

DOMESTIC VIOLENCE - EMPLOYEE INVOLVED

POLICY:

The Omaha Police Department (OPD) shall adhere to a zero-tolerance policy toward employees involved in domestic violence. It is the policy of the OPD to act quickly to protect the victim, conduct both an administrative and a criminal investigation, and arrest the perpetrator if appropriate.

DEFINITIONS:

Applicant (Plaintiff): The person who sought the Protection Order or initiated the court case.

Dating Relationship: A relationship that involves frequent, intimate associations and is primarily characterized by the expectation of affection or sexual involvement ([NRS §28-323](#)). Dating relationships do NOT include casual relationships or ordinary associations between persons in a business or social context.

Domestic Violence (DV): Any act of violence (threat of or actual) including but not limited to: 1) bodily injury or threat of imminent bodily injury with or without a dangerous instrument, 2) sexual battery, 3) physical restraint, 4) property crime directed at the victim, 5) violation of a court order of protection or similar injunction, and/or 6) death perpetrated by an individual upon his or her intimate partner.

Exclusionary Order: A restraining order or protection order that contains a provision excluding the respondent from the premises occupied by the applicant.

Ex parte: A legal term meaning "on one side." Most court orders are issued only after a hearing where both the Plaintiff and the Respondent have an opportunity to be heard, however, Protection Orders are often issued ex parte.

Harassment: To knowingly and willfully engage in a course of conduct directed at a specific person which seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose ([NRS §28-311.02](#)).

Intimate Partner: A spouse, former spouse, persons who have a child in common whether or not they have been married or lived together at any time, and persons who are or were involved in a dating relationship ([NRS §28-323](#)).

Protection Order: A court order issued to provide protection to a victim of Domestic Violence or a victim of stalking, pursuant to [NRS §42-924](#), et seq. Protection Orders prohibit the Respondent from imposing any restraint upon the Applicant, and from threatening, assaulting, molesting, attacking, or disturbing the peace of the Applicant. Protection Orders also prohibit the Respondent from telephoning, contacting, or otherwise communicating with the Applicant. A Protection Order may also include a provision that excludes the Respondent from the premises occupied by the Applicant and may order the Respondent to stay away from any place specified by the Court.

Respondent (Defendant): The adverse party against whom a Protection or Restraining Order is issued.

Restraining Order: A term broadly applied to many kinds of court orders that forbid Respondents from engaging in certain acts. This term is most often used to refer to orders issued in divorce cases, pursuant to [NRS §42-357](#).

Stalking: Willfully harassing another person or family or household member with the intent to injure, terrify, threaten, or intimidate ([NRS §28-311.03](#)).

PROCEDURE:

I. Prevention, Education and Training

- A. The OPD Training Unit, in conjunction with the Domestic Violence Squad, will provide DV training to all employees, as needed.

II. Early Warning and Intervention

- A. The OPD and City of Omaha Human Resources (HR) Department screen sworn applicants for indicators of violent or abusive behaviors in adherence with the policies and procedures outlined in the OPD ["Domestic Violence – Applicant Screening"](#) policy.
- B. Employees are entitled and encouraged to seek assistance in all matters involving personal and familial conflict through the City of Omaha's Employee Assistance Program in order to avoid the escalation of the problem to the point where it is considered DV, as prescribed by this policy and state laws.

III. Supervisor Responsibilities

- A. Demonstration of aggressive behaviors will be documented for consideration by supervisors. These include stalking and surveillance activities, unusually high incidences of fights, injuries, or disputes.
- B. Supervisors will maintain close supervision with employees whose behavior is inconsistent with acceptable standards for on-duty problem resolution.
- C. Supervisors will be cognizant of instances where employees may exhibit signs of possible DV related problems, which may include increased use of force during arrests, alcohol and/or drug abuse, increase in controlling behaviors, stalking activity, aggression towards animals, citizens and fellow officer complaints of unwarranted aggression and verbal abuse.
- D. Supervisors will notify the Chief of Police via the chain of command of the circumstances or concerns within 24 hours of becoming aware of such issues.
- E. Supervisors will prepare requests for the evaluation of an officer's mental and physical well-being by suitable professionals when behaviors or circumstances deem it appropriate.

IV. Employee Responsibilities

- A. Employees with knowledge of abuse and/or violence involving fellow employees who fail to report such information to their supervisor will be sanctioned.
- B. Employees who engage in threatening, harassing, stalking, surveillance, the intimidation of witnesses, or other such behavior designed to interfere with cases against fellow officers will be subject to investigation, disciplinary action, and other possible sanctions and/or criminal charges.

V. Incident Response Protocols

- A. The OPD will accept all calls or reports, including those made anonymously, involving information about employees involved in DV as "on-the-record."
- B. Records of all calls/reports implicating employees in DV will be maintained and preserved in accordance with prescribed retention schedules. Written documentation will include the following:

1. Date.
2. Time.
3. Location.
4. Circumstances.
5. Names (if known).
6. Officials notified.
7. Action(s) taken.

C. The following procedures will be followed when responding to an employee-involved DV incident:

1. A supervisor will respond to the scene of all suspected employee-involved DV incidents.

NOTE: When officers respond to employee-involved DV incidents, they shall adhere to the policies and procedures outlined in the OPD ["Domestic Violence"](#) policy.

2. The on-scene supervisor will assume command and will make certain the crime scene is secure and that all evidence is thoroughly collected, including photographs. Video documentation of the victim and scene will be recorded when such resources are available.
 - a. The Forensic Investigations Unit will be called to photograph and record the scene in all employee-involved DV incidents. Officers will NOT use the Domestic Violence cameras to photograph employee-involved DV incidents.
3. The on-scene supervisor shall notify the Adult Special Victims Unit (ASVU) Lieutenant of all suspected employee-involved DV incidents, as soon as practical.
 - a. This shall include notifying the ASVU Lieutenant of the details of the case, whether an arrest was made, and any future follow-up needed by the DV Unit.
4. In cases where probable cause exists, the on-scene supervisor will make certain an arrest is made. The supervisor will review any arrest with the respective Deputy Chief and/or designee.
5. If the incident involves an OPD officer and an arrest is made, the on-scene supervisor will relieve the accused officer of all department-owned weapon(s). Where allowed under federal, state, or local law, all other firearms owned or at the disposal of the accused officer will be removed to make certain of victim safety.
6. If the offender has left the scene, the responding officers will:
 - a. Attempt to locate the suspect, initiate a broadcast, search all areas the offender is known to frequent, and document the results of the search.
 - b. Obtain information from victims, family, and witnesses as to where the offender might have gone.
 - c. Forward all information to ASVU.

7. Officers will make certain of the victim's safety and provide the victim with resources in adherence with the policies and procedures outlined in the OPD "[Domestic Violence](#)" policy.

VI. Post-Incident Administrative and Prosecutorial Actions

- A. Alleged incidents of employee-involved DV will be investigated both criminally and administratively by the OPD.
- B. Criminal Investigation.
 1. The Domestic Violence Squad will be responsible for the investigative follow-up of reports of employee-involved DV, including seeking arrest warrants.
 2. The investigating official (who will be at least one rank higher than the accused employee) will conduct the criminal investigation in the same manner as they would conduct any other criminal violation. Witnesses will be interviewed, evidence will be collected, photographs of the scene and injuries will be taken, medical records will be accessed, and all information will be fully documented.
 3. If the victim reports any subsequent or additional criminal activity, each incident will be documented in an OPD Incident Report ([OPD Form 189](#)), assigned a case number, and investigated thoroughly.
- C. The OPD may initiate an independent administrative investigation and make decisions about the employee's status based on the outcome of the administrative investigation regardless of the outcome of the criminal investigation.
 1. The Professional Oversight Bureau, Internal Affairs Unit, will conduct an investigation pursuant to procedures.
 2. The Chief of Police will then take the appropriate disciplinary action.

NOTE: When appropriate, the OPD will take immediate administrative action to intervene.
- D. The OPD will adhere to/observe all necessary protocols to make certain that if administrative/criminal investigations of an accused employee are conducted, the employee's departmental and legal rights are upheld.

VII. Accused Employee Responsibilities

- A. Employees who may handle weapons or ammunition shall immediately notify the Professional Oversight Bureau if they are arrested, charged with, or convicted of a crime involving domestic violence.
- B. Accused employees will notify their supervisor of all court dates, times, appearances, and proceedings in a timely manner to make certain the OPD is aware of, and represented at, all proceedings.
- C. OPD employees who have been served with a Domestic Abuse or Harassment Protection shall adhere to all procedures noted in the OPD Employee Involved Responsibilities section of the OPD "[Protection Orders and Harassment](#)" policy.

VIII. Convicted Employees

- A. Federal Firearms Regulatory Ruling
 - 1. The OPD shall comply with the Gun Control Act of 1968, Domestic Violence Amendment. This federal law prohibits police officers and other employees who handle firearms in their regular duties from carrying and handling firearms after a conviction of a crime involving DV.
 - 2. An OPD officer convicted of misdemeanor and/or felony DV will have their law enforcement certificate revoked and will be terminated from employment.
- B. An employee convicted of a crime involving domestic violence shall immediately be ordered to relinquish all firearms and ammunition in their possession.

NOTE: Refusal to comply with such an order will result in termination of employment and immediate investigation for criminal law violations by the appropriate authorities.
- C. An employee convicted of a crime involving domestic violence may be placed on special duty in order to comply with the law, or the employee may be suspended with pay.

REFERENCES:

I. Laws

- A. Nebraska Revised Statutes (NRS) [NRS §28-323](#), [42-357](#), [28-311.02](#), [42-924](#), [28-311.03](#), and [81-1403](#) are referenced in this policy.
- B. [18 US Code §925\(a\)\(1\)](#) and [922\(g\)](#) are relevant to this policy.

II. Previous OPD Orders

- A. Previous General Orders: #29-99, 39-01, 50-14, 4-15, 91-16, 27-18, and 9-23.

III. Other

- A. PPM Monthly Updates: #6-2018 and 7-2018.