

Domestic Violence Involving Law Enforcement Employees

1049.1 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).

1049.1.1 DEFINITIONS

Agency - Means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

Employee - Means any person currently employed with the Vancouver Police Department.

DVPC - Domestic Violence Prosecution Center

Non-Sworn Employee - Means any employee of an agency that is not classified as a peace officer defined in RCW 10.93.020.

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.

1049.2 DEPARTMENT RESPONSIBILITIES

Vancouver Police Department 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 a protective order.
- (b) Maintain ongoing and meaningful relationships with victim advocacy groups and other domestic violence professionals in the community.
- (c) In response to observed behavior or at the request of the employee, the Vancouver Police Department may offer or recommend intervention services to all employees. If domestic violence is suspected, the referral should be to a domestic violence specialist.
- (d) Any employee who becomes aware of domestic violence committed by a sworn/non-sworn employee must immediately report that allegation to their supervisor.
- (e) 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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- (f) Provide information to employing law enforcement agencies within 24 hours of a domestic violence or domestic dispute report involving a sworn/non-sworn employee . This should be accomplished by either a direct phone conversation or personal contact with the agency head.
- (g) 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.
- (h) Provide victims of domestic violence by Vancouver Police Department employees a Department point of contact to assist the victim through the investigative process. Unless otherwise designated, the point of contact will be the Domestic Violence Prosecution Center (DVPC) Sergeant.
- (i) Provide victims of domestic violence by Vancouver Police Department employees contact information about public and private nonprofit domestic violence services and information regarding relevant confidentiality policies related to the victim's information.
- (j) Respond to Vancouver Police Department employees who are alleged victims of violence at the hands of sworn/non-sworn employees of the Vancouver Police Department. Safety concerns and domestic violence services information will be reviewed with the victim employee.
- (k) Provide for an impartial administrative investigation and appropriate criminal investigation of all acts of domestic violence allegedly committed by a sworn/non-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 Vancouver Police Department or through agreements with other law enforcement agencies.
- (l) Consider whether to relieve a sworn employee of Department issued weapons and suspend law enforcement powers pending resolution of an investigation.

1049.2.1 SUPERVISOR RESPONSIBILITIES

In an effort to prevent domestic violence behaviors and/or to prevent problems from escalating to criminal conduct, supervisors:

- (1) Recognize on-duty and/or off-duty behavior that may be a warning sign of domestic violence.
 - a. Warning signs may include, but are not limited to, increased use of force during arrests, alcohol and/or drug abuse, increase in controlling behaviors, stalking activity, citizen and fellow employee complaints of unwarranted aggression and verbal abuse, and aggression toward animals.
 - b. Monitor frequent tardiness and absences.
- (2) Recognize inappropriate aggressive behaviors by all Departmental personnel.
 - a. Inappropriate aggressive behaviors may include, but are not limited to: stalking, inappropriate surveillance activities, unusually high incidences of physical altercations, injuries, or verbal disputes.

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- (3) Maintain close supervision of all personnel who display warning signs or inappropriate aggressive behaviors.
- (4) Accept reports of domestic violence by all personnel.
 - a. Vancouver Police personnel who disclose to any member of the Department that they have personally engaged in or been a victim of domestic violence that may rise to the level of criminal behavior are not entitled to confidentiality.
 - b. A report of potentially criminal domestic violence by Vancouver Police personnel shall be treated as an admission of a crime or notification that a crime has occurred.
- (5) Document the warning signs, inappropriate behaviors and reports of domestic violence.
- (6) Notify Command of warning signs, inappropriate behaviors and reports of domestic violence.
 - a. The notification should include information about domestic violence whether on or off duty for all Department employees.

1049.2.2 COMMAND STAFF RESPONSIBILITIES

A command staff member notified of an incident covered by this policy shall notify the Office of the Chief promptly of such incident and:

- (1) If a Vancouver Police Department sworn employee is involved they shall:
 - a. Determine if the involved employee's law enforcement powers should be suspended and if duty weapon, and other Department owned equipment should be removed pending investigation outcome and possible prosecutorial charging decision.
 - b. Issue an administrative order prohibiting on-duty contact with the victim if appropriate.
 - c. Forward information on the incident to the Professional Standards Unit and/or the Office of the Chief for review and further action.
 - d. Respond or designate a command staff member to respond to a scene if the situation dictates command presence.
- (2) If a non-sworn Vancouver Police Department employee is involved, they shall:
 - a. Forward information on the incident to the Professional Standards Unit and or the Office of the Chief for review and further action.
 - b. Respond or designate a command staff member to respond to a scene if the situation dictates command presence.
- (3) If any employee of another law enforcement agency is involved they shall:
 - a. Verify command notification of the employing agency.
 - b. Verify the on-duty VPD supervisor has offered assistance on scene.
 - c. Ensure that the Vancouver Police Department provides appropriate reports and any other requested documentation to the employing agency.

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1049.2.3 INVESTIGATIVE RESPONSIBILITIES

(1) The Vancouver Police Department investigates reports of law enforcement criminal domestic violence involving sworn and non-sworn employees from other agencies the same as reports of all incidents of domestic violence involving citizens. In these cases, the Domestic Violence Prosecution Center (DVPC) Sergeant shall:

- a. Review the report and assign the criminal investigation.
- b. Coordinate with the appropriate prosecutor's office regarding charging and prosecution.
- c. Assist the victim with safety concerns and develop a safety plan.

(2) All completed investigations of domestic violence that reveal probable cause of a crime committed by any agency sworn employee or the agency head shall be promptly forwarded to the appropriate authority for a charging decision.

(3) This Department will refer law enforcement domestic violence cases, occurring in the city of Vancouver involving Vancouver Police sworn employees, to the Regional Major Crimes Team for criminal investigation.

(4) For all situations involving any employee of this Department, who is a victim of domestic violence, the DVPC Sergeant shall:

- a. Act as the Departmental point of contact.
- b. Contact the victim and develop a safety plan.

1049.2.4 ADMINISTRATIVE RESPONSIBILITIES

An internal affairs investigation will be conducted by the Professional Standards Unit, completely separate from any criminal investigation, when:

- (a) Any Vancouver Police employee is arrested or charges filed involving domestic violence.
- (b) Articulable facts exist regarding domestic violence behavior, even if the employee is not arrested or charged.
- (c) Command will take any necessary administrative action prior to the investigation to protect the interests of everyone involved.
- (d) Disciplinary action may be taken following completion of the investigation up to and including termination of employment as provided within **Policy 902 - Internal Affairs**.

1049.3 EMPLOYEE ACTIONS

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

- (a) Employees are entitled to seek assistance through the employee assistance program, employee peer support counselors, chaplains, or psychological professionals.
- (b) Employees with knowledge or information about any sworn employee in violation of this policy must report in writing to their supervisor or the Professional Standards Unit as soon as possible. Failure to report may subject the employee to disciplinary action.

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- (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 Professional Standards Unit.
- (e) Employees are expected to fully cooperate with the investigation of allegations under this policy but only as requested by a supervisor, the Professional Standards Unit or ordered by court or other legal process (e.g., subpoena).
- (f) When a law enforcement agency responds to a call in which an 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.
- (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. The employee must also notify their supervisor of any notices of court dates, appearances, and proceedings.

1049.4 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). This response would be the same for non-sworn employees of the Vancouver Police Department. These incidents additionally require:

- (a) On-scene supervisory presence.
- (b) Notification through the chain of command to the Office of the Chief of this Department; and if the incident involves employees of another agency, notification of the agency head of the employing agency.
- (c) The Office of the Chief may delegate responsibility for receiving such reports to the DVPC or Regional Major Crimes Team. The 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 Chief of Police, 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.

1049.4.1 PATROL RESPONSE - SWORN EMPLOYEE (NON-VPD)

A patrol officer responding to an incident of domestic violence involving a non-VPD law enforcement officer shall request a supervisory response.

- (a) The primary unit will conduct a thorough investigation of a non-VPD law enforcement officer the same as reports of domestic violence involving citizens.

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(b) Patrol units responding to suspicious circumstances, compelling third party accounts of incidents, unexplained property damage, verbal arguments etc. or other troubling event involving non-VPD law enforcement officers, will complete written reports of the incident.

(c) A copy of all reports of the incident should be forwarded to the DVPC. Access to the report should then be restricted to some form of “read only” version or physically secured.

1049.4.2 PATROL RESPONSE - SWORN/NON-SWORN EMPLOYEE (VPD)

A patrol officer responding to an incident of domestic violence involving a Vancouver Police employee shall request a supervisory response.

(a) The primary unit will respond to secure the scene and ensure the safety of all parties involved.

(b) If the alleged offender has left the scene and probable cause exists, responding patrol units shall search the area and obtain information as to the location of the suspect.

1049.4.3 PATROL SUPERVISOR RESPONSE

A patrol supervisor shall:

(1) Respond to the scene of all domestic violence incidents within the jurisdiction of the Vancouver Police Department involving any law enforcement officer or Vancouver Police employee.

a. 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. Consideration should be given to other agency equipment and inquiries made about voluntary surrender of personal weapons that may be secured for safekeeping.

b. Notify precinct command.

(2) Respond whenever practical to the scene of any domestic violence incident involving any employee of this Department regardless of jurisdiction. Supervisors will coordinate information and offer assistance to the agency of jurisdiction.

a. In the event of the arrest of a sworn employee of the Vancouver Police Department in another law enforcement jurisdiction, contact the Office of the Chief who will order the surrender of the officer's Department issued weapons.

(3) In the event any employee of this Department is involved in any domestic violence incident as a suspect or victim:

a. Notify precinct command. If the incident involves an Assistant Chief or Chief of Police, notify the individual's direct supervisor.

b. Ensure scene security and if needed provide medical aid.

c. If the victim or suspect in any domestic violence incident is an employee of this Department, request the Regional Major Crimes Team be notified to respond and conduct the investigation.

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(4) In all cases involving any Vancouver Police employees, debrief those responding Vancouver Police officers and have them submit a report detailing their actions.

1049.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION

The Vancouver Police Department 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 his/her 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 provided by law.
- (f) The Vancouver Police Department will coordinate victim notification regarding criminal and administrative investigative processes through the DVPC and Professional Standards Unit in order to assist with victim safety.