

# ALLEGATIONS OF DOMESTIC ABUSE AGAINST LAW ENFORCEMENT PERSONNEL

EVERETT POLICE DEPARTMENT POLICY & PROCEDURE NO.  <b>2.15</b>	ISSUE DATE: 10 March 2005
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## I. POLICY

By statute law and policy, police are the persons charged with enforcing the laws related to Domestic Abuse. As human beings, police officers may also find themselves the subject of complaints alleging domestic abuse. As such, it becomes necessary for police departments to become involved in the investigation and enforcement of Departmental rules and regulations regarding allegations of domestic misconduct toward sworn police personnel. Additionally, the Department shall become involved in the investigation and judicial referral of domestic complaints involving any law enforcement personnel occurring within the jurisdictional boundaries of the City of Everett

## II. DEFINITIONS

**A. Abuse** – for the purpose of this policy, “Abuse” is defined by M.G.L. c. 209A s. 1 as the occurrence of one or more of the following acts between family and/or household members:

1. Attempting to cause or causing physical harm;
2. Placing another in fear of serious physical harm, or;
3. Causing another to engage involuntarily in sexual relations by force, threat or duress.
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**B. Family or Household Members**

1. Persons who are or were married to one another;
2. Persons who are or were residing together in the same household;
3. Persons who are or were related by blood or marriage:

4. Persons who have a child in common regardless of whether they have ever married or lived together, or;
5. Persons who are in a substantive dating or engagement relationship.

**C. Restraining Order** – for purposes of this policy, a “Restraining Order” is a civil judicial order based upon the complaint from the plaintiff mandating that a defendant comply with the terms and conditions in the form of a written precept that is issued by a court to protect the plaintiff from the defendant. Violations of a restraining order often mandate certain criminal action be initiated against the defendant.

### **III. PROCEDURES**

It is the policy of the Everett Police Department that whenever the Everett Police Department receives a report alleging that a law enforcement officer has violated the law(s) relative to domestic abuse that the responding officers shall:

- A. Take whatever actions are necessary within the color of the law and Department policy to ensure the rights and safety of the victim. Responding officers are mandated to make a report documenting the complaint/incident in a complete and accurate manner.
- B. Immediately notify a supervisor to respond to the scene to ensure that a complete and thorough investigation be conducted.
- C. Notify the Chief of Police or the Operations Division Commander, as soon as practical, of the facts and circumstances of the complaint and investigation. If the police officer involved in the complaint of a Domestic Abuse is the Chief of Police for the City of Everett, the Mayor should be notified, as soon as practical, of the circumstances of the complaint and the investigation.
- D. Notify the on-duty supervisor of any law enforcement officer who is not a member of the Everett Police Department of the alleged complaint.
- E. If warranted by the terms of the order, relevant provisions of the law, or at the discretion of the Chief of Police, that firearms, both departmental and personal, shall be surrender to the superior officer-in-charge of the scene. The firearms shall be placed in security storage for the term of the investigation and/or criminal proceedings and/or while there is an active restraining order that prohibits the possession of firearms by the defendant. The firearms shall only be returned to the officer with the authorization of the Chief of Police and/or a judicial order.

**Exceptions when an officer may carry a firearm:**

- A. If the officer is not otherwise precluded by law from possessing a firearm while the subject to a restraining order, and
- B. The Chief of Police determines that the officer is fit to carry a weapon, and
- C. The Department determines that a policy precluding the return of the weapon is not feasible in its community, then
- D. The officer shall sign their weapon out and check their weapon in with their supervisor at the beginning and end of their shift or assignments. In all other circumstances the officer is prohibited from carrying or possessing a weapon when (s)he is off duty, nor shall the officer be allowed to take a weapon to his or her residence.

**Obligations of an Everett Police Officer whenever (s)he is the subject of:**

- A. An ongoing investigation alleging domestic abuse, or
- B. Is the listed defendant in a restraining order prohibiting the carrying or possession of firearms; or
- C. The subject of a restraining order, criminal complaint or arrest alleging domestic abuse and/or the violation of a restraining order.
- D. To immediately report/notify the on-duty supervisor of their involvement in a domestic incident or upon receipt of a 209A - Restraining Order.

**Administrative Leave**

- A. Whenever an officer is the subject of an Emergency Restraining Order alleging a non-arrestable offense, the officer's **administrative leave status** will be determined at the **discretion the Chief of Police**.
- B. If the restraining order is continued **after judicial review and/or hearing**, the officer shall then be placed on **administrative leave without pay**.
- C. Officers who are the subject of an **arrestible domestic abuse** related offense shall be immediately placed on **administrative leave without pay**.

D. All such officers shall be ordered to ***attend a Batterers' Intervention Program*** through the Employee Assistance Program (EAP).

\* Reinstatement shall be determined based upon the outcome of the Department investigation and/or judicial outcome of the matter.