

	<p style="text-align: center;">ITHACA POLICE DEPARTMENT</p> <p style="text-align: center;">POLICY AND PROCEDURE GENERAL ORDER</p>	Distribution	General Order Number
		ALL PERSONNEL	4.09
		Original Issue Date	Reissue/Effective Date
		06/23/20	06/23/20
<p>Order Title:</p> <p>OFFICER INVOLVED DOMESTIC VIOLENCE</p>	<p>Accreditation Standard: NY 2.7; 6.1; 6.2; 8.1; 8.7; 12.1; 12.5; 12.6; 14.4; 25.1; 29.4; 40.1; 40.2; 40.3; 43.1; 44.1; 50.1; 55.1</p>		Section
			4
		<p>Section Title</p> <p>DISCIPLINARY PROCESS</p>	
<p>Rescinds:</p>	 <p>Dennis Naylor, Chief of Police</p>		

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting

I. PURPOSE

The purpose of this General Order is to establish guidelines that provide clear procedures and protocols for preventing, investigating, reporting, and responding to domestic violence involving police officers.

II. POLICY

Public confidence in its officers is important to the Ithaca Police Department's ability to manage public safety. The public must trust that police officers are held to the standards of law regarding domestic violence. Accordingly, the Ithaca Police Department will:

- Employ administrative prevention strategies to prevent domestic violence by officers.
- Promptly respond to allegations of domestic violence by officers according to this policy and applicable law.
- Give primary consideration to protection of the victim of domestic violence and enforcement of laws.
- Respect the due process rights of all officers, according to applicable legal precedent and the collective bargaining agreement.
- Expeditiously report and conduct thorough investigations into any allegation of an officer-involved domestic violence.
- Train officers and seek to educate families about domestic violence and avenues for assistance.

III. DEFINITIONS

Family violence: An incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury, or assault, including, but not limited to, stalking or a pattern of threatening between family or household members. Verbal abuse or argument shall not constitute family violence unless there is present danger and the likelihood that physical violence will occur.

Family or household member: As defined in New York State Family Court Act, Article 8, Part 1, Section 812, includes any of the following persons, regardless of the age of such person: (A) Spouses or former spouses; (B) parents or their children; (C) persons related by blood or marriage*; (D) persons other than those persons described in subparagraph (C) of this subdivision presently residing together or who have resided together; (E) persons who have a child in common regardless of whether they are or have been married or have lived together at any time and (F) persons in, or who have recently been in, a “intimate relationship.”

* “related by blood or marriage” includes, but is not limited to: adult sibling; cousin; aunt; uncle; brother-in-law; sister-in-law; mother-in-law; or father-in-law.

Family offense proceedings: Acts as defined in New York State Family Court Act, Article 8, Part 1, Section 812, which, in addition to its other elements, contains as an element thereof an act of family violence to a family member, but does not include acts by parents or guardians disciplining minor children unless such acts constitute abuse.

Institutions and services: Includes police officers, service providers, mandated reporters of abuse, agencies, and departments that provide services to victims and families and services designed to assist victims and families.

Police Officer: A sworn member of the Ithaca Police Department.

Police Officer Domestic Violence: Any reported, founded, and/or prosecuted incident of domestic violence wherein a sworn police officer is the suspected offender.

Protection Order: Any injunction or other order issued by a court for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with, or physical proximity to, another person. This applies to both criminal and civil orders of protection and may differ in form, content, length, layout, and names (i.e. stay away, restraining, consent, criminal and emergency or temporary protection orders or injunctions).

Safety Plan: A plan developed between an advocate/counselor or a police officer and victim that contains specific activities for victims to be safe from an offender. Safety planning is an essential step to be completed with all adult victims of domestic violence. It provides individualized planning for violence victims that children or family may encounter regardless

of any ongoing or further relationship with the offender. Age-appropriate safety planning is also important for child survivors/witnesses of domestic violence.

Short Term Safety Plan: An immediate plan developed at the time of the report. A responding officer should remain on scene and assist the victim with this plan. Some of these steps could include but are not limited to:

- Create a plan as to what to do next
- Ensure that the victim and children have the ability to call 911
- Ensure that the victim can get to a safe location
- Calling friend, family member or advocate for support
- 24- hour Statewide Domestic and Sexual Assault Hotline number is 1-800-942-6906

IV. PROCEDURES:

A. Early Warning and Intervention

1. Pre-Hire Screening and Investigation.

- a. The Department shall specifically ask all candidates during the interview process about any past arrests, investigation, or convictions for child abuse, domestic violence, elder abuse, sexual assault, or stalking crimes.
- b. As part of the background investigation, the department shall determine whether a candidate has any history that indicates a pattern of violence to include a thorough search for protective orders issued against the candidate in jurisdictions where the candidate previously worked or lived.
- c. Any candidate who is found through the interview and investigation process to have a history of perpetrating violence shall be deemed ineligible for employment.

2. Post-Conditional Offer of Employment.

- a. If a candidate's background investigation does not indicate a history of perpetrating violence, the department shall proceed with a psychological examination, which shall address indicators of abusive tendencies, to be conducted by a psychologist or psychiatrist who is knowledgeable about these risk factors.

3. Post-Hire Intervention.

- a. Departments shall clearly explain the zero-tolerance policy to all

officers.

- b. The Department will share the zero-tolerance policy with an officer's family by providing family members with a copy of this policy together with other relevant policies for new hires and instructions on who to contact within the department if any problems arise.
- c. The Department will engage in periodic outreach to officers and their family members with information on this policy, the point of contact within the agency, and referrals for local support services.
- d. Officers will be provided with information about positive strategies for managing job-related stress. It is critical that officers understand that problems such as drug and alcohol abuse are not excuses for domestic violence.

B. Officer Responsibilities

1. 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 a household member.
2. Officers who engage in the following actions may be subject to investigation and disciplinary action:
 - a. Failure to report first hand or well-founded knowledge of abuse or violence committed by a fellow officer to a supervisor.
 - b. Failure to cooperate with the investigation of a law enforcement officer domestic violence case (except in the case where that officer is the victim).
 - c. Interference with cases involving themselves or fellow officers.
 - d. Intimidation/coercion of witnesses or victims (i.e., surveillance, harassment, stalking, threatening, or falsely reporting).
3. Officers who learn they are the subject of any criminal investigation, regardless of jurisdiction, are required to make a report to their supervisors and provide notice of the court dates, times, appearances, and proceedings in a timely fashion as determined by the Department. Failure to do so may result in investigation and disciplinary action.
4. Officers who learn they are the subject of any protective order proceeding, whether or not the order is issued and regardless of jurisdiction, should

immediately notify their supervisor and provide a copy of the order if issued. Subject to a qualifying protection order, the officer should surrender all firearms unless the order allows for possession of primary service weapon. Failure to do so may result in investigation and disciplinary action.

C. Supervisor Responsibilities

1. Supervisors should be aware and, when appropriate, document any pattern of abusive behavior potentially indicative of an officer's possible domestic violence including, but not limited to, the following:
 - a. Aggressiveness
 - Excessive and/or increased use of force on the job
 - Unusually high incidences of physical altercations and verbal disputes
 - Citizen and fellow officer complaints of unwarranted aggression and verbal abuse
 - Inappropriate treatment of animals
 - Unexplained increased frequency of on- or off-duty officer injuries
 - b. Domestic violence-related issues
 - Monitoring and controlling any family member or intimate partner through such means as excessive phone calling
 - Stalking or inappropriate surveillance of any intimate partner or family member
 - Frequent or repeated incidents of discrediting and/or disparaging an intimate partner or family member
 - c. Deteriorating work performance
 - Tardiness
 - Excessive absences
 - Alcohol and drug abuse
2. When the supervisor notes a pattern of problematic behavior (as detailed above), the supervisor shall:
 - a. Address the behaviors through a review or other contact with the officer and document all contacts.
 - b. Forward written reports capturing the behaviors to the appropriate agency official through the chain of command in a timely manner.

- c. Prepare and submit to the appropriate agency official a written request for a psychological exam/ counseling by a psychologist/psychiatrist / licensed mental health professional who is knowledgeable about domestic violence or a request that the agency official direct the officer to seek assistance via the Employee Assistance Program (EAP) to access a certified program for batterers, and if such a program is not available, a counselor knowledgeable about domestic violence.

D. Department Responsibilities

1. The agency shall inform all civilian and sworn employees of the type and extent of services offered by the contracted Employee Assistance Program (EAP) for employee-initiated counseling and other similar assistance. This information will include relevant services for preventing and ending victimization and perpetration of domestic violence.
2. If the agency administrators or supervisors suspect that an officer is a victim of domestic or sexual violence, the agency will offer support and inform the officer about all existing EAPs and available services for counseling, including services offered by a domestic violence or sexual assault advocacy organization, and that if the officer seeks such assistance it is confidential. However, the agency should not compel a victim to acknowledge that he/she is a victim, to seek assistance or to cooperate in any investigation against his/ her abuser, and a victim's employment should not be impacted in any way by his or her decision to seek or decline assistance.
3. In response to observed escalating, threatening, or other problematic behaviors, or at the request of the employee or family member of an employee, the Department will provide specific information about confidential counseling or assistance programs and may offer or recommend intervention services to employees before an act of domestic violence occurs.
4. A disclosure on the part of any officer or household member to any member of the Department that an officer has personally committed domestic violence will be treated as an admission or report of a crime and should be investigated both administratively and criminally.
5. The Department will develop a plan to have an agency point of contact to assist victims, both for internal and criminal investigations. For internal investigations, agencies will provide victims with a description of the internal affairs process, including how long it may take, the victim's role in the investigation, and what the victim can expect to occur during the process.
6. The Department will provide victims of domestic violence by Department employees contact information about public and private nonprofit domestic

violence services and information regarding relevant confidentiality policies related to the victim's information.

7. The Department shall provide for an impartial administrative investigation and appropriate criminal investigation of all acts of domestic violence allegedly committed by a sworn employee. Administrative investigations may be conducted by the Department or through an agreement with another law enforcement agency.
8. Whenever the Department becomes aware that it has made a domestic violence-related arrest of an officer from another agency, the Department will notify the employing agency of the arrest, the specific charge, and the time of the arrest as soon as practically possible.

E. Incident Response Protocols

1. Department-Wide Response

- a. When handling a report of domestic violence involving a police officer, all actions must be documented and forwarded to the Chief of Police through the chain of command.
- b. Follow up contact with the victim should be initiated by the Deputy Chief of Professional Standards in a timely manner during the initial investigation. As permitted by law, contact should be maintained throughout the criminal and administrative investigation for the purposes of:
 - Providing information regarding safety planning and local domestic violence victim services.
 - Providing copies of all incident reports at no cost.
 - Advising the victim of all case developments
 - Advising the victim that if there is any violation of an injunction, harassment, violence, or the threat of future violence, such behavior should immediately be reported to the agency's follow up contact designee.

2. Tompkins County Dispatch Response

- a. Dispatch will assign a high priority to all domestic violence calls, including those that involve or appear to involve a police officer.
- b. Dispatch will immediately notify the supervisor on duty and the dispatch supervisor of any domestic violence call received that involves, or appears to involve, an officer, regardless of the officer's jurisdiction.

- c. Dispatch will prepare and preserve documentation of the facts and circumstances of the call, including the 911 tape, for use in a potential administrative or criminal investigation.
- d. Dispatch will make contact with local domestic violence victim advocacy organizations, if necessary, to facilitate immediate delivery of services if requested by the victim.

3. On-Scene Police Officer Response

- a. Upon arrival on the scene of a domestic violence call or incident involving a police officer, the primary responding officer shall immediately notify dispatch and request that a supervisor report to the scene, regardless of the involved officer's jurisdiction.
- b. Responding officers shall perform the following actions:
 - Obtain medical assistance, if needed.
 - Address the immediate safety of all parties involved.
 - Secure the scene and preserve evidence.
 - Make an arrest if probable cause exists.
 - Provide the victim with a copy of the legal rights and remedies notice.
 - Assist the victim if immediate access is requested to local domestic violence victim advocacy organizations.
- c. Responding officers shall document the incident in a written report, whether or not an arrest is made, which includes:
 - A description of the physical injuries observed if any.
 - The grounds for not making an arrest or for making more than one arrest.
 - The fact that a copy of the legal rights and remedies notice was given to the victim.
- d. The officer shall submit the written incident report to the officer's supervisor prior to the end of the officer's shift.
- e. If an officer is involved in a family violence incident, and probable cause exists for the officer's arrest, the officer shall be arrested.
- f. The investigating officer shall help the victim to develop a short-term safety plan.

4. On-Scene Supervisor Response

- a. A patrol supervisor shall respond to the scene of any domestic violence incident investigated within the Department's jurisdiction that involves an officer (regardless of whether the officer is a victim or a suspect), even if the officer is from another jurisdiction.
- b. If the accused officer is employed by the Department, the on-scene supervisor shall make appropriate notifications consistent with Department policy for an employee suspected or arrested for criminal activity.
- c. The highest-ranking on-duty shift supervisor shall notify the following personnel:
 - Chief of Police;
 - Deputy Chief of Operations
 - Deputy Chief of Professional Standards.
- d. If the involved officer is an officer from another Department, the on-scene supervisor shall ensure that the officer's employer is notified as soon as possible following a review of the incident or arrest report.
- e. The on-scene supervisor shall assume responsibility for all on-scene decision making, to include:
 - Securing the scene and collecting evidence
 - Ensuring an arrest is made where probable cause exists
 - Attempting to locate the alleged offender if he/she has fled
 - Removing firearms
 - Addressing issues of victim safety and the development of a short-term safety plan.
 - Notifying the chief in the accused officer's jurisdiction

5. Chief of Police Response

The Chief of Police or his designee may:

- a. Suspend the officer as part of an Investigatory Investigation as stipulated in the CBA; or
- b. Assign the officer to administrative duties.

F. Weapons Policy

1. If a court order (e.g. Protective or Civil Restraining Order) is issued against the officer, the following will be done:

- a. The officer shall surrender all law enforcement agency issued firearms to the Chief of Police or his designee.
- b. The officer shall be prohibited from carrying a firearm while the Order is in force.
- c. Further, in accordance with New York State Laws, the officer will:
 - Surrender all other firearm(s) or electronic defense weapon(s) to a person who is eligible to possess them or to the Chief of Police, and will
 - Provide the Chief of Police or his designee with the proof of this requirement.
- d. If the officer possesses a state pistol permit, he/she will surrender the permit to the issuing authority or Division of State Police, within the guidelines of the court order.
- e. If the officer possesses an issued pistol permit from the Department, he/she will surrender the permit to the Chief of Police within the guidelines of the court order.

G. Victim Safety and Protection

1. The Department will establish relationships with certified domestic violence centers, advocacy groups/organizations, and other resources in the community to enable it to refer victims and their children to appropriate services.
2. The Department will designate a principal contact person for the victim whose responsibility should be to inform the victim of the Department's confidentiality policies and their limitations, and ensure the victim confidentiality, including the location of the victim if the victim has moved to a "safe place," is maintained throughout the case.
3. All officers will understand the potential for victim/witness intimidation or coercion by the perpetrator, and the increased danger when the victim reports the domestic violence and/or leaves an abusive partner.
4. If an officer suspects or the victim reports perpetrator intimidation or coercion, the officer shall prepare a written report and submit it immediately to the investigator in charge of the case through the chain of command. The investigator in charge will seek out secondary sources of information and supplemental evidence to confirm intimidation or coercion.

H. Post-Incident Administrative Investigation

1. The Department will observe all other appropriate policies and procedures generally applicable to the investigation of alleged misconduct. The Department will respect the rights of the accused employee under collective bargaining agreements and law.
2. Administrative investigations will be conducted through the Department's Deputy Chief of Professional Standards or designee, or by an outside agency as directed by the Chief of Police, and follow the procedures set forth in the Department's Investigation of Misconduct policy, G.O. 4.02.
3. The incident will be criminally investigated by an officer at least one (1) rank higher than the officer involved in the incident.
4. Where sufficient information exists, the Department shall make appropriate restrictions to assignments, law enforcement powers, building and records access, and consider administrative reassignment and/or leave.
5. In determining the proper course of administrative action, the Department may consider consulting with treatment professionals and reviewing such factors of the officer's past conduct and history of complying with Department rules.
6. Department personnel may be ordered to undergo a fitness for duty evaluation or assessment prior to any disposition, depending on the circumstances and in accordance with agency policy and the collective bargain agreement.