



BURLINGTON POLICE DEPARTMENT

DEPARTMENT DIRECTIVE

DD21.02 Domestic Violence by Law Enforcement Employees: Prevention & Early Warning Initiatives

PURPOSE:

This policy recognizes that the profession of law enforcement is not immune from employees committing domestic violence. The purpose of this policy is to establish procedures for handling acts of domestic violence committed by employees, to offer specific guidance for handling domestic violence cases involving employees of any law enforcement agency, and for implementing early recognition and prevention strategies. This policy will provide police managers, officers, and all department employees with 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. This policy offers a comprehensive, pro-active approach to domestic violence by police department employees with an emphasis on victim safety.

Federal law prohibits persons convicted of qualifying misdemeanor domestic violence crimes from possessing firearms.

Employees found guilty of a qualifying domestic violence crime through criminal proceedings shall be terminated.

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I. DEFINITIONS

"Domestic violence" is defined in the Burlington Police Department's Domestic Violence Response Policy.

II. 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 police officers as well as all employees of any law enforcement agency, 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 Protocol; D) Victim Safety and Protection; E) Post-Incident Administrative and Criminal Decisions.

Notwithstanding what is contained herein, employees are required to follow procedures set forth in the Burlington Police Department Domestic Violence Response Policy regardless of identity of the parties involved in the investigation.

A. PREVENTION & TRAINING

The department will adhere to a zero-tolerance policy towards employees who commit acts of domestic violence. The department will provide training to every employee on domestic violence.

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 employee's/agency's response to victims.

2. Training Topics

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Upon implementation of this policy, all employees 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 Employees
- d. Victim Safety
- e. Federal Domestic Violence Laws

3. Ongoing Training

The department shall use a variety of training techniques including in-service, roll-call, field training, and training bulletins to reinforce standards of effective response protocol.

4. Program Evaluation

To enhance the effectiveness of the training, the department should work with internal and external research resources to evaluate the training.

B. HIRING PRACTICES, EARLY WARNING, & INTERVENTION

NOTE: It should be noted from the outset that while this early warning and intervention initiative is set forth in this directive directly pertaining to Domestic Violence, that all employees should consider it as a meaningful way to identify and prevent other emerging problems that peers may be experiencing. Employees should also be cognizant of behaviors of co-workers that are indications of victimization or perpetration of domestic violence.

1. All Phases of the Hiring Process Will Include Pre-Hire

- a. All candidates shall be asked if they have engaged in or been investigated for domestic violence, asked about any past arrests, suspended sentences, diversion programs, convictions, and protective orders related to elder abuse, child abuse, sexual assault, stalking, or domestic violence and screened out as necessary
- b. Candidates shall be clearly informed of the department's position of zero- tolerance concerning domestic violence by employees.

2. Post-Hire Intervention

- 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, such as the Employee Assistance Program, before an act of domestic violence occurs.
- b. The department shall inform employees of the procedure for seeking confidential referrals, either internally or externally, to confidential counseling services.
- c. A disclosure on the part of any employee, intimate partner or family member to any member of the department that an employee 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.

3. 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

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- 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 calls or contact by other means
 - b. Stalking any intimate partner or family member
 - c. Discrediting and/or disparaging an intimate partner
- iii. Indicators of Stress:
 - a. Tardiness
 - b. Excessive absences
 - c. Indications of alcohol and drug abuse
- b. If the supervisor notes a pattern of problematic or early warning behavior, 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

4. Employee Responsibilities

- a. Employees are encouraged to take personal responsibility in seeking confidential referrals and assistance from the department to prevent a problem from escalating. (It should be noted that couples counseling is strongly discouraged when domestic violence is suspected as it may compromise victim's safety). Domestic Abuse Education Program is a recommended tool.
- b. Employees who engage in the following actions will be subject to discipline:
 - i. Failure to report knowledge of abuse or violence involving a fellow officer or other department employee
 - ii. Failure to cooperate with the investigation of employee domestic violence case (except in the case where that employee is the victim)
 - iii. Interference with cases involving themselves or fellow employees
 - iv. Intimidation/coercion of witnesses or victims (i.e., surveillance, harassment, stalking, threatening, or falsely reporting)
- c. Employees who learn they are the subject of a criminal investigation or response by a law enforcement agency to a domestic violence related call, regardless of jurisdiction, are required to immediately make a report to their supervisors and, if applicable, provide notice of the court dates, times, appearances, and proceedings. Failure to do so will result in discipline.
- d. Employees 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 protective order (under existing law), the officer shall surrender all firearms unless department policy allows for possession of the primary service weapon. Failure to do so will result in discipline.

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 or other police employees from any agency in domestic violence shall be documented in accordance with

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the policies governing the handling of reports of domestic violence involving civilians.

2. Communications Response

- a. Emergency Communications Specialists shall immediately notify the supervisor on duty of any suspected domestic violence call received that involves, or appears to involve, a police employee, regardless of the involved employee's jurisdiction.
- b. Emergency Communications Specialists shall prepare and preserve documentation of the facts and circumstances of the call, including the 911 recordings, for use in potential administrative or criminal investigations.

3. Patrol Response

- a. Upon arrival on the scene of a domestic violence call or incident involving a police employee from any agency, the primary patrol unit shall immediately notify dispatch and request the on duty officer in charge and a supervisor of higher rank than the involved officer or employee report to the scene, regardless of the involved officer or employee's jurisdiction.

4. On-Scene Supervisor Response

- a. A supervisor shall report to the scene of all police officer domestic violence incidents including a police employee, regardless of the involved employee'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.
 - i. **The supervisor shall ensure that the Burlington Police Domestic Violence Response Policy is adhered to in every respect.**
- c. Whenever a police officer or employee involved domestic violence call does not result in an arrest, the supervisor shall explain in a written report.
- d. The on-scene supervisor shall notify the chief as soon as possible of the incident. In the event that the officer or employee is from another jurisdiction, the chief or his/her designee shall ensure that the accused officer's chief is notified. All notifications, and attempts to notify, shall be fully documented.

5. Department Follow-Up

- a. In a timely manner, the chief shall ensure that all officers who responded to a police employee 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 and electronically lock access to the contents of the investigation
 - iii. A clear delineation of assignments
- b. Follow-up investigators shall 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 employee 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 a supervisor to the officer being served. In cases where firearms have not previously been seized, department-issued firearms shall be seized in accordance with any administrative order issued by the department and other firearms via any other legal means.
- 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.

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- e. Following any reported incident for which BPD is the investigating agency, the department shall designate a member of the command staff to perform the following duties:
 - i. Conduct a risk assessment of the accused employee in an effort 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. Offer safety planning and risk assessment to the victim
 - iv. Report the findings of the risk assessment to the chief who will make decisions concerning appropriate sanctions, administrative actions, and referrals for the accused employee .
 - v. Refer the victim to the police based and/or community based victim advocates and advocacy groups such as WHBW, WRCC, Safe Space, etc.

D. VICTIM SAFETY & PROTECTION

1. The command staff designated as principal contact for the victim shall inform the victim of confidentiality policies and their limitations, and attempt to ensure that confidentiality is maintained throughout the case.
2. All employees 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 and provide instructions regarding the need to report any concerning behavior or conduct.
3. If an employee suspects intimidation or coercion of the victim/witness is occurring, the employee 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.
 - c. Victim should be referred to the police-based victim advocate or to the 24-hour community based advocacy groups.

E. POST INCIDENT ADMINISTRATIVE & CRIMINAL DECISIONS

The department shall conduct separate parallel administrative and criminal investigations of alleged incidents of police employee domestic violence in a manner that maintains the integrity of both investigations and promotes zero- tolerance. 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.

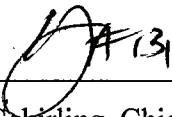
The department will adhere to and observe all necessary protocols to ensure an accused officer's departmental, union, and legal rights are upheld during the administrative and criminal investigations.

- a. Where sufficient information/evidence exists, the department shall take immediate administrative action against the accused employee that may include removal of credentials and service weapons, reassignment, discipline, or termination as appropriate.
- b. When an investigation of an incident uncovers employees who had knowledge of violence on the part of another officer or other department employee but failed to notify the department or engaged in actions intended to interfere with the investigation, the department shall investigate those officers/employees and take disciplinary action as appropriate.
- c. The chief shall determine whether and when the accused employee should be issued an administrative order of protection.

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- d. The accused employee will not be assigned enforcement duties while the administrative and/or criminal investigations are under way. The accused employee may be reassigned or placed on administrative leave.
- e. If the department determines through an administrative investigation that the employee 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.
- f. Any employee determined through an administrative investigation to have committed domestic violence shall be subject to discipline up to and including termination.

Reviewed and adopted by the Burlington Police Commission on April 4, 2007.



Michael E. Schirling, Chief of Police

04 APRIL 2007

Effective Date