

# 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](mailto:turnern@theiacp.org)  
 or 800/The-IACP x 216*