
	<b>GAITHERSBURG POLICE DEPARTMENT</b>			
	<b>Employee Involved Domestic Violence</b>			
	<b>GENERAL ORDER</b>	<b>200.4</b>		Related CALEA Standards:
	<b>Effective Date</b>	<b>07/01/2022</b>		<b>22.2.3, 22.2.6.</b>
<b>Authorized by: Mark P. Sroka</b> CHIEF OF POLICE		SIGNATURE	DATE 06/02/2022	

## 1. PURPOSE

- 1.1. Recognizing that members of the law enforcement profession are not immune from domestic violence situations, the purpose of this policy is to establish procedures for handling alleged acts of domestic violence committed by employees. This policy provides guidance in addressing incidents where an involved party in a report of domestic violence is an employee of the Gaithersburg Police Department.

## 2. POLICY

- 2.1. It is imperative to the integrity of the profession and the Department that domestic violence committed by employees of this agency not be tolerated. In conjunction with a zero tolerance policy, the Department seeks a proactive approach with an emphasis on victim safety. The Department carefully screens prospective employees for past involvement in domestic violence incidents.
- 2.2. This policy addresses prevention through hiring and training practices, provides direction to supervisors for intervention when warning signs of domestic violence are detected, provides a structured response to reported incidents of domestic violence and offers direction for conducting administrative and criminal investigations.

## 3. DEFINITIONS

- 3.1. **Domestic Violence** - Within the context of this directive, the term “domestic violence” refers to any act or pattern of violence perpetrated by an employee of the Gaithersburg Police Department upon his or her intimate partner, not done in self defense or in defense of others, to include assault, battery, physical restraint, stalking and violation of a domestic violence related court order.
- 3.2. **Intimate Partner** - Within the context of this directive, the term “intimate partner” refers to any person meeting one or more of the following criteria:
- 3.2.1. Is or was legally married to the employee;
- 3.2.2. Has a child in common with the employee;

3.2.3. Has or had a dating relationship with the employee; and

3.2.4. Is specified as an intimate partner by state law.

**3.3. Protection Order** - Within the context of this directive, the term “protection order” refers to any injunction or other order issued by a court, including criminal or civil orders of protection, regardless of form, content, length, layout, or name (such as stay away, restraining, criminal, and emergency or temporary protection orders or injunctions), issued for the purpose of preventing the following:

3.3.1. Violent or threatening acts against another person;

3.3.2. Stalking or harassment of another person;

3.3.3. Contact or communication with another person; and

3.3.4. Physical proximity to another person.

#### **4. PROCEDURE**

##### **4.1. General Provisions**

4.1.1. Federal law prohibits police officers convicted of qualifying misdemeanor domestic violence crimes from possessing firearms. Officers found guilty of qualifying domestic violence crimes, through criminal proceedings, shall not continue service as sworn officers in the City of Gaithersburg.

4.1.2. In adhering to a zero tolerance policy of employee involved domestic violence, the Department will provide training to every officer on this policy throughout all phases of the officer’s career.

4.1.2.1. This training may be designed and/or delivered in collaboration with victim advocacy organizations, professional associations, the State’s Attorney’s Office and other allied agencies and departments.

4.1.2.2. The purpose of the training is to maintain or enhance the response of the agency and the individual officer in cases involving domestic violence.

4.1.2.3. In addition to formal training that may be conducted from time to time, the Department may use roll call training, field training and training bulletins to regularly reinforce standards put forth in this policy.

## **4.2. Proactive Measures**

- 4.2.1. The Department shall conduct a thorough background investigation on potential employees and specifically inquire whether they have engaged in or been investigated for domestic violence. Those candidates with any history of involvement in elder abuse, child abuse, sexual assault, stalking or domestic violence will be disqualified from further consideration for employment.
- 4.2.2. All employees given a conditional offer of employment are subjected to psychological screening that includes a focus on indicators of abusive tendencies in their background. If a candidate is found to have tendencies indicative of potential abusive behavior, the Department shall not hire the candidate.
- 4.2.3. Employees are encouraged to take personal responsibility in seeking confidential referrals and assistance from the Department in order to prevent a problem from escalating to the level of domestic violence against an intimate partner.
- 4.2.4. In response to observed warning signs, or at the request of any employee, intimate partner or family member of an employee, the Department shall provide and encourage use of non-punitive avenues of assistance, such as confidential counseling, in an effort to prevent incidents of domestic violence.

## **4.3. Intervention**

- 4.3.1. Any disclosure that an employee has perpetrated an act of domestic violence shall be documented and investigated both administratively by the department and criminally by the appropriate law enforcement agency.
- 4.3.2. Supervisors shall be cognizant of all behavior potentially indicative of domestic violence to include:
  - 4.3.2.1. Increased uses of force, altercations or aggression on the job;
  - 4.3.2.2. Inappropriate monitoring, surveillance activities or excessive telephone calls;
  - 4.3.2.3. Abusive treatment of animals;
  - 4.3.2.4. Excessive absence or tardiness and decreased work performance;
  - 4.3.2.5. Alcohol and drug abuse; or

- 4.3.2.6. Discrediting or disparaging an intimate partner.
- 4.3.3. When a supervisor notes a pattern of behavior indicative of domestic violence the supervisor shall:
  - 4.3.3.1. Address the behaviors through a personal review with the officer; and
  - 4.3.3.2. Document all reviews with the employee and forward a written report to the Chief of Police in a timely manner.
- 4.3.4. The Chief of Police will determine next steps in the matter and shall consider ordering a psychological exam in addition to other appropriate actions.
- 4.3.5. If an employee is found to be involved in an incident of domestic violence, the Chief of Police shall consult with the City Manager and City Attorney regarding continued employment or duty status.
- 4.3.6. Officers who, by the preponderance of evidence, are found to have engaged in the following actions may be subject to discipline up to and including termination as it relates to domestic violence cases:
  - 4.3.6.1. Failure to report knowledge of possible abuse or violence involving a member of the Department;
  - 4.3.6.2. Failure to cooperate or to interfere with an investigation of domestic violence;
  - 4.3.6.3. Intimidation of victims or witnesses;
  - 4.3.6.4. Failure to provide full disclosure, to include court dates, times, appearances and proceedings to their supervisor for any case in which they are the subject of an investigation or an order of the court; and
  - 4.3.6.5. Failure to surrender all firearms as required by a qualifying protective order.

#### **4.4. Incident Management**

- 4.4.1. The Department shall accept, document and preserve all calls or reports, including those made anonymously, regarding employee involved domestic violence.
  - 4.4.1.1. Reports of criminal activity implicating employees in domestic violence shall be documented in the same manner as those incidents involving the public.

- 4.4.1.2. A copy of such reports shall be provided directly to the Chief of Police by the shift supervisor, who shall provide additional copies to all bureau commanders.
- 4.4.2. After attending to all parties and securing the crime scene, officers responding to the scene of a domestic violence call within the city limits involving a sworn member of the Department shall request the response of a supervisor of a higher rank than the involved member.
  - 4.4.2.1. The responding supervisor shall assume command and ensure evidence is properly recorded and collected and that an arrest is made if supported by probable cause.
  - 4.4.2.2. If a sworn member is arrested, the supervisor shall immediately relieve the accused of duty and take possession of Departmental weapons and credentials.
  - 4.4.2.3. The supervisor shall inquire if the victim desires that firearms within the home be removed and stored by the Department for safety reasons.
  - 4.4.2.4. The supervisor shall ensure that a domestic violence lethality assessment is conducted and the appropriate bureau commander is notified.
- 4.4.3. Supervisors receiving notification from other law enforcement agencies of domestic violence involving a sworn member of the Department shall immediately contact the appropriate bureau commander.
- 4.4.4. Officers responding to the scene of a domestic violence incident involving a sworn officer of another agency shall notify their bureau commander, who in turn will ensure notification of the appropriate authority in the accused's department.
  - 4.4.4.1. Notifications shall be documented in the original report or an official supplement to the original report.
  - 4.4.4.2. In these instances all personnel will follow the same procedures required when responding to a complaint involving an officer from this Department.
  - 4.4.4.3. Although City supervisors do not have the authority to relieve an officer of an allied agency from duty, agency owned weapons may be taken into Departmental custody in the same manner as any other firearm.

- 4.4.5. The Chief of Police, or designee, shall ensure a timely debriefing of all officers who responded to an employee involved or officer involved incident of domestic violence.
  - 4.4.5.1. Officers will be directed not to discuss the incident outside the scope of official inquiry.
  - 4.4.5.2. Following such incidents the Chief of Police may designate a member of the command staff to:
    - 4.4.5.2.1. Conduct an assessment of the situation to determine potential for future violence and communicate the findings to the victim;
    - 4.4.5.2.2. Serve as the principal point of contact to keep the victim apprised of all developments; and
    - 4.4.5.2.3. Report all findings and developments to the Chief of Police for consideration in determining appropriate actions, sanctions and referrals for the accused officer.

#### **4.5. Victim Assistance**

- 4.5.1. Personnel designated by the Chief of Police shall work with the appropriate victim advocate from the investigating law enforcement agency to connect victims and their family members with appropriate assistance and services. The command staff designee will work with all involved to ensure that confidentiality is preserved throughout the case.
- 4.5.2. All officers shall be aware of possible victim/witness intimidation or coercion and the increased danger when a victim leaves an abusive partner.
- 4.5.3. If intimidation or coercion is suspected, investigators shall seek out and preserve secondary sources of information in order to corroborate the information.

#### **4.6. Investigation and Findings**

- 4.6.1. The Department shall conduct an independent and comprehensive administrative investigation parallel to the criminal investigation.
- 4.6.2. The Chief of Police is responsible for the internal affairs function and shall take all appropriate actions to ensure the integrity of both investigations.

- 4.6.3. Administrative action shall be taken independent of criminal proceedings or findings at the earliest possible time.
- 4.6.4. Any officer convicted through criminal proceedings of a crime of domestic violence shall be terminated from employment with the Department.