your agency and local stakeholders. The use of these scenario exercises is intended to create dialog and clarify local issues and expectations. You will not find complete answers accompanying the scenarios, but rather key points to consider.

###

Key Area One: Mandatory Reporting of Officer-Involved Domestic Violence

Scenario A: Mandatory Reporting

Victim, Joan, calls her friend Officer Steve who works with her husband, Officer John.

Joan: You've got to talk to him, Steve. Things aren't good between us. He seems so stressed out and angry all the time. Does he seem that way to you? Is there something going on at work that I don't know about?

Officer Steve: What has he been doing? You know, everything seems all right here. He seems the same as always . . . so, what's up at home?

Joan: You know, Steve, I hate to say this, but I'm really beginning to get scared at home. From the minute he walks in the door, I don't know what to expect.

Officer Steve: What do you mean you feel scared? Are you afraid of John? What did he do?

Joan: Oh, Steve, I probably shouldn't be talking to you about this. I really don't want him to get in trouble. I was just thinking . . . that maybe you could talk to him?

Officer Steve: Joan, I care about you guys and I want to do whatever I can to help. But I don't understand – get in trouble? How? What do you mean? Are you guys in trouble?

Joan: Oh, Steve, I probably shouldn't have called you in the first place. I'm sorry. I don't really feel like I can say anything else . . . It's just . . . I just feel like things are getting out of control.

Officer Steve: No, I'm really glad you called me. I can tell you are upset and you are worrying me. What's really happening?

Joan: Okay . . . well, maybe if you talk to John just ask him what happened to the TV.

Officer Steve: Well, what did happen to the TV, Joan?

Joan: Well, I feel bad telling you this, but . . . he didn't want me on the phone; so, he grabbed it out of my hand and pushed me away at the same time. I fell backwards and knocked over the television. He told me he was sorry about pushing me but he was still mad about the TV being broken. It didn't used to be this bad. I'm really worried about his temper and I don't know what is going to happen next.

Officer Steve: Were you hurt?

Joan: No, not really. I mean, my back is kind of sore and tender. There's a bruise, but it's not bad. But, you know, maybe I'm crazy, but I just felt so scared when he pushed me. Like something was different this time, and I just couldn't figure out how to keep him calm.

Officer Steve: Well, have you been to the doctor? How are you feeling now? Has anything like this happened before?

Joan: You know, he's always had a temper. But I think it's getting worse.

Questions Scenario A:

Should Officer Steve inform the victim that he is obligated to report Officer John's behavior to their agency?

What do we expect Officer Steve to do when he hangs up the phone?

When the agency makes contact with the victim, what will they tell Joan?

What criminal investigative process would occur?

How would the disciplinary process work in your agency in this situation?

What kind of communication should take place with the victim throughout the criminal and administrative process?

What victim safety issues should be explored with Joan?

Key Area One: Mandatory Reporting of Officer-Involved Domestic Violence

Scenario B: Mandatory Reporting

Victim: Joan, calls her friend Officer Steve who works with her husband, Officer John.

Joan: You've got to talk to him, Steve. Things aren't good between us. He seems so stressed out and angry all the time. Does he seem that way to you? Is there something going on at work that I don't know about?

Officer Steve: What has he been doing? You know, everything seems all right here. He seems the same as always . . . so, what's up at home?

Joan: You know, Steve, I hate to say this, but I'm really beginning to get scared at home. From the minute he walks in the door, I don't know what to expect.

Officer Steve: What do you mean you feel scared? Are you afraid of John? What did he do?

Joan: Oh, Steve, I probably shouldn't be talking to you about this. I really don't want him to get in trouble. I was just thinking . . . that maybe you could talk to him?

Officer Steve: Joan, I care about you guys and I want to do whatever I can to help. But I don't understand – get in trouble? How? What do you mean? Are you guys in trouble?

Joan: Oh, Steve, I probably shouldn't have called you in the first place. I'm sorry. I don't really feel like I can say anything else . . . It's just . . . I just feel like things are getting out of control.

Officer Steve: No, I'm really glad you called me. I can tell you are upset and you are worrying me. What's really happening? Just give me something to start the conversation with . . . we don't talk about this stuff too much; he's going to wonder why I am talking to you about him.

Joan: Okay, just ask him what happened to the TV?

Officer Steve: What happened to the television?

Joan: Well, he didn't want me on the phone; so, he yelled and kicked the TV and broke the glass. His rage was frightening. He said he was sorry about yelling at me but still angry that the TV was broken. Then he got even angrier. I'm really worried about his temper and I don't know what is going to happen next.

Officer Steve: Were you hurt?

Joan: No, but he really scared me and that's why I need you to talk to him. I am afraid of what is going to happen next.

Officer Steve: Are you afraid now? Has anything like this happened before?

Joan: He has always had a temper but it's getting worse.

Questions Scenario B:

Is Officer Steve obligated to make a report to their agency? Please explain why or why not?

If Officer Steve makes the report, what should he tell the victim?

Are there other options for Officer Steve when responding to Joan? Please explain.

What are the safety issues that should be explored with Joan?

Additional information has surfaced, the agency learns from one of Joan's neighbors that Officer John slapped Joan three years ago but the incident was never reported to police. How would your agency respond to this new information?

Key Points:

Use the legislative intent of the mandatory reporting law to help clarify expectations and create clear guidelines to guide agency practice.

Who is covered by the policy?

What actions or knowledge must be reported? And to whom?

What happens when a report is made?

How the agency's investigative process can assist with victim safety and confidentiality.

Your local domestic violence advocacy agency should be involved in policy development. The domestic violence agency has expertise in safety planning, protection of confidentiality and access to community resources.

Integration of these procedures into existing professional standards policies.

Be aware of special communications and access needs, such as spoken and sign language interpreters and reasonable accommodation for people with disabilities.

Key Area Two: Victim Safety and Confidentiality

Scenario A: Victim Safety Planning

Joan and John have been married for ten years and have two children, ages six and eight. John has worked at the same law enforcement agency his entire career and has reached the rank of sergeant. The agency has 50 commissioned officers. John is respected and well liked among his peers and active in the local domestic violence community task force.

Joan works part-time outside the home. Her working hours match the children's school schedule and she does not use daycare services. John has grudgingly "allowed" Joan to work outside the home as long as it does not interfere with maintaining the house and caring for the children.

They met in high school, married in their early twenties and currently reside in a small town just outside the county where John works. When John is off duty, he wants Joan with him all the time and prevents her from spending time with her family or old friends. The last time Joan met a friend from high school for dinner, John called her repeatedly on her cell phone and kept asking her, "When are you going to be home to take care of the kids, and feed them some dinner?" Joan was embarrassed by the repeated calls and left her friend before they finished dinner. For Joan, it seems easier and better for her marriage to only socialize with law enforcement friends.

John has always been jealous, ever since high school and, while at first Joan was flattered by his attention, she is now scared of his attention to her every move. When he gets angry, he yells things like, "you're a stupid b---, a lousy mother, fat a--- ever since you had the kids, and would never amount to much without me." Over the past five years, John has pushed, shoved and shaken Joan. Joan has become fearful of speaking up for herself or disagreeing with John. It is harder for Joan to calm John down – things that worked in the past no longer seem to make a difference. Increasingly, Joan focuses on anticipating John's moods and behavior in an attempt to "keep things calm" because she is afraid of his "temper and anger." John has taunted Joan telling her "if you tried to talk about me or threatened my career in anyway, no one will believe you. Even the DV advocates around town think I'm a great guy and they would never believe anything you'd say. They would feel sorry for me having such an ungrateful and crazy wife."

Despite all her efforts, Joan is unable to diffuse John's rages anymore. After their last argument, when John grabbed the phone out of Joan's hand and pushed her into the television, Joan felt something about John's anger was different. For the first time,

she felt that John might be capable of really hurting her and the children. And Joan realized that John's behavior was beyond her control. This recognition led Joan to her call Officer Steve, a mutual friend, and ask him for help.

Against Joan's wishes, Officer Steve made a mandatory report about the television incident and a criminal investigation is proceeding. Joan is angry with Officer Steve and is extremely fearful of John's reaction. Joan never wanted to leave John. She wants her marriage to succeed; she believes John needs help dealing with the stress in his life. Joan doesn't want to damage John's career—she knows he's worked hard to get where he is now, and he's a good sergeant. Out of desperation, Joan calls the local domestic violence agency because she doesn't want any charges to be filed and she feels like no one understands and is "making everything worse." At the same time, Joan admits that she is afraid for herself and her children.

Questions:

What kind of contact will John's agency have with Joan once the mandatory report is made?

What kind of contact will the agency of criminal jurisdiction have with Joan?

What steps will each law enforcement agency take to ensure Joan's safety?

How should the different jurisdictions coordinate their communication regarding victim issues?

What are the safety planning issues and confidentiality concerns for Joan?

What are the possible legal options and their impact on Joan's safety?

Key Points:

What is a safety plan? A complex set of strategies and resources that a victim uses to minimize abuse directed by the abuser at herself and her children. Safety plans are fluid, ongoing, multi-layered and are guided by the victim/survivor.

Emphasize how law enforcement agencies can assist with victim safety.

Inform victim of mandatory reporting policy of agency.

Communication process to ensure that the victim knows first about both the administrative decisions and the criminal process.

Consistent and ongoing notification (example: Tell the victim prior to placing officer on administrative leave).

Facilitate connection with local domestic violence advocacy services and resources.

Inform victim of the limits of confidentiality when requesting information (always consider disclosure eventuality).

Cross jurisdictional communication and case coordination.

Who communicates with the victim and about what?

"No prosecution" decision may be an affirmation to a batterer. Any time a part of the system doesn't respond or hold the batterer accountable, he/she may be emboldened to continue abusive behavior or manipulate agency staff and resources.

Key Area Two: Victim Safety and Confidentiality

Scenario B: Victim Confidentiality:

Officer Steve is troubled by his phone conversation with Joan. Even though Joan did not disclose that Officer John had engaged in criminal behavior, her convincing expression of fear and description of John's rage raised questions in Steve's mind. He felt obligated to report his concerns to his supervisor. Officer Steve convinces Joan to speak with internal investigative officers. Over the next couple of weeks, Joan becomes fearful and resentful and fears that the public disclosure of information will make her husband, Officer John, very angry and possibly retaliate against her. Joan

doesn't want him to get in trouble; even the possibility that this could happen terrifies Joan.

Questions:

In Steve's law enforcement agency, who will inform Joan of the agency confidentiality policy, and how will the information be provided to Joan?

Is Joan obligated to disclose information to either police agency?

How could Joan's safety be a consideration when making decisions about releasing the internal documents to John's advocates (i.e. guild/union/attorney)?

How would Joan get referrals to local domestic violence advocates? When would she get this information?

Under what circumstances should the prosecutor be included in the process?

What are the liability risks for the employing agency?

Key Points:

Victim confidentiality (when to tell, who to tell and what to tell) is a key component of safety planning.

Be aware of limits of information sharing in collaborative relationships (i.e. community based domestic violence agencies have state and federal mandates to maintain victim confidentiality).

Protecting victim's confidentiality increases the victim's safety in the long run.

Typically, there are competing interests in any administrative and criminal investigation. Officer involved domestic violence cases require particular examination of each step of the agency's response to assess the impact on victim confidentiality and safety.

Key Area Three: Recruitment and Screening

Hiring Process Scenario

John's family is well regarded in the business community and active in their faith community. John's father's successfully spearheaded the capital fundraising committee for building a new YMCA. Several church members would describe John's father as a "no nonsense businessman who could charm the bark off a tree." John's mother supported John's father in all his community activities and was a traditional homemaker. From as far back as he could remember, John was required to perform certain tasks at home to perfection, in the same manner as expected by his father of his employees.

In high school, John developed a "rep" -- that made other guys envious, but among the female students, he was viewed as "fast" and "a little scary." When he assumed leadership roles, he was known as relentless when promoting his position. For example, one classmate recalled him as "almost a bully, he would never back off when he wanted something, and it wasn't worth the effort to continue arguing -- he'd wear you down -- he could get anything done." As a football player, he was known as a "powder keg" among the coaches -- especially, when they lost.

Before entering police work, John was a top salesman at Circuit City for two years. During his employment at Circuit City, he briefly broke up with Joan and dated numerous co-workers. John was bored with sales work and he felt management underutilized and "micromanaged him."

John then decided to apply for law enforcement work. John was remembered as an eager applicant and contacted the agency frequently to check on the status of his application. The agency front desk staff remember John as impatient and a "bit condescending" when they couldn't provide him with new information. You are assigned to conduct a background investigation for the hiring process.

Questions:

What kind of background information would you gather to identify any past relationship issues?

Who would you interview and why?

What themes might develop during the background screening process?

How would you go about gathering past relationship issues?

How would you attempt to verify information of concern?

Would you confront John with the information? Please explain why or why not.

Key Points:

Historically, screening is focused on what we want to avoid. The absence of questionable behavior does not equal integrity. The current challenge is to recruit and retain people representing diverse cultures and life experiences that reflect the community and uphold high ethical standards.

Consider using a team approach when hiring, such as using officers with special expertise in domestic violence and sexual assault.

Consider establishing a hiring process that identifies behavior patterns and themes, rather than create a series of tests that are pass/fail.

Key Area Four: Weapons

John and Joan live inside the city limits of Anytown, WA. Joan seeks assistance from the community based domestic violence advocacy program and decides to petition for a civil order of protection (no criminal report has been filed). In her affidavit, Joan states that her husband, Officer John, has pushed and slapped her in the past. Joan states that she is fearful and doesn't know what John will do next. During the last argument, John stated, "If I go to jail, you go to the morgue." Joan doesn't want John to lose his job or get arrested; she just wants him to get help.

Questions:

Officer John's agency becomes aware that a temporary civil protection order was issued against John. What should the department's policy require under these circumstances?

Under what circumstances would you want him to surrender his duty weapon immediately?

Would you reassign him to an unarmed capacity?

Do you want to put him on administrative leave? Or,

Considering only these facts, what discipline is likely?

What safety issues would you discuss with Joan?

The full order of protection is granted. What should the department's policy require under these circumstances?

Under what circumstances would you want him to surrender his duty weapon immediately?

Would you reassign him to an unarmed capacity?

Do you want to put him on administrative leave? Or,

Considering only these facts, what discipline is likely?

What safety issues would you discuss with Joan?
 What is the agency's responsibility towards Joan?
 Key Points:

Inform the victim before taking administrative or criminal actions to support safety planning.

Danger to a victim of domestic violence increases when the victim discloses abuse to law enforcement or attempts separation.

The batterer's potential professional embarrassment or loss of his or her career is an extreme danger to the victim.

Threats of suicide are indicators of increased lethality in domestic violence situations. Officers' threats of suicide should be responded to and the victim should be informed.

Washington State Law Regarding Weapons and Domestic Violence:

RCW 9.41.040 makes it a felony to possess a firearm if there is a DV conviction for assault 4, coercion, stalking, reckless endangerment, criminal trespass 1, violation of NCO/OFD restraining or excluding person from residence.

RCW 9.41.800: Surrender of weapons or licenses -- Prohibition on future possession or licensing.

(1) Any court when entering an order authorized under RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590 shall, upon a showing by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or previously committed any offense that makes him or her ineligible to possess a firearm under the provisions of RCW 9.41.040: (a) Require the party to surrender any firearm or other dangerous weapon; (b) Require the party to surrender any concealed pistol license issued under RCW 9.41.070; (c) Prohibit the party from obtaining or possessing a firearm or other dangerous weapon; (d) Prohibit the party from obtaining or possessing a concealed pistol license. (2) Any court when entering an order authorized under RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590 may, upon a showing by a preponderance of the evidence but not by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or previously committed any offense that makes him or her ineligible to possess a pistol under the provisions of RCW 9.41.040: (a) Require the party to surrender any firearm or other dangerous weapon; (b) Require the party to surrender a concealed pistol license issued under RCW 9.41.070; (c) Prohibit the party from obtaining or possessing a firearm or other dangerous weapon; (d) Prohibit the party from obtaining or possessing a concealed pistol license. (3) The court may order temporary surrender of a firearm or other dangerous weapon without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed. (4) In addition to the provisions of subsections (1), (2), and (3) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

Federal Firearms Law:

18 U.S.C. 922(g)(8) makes it a felony to possess firearms if respondent is restrained from harassing, stalking, threatening intimate partner or their child, or other conduct that would place them in reasonable fear of injury, and ...includes finding that such person represents credible threat, or...prohibits the use/attempted used of force against protected per or child reasonably may cause bodily injury. Restrained person has notice and opportunity to be heard

18 U.S.C. 922(g)(9) makes it a felony to possess firearm if previously convicted in any court of a crime of domestic violence.

18 U.S.C. 925(a)(1) The provisions of this chapter, except for sections 922(d)(9) and 922(g)(9) and provisions relating to firearms subject to the prohibitions of section 922(p), shall not apply with respect to the transportation, shipment, receipt, possession, or importation of any firearm or ammunition imported for, sold or shipped to, or issued for the use of, the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof.

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SACF.

Brame

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**New Washington State Law
mandates that each law enforcement
agency in the state must have an
officer-involved domestic violence
policy**



..." Her death left us with sobering and agonizing questions: How could this have happened? And what can we do to prevent it from ever happening again?"... (Then-Governor, Gary Locke)



The State of Washington



passed legislation

that mandated that every law enforcement agency in the state must have an officer-involved domestic violence policy for their officers and employees, specifying the exact protocol to follow if an officer is involved in a domestic incident or allegation.

"...By June 1, 2005, every agency shall adopt and implement a written policy on domestic violence committed or allegedly committed by sworn employees of the agency..."

See text of **Senate Bill 6161**



Gov. Gary Locke Signs Bills Strengthening Domestic Violence Policies

Office of Governor Gary Locke

FOR IMMEDIATE RELEASE - March 15, 2004

Contact: Governor's Communications Office, 360-902-4136

Alt Contact: Amy Blondin, Senate Democratic Caucus, 360-786-7741;

OLYMPIA - March 15, 2004 - Flanked by numerous legislators and domestic violence support groups, Gov. Gary Locke today signed several public safety bills into law that will help prevent domestic violence and protect victims when it occurs.

Among the legislation Locke signed was Senate Bill 6161, which requires every police department and sheriff's department in the state to adopt and enforce policies to deal with domestic violence involving their officers.

The bill charges the Washington State Association of Sheriffs and Police Chiefs with developing a state model policy by Dec. 1 that addresses staff training, reporting requirements and procedures for investigating officer-

involved domestic violence. Every law enforcement agency in the state must adopt its own policy by June 1, 2005.

Tacoma police Chief David Brame's fatal shooting of his wife and subsequent suicide in April 2003 prompted the legislation.

"We are here to mark an important victory for domestic violence victims of our state," Locke said. "Let us do all we can to make sure that no member of a law enforcement family will ever again endure what happened to Crystal Brame."

Sen. Debbie Regala, D-Tacoma, and Rep. Pat Lantz, D-Gig Harbor, were the prime sponsors.

"Law enforcement agencies can no longer turn a blind eye to allegations of domestic violence among their own," Regala said. "The legislation is about allowing the agencies to adopt the policies that best reflect their unique local situations. Every community is different, and this bill honors that."

Referring to the work of the Tacoma-based Task Force on Officer-Involved Domestic Violence created in response to the Brame shooting, Lantz added, "On behalf of the many dedicated task force members, this legislation reflects our united determination to assure that such a tragedy never happens again."

The governor also signed House Bills 2473, 1645 and Senate Bill 6384:

- HB 2473 - Weapons In Courthouse Buildings - Prohibits a law enforcement officer from bringing a weapon into a courthouse if the officer is at the courthouse as a party to a civil or criminal action involving domestic violence or harassment. Rep. Judy Clibborn, D-Mercer Island, was the prime sponsor of this bill.

- HB 1645 - Domestic Violence Victims/Rental of Housing - Allows victims of domestic violence to terminate rental agreements without paying additional rent, and prohibits landlords from evicting or refusing to rent to them. Groups representing landlords as well as victims of domestic violence and sexual assault supported this bill. The prime sponsors are Rep. Lynn Kessler, D-Hoquiam, and Sen. Don Benton, R-Vancouver.

- SB 6384 - Domestic Violence Offenders - Authorizes courts to impose an additional \$100 penalty on those convicted of domestic violence crimes. The money would fund domestic-violence prevention programs and would stay in the county or city where the court imposed the penalty. The prime sponsors of this bill were Sen. Luke Esser, R-Bellevue, and Rep. Dave Upthegrove, D-Des

Molnes.

Locke said, "Here in Washington, we have some of the strongest laws in America against domestic violence - but we know we must do more. These bills I am signing will further strengthen our laws.-



Governor Gary Locke's Remarks

Public Safety Bill Signing

March 15, 2004

Good afternoon. Thank you Connie.

I'm pleased to be in the great city of Tacoma, and I appreciate this opportunity to join you here at the Tacoma YWCA.

With me today are Sen. Regala, Rep. Lantz, Rep. Clibborn, Rep. Kessler, Sen. Luke Esser, Justice Barbara Madsen and Debra Hannula. I would also like to recognize Mayor Bill Baarsma.

We are here to sign into law an important victory for domestic violence victims in our state. And its appropriate to do so at the YWCA which has been dedicated to helping women for 98 years and has a shelter for victims of domestic violence.

We are also here to remember Crystal Brame, who died less than a year ago (April 2003). Crystal was the victim of years of domestic abuse. She was violently, senselessly taken from us. Crystal was a loved and loving mother, sister, daughter and friend. She left behind many who mourn her loss and cherish her memory. Her death left us with somber, agonizing questions: How could this have happened? And what can we do to prevent it from ever happening again?

The terrible tragedy of Crystal Brame's death painfully reminded us that domestic violence is found in every walk of life, every economic class, and every kind of relationship or family. Far too often, this is a concealed but deadly crime; one that comes to light only after it is too late.

Crystal Brame was one of 54 people who died as a result of domestic violence in Washington last year. Between 1997 and 2002, there were 390 domestic violence deaths in our state. We know those deaths are just the tip of the iceberg of domestic violence.

Here in Washington, we have some of the strongest laws in America against domestic violence. They include mandatory arrest, an expedited process for protective court orders, stiff penalties, and a confidential address registry for victims hiding from their abusers. We strengthened those laws four years ago, based on recommendations of the Domestic Violence Action Group I appointed after the tragedy of Linda David who was abused by her state paid caregiver, her husband.

To honor the memory of Crystal Brame and other victims of domestic violence, we must do more.

That's why we are here today. The bills I am signing this afternoon will strengthen our laws:

Substitute Senate Bill 6161

This bill requires that every police department and sheriff's department in the state adopt and enforce policies to deal with domestic violence committed by their officers by June 2005.

These policies must address:

- Pre-hire screening;
- Immediate reporting and response to allegations of domestic violence by officers;
- Independent investigations;
- Relieving accused officers of weapons; imposing discipline and sanctions;
- Sharing information with victims and among agencies; and
- Other Issues that arise when an officer may be involved in domestic abuse.

The bill also requires the Washington Association of Sheriffs and Police Chiefs to develop, by December 2004, in consultation with victim advocates, a model policy that law enforcement agencies can use.

This new law requires hard and earnest work by police and sheriffs' departments across the state. I urge every law enforcement agency to adopt the policies before the June 2005 deadline, and to firmly apply them whenever there is a suspicion or report that an officer is involved in domestic violence. Let us do all we can to make sure that no member of a law enforcement family will ever again be victimized like Crystal Brame.

A task force that formed after the tragedy developed this bill. The co-chairs were Justice Barbara Madsen of our state Supreme Court, and attorney Debra Hannula of Pierce County.

Attorney General Christine Gregoire and her office were part of the task force. Attorney General Gregoire also hosted a statewide summit on domestic violence last fall, and produced a handbook for local governments on addressing this issue. Her work and the recommendation of the summit became part of this legislation. She wasn't able to attend this bill signing today because of a scheduled meeting in Washington, D.C.

The Washington Association of Sheriffs and Police Chiefs, the Washington Council of Police and Sheriffs, the Washington Coalition Against Domestic Violence, and many other groups and individuals also worked to develop and pass the bill. Senator Debbie Regala and Representative Pat Lantz were the prime sponsors and shepherded the legislation to final passage.

House Bill 2473

This bill prohibits a police officer from bringing a weapon into a courthouse if the officer is there as a party to a case involving harassment or domestic violence. Since a tragic domestic violence murder in the King County Courthouse about ten years ago, only police, military, or security personnel have been allowed to bring weapons into courthouses. This bill closes a loophole in that law to make sure that an officer in court as a party to a harassment or domestic violence case cannot bring in a weapon. Representative Judy Clibborn was the prime sponsor of this bill.

Second Engrossed House Bill 1645

Bill 1645 protects victims of domestic violence, sexual assault, and stalking with respect to residential rights and responsibilities. First, it allows a victim to

leave a rented house or apartment without further obligation to pay rent, beyond the current month's rent, even if there is a lease for several more months. Second, it prohibits rental property owners from discriminating against tenants or prospective tenants who have been victims, either by evicting them or by refusing to rent to them. Groups representing landlords as well as victims of domestic violence and sexual assault supported this bill. The prime sponsors are Representative Lynn Kessler and Senator Don Benton.

Substitute Senate Bill 6384

This bill authorizes courts to impose an additional \$100 penalty on those convicted of domestic violence crimes. These funds are to be used for local programs to prevent domestic violence, advocate for its victims, and prosecute abusers. The funds do not come to the state. They stay in the county or city where the court imposed the penalty. The prime sponsors of this bill were Senator Luke Esser and Representative Dave Upthegrove.

Conclusion

I congratulate the sponsors and the many people who worked to enact all these bills into law. I also commend the Legislature for adding \$2 million to the state budget for programs that provide shelter, advocacy, and other help to victims of domestic violence. This is more than a 50 percent increase over current state funding for these services. It will help these anti-abuse programs across the state meet the nearly 35,000 requests for help they could not meet last year.

But the strongest laws and unlimited funding will not prevent domestic violence, or protect its victims, unless we are all committed to changing the values and attitudes in our culture that allow this violence to flourish. Values and attitudes such as: that men have a right to dominate and control women. Or that the physically fit have a right to victimize those with disabilities. Or that wearing a badge puts someone above the law.

Whether we are elected officials, police officers, private employers, co-workers, neighbors, landlords, or citizens, let us always remember that preventing domestic violence, as our 1999 task force emphasized, is everybody's business.

I will now sign these public safety bills into law. This is a great step forward for our state. Now we'll take your questions.



**THE NEWS
TRIBUNE**

Domestic violence bill now law

Tacoma: Locke signs first such legislation geared toward police

KENNETH P. VOGEL; The News Tribune
Published: March 17th, 2004 03:35 AM

Less than 11 months after Tacoma Police Chief David Brame fatally shot his wife and himself, Gov. Gary Locke on Monday signed a law making Washington the first state requiring law enforcement agencies to enact policies for dealing with domestic violence by their own officers.

Brame's wife, Crystal, alleged in divorce papers filed in the months before the April 26 shootings that her husband had abused her for years.

At Monday's signing ceremony at the Tacoma YWCA, Locke said, "Her death left us with sobering and agonizing questions: How could this have happened? And what can we do to prevent it from ever happening again?"

The new law is a big step toward that goal, said state Rep. Patricia Lantz (D-Gig Harbor).

Lantz, sponsor of a bill mirroring the one Locke signed, worked with an ad-hoc committee of about 75 law enforcement, civic and labor leaders, lawyers and domestic violence advocates who spent months putting together the legislation.

"It was an extraordinary effort," Lantz said, "where we can say I think without question that out of the ashes of a horrible, horrific tragedy, a phoenix did rise and it (took) the form of this bill."

Senate Bill 6161 was one of four addressing domestic violence that Locke signed. The ceremony was attended by a host of lawmakers, Tacoma Police interim Chief Don Ramsdell, Mayor Bill Baarsma and

City Manager Jim Walton.

The Tacoma Police Department last month adopted its own policy for so-called "officer-involved" domestic violence, which Lantz said is more strict than the requirements in the new law.

Sponsored by Sen. Debbie Regala (D-Tacoma), SB 6161 requires law enforcement agencies from the Washington State Police down to the smallest municipal departments to adopt by June 2005 minimum policies for handling police-involved domestic violence.

The requirements include:

- Screening applicants for past involvement - or accusations of involvement - in domestic violence.
- Sharing information on such incidents and accusations with other agencies.
- Offering counseling.
- Telling the person making the domestic violence allegation how the investigation is going.
- Requiring officers to report when one of their own is implicated in a domestic abuse situation.
- Requiring officers to report if they have been or are being investigated for allegations of child abuse or neglect, or if they are the subject of a restraining order.

Though the other three bills signed Monday were not prompted by Crystal Brame's slaying, Lantz said after the ceremony that the shootings spurred the Legislature to act.

"Often times, you make these quantum leaps forward only when you're forced into action," Lantz said, pointing to a \$2 million appropriation for domestic violence services included in the budget lawmakers passed this month.

That's a 50 percent boost, said Locke, adding that, "It will help anti-abuse programs across the state meet some 35,000 requests for help that could not be met last year."

Locke said the 54 women who died last year in the state from domestic violence are "the tip of the iceberg."

Domestic abuse is far more common among police officers than in the general population, according to studies like two published in the early 1990s that found at least 40 percent of police officer families experience domestic violence.

Locke applauded the new laws, their sponsors and others who worked on them.

However, he said, "The strongest laws and unlimited funding will not prevent domestic violence or protect its victims unless we are all committed to changing the values and attitudes in our culture that allow this violence to flourish."

Kenneth P. Vogel: 360-754-6093

ken.vogel@mail.tribnet.com

Source



DOMESTIC VIOLENCE BY POLICE OFFICERS

A Policy from the Tennessee POST Commission

Developed from the IACP Policy on Officer Involved Domestic Violence 2003

I) PURPOSE

This policy recognizes that the profession of law enforcement is not immune from members committing domestic violence against their intimate partners. The purpose of this policy is to establish procedures for handling acts of domestic violence committed by Law Enforcement Officers and for implementing prevention strategies. This policy will provide Law Enforcement 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 the department.

II) POLICY STATEMENT

This policy offers a comprehensive, proactive approach to domestic violence by Law Enforcement employees 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. In the process of implementing this policy, the

department should review the records of all employees to determine whether convictions for qualifying misdemeanor crimes of domestic violence *(MCDV) or valid protection orders exist. 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.

Federal law prohibits Law Enforcement 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

Tennessee Code Annotated 36-3619 "**Domestic violence**" refers to an act or pattern of violence perpetrated by a police officer upon his or her victim not done in defense of self or others, including but not limited to the following:

- Bodily injury or threat of imminent bodily injury
- Sexual battery

- Physical restraint
- Property crime directed at the victim
- Stalking
- Violation of a court order of protection or similar injunction
- Death threats or death

A **“victim of domestic violence”** of a police officer is any person who meets one or more of the following criteria:

- Is or was related or formally related by marriage to the police officer
- Has a child related by blood or adoption in common with the police officer
- Has or had a dating relationship with the police officer
- Is specified as an intimate partner by state law
- Is cohabitating or has cohabitated romantically with the police officer

“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:

- Violent or threatening acts against another person
- Stalking or harassment of another person
- Contact or communication with another person
- 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: A) Prevention and Training B) Early Warning and Intervention C) Incident Response Protocols D) Victim Safety and Protection E) Post-Incident Administrative and Criminal Decisions.

A) 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.

1) **Prevention Through Collaboration**

- (a) 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.
- (b) 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.

2) **Training Topics**

Upon implementation of this policy, all officers shall receive comprehensive mandatory instruction covering the following topics:

- a. (a) Understanding Domestic Violence
- (b) Departmental Domestic Violence
 - b. i. Response Protocol
 - c. (c) Warning Signs of Domestic Violence by Officers
 - d. (d) Victim Safety
- i. (e) Federal Domestic Violence Laws

3) **Ongoing Training**

Departments shall use a variety of training techniques including in-service, roll-call, FTO, ride-alongs, and training bulletins to regularly reinforce standards of effective response protocol.

4) **Program Evaluation**

To enhance the effectiveness of the training, departments should work with internal or external research resources to evaluate the training and its impact.

B) EARLY WARNING AND INTERVENTION

1) **Pre-Hire Screening and Investigation**

- (a) Certification agencies and/or departments shall conduct thorough background investigations of all potential new employees using address history, driver's record, protection order database and a search on IADLEST.

- (b) All candidates shall 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.
- (c) Those candidates with a history of perpetrating violence (to include: elder abuse, child abuse, sexual assault, stalking, or domestic violence) should be screened out at this point in the hiring process.
- (d) Candidates shall be clearly informed of the department's position of zero tolerance concerning domestic violence by officers.

2) **Post Conditional Offer of Employment**

- (a) The psychological screening of all viable candidates will focus on indicators of abusive tendencies in their background.
- (b) Departments should strongly consider a no-hire decision in the case of a candidate with tendencies indicative of abusive behavior.

3) **Post-Hire Intervention**

- (a) **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.**
- (b) Departments should make every effort to engage in periodic outreach to officers and their intimate partners/family members with information on this policy,

the point of contact within the department and referrals for local support services.

3) 4) **Department Responsibilities**

The department shall develop cross-jurisdictional MOUs to ensure timely notification of an incident involving an officer.

- (a) The department shall, 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.
- (b) The department shall inform officers of the procedure for seeking confidential referrals, either internally or externally, to confidential counseling services.
- (c) 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.

5) **Supervisor Responsibilities**

- (a) Supervisors shall be cognizant of and document any pattern of abusive behavior potentially indicative of domestic violence including but not limited to the following:
 - i. Aggressiveness
 - a. Excessive and/or increased use of force on the job

- b. Stalking and inappropriate surveillance activities
 - c. Unusually high incidences of physical altercations and verbal disputes
 - d. Citizen and fellow officer complaints of unwarranted aggression and verbal abuse
 - e. Inappropriate treatment of animals
 - f. On- or off-duty officer injuries
- ii. Domestic violence-related issues
 - a. Monitoring and controlling any family member or intimate partner through such means as excessive phone calling
 - b. Stalking any intimate partner or family member
 - c. Discrediting and/or disparaging an intimate partner
 - iii. Deteriorating work performance
 - a. Tardiness
 - b. Excessive absences
 - c. Alcohol and drug abuse

It is important to know that domestic abuse can occur with no outward warning signs present.

- (b) When the supervisor notes a pattern of problematic behavior (as detailed above), the supervisor shall:
 - i. Address the behaviors through a review or other contact with the officer and document all contacts
 - ii. Forward written reports capturing the behaviors to the chief through the chain of

command in a timely manner to determine discipline as warranted

iii. Prepare and submit to the chief a written request for a psychological exam/ counseling by a psychologist/psychiatrist who is knowledgeable about domestic violence.

iv. 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.

6) **Police Officer Responsibilities**

(a) 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.

(b) Officers who engage in the following actions will be subject to severe discipline up to and including dismissal:

i. Failure to report knowledge of abuse or violence involving a fellow officer

ii. Failure to cooperate with the investigation of a police officer domestic violence case (except in the case where that officer is the victim)

iii. Interference with cases involving themselves or fellow officers

iv. Intimidation/coercion of witnesses or victims (i.e., surveillance, harassment, stalking, threatening, or falsely reporting)

(c) 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.

(d) 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.

C) **INCIDENT RESPONSE PROTOCOLS**

1) **Department-wide Response**

(a) The department shall accept, document, and preserve all calls or reports, including those made anonymously, regarding domestic violence as on-the-record information.

(b) All reports of possible criminal activity implicating police officers in domestic violence shall be

documented in accordance with the policies governing the handling of reports of domestic violence involving civilians.

(c) The on-scene supervisor shall forward a copy of the report alleging domestic violence by the officer to the chief through the chain of command.

(d) All such incident reports shall be made available by the department to the victim.

2) **Communications Response**

(a) Communications officers/dispatchers shall be instructed to assign a high priority to all domestic violence calls, including those that involve or appear to involve a police officer of any department.

(b) Communications officers/dispatchers shall immediately notify the supervisor on duty and the dispatch supervisor of any domestic violence call received that involves, or appears to involve, a police officer, regardless of the involved officer's jurisdiction.

(c) Communications officers/dispatchers shall prepare and preserve documentation of the facts and circumstances of the call, including the 911 tape, for use in potential administrative or criminal investigations.

(d) Communications officers/dispatchers shall have available current contact information of local domestic violence victim advocacy

organizations for on-scene supervisors to provide to victims.

3) **Patrol Response**

(a) 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 to the scene, regardless of the involved officer's jurisdiction. If necessity exists for temporary decommission, then someone of higher rank in the person's chain of command should be called out.

The responding officers shall perform the following actions:

- i. Obtain needed medical assistance
- ii. Address the immediate safety of all parties involved
- iii. Separate the parties / witnesses involved.
- iv. Secure the scene and preserve evidence for collection or photographs by investigating officer. Note all excited utterances, admissions and/or incriminating statements
- v. Make an arrest if probable cause exists

4) **On-Scene Supervisor Response**

(a) A supervisor shall report to the scene of all police officer domestic violence incidents including a police officer, regardless of the involved officer's jurisdiction.

(b) The on-scene supervisor shall assume responsibility" and ensure that the crime scene is secured and, that all evidence is collected. Photographic and/or video

documentation of the parties involved and scene shall be recorded where such resources are available or when applicable, call out the appropriate investigative body.

(c) The 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. If a detective is on the scene, this shall be done or directed by the detective. Names, ages, and relationships to the children shall be noted in the report.

(d) In cases where probable cause exists And the suspect is on the scene, the on-scene supervisor or called out investigator, shall ensure a legally appropriate arrest is made.

(b) (e) If the alleged offender has left the scene and probable cause exists, the supervisor shall perform the following actions:

- i. i. Exhaust all reasonable means to locate the alleged offender
- ii. ii. Ensure that an arrest warrant is sought, if unable to locate the alleged offender
- iii. iii. Document all subsequent actions in a timely manner

(c) (f) In the event that the victim has left the scene, the supervisor or investigative

element shall make every effort to follow through on the investigation and attempt to locate the victim.

(d) (g) Arrest of both parties involved in a domestic violence incident should be avoided. The supervisor OR investigative element shall ensure that a thorough investigation is conducted and an arrest of the primary aggressor is made in accordance with state law.

(h) Whenever an officer is arrested, the officer's supervisor in his/her chain of command shall relieve the accused officer of all service weapons, regardless of whether the officer is a member of the responding department.

(i) Where allowable under federal, state, or local ordinances, all other firearms owned or at the disposal of the accused officer shall be seized in accordance to law

(j) The Investigating officer shall inquire whether the victim wants any non departmentally owned firearms removed from the home for safekeeping by the department and make arrangements as necessary. Victims have no rights to keep police guns.

(k) The on-scene supervisor / investigating officer shall ensure the victim is informed of the following:

- i. The judicial process and victim rights
- ii. The department's policy on police officer domestic violence, procedures and

- cross-jurisdictional responsibilities as they apply
 - iii. The standard of probable cause for arrest
 - iv. Procedures for obtaining protective orders
 - v. Victim compensation
 - vi. The availability of an on-scene advocate / counselor
 - vii. The availability of confidential transportation to a location that can provide improved victim safety
 - viii. Community resources and local domestic violence victim service
 - ix. The possible option to remove firearms for safekeeping
- (L) Whenever a police officer involved domestic violence call does not result in an arrest or a warrant is not sought, the on-scene supervisor / Detective shall articulate all circumstances in a written report. In all cases involving police officers, whether an immediate arrest is made or not, the District Attorney shall be notified.
- (m) The on-scene supervisor shall notify the chief and the accused officer's immediate supervisor as soon as possible. In the event that the officer is from another jurisdiction, the supervisor shall ensure that the accused officer's supervisor or chain of command is notified. All notifications, and attempts to notify, shall be fully documented and continuously updated throughout the investigation

5) **Additional Critical Considerations**

- (a) 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 pursuant to state law involving an officer from their own department. Also, the investigating department shall notify the officer's department of the incident for administrative reviews.
- (b) In the event that the reported incident involves the Chief Law Enforcement Executive or Commissioner, the supervisor shall immediately notify the district/state's attorney and the individual in government who has direct oversight for the chief, for example, the mayor.
- (c) In responding to domestic violence incidents where the victim is a police officer, standard domestic violence response and investigation procedures should be followed.
- (d) 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 primary aggressor are determined, an arrest should be made and all service weapons of the accused officer confiscated.

If a protective order is issued against an officer, additional firearm seizure may be required under state law.

6) Department Follow-Up

(a) In a timely manner, the command level personnel are encouraged to conduct debriefings with all patrol officers/investigating officers who responded to an officer involved domestic violence call. The debriefing shall include the following:

- i. A review of department confidentiality guidelines
- ii. A direct order prohibiting discussion of the incident outside of the official inquiry
- iii. A clear delineation of assignments

(b) Supervisors in the accused officer's chain of command 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. It is critical that DV investigators do not cross the line between criminal and departmental issues.

(c) Arrest warrants charging police officers

with domestic violence and protective

orders issued at a later time shall be served

after careful assessment of risk by the

serving body. A thorough threat assessment is to be conducted to include consideration of alternatives to traditional warrant service. 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 by employee's chain of command or pursuant to court orders.

(d) In the event the protection order expires or the victim asks that it be discontinued, the department shall still conduct a thorough administrative investigation.

(e.) Following the reported incident the department shall designate properly trained personnel to perform the following duties:

- i. 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
- ii. Act as a principal point of contact to keep the victim apprised of all developments
- iii. Ensure that safety planning and

danger assessment is made available to the victim. The victim's only point of contact should be the responsible investigation personnel and advocate counselors.

iv. 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

D) VICTIM SAFETY AND PROTECTION

- 1) Departments shall work with departmental / community resources and advocacy agencies to connect victims and their children with appropriate services.
- 2) The Supervisor or Detective designated as principal contact for the victim, shall inform the victim of confidentiality policies and their limitations, and ensure that confidentiality is maintained throughout the active case.
- (3) All officers shall be aware of possible victim/witness intimidation or coercion and the increased danger when the victim leaves an abusive partner. The designated principal contact shall assist the victim and children in safety planning and caution the victim to be alert to stalking activities.
- 4) 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.
 - (a) In order to determine whether the victim/witness is being intimidated or coerced, the investigator in charge shall seek out secondary sources of information/ additional probable cause.
 - (b) Given the possibility that a victim will recant or choose not to participate in court proceedings, supplemental evidence shall be sought out and preserved.

E) POST INCIDENT ADMINISTRATIVE AND CRIMINAL DECISIONS

Departments shall conduct separate parallel 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. Smaller Departments are encouraged to utilize outside investigative agencies to conduct the investigation, including, but not limited to, the TBI.

The department will adhere to and observe all necessary protocols to ensure an accused officer's departmental, union, and legal rights are upheld during the administrative investigation.

(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, or in the event that no such unit exists, the chief shall appoint an experienced investigator, separate from the investigator conducting the criminal investigation. The chief 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 using standard elements of criminal investigations. Victims and witnesses shall be re-interviewed and their statements recorded; crime scene evidence, photographs, and medical records accessed; and 911 tapes requested.

(b) Where sufficient information/evidence exists, the department shall take immediate administrative action against the accused officer that may include removal of badge and service weapons, reassignment, sanctions, suspension, or termination.

(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 and criminally charge as warranted.

(d) The chief shall determine whether and when the accused officer should be issued an administrative order of protection.

(e) If administrative policies and/or administrative orders of protection are violated or sufficient concern exists regarding a violation, the department shall initiate an independent administrative investigation, seize firearms as allowed under department policy as soon as practicable, 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, if at all possible, 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 domestic violence unit of the department, or in the event that no such unit exists, the criminal investigations unit or detective division. The chief 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 interviews (taped) 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 shall completely investigate the charges and where sufficient probable cause exists seek prosecution even in cases where the victim recants.
- (e) The department shall establish a liaison to work with the prosecuting attorney for each case. This officer shall present all the information to the prosecuting 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 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:
 - i. Notify the officer, in writing, of the effective date of termination
 - ii. Inform the officer of available support services, to include counseling
 - iii. Ensure that the victim is notified in a timely manner and offered available assistance, to include safety planning
 - iv. The Tennessee Peace Officer Standards and Training (P.O.S.T.) Commission should be immediately notified if a P.O.S.T. Certified officer is terminated or suspended for longer than fifteen (15) days under this policy.
- (b) Federal law prohibits anyone convicted of a misdemeanor domestic violence crime from possessing firearms. The department shall ensure compliance with federal law.



CITY OF PITTSBURGH

PITTSBURGH CITY CODE OF ORDINANCES

TITLE ONE: ADMINISTRATIVE – Article 3

- Chapter 116: Department of Public Safety, §116.02(III)
Domestic Abuse Policy for Bureau of Police

**POLICE SERGEANT EXAM
2011**

III. **DOMESTIC ABUSE POLICY FOR THE BUREAU OF POLICE:**

(A) **RESPONSIBILITIES OF THE DEPARTMENT OF PUBLIC SAFETY, AND THE BUREAU OF POLICE.** The Director of Public Safety and the Chief of Police shall take proactive steps to ensure that police officers and employees within the Bureau of Police (Bureau) are familiar with the provisions of this Chapter.

Instruction concerning protection from abuse shall be made a part of the training curriculum for all trainee officers and continue throughout the employment of all police officers of any rank.

With oversight from the Director of Public Safety, the Chief of the Bureau shall maintain a domestic violence policy with at minimum, the baselines set forth in this Chapter as it applies to police officers and vigorously enforce its provisions.

(B) **PURPOSE.** Recognizing that the profession of law enforcement is not immune from members committing domestic violence against their intimate partners and other family members, the Bureau shall implement prevention strategies and establish and follow procedures for handling acts of domestic violence committed by police officers.

The Bureau policy shall provide police executives, officers, and all Bureau employees guidance in addressing incidents where one (1) (or more) party(ies) to a reported domestic violence incident is an employee, whether sworn or civilian, of any rank in the Bureau.

(C) **POLICY STATEMENT.**

a. The Bureau policy shall offer a comprehensive, pro-active approach to domestic violence by Bureau employees with an emphasis on victim safety.

b. The Bureau policy shall delineate a position of zero tolerance by the Bureau. 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.

c. In the process of implementing this policy, the Bureau shall review the records of all employees to determine whether convictions for qualifying Misdemeanor Crimes of Domestic Violence (MCDV) or valid protection orders exist.

d. If an employee is found to have a MCDV or is the subject of a qualifying protection order, the Director of Public Safety, the Chief of Police, City Solicitor and Director of Personnel shall be consulted immediately regarding continued employment or duty assignment.

e. Federal law prohibits anyone convicted of qualifying misdemeanor domestic violence crimes from possessing firearms or ammunition pursuant to 18 U.S.C. § 922(g).

f. Officers found guilty of a "qualifying domestic violence crime" as defined in (g) through criminal proceedings shall be terminated.

- g. A "qualifying" misdemeanor crime of domestic violence must include:
1. A state or federal misdemeanor crime that has as an element of use or attempted use of physical force or threatened use of a deadly weapon; and.
 2. Right to counsel or knowing and intelligent waiver; and.
 3. Applies to convictions occurring prior to and after September 30, 1996; and.
 4. Excludes convictions that have been expunged, set aside, or person has been pardoned or has had his/her civil rights restored.

(D) **DEFINITIONS.**

(a) **General Rule**—The following words and phrases when used in this Chapter shall have the meanings given to them in this section unless otherwise noted.

"ABUSE" The occurrence of one (1) or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

- (1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon. Such unwanted physical acts such as grabbing, pinching, shoving, slapping, hitting, hair pulling, biting and or denying medical care or forcing alcohol and/or drug use are considered to be types of physical abuse.
- (2) Placing another in reasonable fear of imminent serious bodily injury.
- (3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).
- (4) Physically or sexually abusing minor children including such terms as defined in Chapter 63 (relating to Child Protective Services).
- (5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury.
- (6) Economic Abuse by making or attempting to make a person financially dependant, e.g., maintaining unwanted control against his/her wishes over financial resources, withholding access to money, forbidding attendance at school or employment

"FAMILY or HOUSEHOLD MEMBERS" Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

"INTIMATE PARTNER" of a police officer is any person who meets one (1) or more of the following criteria:

Is or was legally married to the police officer

Has a child in common with the police officer

Has or had a dating relationship with the police officer

Is specified as an intimate partner by state law

Is cohabitating or has cohabitated romantically with the police officer

"WEAPON" Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term includes a firearm that is not loaded or lacks a magazine, clip or other components to render it immediately operable and components which can readily be assembled into a weapon as defined by 18 Pa.C.S. § 907 (relating to possessing instruments of crime).

"VICTIM" A person who is physically, psychologically, or sexually abused by a family or household member. A victim is a person against whom abuse is committed who consults a domestic violence counselor or advocate for the purpose of securing advice, counseling or assistance. The term shall also include persons who have a significant relationship with the victim and who seek advice, counseling or assistance from a domestic violence counselor or advocate regarding abuse of the victim.

"Domestic violence counselor/advocate" An advocacy organization that is engaged in a domestic violence prevention and treatment program, the primary purpose of which is the rendering of counseling or assistance to victims of domestic violence, who has undergone forty (40) hours or more of training.

"Domestic violence program" A nonprofit organization or program whose primary purpose is to provide services to domestic violence victims which include, but are not limited to, crisis hotline; safe homes or shelters; community education; counseling systems intervention and interface; transportation, information and referral; and victim assistance.

"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:

Violent or threatening acts against another person or family member

Stalking or harassment of another person or family member

Contact or communication with another person or family member

Physical proximity to another person or family member

(E) **PROCEDURES.** While prioritizing the safety of victims, the Bureau policy shall be 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/or criminal investigations.

Required components include: A) Prevention and Training B) Early Warning and Intervention C) Incident Response Protocols D) Victim Safety and Protection and, E) Post-Incident Administrative and Criminal Decisions.

(F) **PREVENTION AND TRAINING.** The Bureau will adhere to a zero-tolerance policy towards police officer domestic violence and will not tolerate violations. With oversight from the Director of Public Safety, the Bureau will provide ongoing training to every officer on domestic violence as it applies to the population generally and within the ranks of the Bureau. The ongoing training will be required throughout all phases of the police officer's career.

1) **Prevention Through Collaboration:**

(a) Through ongoing partnerships with local victim advocacy organizations and/or domestic violence programs the Bureau shall develop domestic violence curricula and train officers in order to enhance the officers'/agency's response to victims.

(b) The Bureau shall provide local domestic violence victim advocacy organizations copies of all domestic violence training curricula, protocols and policies for review, comment and possible revision.

2) **Training Topics:** Upon implementation of the required policy, all officers shall receive comprehensive mandatory instruction covering the following topics:

- (a) Understanding Domestic Violence
- (b) Departmental Domestic Violence Response Protocol
- (c) Warning Signs of Domestic Violence by Officers
- (d) Victim Safety
- (e) Federal Domestic Violence Laws

3) **Ongoing Training:** The Bureau shall use a variety of training techniques including in-service, roll-call, Field Training Officers (FTO), ride-alongs, and training bulletins to regularly reinforce standards of effective response protocol.

4) **Program Evaluation:** To enhance the effectiveness of the training, the Bureau policy shall work with internal or external research resources, domestic violence programs and the Allegheny County District Attorney's office to evaluate the training and its impact.

(G) **EARLY WARNING AND INTERVENTION.**

1) ***Pre-Hire Screening and Investigation:***

(a) The Office of Municipal Investigation shall conduct thorough background investigations of all potential new employees.

(b) All candidates shall 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.

(c) Those candidates with an admitted or otherwise uncovered history of perpetrating violence (to include: elder abuse, child abuse, sexual assault, stalking, or domestic violence) shall be disqualified in accordance with the General Civil Service Act. (1907 May 32 P.L. as amended).

(d) Candidates shall be clearly informed of the Bureau's position of zero tolerance concerning domestic violence by officers.

2) ***Post Conditional Offer of Employment:***

(a) The psychological screening of all viable candidates will focus on indicators of abusive tendencies in their background.

(b) The Bureau shall consider a no-hire decision in the case of a candidate with tendencies indicative of abusive behavior

3) ***Post-Hire Intervention:***

(a) When new officers are hired, the Bureau shall directly communicate this policy and other relevant department policies as well as the role of the Citizens Police Review Board (CPRB), as defined in the Pittsburgh City Code Article VI "Citizen Police Review Board," to their intimate partners/family members.

(b) The Bureau shall engage in consistent and ongoing communication to officers and their intimate partners/family member with information on this policy, the point of contact within the Bureau and referrals for local support services should the need arise.

4) ***Bureau of Police Responsibilities:***

(a) The Bureau shall develop a cross-jurisdictional Memorandum of Understanding, including but not limited to the Allegheny County District Attorney and the Commonwealth of Pennsylvania to ensure timely notification of an incident involving an officer.

(b) The Bureau shall, in response to observed warning signs or at the request of an officer, intimate partner, or other family member, provide confidential avenues of assistance in an attempt to prevent an act of domestic violence.

(c) The Bureau shall inform officers of the procedure for seeking confidential referrals, either internally or externally, to confidential counseling services.

(d) 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 (only by officer) and/or report of a crime and shall be investigated both administratively and criminally. There shall be no presumption of guilt upon receipt of a report alone from a third party (non-officer).

(e) The Bureau shall consult with Domestic Violence Counselor/Advocate organizations to develop policies and practices to ensure that domestic violence within the ranks of the Bureau is minimized to the extent possible and, that when it does occur, the appropriate actions are taken to prevent further domestic abuse by those responsible and that they are afforded counseling and other measures designed to assist in stopping inappropriate behaviors, with the well being of all parties in mind.

(f) The Bureau shall establish whether risk is inherent in a particular situation in an attempt to safeguard against future violence. Information gleaned from the assessment shall be incorporated into all aspects of safety planning.

5) ***Supervisor Responsibilities:***

(a) Supervisors shall be cognizant of and document any pattern of abusive behavior potentially indicative of domestic violence including, but not limited to the following:

i. *Aggressiveness:*

- a. Excessive and/or increased use of force on the job.
- b. Stalking and inappropriate surveillance activities.
- c. Unusually high incidences of physical altercations and verbal disputes.
- d. Citizen and fellow officer complaints of unwarranted aggression and verbal abuse.
- e. Inappropriate treatment of animals.
- f. On-or off-duty officer injuries.

ii. *Domestic violence-related issues:*

- a. Monitoring and controlling any family member or intimate partner through such means as excessive phone calling.
- b. Stalking any intimate partner or family member.
- c. Discrediting and/or disparaging an intimate partner.

iii. *Deteriorating work performance:*

- a. Tardiness.
- b. Excessive absences.
- c. Alcohol and drug abuse.

(b) When the supervisor notes a pattern of abusive behavior, the supervisor shall:

- i. Meet with the officer to discuss the abusive behavior
- ii. Forward written reports describing the behaviors to the Chief through the chain of command in a timely manner to determine discipline as warranted.
- iii. Prepare and submit to the chief a written request for a psychological exam/counseling by a board certified psychologist/psychiatrist who is knowledgeable about domestic violence.
- iv. 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.

(c) Upon arrival on the scene of an officer involved domestic violence related call or incident regardless of the officer's jurisdiction, the first responding patrol unit shall follow the procedures outlined in police order 40-12.1 at § 4.0 et. seq.

6) ***Police Officer Responsibilities:***

(a) 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.

(b) Officers who engage in the following actions will be subject to severe discipline up to and including dismissal:

- i. Failure to report knowledge of abuse or violence involving a fellow officer
- ii. Failure to cooperate with the investigation of a police officer domestic violence case (except in the case where that officer is the victim)
- iii. Interference with cases involving themselves or fellow officers
- iv. Intimidation/coercion of witnesses or victims (i.e., surveillance, harassment, stalking, threatening, or falsely reporting)

(c) Officers who learn they are the subject of a criminal investigation or protection order, 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.

7) ***Director of Public Safety Responsibilities:***

(a) In addition and in accordance with the duties and responsibilities of the Director of Public Safety, the Director shall insure all appropriate reporting is provided pursuant to Pittsburgh City Code Article VI.

(b) the Director shall insure personnel records, including reports of domestic violence and abuse while off of the job, are be maintained by the Bureau of Police and/or Department of Personnel for a period of at least ten (10) years post termination.

(H) ***DOMESTIC VIOLENCE REVIEW BOARD.***

(1) The Chief of Police will establish the Domestic Violence Review Board consisting of the following members to review all officer-involved domestic violence related incidents.

Director of Public Safety

Deputy Chief

Assistant Chief of Administration

Assistant Chief of Investigations

Assistant Chief of Operations

Commander-at-Large

Independent Advisor from the Women' Center and Shelter

City-contracted Psychologist

Director of Personnel and Civil Service

(2) Authority, Responsibilities and Duties of the Domestic Violence Review Board

The Domestic Violence Review Board shall be responsible for reviewing domestic violence incidents involving members of the Bureau of Police

(a) The Board will meet after each officer involved domestic violence related incident.

(b) The Board will also meet once a quarter to review all Bureau-wide domestic violence incidents and PFA orders.

(c) The Chief of Police will retain the authority to follow the normal course of departmental disciplinary action against an officer who has been involved in a domestic violence related incident.

(d) The Domestic Violence Review Board will review all available information pertaining to officer involved domestic violence related incidents.

(e) The Board shall serve in an advisory capacity by presenting findings and making recommendations to the Chief of Police.

(f) The recommendations will include suggestions that may pertain to training, policy, discipline, safety or any other issues of importance that arise from the review.

(g) While the Board may make recommendations, the final discretion as to these recommendations shall remain with the Chief of Police and Director of Public Safety.

(I) **Adoption of Pittsburgh Bureau of Police Order Number 40-12.1.** Pittsburgh Bureau of Police Order Number 40-12.1 is hereby adopted by reference as a part of this Chapter. Order Number 40-12.1 is hereby attached hereto and incorporated herein as Exhibit A. Exhibit A may be amended from time to time as consistent with the Pittsburgh City Code Title One "Administration," Article III "Organization," Chapter 111 "Departments Generally," § 111.01(b)(1) and with Council approval.

(J) **Severability.** Severability is intended throughout and within the provision of this Section. If any provision, including, inter alia, any exception, paragraph, phrase or term, or the application, thereof to any person or circumstances is held invalid, the application to the persons or circumstances shall not be affected thereby and the validity of this Section in any and all other respects shall not be affected thereby. The City does not intend to violate the Constitution of the Commonwealth of Pennsylvania or the Constitution of the United States of America.

(Ord. 1-1985, eff. 1-1-85; Am. Ord. 29-1996, eff. 10-23-96; Am. Ord. 1-1998, eff. 2-13-98; Ord. No. 3-2007, § 2, eff. 2-20-07; Ord. No. 23-2007, § 1, eff. 12-6-07)