

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, ideally prior to the end of 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 will 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 will coordinate the initial 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 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 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 will 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 the confidentiality of the victim's information.
- 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.

Note: Nothing in this policy is intended to require punitive measures against an employee victim of domestic violence for failing to report their abuse or to require actions in conflict with collective bargaining agreements or other due process guarantees.