



# POLICY & PROCEDURE

## STURGEON BAY POLICE DEPARTMENT

SUBJECT: **OFFICER INVOLVED DOMESTIC ABUSE**

NUMBER: 6.17

SCOPE: All Department Personnel

ISSUED: 06/25/2020

EFFECTIVE: 06/25/2020

RESCINDS

AMENDS

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

WILEAG 5<sup>TH</sup> EDITION  
STANDARDS: 6.3.10

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

**PURPOSE:** This Policy & Procedure recognizes the profession of law enforcement is not immune from a member committing domestic abuse against their intimate partners. The purpose of this Policy & Procedure is to establish procedures for handling acts of domestic abuse committed by any sworn officer of the Sturgeon Bay Police Department, for implementing prevention strategies. This Policy & Procedure will provide agency executives, officer, 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 Policy & Procedure consists of the following numbered sections:

I. DEFINITIONS

II. POLICY

### III. PROCEDURE

I. DEFINITIONS -The definitions contained within Policy & Procedure 6.16 are applicable to this policy and procedure. Listed below are the additional definitions which apply to this policy and procedure specific to an officer involved domestic abuse incident.

A. DOMESTIC ABUSE/OFFICER INVOLVED: An act or pattern of abuse perpetrated by a Police Officer upon his or her intimate partner, not done in defense or self defense of 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: Any person(s) who meets one or more of the following criteria:

- Is or was legally married to the Police Officer
- Has a 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: 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 stat laws or local ordinances. Employees of such unit are authorized to arrest for crimes while acting within the scope of authority.

### II. POLICY

A. It is the policy of the Sturgeon Bay Police Department that all incidents of domestic abuse be handled in the same manner as described in Policy & Procedure 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), others present, and provide first aid as necessary. The following procedures define those measures, 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 misdemeanor domestic abuse crimes from possessing firearms, even on duty.
- C. It is the policy of the Sturgeon Bay Police Department that 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 Policy & Procedure 6.16. This Policy & Procedure 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 the policy 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 Department will adhere to a zero-tolerance policy towards officer involved domestic abuse and will not tolerate any violations of this Policy & Procedure. 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 encouraged for all officers. Additional training on this topic will be completed as provided through in-service training.
2. Training Topics – Through in-service training as outlined in (a) above, all officers should receive comprehensive instruction covering the following topics:
  - a) Understanding Domestic Abuse
  - b) Departmental Domestic Abuse
    - (1) Response Protocol
  - c) Warning Signs of Domestic Abuse by 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 Department shall conduct thorough background investigations of all potential new employees using address history, driver's record, protection order database and any other appropriate resource.
  - 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 indicative of domestic or any other abusive behavior.
3. Post Hire Intervention
- a) When new officers are hired, the Department shall contact their intimate partner or family members to introduce the information in this Policy & Procedure and other relevant Policy & Procedures 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 Policy & Procedure; the point of contact within the Department and referrals for local support services.
4. Department 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 members, 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 an 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.
  - b) Officers who engage in the following actions will be subject to discipline up to or including dismissal:

- (1) Failure to report knowledge of abuse or abuse involving a fellow officer or the Chief.
  - (2) Failure to cooperate with the investigation of a police officer domestic abuse case (except in the case where that officer is the victim).
  - (3) Interference with cases involving themselves or fellow officers
  - (4) Intimidation or coercion of witnesses or victims (i.e., surveillance, harassment, stalking, threatening, or falsely reporting).
- c) Officers who 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 court dates, times, appearances, and proceedings. Failure to do so may 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 unless Department policy allows for possession of the primary service weapon. Failure to do so may result in discipline up to an 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 of 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 shall be notified of all these types of incidents.
- d) Domestic abuse incident reports shall be made available to the victim by the Department, without cost.

##### 2. Communications Response

- a) Communications Officers/Dispatchers 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) Communications Officers/Dispatchers 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) Communications Officers/Dispatchers 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) Communications Officers/Dispatchers 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 and/or officer shall immediately request an outside law enforcement agency respond and take control of the scene/investigation.

- c) The responding officers shall 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 police officer domestic abuse incidents. The remaining portions of section 4 apply to incidents involving police officers, excluding Sturgeon Bay Officers. If the incident involves a Sturgeon Bay Officer the requested outside law enforcement agency shall assume control.
- b) The on-scene supervisor shall assume command, ensure that the crime scene is secured, and 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) 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 supervisory shall relieve the accused officer of all service weapons, regardless of whether the officer is a member of the responding Department.



- i) Where allowable, under federal and state laws, all other firearms owned, or at the disposal of the accused officer shall be seized for safety reasons.
- j) The command staff officer shall inquire whether the victim wants any firearms removed from the home for safekeeping by the Department, and plan as necessary.
- k) A receipt shall be made and provided to the alleged offending officer and/or victim documenting all firearms seized or taken for safekeeping.
- l) The on-scene supervisor shall ensure the victim is informed of and provide the following:
  - (1) The judicial process and victim rights.
  - (2) The Department's policy on police officer domestic abuse, procedure 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 availability of an on-scene advocate
  - (7) The availability of confidential transportation to a location that can provide improved victim safety.
  - (8) Community resources and local domestic abuse victim service.
  - (9) The option to remove firearms for safekeeping
- m) As soon as reasonably possible, the supervisor shall notify the alleged offending officer's agency supervisor of the incident involving their officer.
- n) 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 involved the Chief of Police, the supervisor shall immediately notify the District Attorney, and the Mayor/City Administrator who has direct oversight for the Chief of Police.

The supervisor shall contact the Door 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 a domestic abuse incident 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 primary aggressor is determined, an arrest shall be made and all service weapons of the arrested officer shall be taken for safekeeping.

#### 6. Department Follow-Up

- a) In a timely manner, the Chief shall ensure that all officers who responded to a police officer domestic abuse call are debriefed. The debriefing shall include the following:
  - (1) A review of Department confidentiality guidelines.
  - (2) A direct order prohibiting discussion of the incident outside of the official inquiry.
  - (3) A clear delegation of assignments
- 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 shall be seized if allowed by the Department and decision about service weapons will be made.

- d) In the event 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 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. **AVAILABILITY OF SERVICES:** 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 any 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 planning 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 Chapter 950 rights within 24 hours of contact.
- b) The notification to victim(s) of all of their rights and services available to them shall be included in the Sturgeon Bay 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 services organizations and their representatives and shall share statistical information with organizations seeking grants that provide domestic violence services.

3. The command staff member designated as principal contact for the victim, shall inform the victim of Department confidentiality policies, 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 the 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 supervisory 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 involve 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 reviewed.
- b) Where sufficient information/evidence exists, the Department shall take immediate administrative action against the accused officer that may include removal of 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 interfere with the investigation or conceal in any manner any wrong doing on the part of another officer, the Department shall investigate those officers and take disciplinary action and criminally charge as warranted.
- d) The Chief shall determine whether and when the accused officer should be issued an 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 under Department policy as soon as practicable, and take disciplinary action up to and including dismissal.
- 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 the Department.

## 2. Criminal Investigations and Decisions

The responsibility to complete a criminal investigation of an incident of police officer domestic abuse 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 interviews (taped) of family members, friends, neighbors, colleagues, and others who may have information regarding criminal charges.
- c) Even though an initial report may already exist concerning a police 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, 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 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 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 available assistance, to include safety planning.
  - (4) Notify Wisconsin Department of Justice, Training and Standards Bureau within 30 days and inform them of the reason for termination.
- b) Federal law prohibits anyone convicted of a misdemeanor domestic abuse crime from possessing firearms. The Department shall ensure compliance with federal law.

Clinton Henry  
Chief of Police

This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

Initial 06/25/2020