

Clackamas County Sheriff's Office
GENERAL ORDER

<i>Chapter / Section</i>	<i>Effective Date</i>	<i>Affected Division(s)</i>	<i>Order Number</i>
5.32	1-11-11	All Divisions	11-001

SUBJECT

Employee Involved Domestic Violence Policy

Addition to: Chapter 5. RULES, POLICIES, PROCEDURES AND TRAINING

REFERENCE OR SPECIAL INSTRUCTIONS

The **Manual of Rules and Regulations Chapter 5. RULES, POLICIES, PROCEDURES AND TRAINING** is amended to add:

5.32 EMPLOYEE INVOLVED DOMESTIC VIOLENCE POLICY.

5.32.1 PURPOSE. Public confidence in the Sheriff's Office is important to the agency's ability to maintain public safety. The purposes of this policy are to assure that family and household members of agency employees receive the same level of protection from domestic violence as members of the general public and that perpetrators are held accountable. This policy standardizes agency actions and procedures for reporting, responding to, and investigating incidents of domestic violence committed by agency employees, whether sworn or civilian, of any rank, or by employees of other law enforcement units. The policy also implements victim safety measures and early prevention strategies.

5.32.2 POLICY.

5.32.2.1 STATEMENT. This policy delineates a position of zero tolerance. Where an incident of domestic violence is alleged to have occurred by an agency employee, the Sheriff's Office will act to protect the victim, arrest the perpetrator when probable cause exists, and conduct administrative and criminal investigations of the agency employee. Agency employees will be held to the standards of the law and domestic violence will not be tolerated. Agency employees convicted of a criminal act of domestic violence, or an allegation of domestic violence sustained through an internal administrative investigation, will be disciplined up to and including termination.

5.32.2.2 STANDARDS. The Sheriff's Office is committed to the following standards in support of this policy. The agency will:

1. Promptly respond to allegations of domestic violence committed by an agency employee according to this policy and all applicable laws.
2. Investigate any allegation of domestic violence committed within the jurisdiction of the Sheriff's Office by any employee of a law enforcement agency and report those allegations to the employing agency.
3. Give primary consideration to safety of the victim of domestic violence.
4. Provide available support and assistance to employees or their family members who are victims of domestic violence to include confidential means of seeking assistance, and resource and referral information.
5. Provide yearly mandatory domestic violence prevention training to all agency employees.
6. At the time of hiring, provide educational materials to agency employees, and family and household members, about domestic violence and avenues for assistance.
7. Promote the use of early prevention strategies to avoid or minimize the occurrence of domestic violence.

5.32.3 DEFINITIONS.

5.32.3.1 Domestic violence means an act or pattern of violence against a family or household member, in violation of Oregon Revised Statutes that may include, but is not limited to the following:

1. Assault
2. Menacing
3. Rape or Sexual Abuse
4. Harassment
5. Violation of Restraining Order
6. Stalking
7. Criminal Mischief

5.32.3.2 Agency employee means any person currently employed with the Clackamas County Sheriff's Office.

5.32.3.3 Employee of a Law Enforcement Agency means any person employed by a federal, state, city, or county law enforcement agency in a sworn or non-sworn position.

5.32.3.4 Family or household member means any of the following:

1. Spouses;
2. Former spouses;
3. Adult persons related by blood, marriage, or adoption;
4. Persons who are cohabiting or who have cohabited with each other;
5. Persons who have been involved in a sexually intimate relationship with each other;
6. Unmarried parents of a child.

5.32.4 PROCEDURES.

5.32.4.1 PREVENTION: HIRING AND TRAINING

1. Pre-Hire Screening.

1. Pre-hire background investigations will be used to determine whether an applicant has a history of domestic violence or whether an applicant has been the respondent in a petition for a protective order, or similar injunction in any other state, related to elder abuse, child abuse, stalking or domestic violence.
2. Psychological screening of all viable candidates for employment will include indicators of abusive tendencies.
3. Candidates for employment shall be informed of the agency's position of zero tolerance and are required to verify that they have reviewed this domestic violence policy.

2. Post-Hire Intervention.

1. As part of the Clackamas County Sheriff's Office hiring process, employees and family members will be provided with this policy and other domestic violence information.

2. At least yearly, the agency will provide to agency employees and their family and household members information on this policy, a point of contact within the agency for assistance, and referrals for local support services.

3. The agency will respond to observed warning signs, or at the request of an agency employee or family or household member, provide assistance resources before an act of domestic violence occurs.

4. A disclosure of domestic violence by an agency employee or family or household member to any other agency employee shall be investigated.

3. Training.

1. The agency will seek input from local victim advocacy organizations and other external resources in the provision of domestic violence curricula and training.

2. At least yearly, the agency will provide mandatory training to agency employees covering the dynamics of interpersonal violence, domestic violence warning signs, victim safety, state and federal domestic violence laws, agency response protocols, and this policy.

3. At least yearly, the agency will provide agency sergeants and command staff with mandatory training on detection of stress-related behavior and direction for intervention when domestic violence warning signs are evident.

5.32.4.2 EMPLOYEE RESPONSIBILITIES.

1. Agency employees are expected to take personal responsibility in seeking confidential referrals and assistance to prevent a problem from escalating to the level of domestic violence.

2. Agency employees who are victims of domestic violence are encouraged to request assistance, but are not subject to discipline for failing to report their abuse.

3. Agency employees that engage in any of the following actions will be in violation of this policy and will be subject to discipline up to and including termination:

1. Failure to immediately report to his/her supervisor knowledge of abuse or violence by an employee of a law enforcement agency;

2. Failure to cooperate with a domestic violence investigation;
3. Interference with a domestic violence criminal or administrative investigation;
4. Participation in, or failure to report knowledge of, intimidation of a witness or victim including but not limited to surveillance, harassment, stalking, threatening, or false reporting;
5. Solicitation of privileges or special consideration from law enforcement officers when the agency employee is being investigated for any allegation of domestic violence.

4. Agency employees who learn that they are the subject of a domestic violence criminal investigation, or are the respondent in a protective order, are required to immediately make a report to their supervisor. Employees also must provide notice of court dates, times, appearances, and proceedings as soon as they are known.

5. Privilege or special consideration shall not be given to other law enforcement employees alleged to have committed domestic violence. In any situation where an arrest of a law enforcement employee is mandated by laws related to domestic violence, agency personnel shall make an arrest.

6. When an agency employee responds to a domestic violence call and finds that the alleged offender or victim is an employee of a law enforcement agency, the responder will report the incident to a supervisor to prompt the supervisor's response to the scene.

7. When an agency employee is requested to serve or enforce the terms of a temporary ex parte restraining order or protective order from a petitioner or on a respondent who is known to be an agency employee, or an employee of another law enforcement agency, the activity shall be reported to the serving deputy's supervisor immediately. When the respondent is employed by another agency the supervisor prior to the end of shift shall notify a command officer at the employing agency.

5.32.4.3 SUPERVISOR RESPONSIBILITIES.

1. Supervisors shall be aware of behaviors in their subordinates that could be indicative of domestic violence and document and address the behavior through a review or other appropriate agency process.

2. Supervisors are required to ensure that domestic violence incidents involving agency employees are properly documented, distributed, and retained.

5.32.4.4 INCIDENT RESPONSE PROTOCOLS.

1. Notification of an incident of domestic violence involving any law enforcement employee, when such incident occurs within the jurisdiction of the Sheriff's Office, requires:

1. A prompt response, to include a supervisor,
2. Full investigation,
3. A complete written report by this agency, and
4. Notification to the employing agency head, through the chain of command.

2. In the event of a report of domestic violence alleged to have been committed by the Sheriff, prompt notification will be made to the Oregon Department of Justice.

3. All investigating supervisors, officers, detectives, and other involved agency personnel shall ensure that confidentiality is maintained concerning the whereabouts of any domestic violence victim or children who have been moved to a shelter or other location for protection.

4. In responding to domestic violence incidents where the victim is a law enforcement employee, standard domestic violence response and investigation procedures will be followed, except as otherwise expressly provided by this policy.

5.32.4.5 PATROL RESPONSE.

1. A patrol deputy responding to an incident described as domestic violence involving a law enforcement employee regardless of employing jurisdiction shall request a supervisory response to the scene. The primary deputy will conduct a thorough investigation, including, but not limited to:

1. Photographs of the crime scene & any injuries identified;
2. Statements from all witnesses, including children;
3. Complete a Domestic Violence Supplemental Report;

4. Seizure of any weapons used or referred to in the crime;
 5. Obtain signed medical releases;
 6. Copies of dispatch (CAD) records;
 7. 911 call recording preserved;
 8. Statement of the victim;
 9. Statement of the suspect.
2. The primary deputy shall inquire if the victim requests any guns or specific weapons be removed from the home and will discuss options for removal.
 3. The primary unit will complete the report as soon as possible, but prior to the completion of their shift.
 4. In the case of an agency employee, the report shall be forwarded to this agency's Domestic Violence and Professional Standards Units through the chain of command. If the law enforcement employee is employed by another agency, the deputy shall notify his/her patrol supervisor who will send a copy of the written report to the employing agency as directed by this policy and document that notification.
 5. Patrol units responding to suspicious circumstances, compelling third party accounts of incidents, unexplained property damage, or other events indicative of domestic violence involving law enforcement employees will complete written reports of those incidents and follow procedures directed by this policy.

5.32.4.6 PATROL SUPERVISOR RESPONSE.

1. A patrol supervisor shall respond to the scene of any domestic violence incident involving a law enforcement employee regardless of employing jurisdiction.
2. The patrol supervisor is responsible for coordination of the investigative resources such as detectives, domestic violence specialists, and victim advocates.
3. The patrol supervisor is responsible for appropriate command staff notification.

4. The patrol supervisor will write a report on any notification or response to domestic violence incidents involving law enforcement personnel. This report will be distributed as previously described.

5. If a law enforcement employee from another law enforcement agency is arrested, the patrol supervisor shall contact the employer as soon as practical and will advise the employing agency if agency owned firearms or other weapons have been seized as criminal evidence.

6. In cases where probable cause exists, the patrol supervisor shall ensure that an arrest is made of the alleged offender.

7. If the alleged offender has left the scene and probable cause exists to believe the offender has committed a crime that requires a mandatory arrest, the patrol supervisor will ensure that a good faith effort is made to locate and arrest the offender, or if unable to locate ensure that a warrant is sought.

8. Victim Safety and Protection. The patrol supervisor will coordinate communication between the victim and a victim's advocate at the scene of a domestic violence response. The victim will be given the following information:

1. The judicial process and victim rights;
2. Information about this policy when the alleged offender is an agency employee;
3. The patrol supervisor's contact information as the agency point of contact until the victim is informed of another point of contact;
4. If the alleged offender is a law enforcement employee of another law enforcement agency, information that the agency will be notified of the domestic violence response and sent a report;
5. Procedures for obtaining protective orders and assistance with such orders through victim advocates;
6. Procedures for removing firearms for safe keeping;
7. The availability of requesting an on-scene victim advocate;
8. Personal safety planning and the availability of transportation to a local shelter or other safe location;

9. Community domestic violence resources and emergency shelter information;

10. The potential for disclosure of records under Oregon public records laws.

5.32.4.7 POST INCIDENT ACTIONS.

1. Safety Planning. Following a reported incident involving an agency employee, the agency will designate a command staff member to perform the following duties:

1. Facilitate a threat assessment of the accused agency employee to determine the potential for further violence;
2. Report the findings of the threat assessment to the Sheriff who will make decisions concerning appropriate administrative actions and referrals for the accused agency employee;
3. Act as the principal point of contact to keep the victim apprised of all developments;
4. Ensure that safety planning and threat assessment is made available to the victim.

2. Administrative Action.

1. When sufficient information exists that an agency employee has engaged in domestic violence, the agency will take administrative action which may include appropriate restrictions to assignments, law enforcement powers, building and records access, and administrative reassignment or leave.
2. An agency employee who is arrested for, or suspected of domestic violence may be placed on administrative leave pending the conclusion of the criminal and/or administrative investigations.
3. An agency employee may be required to undergo a fitness for duty evaluation or other psychological assessment by a qualified provider prior to return to duty, in accordance with administrative policy, the personnel ordinance, and applicable collective bargaining agreements.

5.32.4.8 POST INCIDENT ADMINISTRATIVE AND CRIMINAL INVESTIGATIONS. The agency shall conduct separate parallel administrative and criminal investigations of alleged incidents of agency employee domestic violence in a manner that maintains the integrity of both investigations and promotes zero tolerance.

1. Administrative Investigations: Professional Standards Unit.

The responsibility to complete an administrative investigation following an alleged incident of domestic violence by an agency employee shall rest with the Professional Standards Unit (PSU) or an outside agency as directed by the Sheriff.

2. Criminal Investigations: Domestic Violence Unit.

The responsibility to complete a criminal investigation of an alleged incident of domestic violence by an agency employee shall rest with the Domestic Violence Unit of the agency or an outside agency as directed by the Sheriff.

1. For all situations involving an agency employee, the Domestic Violence Unit supervisor or detective will contact the victim, introduce the agency point of contact if that has not occurred and provide information on the Professional Standards Unit administrative process.
2. The Domestic Violence Unit supervisor or detective will inform the victim that any information disclosed during either the criminal or administrative investigation may be subject to Oregon public records laws and criminal discovery.
3. As directed by an Undersheriff, the Domestic Violence Unit supervisor or detective will coordinate with the District Attorney's Office regarding charging and prosecution.
4. The Domestic Violence Unit supervisor or detective will provide the victim information on the status of the criminal and administrative investigations as they proceed.
5. All completed investigations of domestic violence committed by any law enforcement employee regardless of employing agency shall be promptly forwarded to the appropriate prosecuting authority for a charging decision.

5.32.4.9 RESTRAINING ORDERS.

- 1.** Agency employees who are a petitioner or respondent in a protective order are required to immediately make a report to their supervisor and provide notice of court dates, times, appearances and proceedings. The supervisor will then notify the Sheriff through the chain of command.
- 2.** If a protective order restricts or bans the subject employee from possessing firearms or ammunition and does not contain a law enforcement on-duty exemption for sworn personnel, then the subject employee shall not be allowed to work or be in areas where actual or constructive possession of firearms or ammunition is possible.
- 3.** An agency employee who learns that he/she is the subject of a protective order that restricts or bans the possession of firearms and ammunition shall immediately ensure that all firearms and ammunition are removed by a supervisor and safely secured from his/her agency locker and any other agency location he/she would have actual or constructive possession of such items.
- 4.** The Sheriff will make a determination regarding what accommodation if any the agency should make for an employee that is the subject of a protective order that restricts or bans the employee from possessing firearms or ammunition.