



Domestic Misconduct	Related Policies: Internal Affairs, Ethics
<i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Arkansas Statutes:	
CALEA Standard: 52.1.3	
Federal Statute: 18 U.S.C.§922	
Date Implemented:	Review Date:

- I. **Purpose:** Police department employees come from the community. They may become involved in domestic matters. Because they are police employees, their status is usually known to other persons in the community, and they are representatives of the police department. The department must take positive steps to ensure that these domestic matters do not adversely affect the employee’s ability to perform, compromise the conduct of department missions, or create moral, operational or efficiency problems for the department. The department is dedicated to providing assistance for the employee during these critical times so that the employee may resolve the situation and return to being a productive member of the department without these types of personal and family concerns.
- II. **Policy:** It is the policy of this department to deal directly and positively with any employee involved in acts of domestic misconduct. The ultimate mission of the department is to assist the employee to resolve these family/relationship problems, to ensure that these acts do not adversely affect the employee or the department during the period of resolution, and to provide the department with a safe work environment.
- III. **Definitions:**
 - A. **Domestic misconduct:** The department defines this type of conduct very broadly. This definition may be broader than State law, but it is intended to assure the continuation of positive performance within the department by the involved employee and other members of the department. A domestic relationship involves any employee who is or has been married to the other party, involves any member of the employee’s household, who is living or has lived with the other party, has had a child with the other party, or is or has engaged in an intimate relationship with the other party. Misconduct refers to any physical assault or battery, vandalism, stalking, intimidation, coercion, or criminal act against a party within this form of domestic relationship.

- B. Collateral misconduct:** Any conduct by another member of the police department to assist another department employee in the continuation of the act of domestic misconduct. This would also include any actions designed to shield the employee or impair the ability of the department to be informed of the domestic misconduct.
 - C. Service of court papers:** Any documents from a judicial proceeding that are designed to assist in ameliorating the domestic misconduct or curtailing specific actions by the parties involved in the domestic misconduct.
 - D. Self-reporting:** It is the responsibility of the employee to provide the department with specific notice whenever he/she is involved in any acts of domestic misconduct. This is specifically true whenever the employee is the subject of any judicial proceeding concerning these types of acts, whether the employee is the person complained of or the victim.
 - E. Administrative no-contact orders:** These are written orders by a supervisory employee, preferably Internal Affairs or Professional Standards, and served upon a department employee designed to curtail any further domestic misconduct.
 - F.** Internal Affairs/Professional Standards would include those persons designated with internal affairs responsibility in agencies that do not have full-time IA/Professional Standards positions.
- IV. Procedure:** The department shall take immediate action when notified of any act of domestic misconduct involving an employee of this department.
- A.** When the incident occurs within the jurisdiction of this department:
 - i.** Assign the call for response by two uniformed officers and a supervisor. In cases where no supervisor is on duty, a supervisor will be notified and respond.
 - ii.** The supervisor will assure that any violence is curtailed, all parties are protected, and any required medical assistance is provided.
 - iii.** The supervisor shall ensure that all evidence is properly recorded and collected.
 - iv.** Once the incident is contained, the supervisor shall call for a response by a department domestic violence investigator, if the department has such an assignment.
 - v.** The criminal investigator, or the supervisor if no investigator responds, is responsible for the criminal investigation, if warranted. The supervisor of the investigating officer shall respond to oversee the conduct of the investigation.
 - vi.** The supervisor shall notify Internal Affairs at the earliest moment.
 - vii.** The decision to arrest a department employee involved in domestic misconduct shall be the responsibility of the on-scene supervisor. When probable cause exists, the employee shall be arrested and processed in the same manner as any other member of the public.
 - B.** The supervisor, domestic violence investigator, or, if not done by these persons, the Internal Affairs person shall take immediate steps to ensure that there is no continuation of the domestic misconduct.
 - i.** Ensure that victim advocate assistance is offered and provided when necessary.

- ii. Ensure that an immediate safety plan is discussed with the victim of the domestic misconduct and assist in any manner to ensure this continued safety.
- C. Internal Affairs or a supervisor designated by the chief of police shall be responsible for:
 - i. Issuing an administrative no-contact order to the department employee if warranted.
 - ii. Ensuring that the appropriate assignment decision is made regarding the department employee.
 - iii. Ensuring that the criminal investigation has been conducted in a reasonable manner.
 - iv. Developing and/or implementing any necessary safety plan to ensure employee safety.
 - v. Conducting the administrative investigation of the incident and any collateral employee misconduct. The department shall be listed as the complainant.
- D. When the incident involving domestic misconduct occurs in a jurisdiction other than that of this department:
 - i. The department person notified of this incident shall immediately notify the person responsible for the Internal Affairs function.
 - ii. Internal Affairs or a supervisor designated by the chief of police shall make immediate contact with the involved department to ensure that our department is kept on notice of the progress of the investigation.
 - iii. Internal Affairs or a supervisor designated by the chief of police shall ensure that the employee and the persons involved are aware that the department will assist them during this process.
 - iv. Internal Affairs or the supervisor designated by the chief of police is responsible for determining whether an administrative no-contact order is warranted and will be responsible for serving this upon the department employee, when necessary.
- E. Service of court orders:
 - i. Internal Affairs or the supervisor designated by the chief of police shall facilitate, when requested, the service of any court orders upon department employees.
 - ii. Internal Affairs or the supervisor designated by the chief of police shall be responsible for the determination regarding any assignment limitations involving the employee who is subject to the court order.
- F. **Protective Order:** Employees are prohibited from possessing firearm while the subject of a protective order meeting the following criteria: An employee may not possess a firearm when that employee becomes the subject of a final protective order that:
 - i. was issued after a hearing of which the employee received actual notice, and at which such employee had an opportunity to participate;
 - ii. restrains such employee from harassing, stalking, or threatening an intimate partner of the employee or child of such intimate partner or person, or engaging

in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

- iii. includes a finding that the employee represents a credible threat to the physical safety of such intimate partner or child; or
- iv. by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

G. Conviction of a crime of domestic violence: When a sworn employee is convicted or pleads to any crime related to domestic violence that brings in the provisions of 18 U.S.C. 922(g)(9) law, the employee shall be terminated as not being able to function completely within the job classification for which s/he was hired.