IACP NATIONAL LAW ENFORCEMENT POLICY CENTER

Domestic Violence by Police Officers

Concepts and Issues Paper

July 2003

A product of the IACP *Police Response to Violence Against Women Project*

I. INTRODUCTION

A. Purpose of Document

This paper supports the *Model Policy on Domestic Violence by Police Officers* established by the IACP. This document conveys the philosophy and development of the policy along with implementation requirements. As law enforcement executives tailor this policy to their specific agencies, the policy will need to be redrafted in the context of existing local ordinances, provisions of union contracts and all other state and federal laws. Departments must ensure that all other related policies are updated to be consist with the provisions of this new policy and that other forms of family violence, including elder and child abuse, are addressed in a parallel manner. Although the policy speaks to police officers, it is strongly recommended that departments apply the principles to all employees whether sworn or civilian whenever appropriate.

B. Definitions

Police Officer Domestic Violence refers to any reported, founded, and/or prosecuted incident of domestic violence wherein a sworn police officer is the suspected offender. For the purposes of this policy, ***domestic violence*** refers to an act or pattern of violence (threatened or actual) perpetrated by a police officer or any police department employee upon his or her intimate partner. ***Intimate Partner*** refers to any individual (opposite or same sex) the officer has dated, cohabitated with, married, and/or has a child in common. These definitions may be limited to the definitions in the laws of each state. ***Protection Order*** is defined as any injunction or other order issued by a court for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with, or physical proximity to, another person. This applies to both criminal and civil orders of protection and may differ in form, content, length, layout and names (i.e. stay away, restraining, consent, criminal and emergency or temporary protection orders or injunctions).

A ***"qualifying" order of protection*** is a standard necessary under federal law to enforce certain federal firearms provisions; however, it is **not** required for enforcing full faith and credit. A qualifying order of protection is an order of the court that:

1. Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate; and
2. Restrains a person from harassing, stalking, or threatening his or her intimate partner, or child of such intimate partner, or, from engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
3. Includes a finding that the person represents a credible threat to the physical safety of such intimate partner or child; or, by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

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A ***"qualifying" misdemeanor crime of domestic violence*** must include:

1. A state or federal misdemeanor crime that has as an element of use or attempted use of physical force or threatened use of a deadly weapon
2. Right to counsel or knowing and intelligent waiver
3. Applies to convictions occurring prior to and after September 30, 1996
4. Excludes convictions that have been expunged, set aside, or person has been pardoned or has had his/her civil rights restored

C. Background and Philosophy

IACP/COPS/OVW Collaboration: The policy and this concepts and issues paper are the culmination of an effort by the IACP, with the support of the Office of Community Oriented Policing Services (COPS) and the Office on Violence Against Women (OVW). Together these agencies accomplished a series of tasks to develop the policy. The IACP designed and developed the project, working closely with advisors and using grant funds from COPS and OVW to support the completion of project tasks. The underpinning of the project was the strong agreement among IACP, OVW, and COPS that the problem of police officer perpetrated domestic violence is of paramount importance and requires a definitive policy response. An effective, pro-active plan and consistent enforcement of a zero tolerance position by an agency's leaders goes to the core credibility of a department. The integrity of the law enforcement profession and the community's trust are at stake.

Nature and Extent of the Problem: We recognize that the law enforcement profession is not immune from having members commit domestic violence against their intimate partners. The rate of domestic violence is estimated to be at least as common as that of the general population and limited research to date indicates the possibility of higher incidence of domestic violence among law enforcement professionals. The IACP, while concerned with variations in assessed levels, takes the position that the problem exists at some serious level and deserves careful attention regardless of estimated occurrences.

Research has indicated that documentation of such incidents by departments varies dramatically, with some incidents reported in great detail, others handled through informal actions, and still others undocumented in any way. Departmental positions on police officer domestic violence also differ significantly: some departments have a clear "zero- tolerance" position, other departments have less defined positions, and still others have no articulated position at all. The variations in departmental policies underscore the need for IACP's policy.

Policy Development Approach: To develop this policy, the IACP held four national summits in 1997 on "Police Officer Domestic Violence" and a final policy review summit in April 1998. This final summit focused on review, reaction, and revision of a draft policy crafted from information gained from the four prior summits. The policy was originally released in spring 1999. In 2002, previous summit participants and experts were gathered to explore how this topic has been addressed in the field since the IACP's policy was released and to begin the process of updating it. The revised policy was released in July 2003.

Potential Challenges to the Policy: The IACP believes that the presence of a clearly delineated policy and adequate training positions a department to reduce risk for charges of liability. As departments attempt to set a standard of zero-tolerance for domestic violence through implementation of a policy to address past, present, and future incidents of police officer domestic violence, challenges may arise. Even though departments are directed to observe and adhere to all necessary protocols to ensure that administrative and criminal investigations of an accused officer are conducted such that the officer's departmental and legal rights are upheld, departments may face legal challenges to the policy from individual officers or the unions that represent them.

II. POLICY COMPONENTS

This policy is based upon the principles of community-oriented policing and addresses the problem of domestic violence in a proactive, multifaceted way that reflects a continuum of action:

A. Prevention and Training
B. Early Warning and Intervention
C. Incident Response Protocols
D. Victim Safety and Protection
E. Post-Incident Administrative and Criminal Decisions

Federal law prohibits any individual, including a police officer, who has been convicted of a misdemeanor domestic violence crime, from possessing a firearm. Therefore, departments must periodically review the records of all officers to ensure they are free of domestic violence convictions.

A. Prevention and Training

Prevention is a law enforcement executive's best tool to save the department valuable time and resources that would otherwise be lost on an officer who must be terminated at a later point. Effective preventative measures may protect victims and save an officer's career. A tone of zero-tolerance to police officer domestic violence must permeate the entire police department, as it may

be the most crucial prevention strategy available. Zero-tolerance is accomplished through comprehensive baseline education and training for all department employees upon implementation of the policy, and consistent policy enforcement.

1. Prevention Through Collaboration. As a means of prevention, departments should establish ongoing and meaningful relationships with victim advocates and domestic violence program professionals in their community. These may include shelter staff, hotline crisis workers, social service providers, coordinating councils/coalitions, or others who are knowledgeable about the challenges facing domestic violence victims and can serve as essential partners in effective community policing.

The policy strongly urges departments to collaborate with and utilize the expertise of local domestic violence victim advocates to:

- Provide training
- Work on-scene with victims
- Offer confidential counseling services and/or referrals
- Assist with policy development

In addition, the advocate community should receive information and training on department policies so they can work effectively with police to respond to victim needs. Training should focus on the respective concerns and needs of both organizations.

Departments should also look to neighboring departments and state and national law enforcement agencies for information on existing domestic violence curricula that can be used to train officers or serve as a guideline for the development of training.

2. Policy Implementation Training. Once adapted from the IACP policy, the formal policy of the department should be distributed to all employees of the department. It should also become part of the department's written policies and procedures, as well as a core component of the training curriculum at the academy. Adopting a comprehensive training and implementation strategy ensures all department employees have a working knowledge of the dynamics and issues involved in domestic violence and their responsibilities under department policy. The training should be inclusive of volunteers as appropriate.

a. Upon implementation of this policy, all officers shall receive comprehensive mandatory instruction covering the following topics:

   (1) Understanding Domestic Violence
      - General domestic violence training
      - Domestic violence and stalking dynamics, tactics, and behavior patterns
      - Common victim responses to domestic violence (to include withdrawn or aggressive behavior, denial or recantation)
      - Common offender responses (to include denial, minimization, blaming or justifying)
      - Cultural dynamics (to include racial, gender, and same-sex issues)
      - Legal rights of victims
      - Role of victim advocates and available services

   (2) Departmental Domestic Violence Response Protocol
      - Command notification and reporting procedures
      - Cross-jurisdictional policies and protocol
      - General domestic violence investigation and evidence collection
      - Appropriate criminal charges
      - Strangulation investigation
      - Working with victim advocates
      - Dominant aggressor/self defense determination
      - Use and limitation of danger assessment tools
      - Officer safety
      - Confidentiality issues
      - Ethical considerations
      - Criminal and civil liability
      - Firearms removal and seizure

   (3) Warning Signs of Domestic Violence by Officers
      - Orientation to department policy
      - Responsibilities of supervisors and officers

   (4) Victim Safety
      - Safety planning
      - Knowledge of services (to include culturally sensitive, language-appropriate services)
      - Potential barriers to assistance/intervention

   (5) Federal Domestic Violence Laws
      - Intrastate and interstate enforcement of protective orders
      - Federal stalking, domestic violence, immigration, and gun control laws

b. Additional administrative command and supervisor training related to domestic violence shall address the following:

   (1) Department legal considerations and criminal and civil liability
   (2) Media and public relations
   (3) Criminal versus administrative investigations

3. Targeted Personnel Training. Specific instruction based on various employee roles and positions in the department should be developed and implemented.

a. *Recruit Education.* A recruit's perspective on law enforcement's attitudes and approaches to do-

mestic violence, including police officer domestic violence, is formed early on by what is taught at the police academy. It is each department's responsibility to know what training on this issue is provided through the academy and to evaluate the content. The department must then supplement any missing information and lobby for additions to be made to the academy curricula. Orientation to department policy is the responsibility of the department.

b. *Field Training Officer (FTO) Education.* Once academy training is completed, new officers learn their role as a patrol officer from a FTO. How FTOs are selected and how they present information on both domestic violence and the department's policies are pivotal in furthering the department's stance on zero-tolerance and commitment to community policing. In-depth training of FTOs who may influence future generations of law enforcement is critical to the elimination of domestic violence within the profession. FTOs should receive specific instruction on how to train officers on domestic violence and victim issues.

c. *Communications Officer/ Dispatcher Education.* Communications officers/ dispatchers may receive the first information on a police officer domestic violence incident. They must be carefully trained to respond quickly, notify the appropriate individuals, and document the incident for command personnel. Actions at the 911 juncture are essential to proper police response and victim safety.

d. *Administrative Command/ Supervisor Education.* Commanders within a department must agree upon a proactive and coordinated response to police officer domestic violence. Their leadership on the issue of domestic violence and the tone they set in the department will determine the success of the policy's implementation. A training curriculum that details their duties and responsibilities is essential and should address department legal considerations, criminal and civil liability, and media and public relations as well as criminal versus administrative investigations.

4. Ongoing Training. Roll-call and in-service opportunities should be utilized for on-going education along with other training techniques such as FTO instruction and ride-alongs.

Information (new research, training bulletins, advocate program brochures, etc.) should be regularly disseminated to department employees in order to reinforce the existing policy and provide additional resources. Training on police officer domestic violence should also be integrated into a wide array of training topics such as use of force, ethics, evidence, and community policing. Departments should consider using experienced trainers from neighboring departments and draw on local, state and federal resources such as prosecutors, advocates and other law enforcement trainers, in order to provide the most comprehensive training possible.

a. *In-Service Training.* Academy and FTO training on domestic violence and stalking must be reinforced regularly through periodic in-service training. Departments shall select a series of effective and concise instructional materials for routine dissemination to all personnel. The training should ensure that officers comprehend the complexities of domestic violence and responsibilities under department policy in order to be most effective on scene.

b. *Roll-Call Training.* The most intense and shortest in duration, ongoing roll-call training is an extremely effective way to keep a department's domestic violence policies at the forefront. To be innovative and informative, roll- call training should use video, news clips, advocate presentations, or senior/command officer presentations. Roll- call training should be designed to refresh officers on the broader policy information they learned through academy and in-service training initiatives.

c. *Program Evaluation.* In order to create the most effective training program possible, departments should look to measure the effectiveness of the training provided. By using tools such as pre and post-tests and training evaluation forms, instructors can gain valuable feedback and direction for future training. Information gained from this testing will indicate whether additional training is needed.

B. Early Warning and Intervention

Of critical concern to departments is how to screen candidates to minimize the risk of hiring officers who may engage in domestic violence. The process of investigating recruits must be handled in two stages: pre-hire screening and investigation, and post-conditional offer of employment activities. In addition, the department must establish a system for detecting indicators of abusive tendencies and train supervisors to intervene. Under a zero-tolerance policy, it is ultimately the responsibility of the officer to refrain from domestic violence. (See IACP *Early Warning System Model Policy*)

1. Pre-Hire Screening and Investigation. The department should specifically ask all candidates during the interview process about any past arrests, investigation or convictions for child abuse, domestic violence, elder abuse, sexual assault or stalking crimes. As part of the background

investigation, the department should seek to determine whether a candidate has any history that indicates a pattern of violence to include a thorough search for protective orders issued against the candidate in jurisdictions where the candidate previously worked or lived. Any candidate who is found through the interview and investigation process to have a history of perpetrating violence should be deemed ineligible for employment.

2. Post-Conditional Offer of Employment. If the candidate's background investigation does not indicate a history of perpetrating violence, the department should proceed with a psychological examination, which should address indicators of abusive tendencies, to be conducted by a psychologist or psychiatrist who is knowledgeable about these risk factors.

3. Post-Hire Intervention. Departments must clearly explain the zero tolerance policy to all officers and regularly create opportunities to share this information with their families. For example, a department can hold a family orientation day prior to graduation where family members are provided with a copy of this policy together with other relevant policies for new hires and instructions on who to contact within the department if any problems arise. The purpose of providing this information to families is to underscore the department's zero-tolerance stance and to provide victims with avenues to address potentially problematic behavior or report acts of domestic violence. It must be noted that in families where there is a controlling partner, it will be more difficult to reach family members with this information. This underscores the need to develop an ongoing multi-faceted outreach campaign. Such a campaign can help ensure that a department communicates this information to new intimate partners and families throughout an officer's career. In addition, officers need information about positive strategies for managing job-related stress. It is critical that officers understand that problems such as drug and alcohol abuse are not excuses for domestic violence

4. Department Responsibilities. An intimate partner or family member of an officer may recognize early indicators of a police officer's potential for violence, such as issues of power and control. The power and control may take the form of: restricting contact with others, requiring the partner to turn over paychecks, limiting activities outside the home, etc. Victims may communicate their concerns "informally" at first, such as a call to an officer's supervisor. Informal contacts must be treated carefully, since this is a critical opportunity for a department to provide referrals and/or intervene using early intervention/ prevention strategies. The policy calls for a formal system of documenting, sharing and responding to information from concerned partners and family members.

Departments need to provide officers and their families with non-punitive avenues of support and assistance before an incident of domestic violence is reported. However, once there is a disclosure that the officer has engaged in an act of domestic violence, this must be treated as a report of a crime and will be investigated both criminally and administratively. As a matter of safety, it is essential that to the degree possible, confidentiality be extended to any intimate partners or family member who contacts the department. Departments must establish procedures for making confidential referrals to internal or external counseling services with expertise in domestic violence. Collaboration with local domestic violence victim advocacy organizations is recommended. These referrals can be made upon the request of an officer or family members, or by a supervisor through the chief in response to observed warning signs.

Departments should develop specific non punitive protocols for incidents where the victim is a police officer and make a range of services available, to include: employee assistance program, internal professional counseling (police psychologist), external professional counseling (contract/referral), advocacy support from local agencies, and peer support programs (with clear reporting and confidentiality guidelines).

Departments must watch for officers who interfere with domestic violence cases brought against fellow officers by stalking, intimidating, harassing or putting under surveillance victims, witnesses and/or family members of victims or witnesses. If this occurs, the department shall investigate those officers and take disciplinary action and criminally charge as warranted.

5. Supervisor Responsibilities. An officer may reveal a pattern of abusive behavior potentially indicative of domestic violence while on the job; the supervisor is in the unique position to detect these warning signs. Therefore it is critical that supervisors receive specific training on indicators of violent and controlling behaviors and strategies for effective management of these behaviors. Warning signs that indicate a likelihood of violent behavior such as aggressiveness, domestic violence-related issues and deteriorating work performance are detailed in the policy (see this policy, section 5a, Early Warning and Intervention, Supervisor Responsibilities).

As a supervisor becomes aware of an officer exhibiting these behaviors, the information shall be documented and the chief shall be notified in accordance with the department's chain of command. After making proper notification, the supervisor should inform the officer that the behaviors have been documented and must cease immediately. At the discretion of the chief, the officer should be ordered to seek counseling or to participate in a batterer program to address the issues and behaviors.

6. Police Officer Responsibilities. All officers need to understand the zero-tolerance policy of their department and their responsibility to report knowledge they have concerning domestic violence on the part of an officer, except in the case where that officer is the victim. Departments must be prepared to investigate and severely discipline, up to and including dismissal, any officer who fails to report such knowledge or cooperate with an investigation. When an officer becomes the subject of a criminal investigation and/or protective order, regardless of the jurisdiction, the officer is responsible for immediately informing the supervisor, providing copies of the order and giving timely notice of court dates. In addition, all officers need to know that they will be investigated and severely disciplined, up to and including dismissal, if they attempt to interfere with an investigation of another officer accused of domestic violence.

C. Incident Response Protocols

A department's response to 911 calls where officers are involved immediately sets the tone for how a situation will be handled throughout the remainder of the continuum. A range of trained personnel is critical to the effective management of an incident.

1. Department-Wide Response. When handling a report of domestic violence involving a police officer, all actions must be documented and forwarded to the chief through the chain of command.

2. Communications Officer/ Dispatcher Documentation. When a call or report of domestic violence involves a police officer, the dispatcher should have a standing directive to document the call and immediately notify both the supervisor on-duty and the dispatch supervisor. This directive ensures that command personnel receive the information and prevents the call from being handled informally.

3. Patrol Response. In a domestic violence situation involving an officer, the dynamics between the responding patrol officer and the accused officer (i.e. collegiality, rank differential) have the potential for making on-scene decisions additionally difficult. Therefore, the responding patrol officer shall immediately request that a supervisor on-duty who is of higher rank than the involved officer report to the scene, regardless of the involved officer's jurisdiction.

4. On-Scene Supervisor Response. The on-scene supervisor must respond to the call and assume responsibility for all on-scene decision making to include:

- Securing the scene and collecting evidence
- Ensuring an arrest is made where probable cause exists
- Attempting to locate the alleged offender if he/she has fled
- Removing firearms
- Addressing issues of victim safety
- Notifying the chief in the accused officer's jurisdiction

a. *Crime Scene Documentation.* Understanding the dynamics of domestic violence, as well as the high incidence of threats and intimidation by offenders, recanting or reluctant victims/witnesses are not uncommon. Police on the scene of a domestic violence incident must record excited utterances and threats by the perpetrator, interview witnesses and use cameras and/or videotapes to document all evidence including injuries, damaged property and the crime scene. Thorough documentation is essential for the successful prosecution of the case whether or not the victim participates in court proceedings.

b. *Arrest Decisions.* Policies on arrest for domestic violence incidents vary among state, county, and local jurisdictions. In all cases, responding officers should base arrest decisions on probable cause. The responding officers and/or on-scene supervisor is responsible for determining whether probable cause exists, ensuring an arrest is made if probable cause does exist, or submitting written documentation to explain why an arrest was not made. When the dominant aggressor is not arrested, the victim feels that the police will not help, and the abuser understands that police involvement can be used as an additional tool to hurt and control the victim. Officers must make every effort to determine which party is the dominant aggressor in order to avoid the arrest of victims.

c. *Weapon Removal.* When an arrest is made, the on-scene supervisor shall relieve the accused officer of all service weapons. Where multiple firearms are present (officers may own recreational firearms that they keep at home), removing only the service weapons may leave the victim vulnerable to further violence. While federal, state, and local laws vary on how and when firearms can be removed, police have broad powers to remove them in certain circumstances, particularly if an arrest is being made. The on-scene supervisor may suggest that the accused officer voluntarily relinquish all firearms. The supervisor can also ask the victim about the removal of firearms from the home for safekeeping by the department. In situations where an arrest is not made, the on-scene supervisor may consider removing the accused officer's firearm(s) as a safety consideration and to reduce department liability.

After firearms are removed, decisions need to be made about how long they will or can be held. Where court orders of protection are in place, these orders may affect decisions on the return or seizure of firearms. Federal law prohibits any person subject to a qualifying order of protection from possessing firearms and ammunition (18 U.S.C. 922(g)(8)). (For determination of qualifying orders of protection, see this document, page 1, section B Definitions.) Under ATF's interpretation of the Gun Control Act's Official Use Exception, this provision does not apply to persons "performing official duties on behalf of a Federal, State or local law enforcement agency". This exception applies "as long as the officer is authorized or required to receive or possess that firearm in his/her official duties". ATF has clarified that "the authorization must be by statute, regulation, or official department policy" and applies to both department-issued firearms and those purchased by the officer if authorized or required by the department. A department may want to limit the scope of the exception to apply only to the primary service weapon instead of the full range of firearms with which the officer has qualified in order to further minimize liability. A department may choose to be more restrictive than federal law by prohibiting officers from possessing service weapons when subject to protective orders or under criminal and/or administrative investigations.

A 1996 federal law prohibits any person convicted of a qualifying misdemeanor crime of domestic violence from possessing firearms and ammunition, (18 U.S.C. 922(g)(9)); no exceptions are allowed under this law, and it is retroactive to convictions prior to 1996. (For determination of qualifying MCDV, see this document, page 1, section B. Definitions.)

5. Additional Critical Considerations. Although a domestic violence incident involving an officer from another jurisdiction could present a department with compounding complications, a policy that addresses such circumstances can minimize confusion and liability. Of equal importance is the need for department policy to address employees involved in domestic violence who live outside the department's jurisdiction. It is recommended that neighboring jurisdictions prepare written Memoranda of Understanding so that departments can be assured that they will receive mutually agreed upon, timely notification of an incident's occurrence.

It is important that the department's policy addresses the possibility that the accused officer is the chief/director/supervisor of the department in order to affirm the department's commitment to zero-tolerance. In such a situation, notification would be made to the individual with direct oversight.

Departments may be faced with a domestic violence incident where the victim is a police officer or both victim and offender are police officers. If this occurs, standard domestic violence response and investigative procedures should be followed. Safety of the victim should be the paramount concern. The department should take steps to protect the privacy of the officer who has been abused, and make referrals to confidential domestic violence services. The department should not allow the reported incident to impact negatively upon the assignments and evaluation of the victimized officer. In the event that an order of protection has been issued, a department will need to make careful decisions concerning work assignments for accused officers pending administrative and criminal investigations. Firearm removal in this situation becomes additionally complex. In the development of the policy, individual departments should seek legal guidance to protect the rights of all concerned.

6. Department Follow Up. The policy requires officers to report to their supervisor if they become the subject of a criminal investigation or protective order proceeding, however departments should not rely on self-reporting. It is recommended that departments establish a mechanism such as annual/periodic checks of protective order databases for names of officers.

The chief should require a debriefing of all officers including communications officers/dispatch involved in response to a police officer domestic violence case and should use the opportunity to review with personnel the department's confidentiality guidelines. In addition, a command-level critical incident management review of every domestic violence case involving an officer should be conducted.

The department must select a danger assessment tool to be used to determine the potential for further violence on the part of an accused officer and provide training on the use of the tool to a designated member of the command staff. In addition, the assessment should be supplemented by interviews with the victim, witnesses, and family members. Information gathered should be used to settle on appropriate sanctions, administrative actions, and referrals. Danger assessment findings may be shared with the judge, while the officer is in custody, prior to arraignment. The command officer assigned as the victim's principal contact should discuss the findings with the victim as part of safety planning. All victims shall be informed of the possibility of danger regardless of the outcome of the assessment.

Another tool which supervisors and chiefs are encouraged to use when a pattern of abusive behavior is detected is an administrative order of protection. This is a directive from a supervisor ordering an officer to refrain from particular conduct toward a particular person

as a condition of continued employment. The use of administrative orders of protection are helpful in that they may enhance victim safety, and punishment for violations of an order can proceed quickly reducing department liability and eliminating the time a department may need to continue to pay an officer on administrative leave or suspension for the duration of a lengthy criminal case.

D. Victim Safety and Protection

IACP efforts within this project have clearly identified victims of police officers as especially vulnerable. Police officers are usually well known within the criminal justice community and may be well respected in law enforcement circles.

Victims in these circumstances may feel powerless. They face formidable obstacles in seeking police assistance. Therefore, the department must be actively engaged in outreach to families of officers and connected to the range of services within the community.

1. Advocacy Resources. The support of a domestic violence victim advocate can help the victim proactively enhance personal safety. While at the scene, the supervisor must ensure that the victim receives written information about community resources and local domestic violence organizations. It is the responsibility of the on-scene supervisor to share information on victim rights and the procedures for obtaining a protective order. Providing information on applicable state laws in a timely manner will enable victims to make informed decisions.

2. Designated Principal Contact. Promptly following the report of the incident, the department shall assign a member of the command staff as the victim's principal contact for case information. This connection is essential for addressing safety and informing victims about all aspects of department protocols and policies and applicable laws. As a matter of safety, the victim's whereabouts and any communication with victims must be kept confidential. The principal contact must inform the victim of department confidentiality policies and their limitations.

3. Victim Safety. Departments must recognize that as the consequences of being held responsible for his/her behavior (the potential loss of employment coupled with the loss of control over the intimate partner) become apparent, an abusive officer may escalate behavior to extreme acts of violence such as abducting the victim, taking hostages, and committing homicide and/or suicide. The victim's principal contact must ensure that the victim is offered the opportunity to create a safety plan and discuss stalking. Information learned through the danger assessment should be incorporated into the development of a safety plan created by the victim and officer together or with the assistance of an experienced domestic violence victim advocate. Both the safety planning and danger assessment tools are critical for alerting the department and victim to the potential for additional violence and for developing strategies in an attempt to cope with the situation.

E. Post-Incident Administrative and Criminal Decisions

Once an arrest has been made or an incident has otherwise been documented, careful attention must be devoted to the proper handling of the case. The department should conduct two separate but parallel investigations. The chief may ask an outside law enforcement agency to handle the administrative or criminal investigation for reasons of limited resources or to avoid the appearance of a conflict of interest. Simultaneous investigations will prevent a department from continuing to employ an officer who has violated department policy while the outcome of a criminal investigation and prosecution may take considerably longer to conclude. In order to ensure that an accused officer's departmental and legal rights are upheld during the administrative and criminal investigations, the department should seek legal guidance.

1. Administrative Investigations and Decisions. The chief shall appoint an investigator within the internal affairs division of the department to conduct the administrative investigation. If a department does not have an internal affairs division, the chief should appoint an investigator. Based on the report of an incident the department must undertake a comprehensive administrative investigation of the accused officer and take steps to reduce the potential for further violence by seizing firearms and using administrative orders of protection. The investigating body/officer must have the authority to make decisions about arrest, access to all pertinent case information, and experience conducting case analysis. Decisions on administrative actions should not be contingent on anticipated outcomes of the criminal procedure. Departments have a broad range of administrative options; employing these options in a timely manner is crucial to victim and community safety as well as the well being of the officer and the efficient operation of the department. With respect to seized firearms, departments need to establish policy governing the length of time firearms can be held and the protocol used for their return. Departments need to take responsibility for notifying victims prior to the return of firearms. Court orders of protection may affect the terms of firearm seizure and return. The department may employ the full range of administrative sanctions against an officer who has violated department policy.

Any officer determined through an administrative investigation to have committed domestic violence shall be terminated from the department. (See IACP *Model Policy on Investigation of Employee Misconduct*)

2. Criminal Investigations and Decisions. The chief shall appoint an investigator within the domestic violence unit to conduct the criminal investigation. If a department does not have a domestic violence unit, the criminal investigations unit or the detective division should handle the criminal investigation. The role the police play in gathering evidence and conducting a thorough criminal investigation has fostered the development of the successful strategy of evidence-based prosecution. Where the victim recants or chooses not to participate in court proceedings, the prosecutor as allowed under state law may determine that, based on the quality of evidence, the case should proceed with the state as the complainant . The department should establish a liaison to work closely with the prosecuting attorney's office on each case to support the department's interest in having the case processed in a timely manner.

Upon the conclusion of a criminal investigation, all information pertaining to the incident and all necessary charging paperwork must be forwarded directly to the prosecutor's office. The quality and quantity of information transferred should be thorough, including documentation of earlier calls to the agency, photo documentation of on-scene damage and injuries, previous concerns about officer behavior, danger assessment findings, etc.

Any officer convicted through criminal proceedings of domestic violence shall be terminated from the department. Federal law prohibits anyone convicted of a misdemeanor domestic violence crime from possessing firearms or ammunition. The chief shall ensure the department seizes all firearms owned by the department or possessed by the convicted officer as allowable under state law.

3. Termination Procedures. Once the administrative and/or criminal investigations conclude with the decision to terminate an officer, the chief is responsible for notifying the officer in person and in writing. Because of the heightened risk for violence at the point of termination, it is critical that the officer be given information on available support services and that the victim be notified immediately of the department's intended course of action and offered all available assistance, to include safety planning. The department should take extra precautions to protect against violence in the workplace. The chief is responsible for notifying the state licensing body about the decision to terminate the officer.

Every effort has been made by the IACP Research Center Directorate and the Police Response to Violence Against Women Advisory Group to ensure that this document incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no "model" policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities among other factors.

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