

Domestic Violence Involving Law Enforcement Employees

1050.1 PURPOSE AND SCOPE

This policy establishes procedures, protocols and actions for investigating and reporting domestic violence involving employees of this and other law enforcement agencies. The intent of this policy is to ensure that law enforcement employees are held to the standards of the law regarding domestic violence (RCW 10.99.090).

1050.1.1 DEFINITIONS

Agency - Means a general authority Washington law enforcement agency as defined in RCW 10.93.020, Federal Law Enforcement agencies, and state and federal departments of corrections.

Employee - Means any person currently employed with an agency.

Sworn Employee - Means a general authority Washington peace officer as defined in RCW 10.93.020, any person appointed under RCW 35.21.333, and any person appointed or elected to carry out the duties of the sheriff under RCW Chapter 36.28, a tribal officer commissioned by a federally recognized Indian Tribe, a federal law enforcement officer with the power to arrest outside of federal enclaves.

1050.2 DEPARTMENT RESPONSIBILITIES

Kitsap County Sheriff's Office has the following obligations (RCW 10.99.030 and 10.99.090):

- (a) Provide pre-hire screening procedures reasonably calculated to disclose whether an applicant for a sworn employee position has a history of domestic violence, child abuse allegations, or have been subject to protective order.
- (b) Maintain ongoing and meaningful relationships with victim advocacy groups and other domestic violence professionals in the community.
- (c) Provide education to Kitsap County Sheriff's Office employees on the dynamics of interpersonal violence.
- (d) In response to observed behavior or at the request of the employee, the Kitsap County Sheriff's Office may offer or recommend intervention services to employees. If domestic violence is suspected, the referral should be to a domestic violence specialist.
- (e) Any employee who becomes aware of domestic violence committed by an employee of this agency or a sworn employee of any agency must immediately report that allegation to their supervisor.
- (f) Recognize that employees who disclose that they have personally engaged in criminal acts of domestic violence are not entitled to confidentiality. Such acts shall be investigated administratively and criminally as appropriate.

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- (g) Provide information to employing law enforcement agencies as soon as practicable but no later than 24 hours of a domestic violence or domestic dispute report involving an employee of a law enforcement agency.
- (h) Provide information on this domestic violence policy and programs under RCW 26.50.150 to employees and make it available to employee families and the public.
- (i) Provide victims of domestic violence by Kitsap County Sheriff's Office employees a department point of contact to assist the victim through the investigative process. Consideration should be given to selecting a point of contact at least one rank higher than the perpetrator, and would ideally be someone other than the investigator.
- (j) Provide victims of domestic violence by Kitsap County Sheriff's Office employees contact information about public and private nonprofit domestic violence services and information regarding relevant confidentiality policies related to the victim's information.
- (k) Respond to Kitsap County Sheriff's Office employees who are alleged victims of violence at the hands of sworn employees of the Kitsap County Sheriff's Office. Safety concerns and domestic violence services information will be reviewed with the victim employee.
- (l) Provide for an impartial administrative investigation and appropriate criminal investigation of all acts of domestic violence allegedly committed by a sworn employee and appropriate sanctions when it is found that an employee has committed an act of domestic violence. Administrative investigations may be conducted by the Kitsap County Sheriff's Office or through agreements with other law enforcement agencies
- (m) Consider whether to relieve a sworn employee of Department-issued weapons and suspend law enforcement powers pending resolution of an investigation.

1050.2.1 SUPERVISOR RESPONSIBILITIES

Supervisors are required to:

- (a) Be aware of behaviors in their subordinates that could be indicative of domestic violence and properly process observations of such behavior.
- (b) Ensure that domestic violence incidents are properly recorded and processed according to this policy.

1050.2.2 LIEUTENANT RESPONSIBILITIES

A Lieutenant notified of an incident covered by this policy shall promptly notify the Sheriff via the chain of command of such incident and:

- (a) If a KCSO employee is involved they shall:
 - 1. Determine if the involved employee's law enforcement powers shall be suspended and if duty weapon, and other Department-owned equipment shall

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be removed pending investigation outcome and possible prosecutorial charging decision.

2. Issue an administrative order prohibiting contact with the victim if appropriate.
 3. Forward information on the incident to the office of professional standards, appropriate Division Chief and/or the Sheriff for review and further action.
 4. Respond or designate another member of the command staff to respond to a scene if the involved employee is a sergeant or above or if the situation dictates command presence.
- (b) If an employee of another law enforcement agency is involved they shall:
1. Notify the command of the employing agency as soon as practicable but no later than 24 hours after a domestic dispute or domestic violence incident.
 2. Offer assistance with removing weapons, police powers, etc.
 3. Ensure that the Kitsap County Sheriff's Office provides appropriate reports and any other requested documentation to the employing agency.

1050.2.3 DOMESTIC VIOLENCE SPECIALIST RESPONSIBILITIES

- (a) In all instances of law enforcement domestic violence the Domestic Violence Specialist shall:
1. Review the report and assign the criminal investigation or coordinate with the agency of jurisdiction.
 2. Coordinate with the appropriate prosecutor's office regarding charging and prosecution.
 3. Coordinate with the appropriate domestic violence advocacy organization to assist with victim safety concerns if requested by the victim. Victim notification of each step of the administrative process is critical to victim safety.
- (b) All completed investigations of domestic violence that reveal probable cause of a crime committed by any law enforcement agency employee or the agency head shall be promptly forwarded to the appropriate prosecuting authority for a charging decision.
- (c) For all situations involving an employee of this department, the Domestic Violence Specialist shall:
1. Contact the victim.
 2. Introduce the point of contact.
 3. Provide an update regarding the administrative process.

1050.3 EMPLOYEE ACTIONS

Law enforcement employees have the following obligations or entitlements (RCW 10.99.090):

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- (a) Employees are entitled to seek assistance through the employee assistance program, employee peer counselors, chaplains, or psychological professionals, however, in situations where family violence is indicated a referral to a domestic violence specialist is critical.
- (b) Employees with knowledge or information about any employee of this agency, or a sworn employee of any agency, in violation of this policy must report in writing to their supervisor or the Office of Professional Standards as soon as possible, but no later than 24 hours. Failure to report may subject the employee to disciplinary action.
- (c) Employees who are victims of domestic violence are encouraged to request assistance, but are not subject to punitive measures for failing to report their abuse.
- (d) Employees should be alert to the likelihood of victim or witness intimidation and shall immediately take appropriate action. This action will include, but is not limited to the report to their supervisor or the Office of Professional Standards within 24 hours.
- (e) Employees are expected to fully cooperate with the investigation of allegations under this Policy but only as requested by a supervisor, the Office of Professional Standards or by court subpoena.
- (f) When a law enforcement agency responds to a call in which a sworn employee is alleged to have been involved in a domestic dispute or committed an act of domestic violence, the involved employee must immediately report that police response to their supervisor. A written report must follow within 24 hours, subject to the agency's internal investigatory process.
- (g) When an employee becomes the subject of an investigation for child abuse or neglect, or becomes subject to an order under RCW 26.44.063 or RCW 26.50 or any equivalent order issued by another state or tribal court, that employee must immediately report the fact to his/her supervisor. A written report must follow within 24 hours to include a copy of any order and any notices of court dates, appearances, and proceedings received by the employee.

1050.4 INCIDENT RESPONSE

Any notification of any incident of domestic violence involving any law enforcement officer requires a prompt response, full investigation and a complete written report by this department (RCW 10.99.030). These incidents additionally require:

- (a) On-scene supervisory presence.
- (b) Prompt notification through the chain of command to the Sheriff of this department; and if the incident involves employees of another agency, notification of the agency head of the employing agency or federal law enforcement agency division/regional command.

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- (c) The Sheriff may delegate responsibility for receiving such reports to a specialized unit and/or specific person. Anyone so designated the Domestic Violence Specialist should have specialized training regarding the dynamics of violent relationships, victim safety and the role of advocacy. The point of contact or unit supervisor should review each referral for any potential conflict of interest
- (d) In the event of a report of domestic violence alleged to have been committed by the Sheriff, prompt notification will be made to the employing entity's chief executive officer, or, in the case of an elected Sheriff, the County's Prosecutor.

1050.4.1 PATROL RESPONSE

A patrol deputy responding to an incident described as domestic violence involving employees and sworn employees shall notify a supervisor and should, whenever possible, request a supervisory response.

- (a) The primary unit will conduct a thorough investigation, including, but not limited to:
 - 1.
 - Signed medical releases upon consent.
 - Statement of the victim; statement of the suspect, if provided.
 - Determine if the victim requests any guns or specific weapons be removed for safekeeping and accommodate removal or explain the process for seeking a court order for removal.
 - Complete the report as soon as possible, but prior to the completion of their shift.
- (b) Patrol units responding to suspicious circumstances, compelling third party accounts of incidents, unexplained property damage, etc. or other troubling event involving law enforcement officers will complete written reports of the incident.
- (c) A copy of all reports of the incident should be forwarded to the Domestic Violence Specialist. Access to the report should then be restricted to some form of "read only" version or physically secured.

1050.4.2 PATROL SUPERVISOR RESPONSE

A patrol supervisor shall:

- (a) Respond whenever practical to the scene of any domestic violence incident involving sworn employees of this office regardless of jurisdiction. Supervisors will coordinate information and offer assistance to the agency of jurisdiction to provide a complete investigation.
- (b) Respond to the scene of all domestic violence incidents within the jurisdiction of the Kitsap County Sheriff's Office involving any law enforcement officer.

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- (c) Coordinate the investigation, applying appropriate resources and special units such as forensics, photography, domestic violence specialists, advocates and ensuring command notification.
- (d) Write a report on all incidents, whether deemed criminal or not and route it through the chain of command.
- (e) In the event of the arrest of a sworn employee of the Kitsap County Sheriff's Office, contact the Sheriff who will order the surrender of the deputy's Office-issued weapons and identification. Consideration should be given to other agency equipment and inquiries made about voluntary surrender of personal weapons that may be secured for safekeeping.
- (f) In the event of the arrest of a sworn employee of another agency, contact that agency prior to custody transport and request authorization to seize that employee's agency-issued weapons or arrange for the employing agency to obtain them.
- (g) Endeavor to make a good faith effort to locate the suspect if there is probable cause for an arrest.
- (h) Explain the process to the victim, including the opportunity for applicable emergency protection orders, administrative no-contact orders, and confidentiality statutes and policies.
- (i) Provide the victim with a copy of this policy and KCSO contact information, acting as the point of contact until another assignment is made.

1050.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION

The Kitsap County Sheriff's Office will work with community resources and domestic violence advocacy agencies and shall make available to the victim (RCW 10.99.090):

- (a) Information on how to obtain protective orders and/or removal of weapons from the victim's home.
- (b) Assistance with obtaining such orders in coordination with domestic violence victim advocates.
- (c) A copy of this policy and any agency confidentiality policy.
- (d) Information about public and private domestic violence advocacy resources to include the Washington State Domestic Violence Hotline.
- (e) Information related to relevant confidentiality policies related to the victim's information and public disclosure as provide by law.
- (f) The Kitsap County Sheriff's Office will coordinate victim notification regarding criminal and administrative investigative processes through the designated agency liaison in order to assist with victim safety.