

1.02-7

**DAYTON POLICE DEPARTMENT
GENERAL ORDER
POLICE OFFICER DOMESTIC VIOLENCE**



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POLICY STATEMENT

This policy acknowledges that some police officers commit domestic violence against their intimate partners. The purpose of this policy is to establish procedures for handling matters of domestic violence and abuse involving police officers. This policy will provide police executives and officers guidance in addressing incidents where one (or more) party to a possible domestic violence incident is an employee, whether sworn or professional staff, of any rank in the department.

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I. DEFINITION

Domestic violence: For the purposes of this policy, refers to any act of violence (threatened or actual) including but not limited to:

- A. Bodily injury or threat of imminent bodily injury.
- B. Sexual battery.
- C. Physical restraint.
- D. Property crime directed at the victim.
- E. Violation of a court order of protection, or similar injunction.
- F. Death perpetrated by a police officer, on or off duty, or any police department employee upon their partner. Partner is defined as any individual with whom the officer:
 - Is or was legally married.
 - Has a child in common.
 - Is or has cohabited within the past five years.
 - Has or had a committed relationship.
 - Is specified as such by state law.

II. PROCEDURES

This policy applies to existing and future offenses.

A. Prevention, Education, and Training

The Department will adhere to a zero-tolerance policy towards police officer domestic violence and violations of the policy will not be tolerated. The Department will provide training to officers on domestic violence and the zero-tolerance policy throughout all phases of a police officer's career.

1. Prevention Through Collaboration

- a. The Family Justice Center Unit (FJC) will collaborate with local domestic violence victim advocacy organizations, coordinating councils, and state domestic violence coalitions in the development of domestic violence training curricula and will use local advocates in the training of officers.



- b. The FJC will provide copies of all departmental protocols and policies on domestic violence to local domestic violence victim advocacy organizations.
- c. The FJC will provide training where requested to local domestic violence victim advocacy organizations on the department's domestic violence policies and protocols.

2. Education

- a. All recruit, patrol, Professional Standards Bureau personnel, Field Training Officers, and administrative command / supervisors will receive periodic instruction on the following issues / topics:
 - General domestic violence training (to include cultural, racial, gender, and same-sex issues)
 - Domestic violence dynamics, tactics, and behavior patterns
 - Cultural dynamics and potential barriers to assistance / intervention
 - Stalking tactics and behavior recognition
 - Warning signs of domestic violence by police officers
 - Domestic violence response protocol
 - Command notification and reporting procedures
 - General domestic violence investigation and evidence collection
 - Primary or dominant aggressor determination
 - Officer safety
 - Victim rights and safety
 - Confidentiality issues
 - Ethical considerations
 - Criminal and civil liability
 - Lethality assessment and safety planning
 - Working with advocates, collaboration, and assistance
 - Weapons removal and seizure—legal issues
 - Cross-jurisdictional policies and protocol
 - Intra/Interstate enforcement of protective orders
 - Federal Stalking, Domestic Violence, Immigration and Gun Control Laws
- b. Additional administrative command / supervisor periodic training related to domestic violence will address the following:
 - Department legal considerations and liability
 - Media and public relations
 - Criminal versus administrative investigations
 - Conducting lethality/dangerousness assessments

3. Training

a. In-Service Training

FJC in conjunction with the Training Bureau will select a series of effective and concise materials on domestic violence for routine dissemination to all personnel. Periodic in-service training on domestic violence and stalking will be held to review policies and discuss their implementation.

b. Roll-Call Training

Officers will receive periodic instruction about domestic violence and stalking during roll call training as changes to policies and laws occur.

B. Early Warning and Intervention

1. Pre-Hire Screening and Investigation

- a. The Department will conduct thorough background investigations of all potential new employees to



determine if elder abuse, child abuse, and/or domestic violence issues exist. All candidates will be asked about past arrests or convictions for elder abuse, child abuse, and/or domestic violence-related incidents and past civil protection orders.

- b. Those candidates with a history of perpetrating elder abuse, child abuse or domestic violence will not be recommended to continue with the hiring process.

2. Post-Hire Intervention

When new officers are hired, the department will offer training to discuss this policy and other issues.

3. Department Responsibilities

- a. The Department will either in response to observed warning signs or at the request of an officer provide non-punitive avenues of assistance to officers, their partners, and other family members before an act of domestic violence occurs.
- b. The Department will make referrals to confidential counseling services either internally or in collaboration with existing community services that have specific expertise in domestic violence.
- c. Officers who disclose to any member of the department that they have personally engaged in domestic violence are not entitled to confidentiality. The report of such criminal conduct must be treated as an admission of a crime and will be investigated both criminally and administratively.

4. Supervisor Responsibilities

- a. Demonstration of inappropriate aggressive or controlling behaviors while conducting police business will be documented for consideration by supervisors. These behaviors include the following: stalking and inappropriate surveillance activities, unusually high incidences of physical altercations, injuries, or verbal disputes.
 - 1) Supervisors will maintain close supervision of officers whose behavior is inconsistent with acceptable standards for on-duty problem resolution.
 - 2) Supervisors will monitor frequent tardiness and absences.
 - 3) Supervisors will proactively inquire about all on or off-duty officer injuries.
 - 4) Supervisors will immediately make their ranking supervisor aware of any and all such behaviors.
- b. Supervisors will be cognizant of and document all behavior, on or off duty, where officers may be exhibiting signs of possible domestic violence-related problems; including increased use of force during arrests, alcohol and/or drug abuse, increase in controlling behaviors, stalking activity, citizen and fellow officer complaints of unwarranted aggression and verbal abuse, and inappropriate aggression toward animals.
 - 1) Supervisors will immediately make their ranking supervisor aware of any and all such behaviors.
 - 2) The Chief of Police will be informed of such circumstances or concerns in a timely manner through the Department's chain of command.
 - 3) Supervisors will prepare and submit written requests for evaluating an officer's mental and physical well-being by suitable professionals when behaviors or circumstances deem appropriate.

5. Police Officer Responsibilities

- a. Officers are encouraged and entitled to seek confidential assistance from the Employee Assistance Program to prevent a problem from escalating to the level of criminal conduct against an intimate partner.
- b. Officers with definitive knowledge of abuse and/or violence involving fellow officers must report such information in a timely manner to their supervisor. Failure to do so will subject the officer to investigation, disciplinary action, and possible criminal charges.
- c. All officers will be aware of possible witness or victim intimidation/coercion. Whenever an officer suspects this is occurring, they will prepare a written report and immediately deliver it to the investigator



in charge of the case through the proper chain of command.

- d. Officers who engage in threatening, harassing, stalking, surveillance or other such behavior designed to interfere with cases against fellow officers or intimidate witnesses will be subject to investigation, disciplinary action, and possible criminal charges.
- e. Officers who fail to cooperate with the investigation of a police officer domestic violence case will be subject to investigation, and possible criminal charges.
- f. An officer who falsely reports that a victim of police officer domestic violence has committed a crime (such as child abuse or neglect) will be subject to investigation, and possible criminal charges.
- g. An officer who is the subject of a criminal investigation, protective or restraining order related to domestic violence, regardless of jurisdiction, is required to report themselves to their supervisor and provide notice of the court dates, times, appearances, and proceedings in a timely manner.
- h. An accused officer who is the subject of any civil protective order proceeding, whether or not the order is issued and regardless of jurisdiction, will notify their supervisor in a timely manner and provide them a copy of the order, if issued.

C. Incident Response Protocols

1. Department Response

- a. The Department will accept, document, and preserve all calls or reports, including those made anonymously, involving possible police officer domestic violence as "on-the-record" information.
- b. All reports of possible criminal activity implicating police officers in domestic violence will be documented in accordance with the policies governing the handling of all reports of domestic violence by citizens. A DIBRS (Dayton Incident Based Reporting System) report will be completed including details on date, time, location, circumstances, names (if known), officials notified, and actions taken; a case file number will be assigned, and the report filed.
- c. A copy of the report detailing the possible criminal activity implicating an officer in domestic violence will be directed to the Professional Standards Bureau and the FJC supervisor.
- d. All such incident reports will be made available by the Department to the involved victim without cost.

2. Regional Dispatch Center (RDC) Response

- a. A Patrol Division supervisor will be dispatched on all domestic violence calls received that involve, or appear to involve, a police officer, regardless of the involved sworn or non-sworn officer's jurisdiction.

3. Patrol Response (refer also to General Order 2.01-2, Domestic Violence)

- a. The dispatched officer will ensure that their supervisor is aware of the call.
- b. If the alleged offender has left the scene and probable cause exists, the responding officers will:
 - 1) Search the area as appropriate,
 - 2) Obtain information from victim, family, and witnesses as to where the offender may have gone,
 - 3) Seek an arrest warrant.
 - 4) If children are injured or have witnessed the incident, Montgomery County Children's Services must be notified when a removal is made. Montgomery County Children's Services normally receives a copy of the report when children are involved regardless of whether or not a removal was made.



4. On-Scene Supervisor Response

- a. A supervisor will report to the scene of all police officer domestic violence situations, regardless of the involved sworn or non-sworn officer's jurisdiction. A lieutenant and/or division commander (major) should also be notified and make additional notifications as needed.
- b. The on-scene supervisor will assume command; ensure that the crime scene is secure and that all evidence is collected, including photographs. Per General Order 2.07-1, Call Out – Call Back Procedures, the FJC will respond to any domestic violence involving a Dayton Police Officer as a victim or suspect that occurred in the City of Dayton, and any domestic violence related incident involving any other jurisdiction Police Officer as a victim or suspect (with an arrest) that occurred in the City of Dayton. In cases where the suspect is a Dayton Police Officer, the Professional Standards Bureau will be consulted for possible call out consideration.
- c. In cases where probable cause exists, the on-scene supervisor will ensure an arrest is made.
- d. If the offender has left the scene, the supervisor will ensure a search is conducted and broadcast is obtained.
- e. Arrest of both parties involved in a domestic violence incident should be avoided. The supervisor will ensure that a thorough investigation is conducted, and an arrest of the primary aggressor is made in accordance with state law.
- f. Whenever an officer is arrested, the supervisor will relieve the accused officer of their service weapon(s) regardless of whether the weapon(s) was involved in the incident.
- g. Whenever a police officer domestic violence call does not result in an arrest, the on-scene supervisor will submit a written report explaining any and all reasons why an arrest was not made, or a warrant was not sought.
- h. The on-scene supervisor will ensure the victim is informed of the following:
 - 1) The availability of 24-hour Domestic Violence Hotline (**937-222-SAFE**),
 - 2) Confidential transportation to a safe house, shelter, or any other location that ensures victim safety,
 - 3) Procedures for obtaining restraining and/or protective orders and victim rights,
 - 4) The standard of probable cause for arrest including the signature to appear on the complaint,
 - 5) Judicial process, victim rights, and compensation following an arrest,
 - 6) Written information on community resources and local domestic violence victim advocacy organizations.

5. Additional Critical Considerations

- a. When responding to a domestic violence complaint involving a police officer from another jurisdiction, all responding officers, investigators, and supervisors will follow the same procedures that are to be followed in responding to a domestic violence complaint involving an officer from their own department. The responding supervisor will notify the on-duty supervisor in the accused officer's jurisdiction verbally as soon as possible, and in writing to their Chief of Police, or designee, within 24 hours. Supervisors should consider consulting with the other jurisdiction on their policy and procedures regarding confiscation of their officer's service weapons.
- b. In the event that the reported incident involves the Chief of Police or commissioner, the supervisor will immediately notify the individual in government who has direct oversight for that person, for example, the City Manager.

6. Department follow-Up

- a. The Division and/or FJC supervisor will, in a timely manner, debrief all officers who respond to a police officer domestic violence call. During the debriefing, the supervisor will:
 - 1) Review department confidentiality guidelines,
 - 2) Reaffirm that officers share information only on a need-to-know basis,



- 3) Establish a clear delineation of assignments in order to assist victims in a coordinated and consistent manner.
 - b. Arrest warrants charging police officers with domestic assault will be served by no fewer than two officers with at least one being of senior rank to the officer being served.
 - c. On-scene and follow-up investigators will proactively seek out information on existing restraining and/or protective orders and, if found, will enforce them.
 - d. Following the reported incident, the Department will designate the FJC Supervisor, specifically trained in conducting lethality assessment and safety planning, to act as a principal contact for the victim. The assigned detective can keep the victim apprised of the case throughout the adjudication process and provide the victim with a copy of the incident report.
 - e. That member of the command staff will also ensure that the employee is subject to a fitness for duty exam by competent medical and psychological authorities. Based on the outcome of the fitness for duty exam, the Department will make decisions concerning referrals, duty assignments, and administrative actions.

D. Victim Safety and Protection

1. Working with community resources and advocacy agencies, the Department will make available all necessary and appropriate services to each victim.
2. All officers will keep all information concerning victims confidential, including their whereabouts, safety plan, and any communications.
3. The command staff officer will inquire if any non-city-owned weapons are present in the home and may remove them for safekeeping by the department.
4. The command staff officer designated as the victim's principal contact will conduct a lethality assessment with the victim. The information gained will be incorporated into the safety plan developed with the victim.
5. All officers will be aware of the increased danger to victims when the victim leaves an abusive partner, and the designated command officer will caution the victim to be alerted to stalking activities on the part of the abuser and assist in safety planning.
6. The command staff designated as principal contact for the victim will inform the victim of confidentiality policies and their limitations and ensure that confidentiality is maintained throughout the case.
7. All officers will be aware of possible witness or victim intimidation/coercion. Whenever an officer suspects this is occurring, they will prepare a written report and immediately deliver it to the investigator in charge of the case through the proper chain of command.
 - a. In order to ensure coercion is not being attempted, the investigator in charge will seek out secondary sources of information.
 - b. Supplemental evidence should be sought out and preserved to facilitate evidence-based prosecution.

E. Post-Incident Administrative and Criminal Decisions

The Department will conduct separate administrative and criminal investigations of alleged incidents of police officer domestic violence. If the facts of the case indicate that domestic violence has occurred or any departmental policies have been violated, administrative action will be taken separate and distinct from any criminal proceedings as soon as practicable. Independent of the outcome of the criminal case, the Department will adhere to all positions and policies relating to the incident. 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.

1. Administrative Investigations and Decisions



The responsibility to complete the administrative investigation of a police officer domestic violence incident will rest with the Professional Standards Bureau.

- a. The investigating official will conduct an administrative investigation utilizing standard elements of criminal investigations. Witnesses will be contacted, re-interviewed, and statements recorded; crime scene evidence, photographs and medical records accessed, 911 calls requested, and all information fully documented.
- b. Where sufficient information exists, the Department will take immediate administrative action to intervene, which can include removal of badge, removal of weapon, reassignment, administrative leave with or without pay, or termination.
- c. Where an arrest was not made, but sufficient concern exists, the department will initiate an independent administrative investigation and decide the officer's status based on the outcome of the investigation.
- d. In determining the proper course of administrative action, the Department will consider factors such as level of danger an officer poses to the victim (based on risk assessment measures), an officer's history of compliance with departmental rules, history of aggressive behaviors, and existence of an alcohol or substance abuse problem.
- e. Pending the administrative and criminal investigations for alleged acts of domestic violence and/or violation of departmental policies, the Department will assign the accused officer to duties that do not require response to domestic violence cases.

2. Criminal Investigations and Decisions

The responsibility to complete a criminal investigation of an incident of police officer domestic violence will rest with the FJC.

- a. The investigating official will conduct criminal investigations as they would for any other criminal violation. Witnesses will be contacted, statements recorded, evidence collected, photographs taken of the scene and injuries, medical records accessed, 911 calls requested, and all information fully documented.
- b. When appropriate, the investigating official or department will conduct sufficient interviews (taped) to support criminal charges, to include family members, friends, neighbors, colleagues, or others who may have information in accordance with the officer's and victim's privacy rights.
- c. Even though an initial report may already exist concerning a police officer, if the victim reports any subsequent or additional criminal activity, each incident will be documented separately, assigned a case number, and investigated thoroughly.
- d. The Department will completely investigate the charges and where warranted seek prosecution even if the victim recants the charges.
- e. The Department will establish a liaison to work with the prosecuting/district attorney for each case. This officer will present the information to the prosecuting or district attorney for proper action in a timely fashion and request that the prosecuting attorney in turn make timely decisions about the adjudication of the case.
- f. Filing of court papers/complaints will be requested by the investigating officer, as with any other case for criminal prosecution.

3. Criminal Conviction

- a. Federal law prohibits officers convicted of misdemeanor domestic violence assaults from carrying firearms. The Department will ensure compliance with federal law.
- b. Any police officer convicted of a domestic violence crime as defined herein will be subject to discipline up to and including termination.

