



Approved:
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Subject:

831. Employee-Involved Domestic Violence

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831.1: PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for handling matters of domestic violence and abuse involving law enforcement employees. This policy applies to incidents involving any law enforcement employee regardless of his/her employing agency or jurisdiction.

831.1.1: DEFINITIONS

Domestic Violence – Abuse between family or household members ([ORS 135.230](#)).

Abuse – Attempting to cause or intentionally, knowingly, or recklessly causing physical injury or placing another in fear of imminent serious physical injury or committing sexual abuse against another person. (ORS 135.230).

Family Members – Spouse, former spouse, adults related by blood or marriage, persons cohabitating with each other or who have been involved in a sexually intimate relationship, unmarried parents of a minor child (ORS 135.230).

Employee – Any person employed on a full-time or part-time basis by a law enforcement agency. It also includes any unpaid volunteer with enforcement authority, such as a reserve officer.

Law Enforcement Employee – Any federal, state, county, or local criminal justice agency employing persons having peace officer powers granted under authority of the Oregon Revised Statutes.

Restraining Order – Any court order restricting or prohibiting a person's contact with another person or persons, and/or restricting where and when a person may be at a location or time. Such an order may also result in restricting possession of firearms and ammunition. This includes, but is not limited to, restraining orders and protective orders.

831.2: POLICY

It is the policy of the Albany Police Department to have zero tolerance for domestic violence, whether committed by a citizen or by an employee, and to act quickly to protect victims, arrest perpetrators, and

conduct appropriate criminal and/or administrative investigations into reported domestic violence incidents.

831.3: STATUTORY REQUIREMENTS

- a. Pursuant to the Federal Domestic Violence Gun Control Act ([18 USC § 921\(a\)](#) and [18 USC § 922\(d\)](#)), any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition.
- b. Additionally, any person convicted of a felony is prohibited from possessing a firearm ([ORS 166.270](#)).
- c. Oregon and Federal law also prohibit firearm possession by any individual who is the subject of a domestic violence restraining order (this federal restriction does not apply to temporary restraining orders) ([18 USC § 922\(d\)\(8\)](#) and [ORS 107.718](#)).

831.3.1: REPORTING

Employees who are arrested for, or convicted of, any crime involving domestic violence, or who become the subject of a criminal investigation, or criminal or civil protective or restraining order related to domestic violence, regardless of jurisdiction, shall report that fact to their supervisor as required in the [Reporting of Employee Convictions: Policy 851](#) at the earliest opportunity and provide notice of any scheduled court dates, times, appearances and proceedings.

831.4: INCIDENT RESPONSE

- a. All department personnel shall accept, document in writing, and preserve all calls, reports, telephone and radio recordings, including those made anonymously, involving possible employee domestic violence as “on-the-record” information.
 - 1) The information shall be forwarded to the Watch Supervisor and respective employee’s supervisor for appropriate investigative action.
- b. Upon arrival at the scene of a domestic violence incident involving any department employee as the suspect or victim, the handling officer shall immediately notify the Communications Center and request a supervisor be sent to the scene.
 - 1) If there is a question about whether an incident falls under this policy a supervisor shall be requested.

831.4.1: SCENE SUPERVISOR RESPONSE

- a. A supervisor shall, whenever possible, report to the scene of all domestic violence incidents that occur within this jurisdiction where an Albany Police Department employee, or any other law enforcement agency employee, is identified as a suspect or victim, regardless of the involved individual’s agency jurisdiction.

- b. Any supervisor responding to the report of domestic violence involving a department member will contact another law enforcement agency to conduct the criminal investigation.
- c. The supervisor shall notify the Operations Captain for any domestic violence incident that involves an Albany Police Department employee.
- d. All provisions of the department [Domestic Violence: Policy 530](#) shall be followed.
- e. The supervisor will ensure that a thorough investigation is conducted, and all appropriate reports are forwarded to the District Attorney's Office.
- f. Whenever a law enforcement employee domestic violence call does not result in an arrest, the on-scene supervisor shall submit a written report explaining any and all reasons why an arrest was not made, or a warrant was not sought.
- g. When feasible, a sworn supervisor from this department will respond to the location of any domestic violence incident involving an employee of the Albany Police Department which occurs in another jurisdiction to assist the responding agency and to take custody of any department weapons or other department equipment removed from the employee's possession.

831.4.2: ARREST OF A LAW ENFORCEMENT OFFICER

- a. Whenever a sworn employee of the Albany Police Department is arrested for charges related to domestic violence, the supervisor shall relieve the accused of any department issued duty weapon(s).
- b. The investigating officer or supervisor shall also request permission to take any other firearms on scene for safekeeping.
- c. If the arrested employee is in uniform, they should be allowed to change to civilian clothes prior to transport to the jail, if feasible.
- d. The transporting officer shall ensure that corrections personnel are notified of the person's employee status to ensure the safety of the employee while they are in custody.
- e. Employees who are arrested for charges related to domestic violence shall be placed on administrative leave pending the disposition of criminal and administrative investigations.

831.4.3: FIREARMS RESTRICTIONS

Any officer who is arrested, becomes a defendant, or is the respondent of a restraining or protective order that restricts or prevents the officer from possessing firearms, will not be allowed to possess firearms on or off-duty as directed by the order.

- a. Officers subject to this section will immediately ensure that all firearms are removed from their residences, department lockers and all other locations where they would have actual or constructive possession of such items.

- b. Officers who are prohibited from possessing firearms may be placed on administrative leave or assigned to a position involving no contact with the public or access to firearms.

831.5: EMPLOYEE RESPONSIBILITY

- a. Employees are encouraged to seek confidential assistance from department or city resources (e.g., Employee Assistance Program), or other qualified individuals or entities, to prevent a problem from escalating to the level of criminal conduct against a family or household member.
- b. Employees with definitive knowledge of abuse and/or violence involving fellow employees must report such information in a timely manner to their supervisor.
- c. If an employee becomes aware of possible witness or victim intimidation/coercion, he/she shall prepare a written report and immediately deliver it to the investigator handling the case through the proper chain of command.
- d. Employees may not engage in threatening, harassing, stalking, surveillance or other such behavior designed to interfere with cases against fellow employees or intimidate witnesses.
- e. No employee shall solicit or be afforded any privileges or special considerations.
- f. Employees who fail to cooperate with the investigation of a law enforcement employee domestic violence case will be subject to investigation and applicable administrative sanction and/or criminal charges.
- g. An employee who falsely reports that a victim of law enforcement involved domestic violence has committed a crime (such as child abuse or neglect) will be subject to applicable administrative sanction and/or criminal charges.
- h. An employee who becomes aware of another employee having difficulties which might lead to domestic violence should encourage the employee to get assistance.

831.6: DEPARTMENT RESPONSIBILITIES

- a. Supervisors should be aware of on or off-duty behaviors that may be warning signs of domestic violence which may include, but are not be limited to:
 - 1) Stalking and inappropriate surveillance activities;
 - 2) Unusually high incidences of physical altercations, injuries, or verbal disputes;
 - 3) Alcohol and/or drug abuse;
 - 4) Increase in controlling behaviors;

- 5) Citizen or fellow employee complaints of aggression;
 - 6) Inappropriate aggression toward animals.
- b. The Department, either in response to observed warning signs or at the request of an employee and/or their family or household member, shall provide non-punitive avenues of assistance to department members, their partners, and other family members as long as there is no probable cause to believe a crime has been committed.
- c. Confidential referrals to counseling services in collaboration with existing community services that have specific expertise in domestic violence, including the department chaplain, will be made available to employees.
- d. Employees who disclose to any member of the department that they have personally engaged in domestic violence are not entitled to confidentiality within the department.
- 1) The report of such criminal conduct will be treated as an admission of a crime and shall be investigated both criminally and administratively.
- e. The Department will make annual checks of every member's criminal history records, including but not limited to CCH, to determine if there are any entries for domestic violence arrests, convictions or restraining orders. Any such records found will be forwarded to the Chief of Police.
- f. Any Department employee convicted of a domestic violence crime or found to have committed an act of domestic violence through an internal investigation may be subject to referrals, change in assignment and/or discipline up to and including termination.