

		Policy & Procedures			No. 4.10	
		Subject: Domestic Violence Involving Law Enforcement Personnel				
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CALEA Standards 11.4.4; 52.2.2

GENERAL CONSIDERATIONS AND GUIDELINES

Domestic violence incidents where law enforcement personnel are involved or implicated present some unique challenges to those officers who investigate such incidents. Officers are charged with the responsibility of protecting the victim of domestic violence from further abuse and at the same time determine whether there has been a violation of the domestic violence laws. In many cases where abuse has been taking place, the victim is reluctant to report the incidents, so when a report is made and there is evidence to support the report, it is paramount that the intervening officers take the appropriate enforcement action without regard to the occupation of the abuser.

Responding police officers have an added obligation that goes beyond protecting the rights of the victim and enforcing the domestic violence laws against the abuser in terms of maintaining the integrity of their office and the public trust that has been placed with them. All too often, the general public and even the victim are likely to be suspicious as to whether a police officer will take the appropriate enforcement action against another offending officer. When officers fail to carry out their duties for some misguided belief that they have to protect one of their own, they have done a grave injustice to themselves and the profession in general. Officers failing to take the appropriate enforcement action also expose themselves to potential criminal, civil, and administrative actions, not to mention exposing the victim to irreparable harm.

This policy acknowledges that some police officers may become involved or be implicated in domestic violence situations involving their intimate partners or family members. The purpose of this policy is to establish procedures for handling matters of domestic violence and abuse

involving police officers. This policy will provide police officers guidance in addressing incidents where one (or more) party to a possible domestic violence incident is an employee from within the Canton Police Department (regardless of rank) or is employed with any other law enforcement agency. It is to serve as a guide to ensure that officers comply with all requirements as set forth by the Massachusetts General Laws.

I. POLICY

This policy delineates a position of intolerance by this department of domestic violence, whether occurring in this jurisdiction or another. Where incidents of police officer involved domestic violence are alleged to have occurred, the department will act quickly to protect the victim, arrest the perpetrator, and conduct independent internal and criminal investigations. After criminal proceedings, if an officer is found guilty of domestic violence, he/she may have his/her police powers revoked.

All such reported incidents of domestic violence involving law enforcement personnel will be fully investigated by or under the direction of a supervisory officer. It is the responsibility of that supervisory officer to ensure that all appropriate enforcement action is taken, which may be warranted and consistent with the department's policy and procedures as it relates to domestic violence situations. All reported incidents involving a domestic violence situation, which implicates a member of this department, will be immediately reported to the Chief of Police (or his designee) verbally or the Chairman of the Board of Selectman if it is the Chief who is involved in a domestic violence situation. 11.4.4; 52.2.2 (5)

Reported incidents of domestic violence that occur involving law enforcement personnel from other agencies within this jurisdiction will be fully investigated under the direct supervision of a supervisory officer, who will be responsible for notifying the Chief of Police. Failure to comply with the requirements of the applicable statutes, the rules of this department, and the policies and procedures that relate to dealing with domestic violence situations will result in disciplinary action.

II. DEFINITIONS

A. Domestic violence: For the purposes of this policy, refers to any act or pattern of violence (threatened or actual) including but not limited to:

- bodily injury or threat of imminent bodily injury any type of abuse
- sexual battery physical restraint
- property crime directed at the victim stalking
- violation of a court order of protection or similar injunction; and death threats or death

An offense has been committed if one or any of the above are perpetrated by a police officer (on or off duty) or any police department employee upon his or her domestic partner or family member.

B. Partner: is defined as any individual with whom the officer:

- is or was legally married to has a child in common
- has or had a dating relationship with
- is specified as such by **MGL 209A or other** state law

C. 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; and physical proximity to another person

III. PROCEDURES

While prioritizing the safety of victims, this policy is designed to 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) Education and Training
- b) Incident Response Protocols
- c) Victim Safety and Protection
- d) Post-Incident Administrative and Criminal Decisions.

A. Education and Training

1. Education

- a. If not already received through in-service or recruit training, upon implementation of the policy, all Recruit, Patrol, Field Training Officers, and Administrative Command/Supervisors shall receive training that include those topics in the curriculum provided by the Massachusetts Police Training Committee or other reputable police training organization.
- b. Additional Administrative Command/Supervisor training related to domestic violence should address the following:

Department Legal Considerations and Liability
Media and Public Relations
Criminal versus Internal Investigations
Conducting Lethality/Dangerousness Assessments

2. Training

a. Roll-Call Training

This Department shall select a series of effective and concise materials on domestic violence and stalking for routine dissemination to all personnel. Periodic reviews of this policy and its implementation will be conducted.

b. In-Service

As scheduled by the MPTC, officers shall receive review/updates on domestic violence and stalking during yearly in-service.

3. Department Responsibilities

- a.** The department shall, either in response to observed warning signs or at the request of an officer, partner, or other family member, provide non-punitive avenues of assistance before an act of domestic violence occurs.
- b.** The department shall identify a procedure for making confidential referrals to confidential counseling services either internally or in collaboration with the Employee Assistance Program.
- c.** Officers who disclose to any member of the department that they have personally engaged in domestic violence are not entitled to confidentiality. The report of such criminal conduct must be treated as an admission of a crime and shall be investigated both criminally and administratively.
- d.** A disclosure on the part of a partner or family member to any member of this department that an officer has personally engaged in domestic violence will be treated as a report of a crime and shall be reported to the appropriate department official and shall be investigated both administratively and criminally.

4. Supervisor Responsibilities

- a.** Demonstration of inappropriate aggressive behaviors by officers conducting police business shall be documented for consideration by supervisors. These behaviors include, but are not limited to the following: stalking and inappropriate surveillance activities, unusually high incidences of physical altercations, injuries, or verbal disputes.

- b. Supervisors shall maintain close supervision of officers whose behavior is inconsistent with acceptable standards for on-duty problem resolution.
- c. Supervisors shall be cognizant of all behavior, on or off duty, where officers may be exhibiting signs of possible domestic violence-related problems; including increased use of force on the job, alcohol and/or drug abuse, increase in controlling behaviors, stalking activity, citizen and fellow officer complaints of unwarranted aggression and verbal abuse.
 - 1. Supervisors shall immediately make their ranking supervisor aware of any and all such behaviors.
 - 2. The Chief of Police shall be informed of such circumstances or concerns in a timely manner through the department's chain of command. **11.4.4**

5. Police Officer Responsibilities

- a. Officers are encouraged and entitled to seek confidential assistance from the department to prevent a problem from escalating to the level of criminal conduct against an intimate partner or other family member.
- b. Officers with knowledge of abuse and/or violence involving fellow officers must report such information in a timely manner to their supervisor. Failure to do so will subject the officer to investigation, disciplinary action, and possible sanction and/or criminal charges if applicable.
- c. All officers shall be aware of possible witness or victim intimidation/coercion. Whenever an officer suspects this is occurring, he/she shall prepare a written report and immediately deliver it to the Chief of Police through the proper chain of command.
- d. Officers who engage in threatening, harassing, stalking, surveillance, intimidation of a witness or other such behavior designed to interfere with cases against fellow officers will be subject to investigation, disciplinary action, and possible sanction and/or criminal charges.
- e. An officer who is the subject of a criminal investigation related to domestic violence, regardless of jurisdiction, is required to report him/herself to his/her supervisor and provide notice of the court dates, times, appearances, and proceedings in a timely manner.
- f. An accused officer who is the subject of any civil protective order proceeding, whether or not the order is issued and regardless of jurisdiction, is required to report him/herself to his/her supervisor and provide notice of the court dates, times, appearances, and proceedings in a timely manner.

- g. Upon departmental knowledge of any protective order issued against an officer, said officer may be placed on administrative leave. The officer's handgun and any other department issued firearms shall be taken from the officer and secured. Said weapon(s), if allowable under state or federal law and at the discretion of the Chief of Police, may be returned to the officer for duty purposes only. All firearms shall be returned to the Shift Commander at the end of a shift.

B. Officers Arrested for or Charged with Domestic Violence Offenses

Whenever an officer (or other member) of this Department has been arrested or charged with a domestic violence offense, the Chief of Police (or designee) is to be immediately notified, verbally or otherwise. **11.4.4**

1. In accordance with the department's regulations, an officer (or other members) charged or arrested for any offense is to immediately report such events to the Chief of Police through the proper chain of command, without delay.
2. If the department is notified by another agency that a member of the department has been arrested or charged, steps are to be taken to make sure that the shift supervisor is immediately notified, if the supervisor does not receive the report directly.
3. The shift supervisor, upon receiving such notification, is to obtain as much information as possible with respect to the circumstances surrounding the incident, the charges filed against the member of the department, the custody status of the officer, whether the officer was armed and the status of the officer's weapon(s), whether a domestic violence restraining order was sought by the victim, and any other information that may be pertinent to the situation.
4. The shift supervisor is to immediately notify the Chief of Police (or designee) verbally or otherwise with the information that was obtained relative to the incident.
11.4.4
5. An officer (or other member of the department) who has been charged with a criminal offense will be placed on Administrative Leave with pay until such time the Chief of Police has had the opportunity to obtain sufficient facts to make a determination as to what course of action will be taken.
6. An officer who has been placed on Administrative Leave with pay is required to surrender any firearms he/she may have in his/her possession, along with the license to carry firearms, pending the outcome of the internal investigation.

C. Incidents Occurring Outside of this Jurisdiction

Whenever a member of this department is made aware that another member of the department has been accused or implicated as being involved in a domestic violence incident in another jurisdiction, that information is to be provided to the shift supervisor.

1. It is the responsibility of the shift supervisor to obtain as much information relative to that report and to immediately furnish that information to the Chief of Police (or designee). **11.4.4**
2. It will be incumbent upon the Chief of Police to ascertain the circumstances surrounding the reported incident and make a determination if further action is warranted.

D. Incident Response Protocols

1. Department-wide Response

- a. The department shall accept, document, and preserve all calls or reports involving possible police officer domestic violence as "on-the-record" information, including those made anonymously.
- 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 all reports of domestic violence by citizens. An incident report shall be completed including details on date, time, location, circumstances, names (if known), officials notified, and actions taken; a case file number shall be assigned and the report filed.
- c. A copy of the report detailing the possible criminal activity implicating an officer in domestic violence shall be directed through the proper chain of command to the Chief of Police. **11.4.4; 52.2.2 (2)**
- d. All such incident reports shall be made available by the department to the involved victim without cost.

2. Dispatching Officer's Response

- a. Dispatching officer shall be instructed to assign top priority to all domestic violence calls, including those that involve or appear to involve a police officer of any department.
- b. Dispatching officer shall document all domestic violence calls received that involves, or appears to involve, a police officer and immediately notify the supervisor, regardless of the involved officer's jurisdiction.

- c. If a call is to an officer's home and that officer is currently working, all efforts are to be made to have other officers respond to the home instead of him/her.
- d. Dispatching officer shall use the radio for all transmissions.

3. Patrol Response

- a. Upon arrival on the scene of a domestic violence call/incident involving a police officer, the primary patrol unit shall immediately notify dispatch and request a supervisor (of higher rank than the involved officer when possible) be sent to the scene, regardless of the involved officer's jurisdiction.
- b. The primary patrol unit shall perform the following actions:
 - 1. Obtain needed medical assistance;
 - 2. Address the immediate safety of all parties involved including children;
 - 3. Secure the scene and preserve evidence;
 - 4. Note all excited utterances, admissions and/or incriminating statements; and,
 - 5. Make an arrest if probable cause exists.
- c. The primary patrol unit shall ensure the victim is informed of the following:
 - 1. The availability of a domestic violence advocate.
 - 2. Confidential transportation to a safe house, shelter, or any other location that ensures victim safety.
 - 3. Procedures for obtaining restraining and/or protective orders and victim rights.
 - 4. The availability of a domestic violence wireless phone for victims that need that extra protection.
 - 5. The standard of probable cause for arrest within the Commonwealth of Massachusetts
 - 6. The judicial process and victim rights following an arrest of the abuser, as well as the prompt notification when an offender is bailed
 - 7. Information on community resources and local domestic violence victim advocacy organizations.
- d. If the alleged offender has left the scene and probable cause to arrest exists, the responding officers shall:

1. Search the area as appropriate
2. Obtain information from victim, family, and witnesses as to where the offender may have gone
3. The supervisor will see that the jurisdiction where the suspect is believed to be going is notified so they may affect an arrest on probable cause
4. Seek an arrest warrant

4. On-Scene Supervisor Response

- a. A supervisor shall report to the scene of **all** police officer domestic violence situations, regardless of the involved officer's jurisdiction or rank. Whenever possible, a supervisor of higher rank than the involved officer shall report to the scene.
- b. The on-scene supervisor shall assume command and ensure that the crime scene is secure and that all investigative guidelines are strictly followed. This includes ensuring that evidence is collected. Photo documentation of the victim and scene shall be recorded where such resources are available and deemed necessary.
- c. The supervisor shall inquire as to the safety of all children present at the time of the incident in addition to any another other children that may reside in the household.
- d. In cases where probable cause exists, the on-scene supervisor should ensure an arrest is made.
- e. If the offender has left the scene, the supervisor shall ensure a search is conducted and an arrest warrant is obtained.
- f. 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 primary aggressor is made in accordance with state law.
- g. Whenever an officer is arrested, the supervisor shall relieve the accused officer of his/her service weapon(s) (if the officer has access to it) regardless of whether the officer is a member of the responding department. Where allowable under federal, state, or local ordinances, all other firearms owned or at the disposal of the accused officer shall be removed to ensure the victim's safety. *
- h. Whenever a police officer domestic violence call does not result in an arrest, the on-scene supervisor shall submit a written report explaining any and all reasons why an arrest was not made or why a warrant was not sought.

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 this department. The responding supervisor shall verbally notify the accused officer's Chief of Police or his/her designee as soon as possible. All notifications and attempts to notify shall be fully documented. **11.4.4**
- b. In the event that the reported incident involves the Chief of Police, the supervisor may immediately notify the Chairman of the Board of Selectmen. **11.4.4**
- c. In responding to domestic violence situations 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 the dominant aggressor are determined, an arrest should be made and all service weapons of the accused officer shall be confiscated. *

**Note: Massachusetts State law requires the seizure of all additional weapons.*

6. Department Follow-Up

- a. Arrest warrants charging police officers with domestic assault and/or civil 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 been previously seized, firearms shall be seized as allowed or required by law.
- b. On-scene and follow-up investigators shall proactively seek out information on existing restraining and/or protective orders and, if found, shall enforce them.
- c. Following the reported incident, the Chief of Police shall designate a member of the command staff to act as a principal contact for the victim. The assigned will be referred to as the ***domestic violence liaison officer***. This officer will keep the victim apprised of the case throughout the adjudication process and provide the victim with a copy of the incident report.

7. Victim Safety and Protection

- a.** Working with community resources and advocacy agencies, the department shall make available all necessary and appropriate services to each victim.
- b.** Officers shall keep all information pertaining to victims confidential, including their whereabouts, safety plan, and any other communications.
- c.** All officers shall be aware of the increased danger to victims when the victim leaves an abusive partner. The designated liaison officer shall caution the victim to be alert to stalking activities on the part of the abuser and shall assist the victim in safety planning.
- d.** The liaison officer shall inquire whether the victim wants any weapons removed from his/her home for safekeeping by the department.
- e.** The liaison officer shall inform the victim of confidentiality policies and their limitations, and ensure that confidentiality is maintained throughout the case.
- f.** All officers shall be aware of possible witness or victim intimidation/coercion. Whenever an officer suspects this is occurring, he/she shall prepare a written report and immediately deliver it to the Chief of Police through the proper chain of command. A report shall also be forwarded to the investigator in charge.

E. Post-Incident Administrative and Criminal Decisions

The Canton Police Department shall conduct separate but parallel internal and criminal investigations (if the incident is believed to have occurred in the Town of Canton) of alleged incidents of police officer domestic violence. If the facts of the case indicate that domestic violence has occurred or any departmental policies have been violated, administrative action shall be taken separate and distinct from any criminal proceedings as soon as practicable. Independent of the outcome of the criminal case, the department shall adhere to all positions and policies relating to the incident.

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

1. Internal Investigations and Decisions

The responsibility to complete the internal investigation of a police officer domestic violence incident shall rest with the Chief of Police or his designee. The investigation

should adhere to policies and procedures set forth in CPD policy #4.01, INTERNAL AFFAIRS.

- a. Where sufficient information exists, the department shall take immediate administrative action to intervene, which can include removal of badge, removal of weapon, reassignment, administrative leave with or without pay, or termination. (SEE CPD POLICY # 4.01, INTERNAL AFFAIRS)
- b. Where an arrest was not made, but sufficient concern exists, the department shall initiate an independent internal investigation and decide the officer's status based on the outcome of the investigation.
- c. In determining the proper course of administrative action, the department shall consider factors such as level of danger an officer poses to the victim (based on risk assessment measures), an officer's history of compliance with departmental rules, history of aggressive behaviors, and existence of an alcohol or substance abuse problem.
- d. Pending the internal and criminal investigations for alleged acts of domestic violence and/or violation of departmental policies, the department shall assign the accused officer to duties that do not require response to domestic violence cases.

2. Criminal Investigations and Decisions

The responsibility to complete a criminal investigation of an incident of police officer domestic violence shall rest with a trained officer or detective as assigned by the Chief of Police. The Chief may ask an outside law enforcement agency to conduct the criminal investigation.

- a. The investigating official shall conduct criminal investigations as she/he would for any other criminal violation. Witnesses shall be contacted, statements recorded, evidence collected, photographs taken of the scene and injuries, medical records accessed, 911 tapes requested, and all information fully documented.
- b. Even though an initial report may already exist concerning a police officer, if the victim reports any subsequent or additional criminal activity, each incident shall be documented separately, assigned a case number, and investigated thoroughly.
- c. The department shall completely investigate the charges and, where warranted, seek prosecution even if the victim recants the charges.
- d. Filing of court papers/complaints shall be requested by the investigating officer, as with any other case for criminal prosecution.

3. Criminal Conviction

- a.** Federal law prohibits officers convicted of misdemeanor domestic violence assaults from carrying firearms. The department shall ensure compliance with federal law.
- b.** Any police officer convicted of a domestic violence crime as defined herein may have his/her police powers revoked.