



GENERAL ORDER

MINOCQUA POLICE DEPARTMENT

SUBJECT: **OFFICER INVOLVED DOMESTIC ABUSE**

NUMBER: 6.17

SCOPE: All Department Personnel
DISTRIBUTION: General Orders Manual

ISSUED: 03/05/2020

EFFECTIVE: 03/15/2020

RESCINDS

AMENDS

REFERENCE: WI State Statutes: §968.075;
18 U.S.C. §922(g)(9)

WILEAG 5TH EDITION
STANDARDS: 6.3.10

INDEX AS: Abuse, Domestic
Domestic Disputes
Domestic Violence
Family Trouble
Foreign Protection Orders
Officer Involved, Domestic Abuse
Restraining Orders
Temporary Restraining Orders

PURPOSE: This General Order recognizes that the profession of law enforcement is not immune from member committing domestic abuse against their intimate partners. The purpose of this General Order is to establish procedures for handling acts of domestic abuse committed by any sworn officer of the Minocqua Police Department and for implementing prevention strategies. This General Order will provide agency executives, officers and all Department employees guidance in addressing incidents where one (or more) party to a reported domestic abuse incident is an employee, whether sworn or civilian, of any rank in the Department.

This General Order consists of the following numbered sections:

- I. DEFINITIONS
- II. POLICY
- III. PROCEDURE

- I. DEFINITIONS - The definitions contained within General Order 6.16 are applicable to this General Order. Listed below are the additional definitions which apply to this General Order specific to an Officer involved domestic abuse.

- A. DOMESTIC ABUSE / OFFICER INVOLVED: refers to an act or pattern of abuse 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:
- Bodily injury or threat of imminent bodily injury
 - Sexual battery
 - Physical restraint
 - Property crime directed at the victim
 - Stalking
 - Violation of a court order of protection or similar injunction
 - Death threats or death
- B. INTIMATE PARTNER OF A POLICE OFFICER: Is any person who meets one of more of the following criteria:
- Is or was legally married to the police officer
 - Has child in common with the police officer
 - Has or had a dating relationship with the police officer
 - Is specified as an intimate partner by State law
 - Is cohabitating or has cohabitated romantically with the police officer
- C. LAW ENFORCEMENT AGENCY: means a governmental unit of one (1) or more persons employed by the Federal Government, State or a political subdivision of the state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to arrest for crimes while acting within the scope of the authority.

II. POLICY

- A. It is the policy of the Minocqua Police Department that all incidents of Domestic Abuse be handled in the same manner as described in General Order 6.16, regardless of status or position, to include that of any Law Enforcement Officer regardless of rank or agency affiliation.

The Department recognizes that in handling a Domestic Abuse Incident involving a Law Enforcement Officer can be difficult and presents potential conflict of interest with responding officers. As in all matters of domestic violence, responding officers shall take all measures to calm and stabilize the scene, protect the victim(s) and others present, provide first aid as necessary. The following procedures define those procedures, in addition to those stated in 6.16, to be used when handling a domestic abuse incident involving a law enforcement officer.

- B. Federal law, 18 U.S.C. §922(g)(9), prohibits anyone, including police officers, convicted of qualifying misdemeanor domestic abuse crimes from possessing firearms, even on duty.
- C. It is the policy of the Minocqua Police Department the Officers found guilty of a qualifying domestic abuse crime through criminal proceedings shall be terminated.

III. PROCEDURE

- A. The handling of Domestic Abuse Incidents is covered in General Order 6.16. This General Order is designed to address prevention through hiring and training practices, provide direction for intervention when warning signs of domestic abuse are evident, institutionalize a structured response to reported incidents of domestic abuse involving law enforcement sworn and non-sworn employees and offer direction for conducting subsequent administrative and criminal investigations. Components of this General Order include:

1. Prevention and Training
2. Early Warning and Intervention
3. Incident Response Protocols
4. Victim Safety and Protection
5. Post Incident Administrative and Criminal Decisions

B. Prevention and Training

The Minocqua Police Department will adhere to a zero tolerance policy towards officer involved domestic abuse and will not tolerate any violations of this General Order. The Department will provide ongoing training to every member of the Department on domestic abuse throughout all phases of each member's career.

1. Prevention through Collaboration
 - a) Training in this area is mandatory for all officers. Additional training on this topic will be completed as provided through in-service trainings.
2. Training Topics – Through in-service training as outlines in (a) above, all officer shall receive comprehensive instruction covering the following topics:
 - a) Understanding Domestic Abuse
 - b) Officer Involved Domestic Abuse
 - (1) Response Protocol
 - c) Warning Signs of Domestic Abuse by Law Enforcement Officers
 - d) Victim Safety
 - e) Federal Domestic Abuse Laws
3. Ongoing Training – Departments may use a variety of training techniques including in-service, training roll call, Field Training Officer (FTO), ride-alongs, and training bulletins to regularly reinforce standards of effective response protocols.

C. Early Warning and Intervention

1. Pre-hire Screening and Investigation
 - a) The Minocqua Police Department shall conduct thorough background investigations of all potential new employees. The investigations shall include an address history, driver's record check, protection order database, local law enforcement and court record history of each address, and any other appropriate resources.
 - b) All candidates shall be asked if they have ever engaged in or been investigated for a domestic abuse incident.

Further they shall be asked about any past arrests, suspended sentences, diversion programs, convictions, protection orders, related to elder abuse, child abuse, sexual assault, harassment / stalking, or domestic abuse.

- c) Those candidates with a history of perpetrating abuse (to include: elder abuse, child abuse, sexual assault, stalking or domestic abuse) should be screened out at this point in the hiring process.
- d) Candidates shall be clearly informed of the Department's position of zero tolerance concerning domestic abuse by officers.

2. Post Conditional Offer of Employment

- a) The psychological screening of all viable candidates will focus on indicators of abusive tendencies in their background.
- b) The Department has a no hire decision in the case of a candidate with tendencies of domestic or any other abusive behaviors.

3. Post Hire Intervention

- a) When new officers are hired, the Department shall contact their intimate partner or family members to introduce the information within this General Order and other relevant General Orders, to include 6.16, to them.
- b) The Department may also engage in periodic outreach to officers and their intimate partner or family member with any new information on this General Order, the point of contact within the Department and referrals for local support services.

4. Departmental Responsibilities

- a) The Department shall maintain cross jurisdictional communication to ensure timely notification of an incident involving an officer.
- b) The Department shall, either in response to observed warning signs or the request of an officer, intimate partner, or other family member, provide non-punitive avenues of assistance before an act of domestic abuse 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 officer has personally engaged in domestic abuse (to include elder abuse, child abuse, sexual assault, or stalking) will be treated as an admission or report of a crime and shall be investigated both administratively and criminally.

5. 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. Officers may seek a confidential referral or assistance through:

- (1) Any supervisor within the Department.
 - (2) A Law Enforcement Chaplain.
- b) Officers who engage in the following actions shall be subject to discipline up to or including dismissal:
- (1) Failure to report knowledge of abuse or abuse involving a fellow officer, regardless of rank, to include the Chief of Police.
 - (2) Failure to cooperate with the investigation of a law enforcement officer involved domestic abuse case (except in the case where that officer is the victim).
 - (3) Interference or obstruction with any cased involving themselves or fellow law enforcement officers.
 - (4) Intimidation or coercion of witnesses or victims (i.e. surveillance, harassment, stalking, threatening or false statements or reporting).
- c) Officer's that learn they are the subject of a criminal investigation, regardless of jurisdiction, are required to immediately notify their supervisor and to provide notice of the jurisdiction conducting the investigation, any court dates and times, appearances or proceedings. Failure to do so shall result in discipline up to and including dismissal.
- d) Officers who learn they are the subject of any protective order proceeding, whether or not the order is issued and regardless of jurisdiction, shall immediately notify the Chief and provide a copy of such order, if issued.

If subject to a qualifying protection order, the officer shall surrender all firearms, if directed by the Chief of Police. Failure to do so may result in discipline up to and including dismissal.

D. INCIDENT RESPONSE PROTOCOLS

1. Department Wide Response

- a) The Department accepts, documents, and preserves all calls or reports, including those made anonymously, regarding domestic abuse as on the record information.
- b) All reports or possible criminal activity implicating law enforcement officers in domestic abuse shall be documented in accordance with the Policies and Procedures governing the handling of reports of domestic abuse involving citizens.
- c) The Chief of Police shall be notified immediately of all incidents of domestic abuse involving an officer of this Department.
- d) Domestic Abuse incident reports shall be made available to the victim by the Department without cost.

2. Communications Response

- a) Tele-communicators shall be instructed to assign a high priority to all domestic abuse calls, including those that involve or appear to involve a law enforcement officer of any Department.

- b) Tele-communicators shall immediately notify the supervisor on duty and the dispatch supervisor of any domestic abuse call received that involves, or appears to involve, a law enforcement officer, regardless of the involved officer's agency.
- c) Tele-communicators shall prepare and preserve documentation of the facts and circumstances on the call, including the 911 tape, for use in potential administrative or criminal investigations.
- d) Tele-communicators shall have available current contact information of local domestic abuse victim advocacy organizations for the on scene officer or supervisor to provide to the victim(s).

3. Patrol Response

- a) Upon arrival on the scene of a domestic abuse call or incident involving a police officer, the primary patrol unit shall immediately notify dispatch and request an officer of higher rank than the involved officer report to the scene, regardless of the involved officer's agency.
- b) Upon arrival to the scene of a domestic abuse call or incident involving an officer or employee of the Department, the primary patrol officer shall immediately notify the Chief of Police or his/her designee. The Chief of Police or his/her designee may request that an outside agency respond and take control of the scene and investigation.
- c) The responding officers shall immediately upon arrival perform the following actions:
 - (1) Secure and stabilize the scene ensuring that the scene is safe.
 - (2) Separate suspect / victim / witnesses.
 - (3) Provide and request any needed medical assistance.
 - (4) Preserve any potential evidence.
 - (5) Note and document all excited utterances, admissions, and/or incriminating statements.
 - (6) Make an arrest if probable cause exists.

4. Supervisor Response

- a) A supervisor of higher rank shall report to the scene of all law enforcement officer involved domestic abuse incidents. The remaining portions of section 4 apply to incidents involving law enforcement officers, excluding Minocqua Police Officers. If the incident involves a Minocqua Police Officer, the requested outside law enforcement agency shall assume control of the scene and investigation.
- b) The on-scene supervisor shall assume command and ensure that the crime scene is secured and that all evidence is preserved in place.

Photographic and/or video documentation of the parties involved and scene shall be recorded where such resources are available.

- c) The supervisor shall see to the safety of all children present at the time of the incident and all children in the household. As appropriate the supervisor will ensure that the children are individually interviewed separate from their parent(s) and other witnesses.
- d) In cases where probable cause exists, the supervisor shall ensure that an arrest is made.
- e) 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 the alleged offender cannot be immediately located.
 - (3) Document all subsequent actions in a timely manner.
- f) 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.
- g) The arrest of both parties involved in a domestic abuse incident should be avoided if possible. The supervisor shall ensure that a thorough investigation is conducted and an arrest of the dominant aggressor is made in accordance with State laws.
- h) 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.
- i) The supervisor shall inquire whether the victim wants any firearms removed from the home for safekeeping by the Department and make arrangements as necessary.
- j) A receipt shall be made and provided to the alleged offending officer and/or victim documenting all firearms seized or taken for safe keeping.
- k) The on-scene supervisor shall ensure the victim is informed of and provided the following:
 - (1) The judicial process and victim rights.
 - (2) The Department's policy on police officer domestic abuse and cross jurisdictional responsibilities as they apply.
 - (3) The standard of probable cause for arrest.
 - (4) Procedures for obtaining protective orders.
 - (5) Victim compensation.
 - (6) The contact information of an on-scene domestic abuse advocate.
 - (7) The availability of confidential transportation to a location that can provide improved victim safety.
 - (8) Community resources and local domestic abuse victim services.

(9) The option to remove firearms from the home for safekeeping.

- l) As soon as reasonably possible, the supervisor shall notify the alleged offending officer's agency supervisor of the incident involving their officer.
- m) If a protective order is issued against an officer, the supervisor shall serve the order and shall seize any firearms which may be required under state law.

5. Additional Critical Considerations

- a) When responding to a domestic abuse complaint involving a law enforcement officer from another jurisdiction, all responding officers, investigators and supervisors shall follow the same procedures that are to be followed in responding to a domestic abuse incident involving an officer from their own Department.
- b) In the event that the reported incident involves the Chief of Police, the supervisor shall immediately notify the District Attorney and the Town Chairman who has direct oversight for the Chief of Police.

The supervisor shall contact the Oneida County Sheriff's Department and request that the on duty supervisor respond to the scene. Upon the arrival of the Sheriff's Department on duty supervisor the scene and investigation will be turned over to the Sheriff's Department.

- c) In responding to domestic abuse incidents where the victim is a law enforcement officer, standard domestic abuse response and investigative procedures shall be followed.
- d) In responding to domestic abuse incidents where the parties involved are both law enforcement officers, standard domestic abuse response and investigative procedures shall be followed. Once probable cause exists and a dominant aggressor is determined an arrest shall be made and all service weapons of the arrested officer shall be taken for safe keeping.

6. Department Follow-up

- a) The Chief of Police shall, in a timely manner, ensure that all officers who responded to a law enforcement officer domestic abuse call are debriefed. The debriefing shall include the following:
 - (1) A review of Departmental confidentiality guidelines.
 - (2) A direct order prohibiting discussion of the incident outside of the official inquiry and investigation or legal proceedings.
 - (3) A review of the domestic abuse policies and procedures.
- b) 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 law and determine whether the officer violated Departmental policy by failing to report the protective order.

- c) Arrest warrants charging a law enforcement officer with domestic abuse 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. In cases where firearms have not previously been seized, firearms to include service weapons shall be seized by the Department.
- d) In the event that the protection order expires or the victim asks that it be discontinued, the Department shall still conduct a thorough administrative investigation.
- e) Following the reported incident, the Department shall designate a member of the command staff to perform the following duties:
 - (1) Conduct a danger assessment of the accused officer to determine the potential for further abuse 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 the safety planning and danger assessment is made available to the victim.
 - (4) Report the findings of the danger assessment to the Chief of Police who will make decisions concerning appropriate sanctions, administrative actions, and referrals for the accused officer.

E. VICTIM SAFETY AND PROTECTION

1. The Department shall work with community resources and advocacy organizations to connect victims and their children with appropriate services.
2. Whether or not an arrest is made, all victims shall be provided information on the availability of community domestic abuse services including shelters and services dealing with domestic violence and sexual assault so the victim will be able to obtain an emergency shelter, a restraining order and/or other remedies available to them by law.

When a victim chooses any or all of these domestic abuse services, the Officer shall provide those agencies with the victim's name, address and phone number and assist the victim in making arrangements to accommodate their safety and rights.

- a) All victims shall be notified of the availability of these services along with a written notice of their rights under Chapter 950 within 24 hours of contact.
 - b) The notification to victim(s) of all their rights and services available to them shall be included in the Minocqua Police Department brochure for information for Victims of Crime, which shall be provided to each victim.
 - c) The Department is permitted to share information on domestic violence incidents with domestic violence victim advocacy organizations and their representatives and shall share statistical information with organizations seeking grants that provide domestic violence response and prevention services.
3. The command staff member designated as principal contact for the victim, shall inform the victim of Department confidentiality policies and their limitations, and ensure that confidentiality is maintained throughout the case.

4. All officers shall be aware of possible victim/witness intimidation or coercion and the increased danger when the victim leaves an abusive partner. The designated principal contact shall assist the victim and children in safety planning and caution the victim to be alert to stalking activities.
5. If an officer suspects intimidation or coercion of the victim/witness is occurring, the officer shall prepare a written report to be delivered immediately to the supervisor in charge of the case through the chain of command.
 - a) In order to determine whether the victim/witness is being intimidated or coerced, the supervisor in charge shall seek out secondary sources of information.
 - b) Given the possibility that a victim will recant or choose not to participate in court proceedings, supplemental evidence shall be sought out and preserved.

F. POST INCIDENT ADMINISTRATIVE AND CRIMINAL DECISIONS

The Department shall conduct separate parallel administrative and criminal investigations of alleged law enforcement officer involved domestic abuse in a manner that maintains the integrity of both investigations and promotes zero tolerance. Regardless of the outcome of the criminal case, the Department shall uphold all administrative decisions. If the facts of the case indicate that domestic abuse has occurred or any Department policies have been violated, administrative action shall be taken independent of any criminal proceedings as soon as practicable.

The Department shall adhere to and observe all necessary protocols to ensure an accused officer's statutory, Departmental and union rights are upheld during the administrative and criminal investigations.

1. Administrative Investigations and Decisions

The responsibility to complete the administrative investigation of a law enforcement officer domestic abuse incident shall rest with the Chief of Police. The Chief shall request mutual aid from an outside law enforcement agency to conduct the administrative investigation.

- a) Regardless of whether an arrest was made on scene, the investigating official shall conduct an independent and 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 and dispatch logs reviewed.
- b) Where sufficient information/evidence exists, the Department shall take immediate administrative action against the accused officer that may include the accused officer turning in his badge and service weapons, sanctions, suspension or termination.
- c) When an investigation of an incident uncovers officers who had knowledge of abuse on the part of another officer, but failed to notify the Department or engaged in actions intended to obstruct, conceal or otherwise interfere with an investigation or wrong doing on the part of another officer, the Department shall investigate the officer(s) and take disciplinary action and/or criminal charges as warranted.
- d) The Chief of Police shall determine whether and when the accused officer should be issued administrative leave.

- e) If Department policies and/or administrative leave are violated or sufficient concern exists regarding a violation, the Department shall initiate an independent administrative investigation, seize firearms as allowed by policy as soon as practicable, and take disciplinary action up to and including termination of employment.
- f) In determining the proper course of administrative action, the Chief 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.
- g) 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 abuse calls.
- h) If the Chief determines through an administrative investigation that the officer violated Department policy, regardless of whether the officer plead "no contest" in response to criminal charges, the Chief may employ the full range of administrative sanctions. Any officer determined through an administrative investigation to have committed domestic abuse shall be terminated from employment with the Department.

2. Criminal Investigations and Decisions

The responsibility to complete a criminal investigation of a law enforcement officer involved domestic abuse incident shall rest with the Chief who shall request an outside law enforcement agency to conduct the criminal investigation.

- a) The investigating official shall conduct criminal investigations as would be the case for any other criminal violations.
- b) In accordance with the officer's and victim's privacy rights, the investigation official or agency shall conduct sufficient taped interviews of family members, friends, neighbors, colleagues, and others who may have information regarding the investigation and background information.
- c) Even though an initial report may already exist concerning a law enforcement 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 or witnesses, shall be documented in separate incident reports, assigned a case number, cross-referenced with the original case number and investigated thoroughly.
- d) The Department shall completely investigate the charges and where warranted seek prosecution even in cases where the victim recants.
- e) The Department shall establish a liaison to work with the prosecuting attorney for each case. This officer shall present all the information to the prosecuting attorney for action and ask that the decision about the adjudication of the case be made in a timely manner.
- f) As with any other case for criminal prosecution, the investigating officer shall request filing of court papers/complaints.
- g) Any officer convicted through criminal proceeding of a domestic abuse crime shall be terminated from the Department.

3. Termination Procedures

- a) Upon the decision to terminate an officer, the Chief of Police shall do the following in accordance with Department policy, state law and Police Commission procedures:
- (1) Notify the officer, in writing, of the effective date of termination.
 - (2) Inform the officer of the available support services, to include counseling.
 - (3) Ensure that the victim is notified in a timely manner and offered assistance, to include safety planning.
 - (4) Notify the Wisconsin Department of Justice, Training and Standards Bureau within 30 days and inform them of the reason for termination.

David J. Jaeger

David J. Jaeger
Chief of Police

This General Order cancels and supersedes any and all written directives relative to the subject matter contained herein.

Initial 06/23/2016