

## **IACP Guidelines to Address Police Officers Under Orders of Protection**

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 within the law enforcement community will not be tolerated. Fundamental to the success of any plan are provisions to address the issue of police officers under orders of protection. These measures should be comprehensive and include pre-hire screening and investigation of a candidate and continue with actions taken upon discovery of an officer who is a respondent of a protection order.

All measures should make provisions for officers who do not live in the jurisdiction where they work, officers from other jurisdictions who live within a department's jurisdiction and/or an order of protection that originates outside the jurisdiction where an officer works.

### **I. Pre-Hire Screening and Investigation**

1. All candidates shall be asked during the interview process about any situations in which they have been the subject of a protection order.
2. The pre-hire investigation shall include a thorough search for protection orders issued against the candidate in all jurisdictions where the candidate previously worked or lived.
3. Any candidate who is found through the interview and investigation process to have a history of perpetrating violence should be deemed ineligible for employment.
4. Viable candidates shall be clearly informed of the department's position of zero tolerance concerning domestic violence by officers and the requirement to notify the department of any future incidents and/or protection orders issued against him/her.

### **II. Officer Responsibilities**

1. Officers who learn they are the subject of any protection order proceeding, whether or not the order is issued and regardless of jurisdiction, shall immediately notify their supervisor and provide a copies of all court documents.
2. Officers who have knowledge of a fellow officer who is the subject of a protective order shall inform their supervisor.
3. Officers shall not attempt to interfere with their own investigation or that of another officer accused of domestic violence, nor shall they intimidate or coerce witnesses or victims through surveillance, harassment, stalking, threatening, or false reporting.

### **III. Department Responsibilities**

1. An administrative investigation shall be initiated in the event that an officer is the subject of an order of protection.
2. As part of the administrative investigation, the agency shall:
  - a. Proactively seek out information on past incidents of domestic violence, and the existence of any protection order and enforce it
  - b. Enforce any applicable state and federal firearms laws (*see section V*)
  - c. Determine whether the officer violated department policy, including any failure to report the protection order
3. If an administrative investigation indicates the officer violated departmental policy, administrative sanctions shall be applied. Sanctions shall include:
  - a. Removal of badge and service weapons
  - b. Reassignment
  - c. Leave with or without pay
  - d. Suspension or termination

In determining the proper course of administrative action for an individual officer, the department shall consider the

following factors: the level of danger an officer poses as indicated by the outcome of a risk/danger assessment, 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.

4. The department shall establish procedures regarding duty assignments of officers under protection orders for domestic violence and decide whether officers will:
  - a. Retain their service weapon while under an administrative investigation
  - b. Be assigned enforcement powers
  - c. Be assigned enforcement duties to include responding to domestic violence calls
5. When a temporary protection order becomes permanent, decisions regarding duty assignments and sanctions shall be reassessed.
6. In the event the protection order expires or the victim asks that it be discontinued, the department shall still conduct a thorough administrative investigation.

#### **IV. On Scene Response**

1. Service of protection orders and arrest warrants charging police officers with domestic violence shall be undertaken by no fewer than two officers with at least one being of senior rank to the officer being served.
2. At the time of service, if department issued firearms have not previously been seized, firearms shall be seized in the interest of public safety.

#### **V. Firearm Removal**

1. The department shall establish procedures concerning access to duty weapons for officers under qualifying protection orders in compliance with federal firearm statute USC 922 (g)(8).

2. The procedures will address:
  - a. Whether the officer will be allowed access to all weapons with which the officer qualifies only, the primary duty weapon, or no department firearms
  - b. How the department will handle/enforce forfeiture of all firearms personally owned by the officer under the protection order
  - c. Whether the department will allow for third party transfer of firearms forfeited by an officer under a protection order

#### **VI. Administrative Orders**

1. Department supervisors shall consider issuing an administrative "order of protection" to any officer found to have committed acts of domestic violence or law violations, as an additional means of protecting victims.  
As a direct order from a department supervisor or agency head, the administrative order should direct the officer to refrain from specified conduct toward or contact with a particular person, and specify no threats, harassment, or physical duress of the victim or members of the household shall occur. The order may also require certain action be taken, such as undergoing risk/danger assessment.
3. The order should also contain language prohibiting witness tampering or witness intimidation.
4. Terms of an administrative order shall be drafted:
  - a. To fit the needs of the particular circumstances and relationships of the parties
  - b. After speaking with the victim in order to ensure the terms of the order are appropriate for the victim's situation, without being overly broad so as to render the order unlawful
  - c. To protect the interests of the department

5. A supervisor shall hand deliver the order to the officer who has been named and the respondent shall acknowledge receipt in writing.
6. The supervisor shall advise the victim of the appropriate action to take in the event that the terms of the order are violated.
7. The order shall include language advising the officer that failure to comply with the order will constitute independent grounds for disciplinary action, and may result in termination, regardless of the outcome of the underlying investigation.

## VII. Post Incident Assessment Actions

### Safety planning and risk/danger assessment

Both safety planning and risk/danger assessment tools are critical for alerting the department and victim to the potential for further violence and for developing strategies in an attempt to enhance personal safety. A designated principal contact within the department, of command rank, shall assist the victim and children in safety planning and caution the victim to be alert to stalking activities.

1. The department shall select a risk/danger assessment tool, to be conducted by a trained officer, to gauge the potential for further violence on the part of an officer accused of perpetrating domestic violence or the subject of a protective order. The findings shall be reported to the chief who will make decisions concerning appropriate sanctions, administrative actions, and referrals for the accused officer.
  - a. The assessment should be supplemented by interviews with the victim, witnesses, and family members
  - b. The command officer designated as the victim's principal contact shall discuss the danger assessment findings with the victim as part of safety planning and caution all victims of the possibility of danger regardless

- c. Danger assessment findings should be shared with the judge, while the officer is in custody, prior to arraignment
- d. Findings of the danger assessment should be shared with the prosecutor and courts as part of any protection order or criminal proceedings

### Termination procedures

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

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