

The purpose of this policy is to establish clear procedures, protocols and actions for investigating, reporting and responding to domestic violence when an incident involves a Bellevue Police Department sworn employee or a sworn employee from another agency.

Public confidence in law enforcement is important to our ability to maintain public safety. The public must trust that law enforcement employees are held to the standards of the law regarding domestic violence. Therefore, the agency will:

1. Promptly respond to allegations of domestic violence by an employee according to this policy and all applicable laws.
2. Give primary consideration to protection of the victim of domestic violence and enforcement of the laws.
3. Respect the due process rights of all employees, according to applicable legal precedent and collective bargaining agreements.
4. Expeditiously report and conduct thorough investigations into any allegation of a law enforcement employee involved in domestic violence.
5. Train employees and seek to educate their families about domestic violence and avenues for assistance.

Definitions:

Domestic violence as defined in RCW 10.99 includes two elements: first, a relationship between the perpetrator and the victim defined in RCW 10.99.020 (3), and second, that a criminal act has occurred as defined in RCW 10.99.020 (5).

Domestic violence advocate refers to an individual with professional credentials in the dynamics of battering, advocacy and victim safety.

Sworn employee means a general authority Washington peace officer as defined in RCW 10.93.020, any person appointed under RCW 35.21.333, any person appointed or elected to carry out the duties of the sheriff under chapter 36.28 RCW, and any Federal Peace Officer as defined in RCW 10.93.020.

Employee means any person currently employed with a law enforcement agency and specifically includes volunteers.

Agency Actions:

- ❖ Provide pre-hire screening procedures reasonably calculated to disclose whether an applicant for a sworn employee position has a history of domestic violence or child abuse allegations or has been subject to a protective order.
- ❖ Maintain ongoing and meaningful relationships with victim advocacy groups and other domestic violence professionals in the community.
- ❖ Provide education to department personnel on the dynamics of interpersonal violence.
- ❖ In response to observed behavior or at the request of the employee, the department will provide information of programs under RCW 26.50.150 (State certified batterer's treatment) and may recommend intervention services to employees.
- ❖ Reported acts of domestic violence will be investigated administratively and criminally as appropriate. Administrative investigations may be conducted by the Office of Accountability or through agreements with other law enforcement agencies. Applicable legal precedent and collective bargaining agreements will be honored.
- ❖ Provide information to employing law enforcement agencies as soon as possible after a domestic violence report involving a sworn employee.
- ❖ Provide information on this domestic violence policy to employees and make it available to employee families and the public.

- ❖ Provide victims of domestic violence by agency employees an agency point of contact to assist the victim through the investigative process.
- ❖ Provide victims of domestic violence by agency employees contact information about public and private nonprofit domestic violence services and information regarding relevant confidentiality policies related to the victim's information.
- ❖ Respond to department employees who are alleged to be victims of violence by sworn employees of the agency. Safety concerns and domestic violence services information will be reviewed with the alleged victim employee.
- ❖ Provide for appropriate sanctions when it is found that an employee has committed an act of domestic violence.
- ❖ Consider whether to relieve a sworn employee of agency-issued weapons and identification as well as suspending law enforcement powers pending resolution of an investigation. (*Department Manual 14.00.140, Temporary Relief from Duty*)
- ❖ All completed criminal investigations of domestic violence committed by a sworn employee shall be promptly forwarded to the appropriate prosecuting authority for a charging decision.

Employee Actions:

- ❖ Employees are entitled to seek assistance through the employee assistance program, employee peer counselors, chaplains or psychological professionals.
- ❖ Employees who become aware of an allegation of a domestic violence crime allegedly committed by a sworn employee must immediately report to a supervisor or the Office of Accountability. Failure to report may subject the employee to disciplinary action. (*Standards of Conduct 11.00.420, also Department Manual 14.00.070 Internal Complaints*)
- ❖ 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.
- ❖ Employees should be alert to the likelihood of victim or witness intimidation and shall immediately notify a supervisor or the Office of Accountability.
- ❖ Employees are expected to fully cooperate with the investigation of allegations under this policy but only as requested by a supervisor, the Office of Accountability or court subpoena.
- ❖ When a law enforcement agency responds to a call in which a sworn employee is alleged to have committed an act of domestic violence, the involved employee must immediately report that police response to a supervisor. Represented employees have a right to a Guild Representative at this time but may not delay the reporting to secure one.
- ❖ When an employee becomes the subject of an investigation for child abuse or neglect, or has previously been investigated for founded allegations of child abuse or neglect, or is currently or has previously been subject to any order under RCW 26.44.063 (Child Abuse/Neglect), 10.99 (DV-Official Response), 10.14 (Harassment) or 26.50 (DV Prevention Act), that employee must immediately report the fact directly to the Office of Accountability. Orders issued under 26.09 (Dissolution of Marriage) are NOT included.

Supervisory Actions:

- ❖ Supervisors should strive to be aware of behaviors in their subordinates that could be indicative of domestic violence.
- ❖ All agency supervisors are required to see that domestic violence incidents are properly recorded and processed according to this policy.

General Incident Response:

- ❖ Notification of any incident of domestic violence involving any law enforcement officer requires:
 - **A prompt response**
 - **Full investigation**
 - **A complete written report by this agency**
 - **Notification to the employing agency.**

- ❖ Patrol response to the scene of domestic violence involving law enforcement officers requires on scene supervisory presence. (*Department Manual 15.00.070 Supervisory Accountability*)
- ❖ All incidents of domestic violence by agency personnel require notification through the chain of command to the Chief of Police. (*Department Manual 15.00.080 Supervisor/Command Notification Responsibilities*)
- ❖ The Office of Accountability shall notify the applicable agency head of incidents of domestic violence by other law enforcement agency sworn employees.
- ❖ In the event of a report of domestic violence alleged to have been committed by the agency head, 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.

Patrol Response to an Incident within Bellevue PD Jurisdiction:

- ❖ A patrol officer responding to an incident described as domestic violence involving a law enforcement officer shall request a supervisory response to the scene.
- ❖ A thorough investigation shall be conducted in compliance with *Department Manual Chapter 5.00.040 Domestic Violence*.
- ❖ The primary officer shall inquire 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.
- ❖ A copy of the report should be forwarded to the Domestic Violence Unit and the Patrol Commander. Access to the report should then be restricted or physically secured, except as mandated by law.

Patrol Supervisor Response:

- ❖ A patrol supervisor shall respond to the scene of any domestic violence incident occurring inside the City of Bellevue, involving a sworn law enforcement employee regardless of the employing agency.
- ❖ The patrol supervisor shall ensure command notification.
- ❖ The patrol supervisor shall coordinate the investigation for incidents alleged to have occurred inside the City of Bellevue.
- ❖ The supervisor will document their actions by writing a report.
- ❖ The supervisor will provide a DV Resource Booklet and a copy of this policy to the victim.

Command Officer Response:

- ❖ The command officer notified of an incident covered by this policy will ensure that the Chief of Police is notified promptly of such incident. (*Department Manual 15.00.080 Supervisor/Command Notification Responsibilities*)
- ❖ The on duty or on-call command officer shall respond to the scene of any domestic violence incident occurring inside the City of Bellevue, involving a sworn law enforcement employee regardless of the employing agency. Upon arrival s/he shall take command of the scene.
- ❖ For incidents involving Bellevue sworn employees:
 - Whether or not there is an arrest made, the command duty officer will make a decision regarding the officer's department-issued weapons. Consideration should be given to other agency equipment and inquiries made about personal weapons that may be secured for safekeeping. In the case of an arrest, removal of the weapon is recommended. (*Department Manual 14.00.140 Temporary Relief from Duty*)
- ❖ For incidents within the City of Bellevue involving sworn employees of other law enforcement agencies:
 - The command officer will ensure command notification of the employing agency.
 - The command officer will ensure that assistance has been offered with removing weapons, police powers, etc.
 - The command officer will ensure that the department provides appropriate reports and any other requested documentation to the employing agency.
 - If an arrest is made, the command duty officer or his designee shall contact that jurisdiction prior to custody transport and request authorization to seize that employee's duty weapons or arrange for the employing agency to do so.

Domestic Violence Advocate:

- ❖ When appropriate, the Domestic Violence advocate will review the report and coordinate with the investigative unit.
- ❖ Will coordinate with the appropriate prosecutor's office regarding charging and prosecution.
- ❖ The domestic violence advocate will coordinate with the appropriate community based advocacy organization to assist with victim safety concerns and obtaining protective orders.
- ❖ Selection of the court based domestic violence advocate will be made with consideration given to avoid any possible conflicts of interest.

Victim Point of Contact

- ❖ The single point of contact for victims of domestic violence involving a Bellevue Police Officer shall be the Commander of the Office of Accountability. In the event that the Office of Accountability Commander is not available, the Captain of the Personnel Services Unit will assume this responsibility. This individual will:
- ❖ Inform the victim of the following public disclosure laws and policies of the department:
 - Victim access: The Office of Accountability may release information from the criminal or administrative investigation to the victim or his or her authorized agent pursuant to RCW 10.97.070.
 - All other Requests. The Public Disclosure Act governs release of information from either the criminal or administrative investigation. The Records Unit in consultation with the Police Legal Advisor shall process requests for the criminal investigation. The Police Legal Advisor shall process requests for information from the administrative investigation.
 - The Public Information officer shall handle all media requests in conformance with Department Manual Chapter 12.00.010.
- ❖ Work with community resources and advocacy agencies to make available to the victim:
 - Information on how to obtain protective orders and/or removal of weapons from his or her home.
 - A copy of this policy and Information about public and private domestic violence advocacy resources.

Administrative Process:

- ❖ The agency will observe all other appropriate policies and procedures generally applicable to investigation of alleged officer misconduct. The department will respect rights of the accused employee under applicable collective bargaining agreements and case law.
- ❖ Administrative investigations will be conducted through the Office of Accountability or by an outside agency as directed by the Chief of Police.
- ❖ The department may make appropriate restrictions to assignments, law enforcement powers, building and records access and consider administrative reassignment and/or leave. (Department Manual 14.00.130 Preliminary Protective Action)
- ❖ Agency employees may be ordered to undergo a fitness for duty evaluation prior to any disposition, depending on the circumstances and in accordance with administrative policy and applicable collective bargaining agreements and civil service standards. (Department Manual Chapters 14.00.140 and 17.00.170)