

**POLICY  
425**

**EFFECTIVE  
DATE  
12-29-14**

# Eugene Police Department



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## Law Enforcement Employee Domestic Violence

### 425.1 PURPOSE AND SCOPE

This policy establishes procedures for handling matters of domestic violence and abuse involving law enforcement employees. This policy applies to incidents involving a Eugene Police Department employee (as a suspect or victim), as well as to incidents to which EPD officers respond involving an employee of another law enforcement agency. For additional information on handling incidents involving domestic violence and restraining orders, refer to *Policy 320 – Domestic Violence and Restraining Orders*.

#### 425.1.1 DEFINITIONS

For the purposes of this policy, the following definitions apply:

**Domestic Violence:** One or more of the following acts against a family or household member:

- Intentionally, knowingly, or recklessly causing bodily injury, or attempting to cause bodily injury;
- Intentionally, knowingly, or recklessly placing another in fear of imminent bodily injury; or
- Causing another to engage in involuntary sexual relations by force or threat of force.

**Employee:** This term includes any person employed on a full-time or part-time basis by a law enforcement agency. It would also include any unpaid volunteer with enforcement authority, such as a reserve police officer.

**Family or household member:** This term means any of the following:

- Spouses or former spouses
- Adult persons related by blood, marriage, or adoption
- Persons cohabitating, or who have cohabitated, with each other
- Persons who have been involved in a sexually intimate relationship with each other
- Unmarried parents of a child

**Law Enforcement Agency:** Any federal, state, county, or local criminal justice agency employing persons who have the power to make arrests and who are authorized to carry firearms in the performance of duty.

## **425.2 DOMESTIC VIOLENCE PROHIBITED**

The Eugene Police Department has zero tolerance for domestic violence. Where incidents of domestic violence involving a department employee are alleged to have occurred, the department will act quickly to protect the victim, arrest the perpetrator when applicable, and conduct administrative and criminal investigations.

The department takes a continuum approach, seeking first to educate department employees, and then to prevent domestic abuse situations early on in order to reduce victimization of the partner and increase the chances of employee career stability.

The department will provide training to employees about domestic violence and this policy, and will collaborate with local and state agencies dealing with domestic violence in designing and providing training.

An employee who discloses to a department employee that he or she has personally engaged in domestic violence is not entitled to confidentiality; in fact, an employee who receives such information has a duty to report it. Similarly, department chaplains are required to report any instance where an employee communicates that he or she has committed an act of domestic abuse as defined in this policy.

## **425.3 REQUIRED ACTIONS FOR ALL EMPLOYEES**

An employee with definitive knowledge that an act of domestic violence has been committed by a law enforcement employee, must report this to his or her supervisor (or to another supervisor if the alleged offender is the reporting officer's supervisor) in a timely manner, or to the law enforcement agency having jurisdiction if the incident is in progress.

An employee with knowledge of the possible intimidation or coercion of a victim, complainant, or witness in a domestic violence investigation involving a law enforcement employee, must notify his or her supervisor, or the investigator handling the case in a timely manner.

No employee will engage in any behavior which interferes with the investigation of a domestic violence incident involving a law enforcement employee; nor will an employee threaten or intimidate victims or complainants of, or witnesses to, incidents of domestic violence involving a law enforcement employee.

Employees who are, or become, subject to a criminal investigation or a protective or restraining order involving domestic violence, regardless of jurisdiction, and regardless of whether or not an arrest was made, must report that fact to their supervisor as soon as possible, but in no case later than the beginning of their next tour of duty. Employees must inform their supervisor in a timely manner of any criminal charges made or being investigated, as well as notice of court dates, times, appearances, and proceedings and must provide their supervisor with a copy of any court orders issued.

Employees who become the subject of any civil protective order proceeding, whether or not the order is issued and regardless of jurisdiction, must notify their supervisor in a timely manner and provide a copy of the order, if issued, to their supervisor.

## **425.4 CALL DISPATCH AND RESPONSE**

### **425.4.1 TELECOMMUNICATIONS RESPONSIBILITIES**

- a. Notify the Watch Commander or a patrol supervisor, as well as the on-duty communications supervisor, as soon as possible after receipt of such a call.
- b. Dispatchers should assign a high priority to dispatching police officers to investigate domestic violence calls that involve or appear to involve an employee of a law enforcement agency, regardless of the jurisdiction for which the involved employee works.
- c. Preserve all records related to the call, including the 911 tape, for use in potential criminal and/or administrative investigations.

### **425.4.2 RESPONDING OFFICERS RESPONSIBILITIES**

- a. Upon determining that a domestic violence call involves an employee of a law enforcement agency, notify an EPD supervisor. If there is any question as to whether a situation falls under this policy, contact a supervisor.
- b. Conduct a thorough investigation and take enforcement action as in any other incident of domestic violence and prepare a written incident or custody report in accordance with *Policy 320 - Domestic Violence and Restraining Orders*.

## **425.5 RESPONDING SUPERVISOR RESPONSIBILITIES**

An EPD sworn supervisor will respond to the scene of all domestic violence incidents to which an EPD officer is dispatched involving an employee of a law enforcement agency. It is preferable that the responding supervisor be of a higher rank than the involved employee.

- a. Assume oversight of the investigation, ensuring that a thorough investigation is conducted, injuries are properly documented, and proper enforcement action is taken in accordance with Oregon law. If the victim requests that the investigation be done by another agency, consider referring the investigation to another local law enforcement agency if that referral is feasible under the circumstances.
- b. If the offender has left the scene and there is probable cause to arrest him or her, ensure that reasonable efforts are made to locate the offender in accordance with Oregon law.
- c. If a law enforcement officer is arrested, do the following:
  1. Request consent to take custody of all department firearms issued to him or her which are at the location, regardless of the officer's agency.
  2. Request permission to take any other firearms on scene for safekeeping.

3. If the arrested employee is in uniform, if feasible allow him or her to change to civilian clothes prior to transport to the jail.
  4. Ensure that corrections personnel are notified of the person's employee status, to ensure the safety of the employee while he or she is in custody.
- d. Notify the Patrol Division Commander or designee of the incident as soon as possible or, if the incident involves an employee of another agency, notify the Watch Commander or equivalent supervisor of that agency. If the incident involves the head of a law enforcement agency, notify the person to whom that employee reports (e.g., City Manager.) Follow up with a written report as to what occurred. If no arrest was made, include the reasons why. Notify the Patrol Division Commander if a department issued firearm was not recovered from an arrested officer.
  - e. When feasible, an EPD sworn supervisor will respond to the location of domestic violence incidents involving an EPD employee which occur outside the City to assist the responding agency and to take custody of any department weapon(s) or other department equipment which is being seized.
  - f. A supervisor has the discretion to apply provisions of this policy to incidents involving other individuals affiliated with a law enforcement agency (e.g., volunteer, cadet) if he or she believes that the circumstances warrant.
  - g. If a supervisor becomes aware that an incident of domestic violence covered by this policy has occurred, they should ensure that proper notifications are made and that an investigation is initiated, whether the incident has just occurred or occurred earlier.

## **425.6 DEPARTMENT RESPONSIBILITIES TO EMPLOYEES**

The department responsibilities include:

- a. In response to warning signs or at the request of an employee and/or the family or household member of an employee, non-punitive avenues of assistance to employees and/or to their family and household members should be offered.
- b. Initial and periodic training to department employees regarding domestic violence, with specific information on such violence as it involves law enforcement employees, and employees' responsibilities under this policy and the law.
- c. Ensure that internal resources (e.g., peer support counselors, chaplains) receive adequate training in this area, including the limits on confidentiality.
- d. Accept, document, and preserve all calls or reports, including those made anonymously, involving possible employee-involved domestic violence.
- e. Ensure that thorough criminal and internal investigations are conducted of any allegation of domestic violence by a department employee in order to ensure that

employees are held accountable for improper behavior while being protected from false allegations. Internal investigations will be conducted in accordance with the law, other department policies, and relevant bargaining unit agreements. The involved employee's job assignment and classification will be taken into consideration in determining the appropriate action to be taken.

- f. Ensure when any arrest warrants or protective/restraining orders are served after the incident on a department employee by this department that they are served by at least two officers, with at least one of them being of higher rank than the involved employee. At the request of the petitioner/victim, the warrant or protective/restraining order may be served by an outside agency.
- g. If the employee involved is employed by another agency, the Investigations Division Manager will ensure follow up with written notification to the agency head (or, if the agency head is involved, to the person(s) to whom he or she reports) as soon as practical after the incident.
- h. If an incident occurs involving an EPD employee, the involved employee's division manager or designee will provide the victim with the name of a department contact person who can keep him or her apprised of the status of the investigation and direct the person to resources to assist him or her.