

<b>SUBJECT:</b> Domestic Violence Involving Police Officers		<b>NUMBER:</b> 110.4
<b>DIRECTIVE TYPE:</b> Written	<b>EFFECTIVE DATE:</b> December 16, 2009	<b>RE-EVALUATION DATE:</b> Annually
<b>DISTRIBUTION:</b> All Personnel	<b>AMENDS/SUPERCEDES:</b> None	<b>REVISED DATE:</b> 8/18/23
<b>RELATED STANDARDS/STATUTES/POLICIES:</b> SC Code of Laws Title 16 Chapter 25 SCLEA 27.7		

**PURPOSE:** To establish procedures for handling acts of domestic violence committed by police officers and for implementing prevention strategies.

**POLICY:** While prioritizing the safety of victims, this policy is designed to address prevention through hiring and training practices, provide direction to supervisors for intervention when warning signs of domestic violence are evident, institutionalize a structured response to reported incidents of domestic violence involving officers and offer direction for conducting the subsequent administrative and criminal investigations.

---

## I. Definitions

### A. Domestic violence

An act or pattern of violence perpetrated by a police officer upon his or her intimate partner not done in defense of self or others, including but not limited to the following:

- 1) Bodily injury or threat of imminent bodily injury
- 2) Sexual battery
- 3) Physical restraint
- 4) Property crime directed at the victim
- 5) Stalking
- 6) Violation of a court order of protection or similar injunction
- 7) Death threats or death

### B. Household Member of a Police Officer

Any person who meets one or more of the following criteria:

- 1) Is or was legally married to the police officer
- 2) Has a child in common with the police officer
- 3) Is cohabitating or has cohabitated with the police officer

### C. Protection Order

Any injunction or other order issued by a court, including criminal or civil orders of protection, regardless of form, content, length, layout, or name (such as stay away, restraining, criminal, and emergency or temporary protection orders or injunctions), issued for the purpose of preventing the following:

- 1) Violent or threatening acts against another person
- 2) Stalking or harassment of another person
- 3) Contact or communication with another person
- 4) Physical proximity to another person

## **II. Prevention And Training**

- A. This department will adhere to a zero tolerance policy towards police officer domestic violence and will not tolerate violations of this policy.
- B. The department will provide ongoing training to every officer on domestic violence and the zero tolerance policy throughout all phases of the police officers career. (SCLEA 27.7)
  - 1) Upon implementation of this policy, all officers shall receive comprehensive mandatory instruction covering the following topics:
    - (a) Understanding Domestic Violence
    - (b) Departmental Domestic Violence Response Protocol
    - (c) Warning Signs of Domestic Violence by Officers
    - (d) Victim Safety
    - (e) Federal Domestic Violence Laws
  - 2) Ongoing Training
    - (a) The Department shall use a variety of training techniques to regularly reinforce standards of effective response protocol. The may include but not limited to:
      - (i) Block Training (In-Service)
      - (ii) Roll-call
      - (iii) Field Training and Evaluation (FTEP)
      - (iv) Power DMS Policy Refreshers
- C. Through ongoing partnerships with local victim advocacy organizations the department shall develop domestic violence curricula and train officers in order to enhance the officers'/agency's response to victims.

## **III. Early Warning And Intervention**

- A. Pre-Hire Screening and Investigation
  - 1) This department shall conduct a thorough background investigation of all potential new employees.

- 2) All candidates shall be asked if they have engaged in or been investigated for domestic violence and asked about any past arrests, suspended sentences, diversion programs, convictions, and protection orders related to elder abuse, child abuse, sexual assault, stalking, or domestic violence.
- 3) Those candidates with a history of perpetrating violence (to include: elder abuse, child abuse, sexual assault, stalking, or domestic violence) should be screened out at this point in the hiring process.
- 4) Candidates shall be clearly informed of the department's position of zero tolerance concerning domestic violence by officers.

**B. Post Conditional Offer of Employment**

- 1) The psychological screening of all viable candidates will focus on indicators of abusive tendencies in their background.
- 2) This department shall strongly consider a no-hire decision in the case of a candidate with tendencies indicative of abusive behavior.

**IV. Department Responsibilities**

- A. This policy is available to all law enforcement agencies requesting timely notification of an incident involving an officer. This policy, along with the entire Manual of General Orders, is on the town of Lexington website.
- B. The department shall, either in response to observed warning signs or at the request of an officer, intimate partner, or other family member, provide non-punitive avenues of assistance before an act of domestic violence occurs.
- C. The department shall inform officers of the procedure for seeking confidential referrals, either internally or externally, to confidential counseling services.
- D. A disclosure on the part of any officer, intimate partner or family member to any member of the department that an officer has personally engaged in domestic violence will be treated as an admission or report of a crime and shall be investigated both administratively and criminally.

**V. Supervisor Responsibilities**

- A. Supervisors should be cognizant of and document any pattern of abusive behavior potentially indicative of domestic violence including but not limited to the following:
  - 1) Aggressiveness
  - 2) Excessive and/or increased use of force on the job
  - 3) Stalking and inappropriate surveillance activities
  - 4) Unusually high incidences of physical altercations and verbal disputes
  - 5) Citizen and fellow officer complaints of unwarranted aggression and verbal abuse

- 6) Inappropriate treatment of animals
  - 7) On or off-duty officer injuries
  - 8) Domestic violence related issues
  - 9) Monitoring and controlling any family member or intimate partner through such means as excessive phone calling
  - 10) Stalking any intimate partner or family member
  - 11) Discrediting and/or disparaging an intimate partner
  - 12) Deteriorating work performance
  - 13) Tardiness
  - 14) Excessive absences
  - 15) Alcohol and drug abuse
- B. When the supervisor notes a pattern of problematic behavior (as detailed above), the supervisor shall:
- 1) Address the behaviors through a review or other contact with the officer and document all contacts.
  - 2) Forward written reports capturing the behaviors to the chief through the chain of command in a timely manner to determine discipline as warranted.
  - 3) Prepare and submit to the Chief, through the chain of command, a written request for a fitness for duty exam/counseling.

## **VI. Police Officer Responsibilities**

- A. Officers are encouraged to take personal responsibility in seeking confidential referrals and assistance from the department to prevent a problem from escalating to the level of criminal conduct against an intimate partner.
- B. Officers who engage in the following actions will be subject to severe discipline up to and including dismissal:
- 1) Failure to report knowledge of abuse or violence involving a fellow officer
  - 2) Failure to cooperate with the investigation of a police officer domestic violence case (except in the case where that officer is the victim)
  - 3) Interference with cases involving themselves or fellow officers
  - 4) Intimidation/coercion of witnesses or victims (i.e., surveillance, harassment, stalking, threatening, or falsely reporting)
  - 5) Failure to immediately make a report to their supervisors and provide notice of the court dates, times, appearances, and proceedings when the officer learns they are the subject of a criminal investigation, regardless of jurisdiction.
  - 6) Failure to immediately notify their supervisor of any protective order proceeding, whether or not the order is issued and regardless of jurisdiction, and provide a copy of the order, if issued
    - (a) If subject to a qualifying protection order, the officer shall surrender department issued firearm(s) unless department policy allows for possession of the primary service weapon.

## **VII. Incident Response Protocols**

### **A. Department Wide Response**

- 1) The department shall accept, document, and preserve all calls or reports, including those made anonymously, regarding domestic violence as on the record information.
- 2) All reports of possible criminal activity implicating police officers in domestic violence shall be documented in accordance with the policies governing the handling of reports of domestic violence involving civilians.
- 3) The on-scene supervisor shall forward a copy of the report alleging domestic violence by the officer to the chief through the chain of command.
- 4) All such incident reports shall be made available by the department to the victim without cost.

## **VIII. Communications Response**

- A. Communications officers/dispatchers shall be instructed to assign a high priority to all domestic violence calls, including those that involve or appear to involve a police officer of any department.
- B. Communications officers/dispatchers shall immediately notify the supervisor on duty and the dispatch supervisor of any domestic violence call received that involves, or appears to involve, a police officer, regardless of the involved officer's jurisdiction.
- C. Communications officers/dispatchers shall have available current contact information of local domestic violence victim advocacy organizations for on-scene supervisors to provide to victims.

## **IX. Patrol Response**

- A. Upon arrival on the scene of an officer involved domestic violence call or incident, the primary patrol officer shall immediately request a supervisor response.
- B. In responding to domestic violence incidents where the victim is a police officer, standard domestic violence response and investigation procedures should be followed.
- C. The responding officers shall perform the following actions:
  - 1) Obtain needed medical assistance
  - 2) Address the immediate safety of all parties involved
  - 3) Secure the scene and preserve evidence
  - 4) Note all excited utterances, admissions and/or incriminating statements
  - 5) Make an arrest if probable cause exists

## **X. On-Scene Supervisor Response**

- A. The shift supervisor shall respond to the scene of all domestic violence incidents involving a police officer, regardless of the involved officer's jurisdiction.
- B. If the domestic violence scene involves a Lexington Police Department officer, the shift supervisor will notify Lexington County Sheriff's Department to handle the criminal investigation. The on-call Watch Commander will be notified as well.
- C. The on-scene supervisor shall assume command and ensure that the crime scene is secured and that all evidence is collected. Photographic and/or video documentation of the parties involved and scene shall be recorded where such resources are available.
- D. The supervisor shall inquire as to the safety of all children present at the time of the incident and all children in the household. As appropriate and necessary, the children should be interviewed separately from other parties.
- E. In cases where probable cause exists, the on-scene supervisor shall ensure an arrest is made.
- F. If the alleged offender has left the scene and probable cause exists, the supervisor shall perform the following actions:
  - 1) Exhaust all reasonable means to locate the alleged offender
  - 2) Ensure that an arrest warrant is sought, if unable to locate the alleged offender
  - 3) Document all subsequent actions in a timely manner
  - 4) In the event that the victim has left the scene, the supervisor shall make every effort to follow through on the investigation and attempt to locate the victim.
  - 5) The supervisor shall ensure that a thorough investigation is conducted and an arrest of the dominant aggressor is made in accordance with state law.
  - 6) Whenever an officer is arrested, the supervisor shall relieve the accused officer of all service weapons regardless of whether the officer is a member of the responding department absent response of that department.
  - 7) Where allowable under federal, state, or local ordinances, all other firearms owned or at the disposal of the accused officer shall be seized for safety reasons.
  - 8) The supervisor shall inquire whether the victim wants any firearms removed from the home for safekeeping by the department and make arrangements as necessary.
  - 9) The on-scene supervisor shall ensure the victim is informed of the following:
    - (a) The judicial process and victim rights
    - (b) The department's policy on police officer domestic violence, procedures and cross-jurisdictional responsibilities as they apply
    - (c) The standard of probable cause for arrest
    - (d) Procedures for obtaining protective orders

- (e) Victim compensation
  - (f) The availability of an on-scene advocate
  - (g) The availability of confidential transportation to a location that can provide improved victim safety
  - (h) Community resources and local domestic violence victim service
- 10) Whenever a police officer involved domestic violence call does not result in an arrest or a warrant is not sought, the on-scene supervisor shall explain in a written supplemental report.
- 11) The on-scene supervisor shall notify the Watch Commander as soon as possible.

## **XI. Department Follow-Up**

- A. In a timely manner, the Chief shall ensure that all officers who responded to a police officer domestic violence call are debriefed. The debriefing shall include the following:
- 1) A review of department confidentiality guidelines.
  - 2) A clear delineation of assignments.
- B. Officers involved in the response to a domestic violence call/incident involving another police officer are prohibited from discussion of the incident outside of the official inquiry.
- C. Follow-up investigators shall proactively seek out information on existing protective orders and, if found, shall enforce them and any applicable state and federal firearms laws and determine whether the officer violated department policy by failing to report the protective order.
- D. Arrest warrants charging police officers with domestic violence and protective orders issued at a later time shall be served by no fewer than two officers with at least one being of senior rank to the officer being served.
- E. In cases where firearms have not previously been seized, firearms shall be seized if allowed by the department and decisions about service weapons will be made.
- F. In the event the protection order expires or the victim asks that it be discontinued, the department shall still conduct a thorough administrative investigation.
- G. Following the reported incident, the Victim's Advocate shall perform the following duties:
- 1) Conduct a danger assessment to determine the potential for further violence and inform the victim of the possibility of danger regardless of the outcome of the assessment
  - 2) Act as a principal point of contact to keep the victim apprised of all developments

- 3) Ensure that safety planning and danger assessment is made available to the victim
- 4) Report the findings of the danger assessment to the chief who will make decisions concerning appropriate sanctions, administrative actions, and referrals for the accused officer

## **XII. Victim Safety And Protection**

- A. Departments shall work with community resources and advocacy agencies to connect victims and their children with appropriate services.
- B. The Victim's Advocate shall inform the victim of confidentiality policies and their limitations, and ensure that confidentiality is maintained throughout the case.
- C. All officers shall be aware of possible victim/witness intimidation or coercion and the increased danger when the victim leaves an abusive partner.
- D. The Victim's Advocate shall assist the victim and children in safety planning and caution the victim to be alert to stalking activities.
- E. If an officer suspect's intimidation or coercion of the victim/witness is occurring, the officer shall prepare a written report to be delivered immediately to the investigator in charge of the case through the chain of command.
  - 1) In order to determine whether the victim/witness is being intimidated or coerced, the investigator in charge shall seek out secondary sources of information.
  - 2) Given the possibility that a victim will recant or choose not to participate in court proceedings, supplemental evidence shall be sought out and preserved.

## **XIII. Post Incident Administrative And Criminal Decisions**

- A. Administrative and Criminal investigations of alleged incidents of police officer domestic violence shall be conducted in a manner that maintains the integrity of the agency, both investigations and promotes zero tolerance.
- B. Regardless of the outcome of the criminal case, the department shall uphold all administrative decisions.
- C. If the facts of the case indicate that domestic violence has occurred or any department policies have been violated, administrative action shall be taken independent of any criminal proceedings as soon as practicable.
- D. The department will adhere to and observe all necessary protocols to ensure an accused officer's departmental and legal rights are upheld during the administrative and criminal investigations.



**E. Administrative Investigations and Decisions**

- 1) The responsibility to complete the administrative investigation of a police officer domestic violence incident shall rest with the Office of Professional Standards.
- 2) Regardless of whether an arrest was made on scene, the investigating official shall conduct an independent, comprehensive administrative investigation using standard elements of criminal investigations. Victims and witnesses shall be re-interviewed and their statements recorded; crime scene evidence, photographs, and medical records accessed; and 911 tapes requested.
- 3) Where sufficient information/evidence exists, the department shall take immediate administrative action against the accused officer that may include removal of badge and service weapons, reassignment, sanctions, suspension, or termination.
- 4) When an investigation of an incident uncovers officers who had knowledge of violence on the part of another officer but failed to notify the department or engaged in actions intended to interfere with the investigation, the department shall investigate those officers and take disciplinary action and criminally charge as warranted.
- 5) If administrative policies and/or administrative orders of protection are violated or sufficient concern exists regarding a violation, the department shall initiate an independent administrative investigation, seize firearms as allowed under department policy as soon as practicable, and take disciplinary action up to and including dismissal.
- 6) In determining the proper course of administrative action, a department shall consider factors including the level of danger an officer poses as indicated by the outcome of the danger assessment of the officer, the officer's history of compliance with departmental rules, prior written or verbal threats, history of aggressive behaviors, and existence of an alcohol or substance abuse problem.
- 7) If the accused officer is assigned enforcement duties while the administrative and/or criminal investigations are under way, those duties should not include response to domestic violence calls.
- 8) If the department determines through an administrative investigation that the officer violated department policy, regardless of whether the officer plead *nolo contendere* in response to criminal charges, the department may employ the full range of administrative sanctions.
- 9) Any officer determined through an administrative investigation to have committed domestic violence shall be terminated from the department.

**F. Criminal Investigations and Decisions**

- 1) The Chief shall request an outside law enforcement agency to conduct the criminal investigation.
- 2) Even though an initial report may already exist concerning a police officer, reports of any subsequent or additional criminal or non-criminal incidents, which may include fellow officers engaging in surveillance or intimidation of the victim,

shall be documented in separate incident reports, assigned a case number, cross-referenced with the original case number and investigated thoroughly.

- 3) Any officer convicted through criminal proceedings of a domestic violence crime shall be terminated from the department.

**G. Termination Procedures**

- 1) Upon the decision to terminate an officer, the Chief shall do the following in accordance with department policy and state law:
  - (a) Notify the officer, in writing, of the effective date of termination.
  - (b) Inform the officer of available support services, to include counseling
  - (c) Ensure that the victim is notified in a timely manner and offered available assistance, to include safety planning.
  - (d) Notify the state licensing body of the reason for termination/separation as required.
  - (e) Federal law prohibits anyone convicted of a misdemeanor domestic violence crime from possessing firearms. The department shall ensure compliance with federal law.