



# Alexandria Police Department



## Directive 11.3

### **DOMESTIC VIOLENCE COMMITTED BY A POLICE EMPLOYEE**

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#### **11.3.01 PURPOSE AND POLICY**

The purpose of this directive is to establish procedures for handling instances of actual or alleged domestic violence and abuse *committed by* police employees. The procedures in this directive will provide police officers and supervisors with guidance in handling incidents where one or more parties to a possible domestic violence call is a police officer of any rank, from any law enforcement agency, or a civilian employee of this Department.

Domestic violence spans all racial, socio-economic, and demographic boundaries. Domestic violence takes many forms, ranging from battering, rape and homicide to threats of violence, verbal assaults and other forms of intimidation.

This Department acknowledges that some employees may commit acts of domestic violence, and delineates a position of absolute zero-tolerance by the Department regarding such incidents. The Department seeks first to educate at all phases of an

employee's career, then to prevent, or detect, domestic abuse situations early on, in order to reduce victimization of the partner and increase the chances of employee career stability.

Where incidents of domestic violence are alleged to have been committed by any of our employees, the department will act quickly to protect the victim, and conduct both administrative and criminal investigations.

### **11.3.02 AUTHORITY**

The authority governing this directive is provided under Virginia Code 18.2-57.2; 18.2-308.1:4(A), as well as Federal Code 18 U.S.C. 922 (g) (8) and (g) (9), 924 (a)(2), and 925 (a) (1).

### **11.3.03 DEFINITIONS**

**Domestic Violence** - for the purposes of this directive, any act, actual or threatened, of violence perpetrated by a police officer (on or off duty) or any Police Department employee upon his or her spouse, partner, relative, etc. The phrase "act of actual or threatened violence" includes but is not limited to:

- Death, bodily injury or threat of imminent bodily injury;
- Sexual battery;
- Physical restraint;
- Property crime directed at the victim; or
- Violation of a court order of protection, condition of bond, or similar injunction.

**Partner** - any individual with whom the employee:

- Is or was legally married;
- Has a child in common;
- Is or has cohabited with in the last twelve (12) months;
- Has or had a dating relationship (some States include dating relationships in their domestic violence laws); or
- Is specified as such by State law.

**Misdemeanor Crime of Domestic Violence (MCDV)** - is a crime of violence committed between two persons of a family or household relationship. The Federal Code includes persons in the definition of partner above.

#### **11.3.04 PROCEDURES**

- A. All Police Department employees are strongly encouraged to notify their supervisor of any **suspected** domestic violence *committed by* fellow employees.
- B. Notification is required if domestic violence is witnessed or the employee has probable cause to believe that domestic violence has actually occurred.
- C. The Department will provide *annual* training on domestic violence issues *relating to Police Department employees during the Domestic Violence Program's yearly training. This training normally occurs during the spring and is designed to keep officers updated on legal issues and "best practices" regarding domestic violence investigations.*
- D. The Internal Investigations Section has the ultimate responsibility for the administrative investigation of domestic violence cases involving employees of the Police Department *who are alleged to have committed an act of domestic violence.*
- E. Since State and Federal laws prohibit those persons convicted of domestic violence or subject to a permanent protective order from carrying and or possessing firearms, sworn police officers will have their employment terminated.

#### **11.3.05 EARLY WARNING INTERVENTION**

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

1. The Department shall conduct a thorough background investigation of every prospective employee to determine if domestic violence issues exist.
2. Those with a prior conviction involving domestic violence will be screened out at this point in the hiring process.
3. Incidents involving current or expired protective orders will be investigated thoroughly and a proper determination made before processing further.

##### **B. Post Conditional Offer of Employment**

1. Once a candidate for sworn officer has been determined to be a viable candidate, the Department requires a psychological examination to be performed by an experienced psychologist and/or psychiatrist.
2. The psychological screening shall focus, among other issues, on indicators of violent or abusive tendencies or behaviors in the candidate's background.

**C. Supervisor Responsibilities**

1. Supervisors will be cognizant of instances where officers may be exhibiting signs of possible domestic violence related problems.
2. Supervisors will make the Watch Commander aware and inform their commanders of concern or incidents involving alleged domestic violence *by a police employee*.

**D. Police Officer/Employee Responsibility**

1. Employees are entitled and encouraged to seek assistance in all matters involving personal and familial conflict. The Employee Assistance Program was designed to provide such assistance.
2. Employees will become knowledgeable about, and adhere to, the City's drug, alcohol, and mental health policies, recognizing their relationship to domestic violence.
3. Employees with personal knowledge of actual abuse and/or domestic violence involving a fellow employee shall report such information to their supervisor immediately.

<b>11.3.06      INCIDENT RESPONSE PROTOCOLS</b>
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**A. Department-wide Response**

1. The Department will accept all calls or reports, including those made anonymously, concerning information of possible domestic violence *committed by* a Police Department employee.
2. If a report of an incident occurring outside the City is received, the employee receiving the information will immediately notify the on duty Patrol Watch Commander and the Internal Investigations Commander. Notification will also be made to the appropriate law enforcement agency as necessary.

3. Written documentation must be completed by the employee receiving the information.
4. The Department shall assign an officer to conduct a careful investigation of the allegations contained in the written report.

#### **B. *Department of Emergency Communications (DEC) Response***

1. *DEC* dispatchers shall notify their immediate supervisor, or in that person's absence, the Watch Commander, of all domestic violence calls received that were *alleged to be committed*, or appear to *have been committed by*, a police officer (from APD or any other law enforcement agency) or other Department employee. *Notification will also be made if the domestic violence involves other police employees as victims.*
2. The *DEC* supervisor will notify the Watch Commander.
3. *DEC* dispatchers will prepare documentation of the facts and circumstances of the call and take steps to preserve the tape recording of the call, regardless of the outcome.
4. All documentation will be preserved for use in potential criminal or administrative investigations.

#### **C. Patrol Response**

1. In addition to primary patrol units, a supervisor will respond to the scene of all domestic violence incidents in the City of Alexandria involving police officers, APD employees, and other law enforcement officers (*whether victims or the alleged primary aggressor*) regardless of the involved officer's jurisdiction.
2. When an Alexandria employee *has allegedly committed domestic violence*:
  - a. The Watch Commander will ensure the employee's immediate supervisor or commander is contacted.
  - b. The on-scene supervisor will assume command; ensure that the crime scene is secure and that all evidence is thoroughly collected, including photographs.
  - c. In cases where probable cause exists, the on-scene supervisor will immediately contact the Internal Investigations Commander, who will contact the Chief of Police and the commander of the employee. A decision will then be made to arrest the employee forthwith, obtain a warrant, obtain an emergency protective order, or delay action pending further investigation.

- d. Whenever an arrest is made or an emergency protective order served, the Watch Commander will relieve the accused officer of their service weapon *and immediately notify Internal Investigations*. Other firearms may be seized as circumstances may warrant or when a protective order is issued against the employee to further ensure safety.
  - e. Whenever a domestic violence call involving a police employee *as a primary aggressor* does not result in an arrest, the on-scene supervisor will ensure a report is completed detailing the preliminary investigation and explaining any and all action taken.
  - f. The on-scene supervisor will also ensure that all efforts are made to keep the victim(s) safe. This would include;
    1. informing the victim of the availability of an advocate,
    2. arranging for confidential transportation to a safe house, shelter, or any other location that ensures victim safety,
3. When Officers from another agency or jurisdiction are *alleged to have committed domestic violence*:
- a. When responding to domestic violence complaints involving police officers from other jurisdictions *who are alleged to having committed domestic violence*, all responding officers, investigators, supervisors and commanders will follow the same procedures as if they were responding to any other domestic violence complaint.
  - b. In addition, the responding Watch Commander will notify the *suspect* officer's department.
  - c. The on-scene officer will inform the victim of all available resources, and ensure that all efforts are made to keep the victim safe as identified in the above section.

#### **D. Victim Safety and Protection**

1. Working with community resources the Department and the Domestic Violence Program will make available all necessary and appropriate services to each victim. Supervisors will ensure that victims are provided written information on community resources and domestic violence programs available to assist them (e.g., Victim services card and direct contact with the Domestic Violence Program). Supervisors will keep the whereabouts of all victims confidential, whether they seek safety in shelters (DVP), safe houses, or private locations.

2. Following the reported incident, the Department will designate one officer to act as a principal contact for each victim (usually a member of the Domestic Violence detail). The assigned officer will keep the victim apprised of the case throughout the adjudication process.
3. All officers should be cognizant of the increased danger to victims when the victim leaves an abusive relationship, and the designated officer will caution the victim to be aware of stalking activities on the part of the abuser.
4. All officers need to be cognizant of possible witness or victim intimidation/coercion from the abuser, friends and family. Whenever suspicion arises that this is occurring, a supplement will be prepared and immediately delivered to the Internal Investigations Commander through the proper chain of command.
5. The Internal Investigations investigator(s) will pro-actively seek out information on existing protective orders and, if found, will enforce them as with any other bond condition or judge's order issued.
6. The Internal Investigations Commander will ensure that the police officers involved (responding, supervising, investigating, commanding, etc.) share information only on a need-to-know basis and have a clear delineation of assignments in order to assist victims in a coordinated and consistent manner.
7. The Department will notify victims of confidentiality policies and their limitations and ensure that confidentiality is maintained throughout the handling of the case.

#### **11.3.07 POST-INCIDENT ADMINISTRATIVE AND PROSECUTORIAL ACTIONS**

A. Alleged incidents of a police employee *committing* domestic violence will be investigated both criminally and administratively. The Department will take the appropriate administrative action where the facts warrant it.

#### **B. Administrative Decisions and Investigation:**

1. Responsibility to complete the administrative investigation of *alleged* domestic violence *committed by a police employee* rests with the Internal Investigations Section or as assigned by Internal Investigations.
2. Incidents of domestic violence involving Department employees warrant immediate intervention on the part of the Department to ensure victim safety. Where sufficient information exists, the Department will take immediate administrative action to intervene, which can include suspension of police

powers, removal of weapon, reassignment or administrative suspension with or without pay.

3. Where an arrest was not made, but sufficient concern exists about the incident, the Department will initiate an independent administrative investigation and make decisions about the employee's status based on the outcome of the investigation.
4. The Internal Investigations Section will conduct sufficient interviews, to include friends, neighbors, colleagues, or others who may have information, to determine whether administrative charges are appropriate. The administrative investigation of the incident will be completed in a timely manner.

**C. Criminal Investigation of Incident:**

1. Responsibility to complete the on-scene investigation rests with the responding on-scene supervisor, who shall be at least one rank higher than the suspected employee. The complete criminal investigation of an incident of domestic violence *allegedly committed by* a Police Department employee will rest with the responding supervisor, assisted by the Domestic Violence detail if necessary.
2. The investigating supervisor will conduct the criminal investigation as he/she would any other criminal violation. Witnesses will be contacted, statements recorded, evidence collected, photographs of the scene and injuries taken, medical records accessed, and all information fully documented.
3. The accused employee will notify his/her supervisor within the Department of all court dates, times, appearances, and proceedings in a timely manner to ensure departmental awareness of and representation at all proceedings.

**D. Criminal conviction or sanctions:**

1. Employees subject to any protective order, conditions of bond or any other restrictions from a judge from any city or county, any State, or the District of Columbia, will notify his/her supervisor immediately and provide a copy before their next work shift begins. (See also Police Directive 2.2 – Rules of Conduct)
2. A supervisor receiving such notification will notify the Watch Commander and the Internal Investigations Commander and follow their direction.
3. Under Federal law, persons subject to a qualifying protective order are generally prohibited from possessing any firearm or ammunition. Violation of this prohibition while the order is in effect is punishable by up to ten (10) years imprisonment. [18 U.S.C. 922 (g) (8), 924 (a)(2)].
4. Federal law does permit officers to carry their issued firearm on-duty while under a qualifying protective order [18 U.S.C. 925 (a) (1)]. However, Virginia State



Code [18.2-308.1:4(A)] is more restrictive and does not permit any person subject to a protective order to purchase or possess a firearm. Additionally, any person with a concealed handgun permit is prohibited from carrying any concealed firearm, and shall surrender his/her permit to the court entering the order, for the duration of any protective order.

5. Police officers subject to a protective order or other similar restraint will be placed on limited duty or leave status until the order is dismissed or becomes permanent. If a permanent protective order is issued against an officer, he/she will be terminated from employment as a police officer.
6. Persons convicted of a qualifying Misdemeanor Crime of Domestic Violence (MCDV) become subject to Federal Code [18 U.S.C. 922 (g) (9)]. Federal law prohibits anyone convicted of misdemeanor domestic violence assaults from carrying firearms. The Department will ensure compliance with all Federal and State laws.
7. Officers convicted of misdemeanor/felony domestic violence will be removed from their enforcement position and their employment as a police officer will be terminated.

**BY AUTHORITY OF:**

**Earl L. Cook**  
**Chief of Police**