
 <p><b>Cambridge Police Department</b></p>	<b>POLICY &amp; PROCEDURES</b>		<b>No. 501</b>
	<b>Subject/Title:</b> <b>Domestic Violence Involving Law Enforcement Personnel</b>		
	<b>Issuing Authority:</b>  <b>Robert C. Haas Police Commissioner</b>	<b>Review Date:</b> <b>March 30, 2010</b>	<b>Issue Date:</b> <b>April 30, 2010</b>
<b>References/ Attachments:</b> <b>Incorporates portions of Massachusetts Domestic Violence Guidelines of 2009.</b>		<b>Accreditation Standards:</b> <b>55.2.5</b>	

## I. PURPOSE:

The purpose of this directive is to: (1) acknowledge that law enforcement personnel, like other members of society, may become involved or implicated in domestic violence situations; (2) recognize that domestic violence incidents involving law enforcement personnel have unique and extraordinary dynamics; (3) describe in sufficient detail how members of this department are to handle domestic violence incidents involving members of this department or other law enforcement agencies; and (4) comply with all requirements as set forth by the Massachusetts General Laws.

## II. POLICY:

In keeping with the department's policy as to how its members are expected to respond and deal with reported domestic violence incidents, *"no person is exempt, whatever his or her occupation, from the consequences of their actions that result in violation of M.G.L. c. 208, 209, 209A, 209C and/or Superior Court injunctions"* (refer to **Policy #500 – Response to Domestic Violence**). This is particularly applicable to law enforcement personnel who may be involved or implicated in a domestic violence situation. All such reported incidents 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 policies 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 Police Commissioner (or his/her designee, i.e., Division Commander or Duty Chief) or the City Manager if it is the Police Commissioner who is involved in a domestic violence situation. Further, 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 Police Commissioner.

### III. GENERAL CONSIDERATIONS & GUIDELINES:

Domestic violence incidents where law enforcement personnel are involved or implicated present some unique challenges to those officers who must 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. Individuals who have suffered from domestic violence are keenly aware of the implications that are associated with making a report in terms of potentially jeopardizing their partner's livelihood and the potential of adversely affecting the batterer's future employment. 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.

Law enforcement personnel, particularly police officers, are keenly aware of the consequences that are associated with the commission of domestic violence incidents, and if involved in the violence will often use that knowledge to keep the victim from making a report. Often the offending officer will use the threat of losing his/her job as a means of persuading the victim not to report the violence in the home. On occasion, the offending officer will tell the victim that even if he/she were to call the police there will nothing done because of his/her affiliation with law enforcement. If the situation does result in a report to the police, the abuser represents an added risk to the responding officers from the standpoint that the abuser has access to weapons, is trained in the use of them, and may act irrationally while in a highly charged emotional state.

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 law enforcement officer. When officers fail to carry out their duties for some misguided belief that they have an obligation 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.

### IV. ALLEGATIONS INVOLVING DEPARTMENT PERSONNEL:

**A. Investigation of Domestic Violence Incidents:** In the event a report is received where a member of this department has been accused of being the aggressor in a domestic violence incident within this jurisdiction, officers will be dispatched to the scene without delay in accordance with department procedures as it relates to

the response to domestic violence incidents. The patrol supervisor or other duty supervisory personnel will also be required to respond to such incidents.

1. It is the responsibility of the supervisory officer(s) on-scene to personally coordinate the investigation, and to ensure that all investigative guidelines are strictly followed.
2. The supervisory officer will also ensure that the Police Commissioner (or his/her designee) is immediately notified of any such reports.
3. The supervisory officer will be required to file a complete investigative report on any reported incident. No reported incident of domestic violence involving a member of this department will be handled informally, even if it is determined that the allegations made against the officer (or other personnel) have been determined to be unfounded.
  - a. Any investigation involving members of this department, regardless of whether they are the victim or accused in a domestic violence incident will be treated as a confidential report.
  - b. Although considered a confidential report, the victim of a domestic violence incident is still entitled to a free copy of the report.
4. The victim will be afforded all protections that would be normally offered to any other victim of domestic violence, to include the Notice of Rights, referral to social service resources, medical attention (if needed), the ability to obtain a domestic violence protection order, etc. At no time will a victim be discouraged or dissuaded from availing him/herself of any of the protections or rights that are to be afforded to a victim of domestic violence.
5. If the investigation of the incident reveals sufficient probable cause to believe that the accused department member was the aggressor in a domestic violence incident or violated a domestic violence protective order, then the investigating supervisory officer is required to take the appropriate enforcement action.
6. If an officer is arrested, the arresting supervisory officer is expected to take steps to secure any firearms that the officer may have in his/her possession.
  - a. Once an officer is placed under arrest, the officer is considered to be under emergency suspension, and as such, the officer is required to turn in his/her department issued firearm, police identification, police radio, and other related police issued equipment.

b. It will be the responsibility of the duty Shift Commander to make sure all of this equipment is properly secured in the department's temporary vault.

7. The investigating supervisory officer is required to keep the Police Commissioner (or his designee, i.e., Duty Chief) fully advised as to the status of the investigation.

**B. Officers Arrested or Charged for Domestic Violence Offenses:** Whenever an officer (or other member) of this department has been arrested or charged with a domestic violence offense, the Police Commissioner (or his/her designee) is to be immediately notified.

1. In accordance with the department's regulations, officers (or other members) charged or arrested for any offense are to immediately report such events to the Police Commissioner without delay.

2. 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 as the Police Commissioner has had the opportunity to obtain sufficient facts to make a determination as to what course of action will be taken.

3. 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 for safekeeping, 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 commander.

1. 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 commander is immediately notified, if the supervisor does not receive the report directly.

a. The shift commander 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.

- b. The shift commander is to immediately notify the Police Commissioner (or his/her designee, i.e., Duty Chief) of what information was obtained relative to the incident.
2. It will be incumbent upon the Police Commissioner to ascertain the circumstances surrounding the reported incident, and make a determination if further action is warranted.

**D. Personnel Named in a Domestic Violence Protective Order:** Whenever a domestic violence 209A protective order has been issued against a member of this department, that individual is required to immediately notify the Police Commissioner (or his/her designee) of such issuance. The member of the department who is named as the defendant in a domestic violence 209A restraining order is required to provide a copy of the restraining order to the Police Commissioner, and advise him as to the status of his/her firearms (department issued firearm and other personal weapons) and gun permit(s).

1. The employee will be placed on Administrative Leave with pay until such time as the Police Commissioner has had the opportunity to investigate the matter further.
2. If, however, the officer is not otherwise precluded by law from possessing a firearm while subject to a restraining order, the Police Commissioner determines that the officer is fit to carry a weapon, and if a determination is made that the courts have made allowances for the officer to carry his/her firearm while working, the following procedures will be observed while such order is in effect:
  - a. The officer will be required to sign his/her department issued firearm out and check his/her department issued firearm in with the duty supervisor at the beginning and end of his/her shift or assignment.
  - b. Under no circumstances will an officer who is the subject of an abuse protection order be permitted to carry or possess his/her department issued firearm when he/she is off duty, nor said will be allowed to take his/her department issued firearm to his/her residence.

**V. ALLEGATIONS INVOLVING NON-DEPARTMENTAL LAW ENFORCEMENT PERSONNEL:**

**A. Investigation of Reported Incidents:** Upon the report of a domestic violence incident that involves a member of law enforcement from any other agency, officers will be immediately dispatched without delay in accordance with department policy. The ECC should advise responding officers whether the subject has access to firearms, and a supervisory officer is to respond on all such incidents.

1. The supervisory officer responding to the scene is responsible for personally directing and coordinating the initial investigation to ensure that all investigative guidelines and procedures are strictly followed.
2. The supervisory officer will also ensure that the Police Commissioner (or his/her designee, i.e., Duty Chief) is immediately notified of any such reports.
3. The supervisory officer may designate an officer to conduct the initial investigation however the supervisor does not relinquish responsibility for overseeing and directing the investigation. No reported incident of domestic violence involving a member of law enforcement will be handled informally, even if it is determined that the allegations made against the officer (or other personnel) have been determined to be unfounded.
4. The victim will be afforded all protections that would be normally offered to any other victim of domestic violence, to include the Notice of Rights, referral to social service resources, medical attention (if needed), the ability to obtain a domestic violence protection order, etc. At no time will a victim be discouraged or dissuaded from availing him/herself of any of the protections or rights that are to be afforded to a victim of domestic violence.
5. If the investigation of the incident reveals that there is sufficient probable cause to believe that the accused was the aggressor in a domestic violence incident or violated domestic violence protection, then the investigating officer is required to take the appropriate enforcement action.
6. If a member of law enforcement from another agency is arrested, the supervising officer is to ensure appropriate steps are taken to secure any firearms that the individual may have in his/her possession.
7. The Shift Commander is required to keep the Police Commissioner (or his/her designee, i.e., Duty Chief) fully advised as to the status of the investigation.

**B. Other Law Enforcement Personnel Arrested or Charged for a Domestic Violence Offense:** Whenever a member of law enforcement from another agency is arrested or charged for a domestic violence offense, the Police Commissioner (or his/her designee) is to be notified immediately.

1. It will be the policy of this department to notify another law enforcement agency if one of its members has been arrested or charged with a domestic violence offense. Such notifications will be done at the direction of the Police Commissioner (or his/her designee).
2. Whenever practical to do so, notification will be made directly to the Chief Executive Officer of the other law enforcement agency. If this is not possible, notification will then be made to the ranking supervisor who may be working at the time of the incident.

**C. Other Law Enforcement Personnel Named in a Domestic Violence Protective Order:** Whenever a domestic violence protective order has been issued against a member of law enforcement from another agency, the Police Commissioner (or his/her designee) will be notified of such issuance.

1. It will be the policy of this department to notify the Chief Executive Officer of the individual's agency at the direction of the Police Commissioner.
2. It is the responsibility of the shift supervisor to ensure that said restraining order is served upon the defendant without delay, and to make sure that all firearms, ammunition, and gun permits in the possession of the subject are surrendered in accordance with the protective order and submitted into the department's property and evidence system.

## **VI. DOMESTIC VIOLENCE VICTIM SAFETY AND PROTECTION:<sup>1</sup>**

**A. Referral to Domestic Violence Unit:** Given the unique dynamics that are associated with domestic violence cases where law enforcement personnel have been identified as the aggressor in such cases, these cases will be referred to the Domestic Violence Unit for the appropriate follow-up action. It will be the responsibility of the assigned officer to accomplish the following:

1. Work with available community resources and advocacy agencies to provide assistance to the victim and his/her family.

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<sup>1</sup> CALEA Std. 55.2.5 – A written directive defines victim/witness assistance services to be rendered upon arrest and during post-arrest processing of the suspect.

2. Make follow-up inquiries to determine whether the victim wants any weapons removed from his/her home for safekeeping by the department.
3. Be designated as a principal contact for the victim, keeping the victim informed on the status of the case and ensure that confidentiality is maintained throughout the case.
4. Coordinate with other officers to be sure that they are aware of possible witness or victim intimidation/coercion. Whenever an officer suspects this is occurring, he/she shall prepare a written report, making sure it is channeled to the Domestic Violence Unit.