



Model Policy



Subject

Officer-Involved Domestic Violence

Effective Date

References

Domestic Abuse Investigations: Seizing Firearms (June 1, 2008), Model Wisconsin Policy; Governor's Council on Domestic Abuse

Domestics: A Guide for Law Enforcement (December 2008), State of Wisconsin Department of Justice

Domestic Violence by Police Officers, Model Policy (July 2003), International Association of Chiefs of Police

Sensitive Crimes Investigations: Instructor's Manual (May, 2006), State of Wisconsin Department of Justice

The Lautenberg Amendment (September 1996), Omnibus Consolidated Appropriations Act of 1997; The Federal Gun Control Act of 1968; 18 U.S.C. §922

Wisconsin Officer-Involved Domestic Violence Policy Training Guide (June 2008), State of Wisconsin Department of Justice, Office of the Attorney General

Wisconsin State Statute Chapters: chaps. 46, 813, 938, 940, 941, 950, 968, and 971

Special Instructions

Distribution

Reevaluation Date/s

This policy, and accompanying training guide, will be reviewed periodically. Any changes made to either document will go in to effect within 30 days of the review. Employees will receive update training on any changes to this policy or accompanying procedures.

No. Pages

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I. PURPOSE

The purpose of this policy is to establish procedures for handling matters of domestic violence and abuse involving law enforcement officers and for implementing prevention strategies. This policy will provide law enforcement executives and department employees guidance in reporting and responding to, and investigating domestic violence incidents involving agency employees and law enforcement officers, thereby discouraging and reducing acts of domestic violence by employees of law enforcement agencies.

II. POLICY

This agency will not tolerate domestic violence by its employees. Understanding that enforcing any actions against fellow officers can be complex and uncomfortable; this policy lays out procedures to help reduce the intimidation felt by responding officers. Responding officers are expected to handle these incidents in accordance with the training guide accompanying this policy and could face disciplinary actions if they do not report, investigate, or follow procedures correctly. Moreover, this agency will not tolerate any retaliation against responding officers or anyone who reports an incident of officer-involved domestic violence.

This policy, and the accompanying training guide, offers a comprehensive approach towards officer-involved domestic violence. The procedures seek to educate officers at all phases of their career and use early intervention and awareness strategies as well as disciplinary measures, when necessary, to reduce victimization and increase the chances of officer career stability. Furthermore, whenever incidents of domestic violence are alleged to have occurred the department will act quickly to protect the victim, investigate the allegations, arrest the perpetrator, and conduct parallel administrative and criminal investigations.

Finally, federal law prohibits police officers convicted of qualifying misdemeanor domestic violence crimes from possessing firearms. Officers found guilty of a qualifying domestic violence crime through criminal proceedings shall be terminated as an officer. Once implemented, the policy will apply to past convictions, pending or existing domestic violence cases/crimes, and future police officer domestic violence crimes.

III. SCOPE

This policy applies to all agency employees, whether sworn or not.

IV. DEFINITIONS

A. Domestic Abuse: Section 968.075(1)(a) of the Wisconsin Statutes defines domestic abuse as any of the following engaged in by an adult (17 years of age and older), against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided, or against an adult with whom the person has a child in common:

- Intentional infliction of physical pain, physical injury or illness.
- Intentional impairment of physical condition.

- Violations of Wis. Stats. 940.225(1), (2), or (3) (sexual assault).
- A physical act that may cause the other person reasonably to fear imminent engagement in the conduct described under subs. (1), (2), or (3).

B. Qualifying Misdemeanor Crime of Domestic Violence: Must include:

- A state or federal misdemeanor crime that has as an element of use or attempted use of physical force or threatened use of a deadly weapon.
- Right to counsel or knowing and intelligent waiver.
- Applies to convictions occurring prior to and after September 30, 1996.
- Excludes convictions that have been expunged, set aside, or person has been pardoned or has had his/her civil rights restored

V. PROCEDURES

- A. Procedures for early warning and intervention: The department will implement pre-hire screening and post-conditional employment procedures to screen out candidates with a history of domestic violence. Once hired, officers and their families will undergo an orientation and training on domestic violence and this policy. Throughout an officer's career, the department, supervisors, and officers will attempt to identify warning signs of domestic violence and intervene prior to an incident happening.
- B. Procedures for prevention through education and training: The department will collaborate with advocacy groups on ways to educate officers and their families and conduct periodic training on domestic violence issues throughout officers' careers. The advocacy groups will help evaluate the domestic violence training program and collaborate with the department to improve the program and prevent domestic violence.
- C. Incident response procedures: Critical elements in responding to an officer-involved domestic violence incident include specific procedures for a department response, communications response, patrol response and on-scene supervisor response. The department will follow specific procedures to respond to officer-involved incidents, ensure victim safety, for seizing and removing weapons from the officer involved, and for conducting a department follow-up.
- D. Procedures for post-incident administrative and criminal decisions: After an officer-involved domestic violence incident, the department will conduct two separate investigations. The administrative investigation will determine if the officer violated any departmental policies and procedures and the criminal investigation will determine if the officer violated any laws. If the officer is convicted of a criminal violation, he/she may be terminated from the department.
- E. Victim safety and protection procedures: The department, department contact and community resources will work to ensure victim safety and confidentiality. A lethality assessment/safety plan will be created and any perception of victim or witness intimidation/coercion will be investigated.

- F. Collaboration with victim advocacy agencies: The department will continually foster relationships with local advocacy groups and include those advocacy groups in planning and offering training and in responding to domestic violence incidents.

VI. IMPLEMENTATION PROCEDURES

Once implemented, the policy will apply to past convictions, pending or existing domestic violence cases/crimes, and future police officer domestic violence crimes.

Note: Every effort has been made by the Wisconsin Department of Justice Staff and advisory committees to ensure that this model policy incorporates the most current information and contemporary professional judgment. However, law enforcement administrators must be cautioned that no "model" policy can meet all the needs of any given law enforcement agency. Each agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions, prosecutor guidelines and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities, among many other factors.