



Supplemental Resource Considerations

Roll Call Video Brief: Preventing Officer Involved Domestic Violence

The materials provided in this correspondence are for general informational and educational purposes only and are not intended to be and should not be considered legal advice or opinions. Prior to making any policy or rule changes seek the advice of your municipal attorney.

Resource Considerations:

[COPS-DOJ Preventing Officer Involved Domestic Violence](#)

[New Jersey Attorney General Directive 2020-6 – Directive Requiring Public Disclosure of the Identity of Officers Who Committed Serious Disciplinary Violations Since 2000](#)

[New Jersey Attorney General Directive 2020-7 – Directive Revising Internal Affairs Policy and Procedures](#)

[New Jersey Attorney General Directive 2000-3 and 2000-4 – Directive Replacing Unnumbered AG Directive Dated August 14, 1995 Requiring Seizure of Weapons from Law Enforcement Involved in Domestic Violence](#)

[New Jersey Attorney General Directive 2018-3 – Statewide Mandatory Early Warning System](#)

[New Jersey Attorney General Directive 2019-6 – Directive Establishing County Prosecutors to Comply with Brady v. Maryland and Gigli v. United States](#)

[Letter – New Jersey Attorney General – Transitioning from “Early Warning System” to “Early Intervention Systems”](#)

Departmental Policy for Handling of Domestic Violence Incidents Involving Law Enforcement Officers¹

This Policy, prepared by the Division of Criminal Justice, is intended to serve as a model for the law enforcement agency in formulating a written policy regarding the Department's handling of domestic violence incidents involving a member of the law enforcement agency.

Each Department's policy should be reviewed by the Department's legal advisor to ensure that it meets all constitutional and statutory standards, meets the needs of the jurisdiction, and incorporates all provisions of this policy to provide guidance to those who must comply with the requirements of the policy.

As used in this Model Policy: the term "Department" refers to the particular Department or law enforcement agency that is the subject of this policy. Law enforcement departments may include additional provisions to their policy as long as the additions do not conflict with the policies and procedures established by this model policy.

I. PURPOSE

This Department recognizes that some law enforcement officers commit acts of domestic violence as defined in *N.J.S.A. 2C:25-17 et. seq.* The integrity of the law enforcement profession and the community's trust in law enforcement are dependent upon a uniform policy on the handling of such incidents.

II. POLICY

This Department will act quickly where incidents of domestic violence are alleged to have occurred to protect the victim, arrest the perpetrator, where appropriate, and conduct parallel administrative and criminal investigations. In addition, the Department will work to develop and implement appropriate, case-specific remedies to the situation.

This policy for handling of domestic violence incidents involving law enforcement officers does not supercede the *Attorney General's Guidelines on Police Response*

¹ This model policy is based on a comprehensive policy approved by the New Jersey Domestic Violence Fatality and Near Fatality Review Board that was based on a model policy promulgated by the International Association of Chiefs of Police.

Procedures in Domestic Violence Cases and Attorney General Directives Implementing Procedures for the Seizure of Weapons from Municipal and County Law Enforcement Officers and from All State Law Enforcement Officers Involved in Domestic Violence Incidents [Directives 2000-3 and 2000-4 dated September 1, 2000, hereinafter *Attorney General Weapons Seizures Directives*]. These guidelines and directives remain in full force and effect and must be followed by law enforcement officers responding to a domestic violence call involving a law enforcement officer.

Failure of any officer or supervisor to comply with any provision of this policy will subject the officer to discipline.

III. DEFINITIONS

See *N.J.S.A. 2C:25-19* and *Attorney General's Guidelines on Police Response Procedures in Domestic Violence Cases* for definitions.

IV. PREHIRE SCREENING AND INVESTIGATION

- A. This Department will conduct thorough background investigations of all potential new employees to determine if there is a criminal history with particular attention to acts of domestic violence, sexual abuse, stalking, elder abuse or child abuse. This Department will conduct a check of the Domestic Violence Registry to determine the existence of any active restraining orders and to determine if there is a history of domestic violence.
- B. All candidates will be interviewed about any history of acts of domestic violence, sexual assault, stalking, elder abuse or child abuse and past or present restraining orders and their disposition.
- C. Those candidates with a history of perpetrating acts of domestic violence, sexual assault, stalking, elder abuse or child abuse will be screened out at this point in the hiring process.

V. POST-CONDITIONAL OFFER OF EMPLOYMENT

- A. This Department will require a psychological examination of all viable candidates to be performed by an experienced and licensed psychiatrist/psychologist or other mental health professional.
- B. The psychological screening should include a focus on indicators of violent or abusive tendencies or behaviors, including domestic violence, in their background.

VI. EDUCATION AND TRAINING

- A. All law enforcement officers within this Department will receive at least four hours of training on domestic violence issues annually, as approved by the Division of Criminal Justice, pursuant to *N.J.S.A. 2C:25-20*.
- B. All police dispatchers within this Department, sworn and unsworn, will receive annual training on how to handle a domestic violence call.
- C. All law enforcement officers and unsworn members of this Department will receive at least annual training on the impact of domestic violence within the law enforcement community and on the Department's policy and procedures when a law enforcement officer or an unsworn member is involved in a domestic violence incident.
- D. In addition to the training required in Paragraph A. above, all police supervisors within this Department will receive annual training on such matters as:
 - 1. How to recognize potential indicators or early warning signs of domestic violence behavior by law enforcement officers.
 - 2. How to investigate indicators of potential abusive behavior or early warning signs potentially indicative of domestic violence.
 - 3. When to notify the Chief of Police or Law Enforcement Chief Executive of the information gathered in accordance with the Department's chain of command.
 - 4. Available programs to assist law enforcement domestic violence victims and batterers.

VII. EARLY WARNING AND INTERVENTION RESPONSIBILITIES

- A. Department Responsibilities
 - 1. This Department will, either in response to observed warning signs of domestic violence behavior or at the request of an officer, provide non-punitive avenues of assistance to officers, their partners, and other family members.
 - 2. This Department will encourage officers to take personal responsibility in seeking referrals and assistance, confidential or otherwise, and assistance from the Department or on their own initiative to prevent a problem from escalating to the level of criminal conduct.

3. When this Department is aware that an officer is undergoing a separation or divorce, or that an officer is otherwise undergoing a high conflict period with a spouse or intimate partner, and the officer is exhibiting any of the warning signs of domestic violence behavior, the Department will encourage the officer to seek individual counseling.
4. This Department will investigate reports of domestic violence reported by family members or other officers.
5. The Department, either in response to observed signs of domestic violence behavior or at the request of an officer, will refer the officer to Employee Assistance.

B. Supervisor Responsibilities

1. Supervisors will document any information potentially indicative of domestic violence including but not limited to:
 - a. Aggressiveness
 - (1) Excessive or increased use of force on the job.
 - (2) Inappropriate surveillance activities.
 - (3) Unusually high incidences of physical altercations and verbal disputes.
 - (4) Citizen and fellow officer complaints of unwarranted aggression or verbal abuse.
 - (5) Inappropriate treatment of animals.
 - (6) On or off-duty officer injuries.
 - b. Domestic violence-related issues
Monitoring, controlling or harassing the purported victim directly or through any other person.
 - c. Deteriorating work performance
 - (1) Tardiness.
 - (2) Excessive absences.

(3) Alcohol and drug abuse.

2. When the supervisor finds a pattern of behavior potentially indicative of domestic violence, the supervisor will:
 - a. Address the behaviors, consistent with Internal Affairs policies, through a review with the officer and document all contacts. Under no circumstances will the identity of a reporting victim or witness be disclosed to the officer at this stage.
 - b. Forward written reports detailing the behaviors to the Chief of Police or Law Enforcement Chief Executive through the chain of command in a timely manner to determine discipline or other appropriate action.
 - c. Prepare and submit to the Chief of Police or Law Enforcement Chief Executive a written request for a psychological exam/counseling by a licensed psychologist/psychiatrist or other mental health professional. The supervisor's written report will include the factual basis for the referral and will attach any relevant supporting documentation. A copy of the report will also be forwarded to the County Prosecutor for consideration and discussion with the Chief of the Department.

3. When the supervisor determines an officer has engaged in domestic violence, the supervisor will:
 - a. Prepare and submit to the Chief of Police or Law Enforcement Chief Executive a written request for a psychological exam/counseling by a licensed psychologist/psychiatrist or other mental health professional. The psychologist/psychiatrist must be provided with all reports and information available regarding the domestic violence incident/s. The psychologist/psychiatrist must attempt to contact the reported victim for their input and must be provided with the reported victim's contact information; the contact information must be kept confidential. A copy of the report will also be forwarded to the County Prosecutor.
 - b. Request that the Chief of Police or Law Enforcement Chief Executive order the officer to seek assistance from a program for batterers that has been approved by the County Prosecutor or the Department. If such a program is not

available, request that the Chief of Police or Law Enforcement Chief Executive order the officer to a counselor who has demonstrable training and experience in counseling domestic violence batterers. [The cost of the counseling is to be paid by the officer].

- c. Contact and inform the purported victim of the concerns regarding the officer's behavior; that the officer has been ordered to undergo a psychological evaluation; that the evaluator will be contacting the reported victim; that the reported victim is not required to speak with the evaluator; and, that any information disclosed by the reported victim may not be confidential. The supervisor will document that he/she informed the reported victim concerning this procedure.
- d. If the Department decides to take adverse action against the officer, it will provide a copy of the psychological report to the officer in a timely manner, unless doing so would endanger the safety of the victim.

C. Law Enforcement Officer Responsibilities

- 1. Officers must:
 - a. When an officer knows or is made aware of any information of abuse or violence involving a fellow officer, the officer must report that knowledge or information to his or her supervisors.
 - b. Cooperate with the investigation of a domestic violence case involving a law enforcement officer except in the case where the officer is the victim.
- 2. Officers may be subject to criminal charges or discipline in accordance with Department procedure, if they:
 - a. Interfere with domestic violence cases involving themselves or fellow officers.
 - b. Intimidate or coerce witnesses or victims (*i.e.*, surveillance, harassment, stalking, threatening, or falsely reporting).
- 3. Officers who are involved in any domestic violence incident involving police response, regardless of jurisdiction, must

immediately notify the on-duty supervisor and provide notice of the court dates, times, appearances, and proceedings. Failure to do so may result in Departmental discipline in accordance with Departmental Policy and Procedures.

4. Officers who are the subject of any domestic violence restraining order or protective order proceeding, whether or not the order is issued and regardless of jurisdiction, must immediately notify their supervisor and provide a copy of the order, if issued. Failure to do so may result in Departmental discipline in accordance with Departmental Policy and Procedures.

VIII. INCIDENT RESPONSE PROTOCOLS

A. Department-Wide Response

1. This Department will accept, document, and preserve all calls or reports, including those made anonymously, regarding domestic violence as on-the-record information. A detailed Criminal Investigation Report (CIR) must be completed by the responding officer to a domestic violence call. This report is to be completed regardless of whether or not an arrest is made, and regardless of whether or not a criminal offense has been committed.
2. All reports of possible criminal activity implicating law enforcement officers in domestic violence will be documented in accordance with approved policies and procedures governing the handling of reports of domestic violence incidents.
3. A copy of the report alleging domestic violence by an officer will be forwarded to the Chief of Police or Law Enforcement Chief Executive through the chain of command including the Internal Affairs Officer.
4. The Department will make all such CIRs available to the victim without cost. *N.J.S.A. 47:1A-1.1.*
5. The Department will make all such CIRs available to the officer at no cost.
6. The Chief of Police or Law Enforcement Chief Executive will consult with the County Prosecutor, who will determine who should be the designated Principal Law Enforcement Contact person. If the designated Principal Law Enforcement Contact person is not available 24/7, then, after consultation with the Chief of Police of

Law Enforcement Chief Executive, the County Prosecutor will select an alternate contact person. The contact person's information must be provided to the victim. The Principal Law Enforcement Contact person will:

- a. Advise the victim to immediately report any violation of any restraining order to the police department where it occurred and to the designated Principal Law Enforcement Contact person.
- b. Advise the victim to contact the designated Principal Law Enforcement Contact person if there is any harassment, witness tampering or intimidation by a law enforcement officer.
- c. Intervene if the officer or agents of the officer are harassing or intimidating the victim, or violating no-contact orders.
- d. Provide the victim with the name and contact number of the domestic violence Assistant Prosecutor in the county where the abusive officer is charged with committing a criminal offense, contempt of a domestic violence restraining order, or subject to a motion for forfeiture of weapons. The victim should also be provided with the name of the victim-witness advocate or detective in the Prosecutor's Office who have been designated as the resource persons in the Prosecutor's Office.
- e. Provide the victim with contact information for a local domestic violence program and with approved safety planning material.
- f. Keep the victim apprised of all case developments.
- g. Ensure that the chain of command, including the Chief of Police or Law Enforcement Chief Executive, is regularly briefed on both the administrative and criminal investigations.
- h. Assist the victim with safety planning should the officer be terminated. Assistance will be provided by linking the victim with resources and preparation planning either within the Department or via outside government and non-profit agencies.

- B. Communications Response if the agency has its own communication center or Departmental Agreement with a Regional or County communication center.
1. Communications officers/dispatchers will assign a high priority to all domestic violence calls, including those that involve or appear to involve law enforcement personnel from any agency.
 2. Communications officers/dispatchers will immediately notify the communications supervisor of any domestic violence call received that involves, or appears to involve, law enforcement personnel from any agency.
 3. Communications supervisors will prepare and preserve documentation of the facts and circumstances of the call, including any relevant recorded call for service, for use in potential administrative or criminal investigations upon knowledge or notification that the domestic violence incident involved law enforcement personnel from any agency.
- C. Patrol Response
1. Upon arrival on the scene of a domestic violence call or incident involving a law enforcement officer, the primary patrol unit will immediately notify dispatch and request the primary patrol supervisor or shift commander to report to the scene, regardless of the involved officer's jurisdiction.
 2. The responding officers will follow standard police response procedures as set forth in the *Attorney General's Guidelines on Police Response Procedures in Domestic Violence Cases*.
- D. On-Scene Supervisor Response
1. The primary patrol supervisor or shift commander will immediately report to the scene of all law enforcement officer domestic violence incidents regardless of the involved officer's jurisdiction.
 2. The on-scene supervisor will immediately notify the County Prosecutor's Office of any domestic violence incident involving a law enforcement officer for direction on handling the case regardless of whether criminal charges are filed or a restraining order is issued.

3. The on-scene supervisor will assume command and ensure that the crime scene is secured and that all evidence is collected in accordance with approved police investigative procedures.
4. The on-scene supervisor will ensure that an arrest is made in cases where mandatory arrest is required or probable cause exists.
5. If the alleged offender has left the scene and probable cause exists, the supervisor will:
 - a. Exhaust all reasonable means to locate the alleged offender.
 - b. Ensure that an arrest warrant is sought, if unable to locate the alleged offender.
 - c. Document all subsequent actions in a timely manner.
6. If the victim has left the scene, the supervisor will make every effort to follow through on the investigation and attempt to locate the victim.
7. Arrest of both parties involved in a domestic violence incident should be avoided. The supervisor will ensure that a thorough investigation is conducted and an arrest of the primary aggressor is made in accordance with State law. In determining which party is the primary aggressor where both parties exhibit signs of injury, the supervisor should consider such factors as:
 - a. Any history of domestic violence or violent acts by either person.
 - b. Whether the injury was caused by a person acting in self-defense.
 - c. Relative size and strength of the persons involved.
 - d. The comparative severity of the injuries suffered or inflicted.
 - e. Each person's fear of physical injury resulting from the other person's threatened use or history of use of force.
8. The on-scene supervisor will ensure the victim is informed of the following:
 - a. Victims' Rights as set forth in the Victim Notification Form.

- b. Procedures for obtaining a restraining order.
 - c. The availability of a Domestic Violence Response Team member or a domestic violence advocate immediately following the incident.
 - d. The availability of confidential transportation to a location that can provide improved victim safety.
 - e. Community resources, local domestic violence victim services, including shelter, and safety planning information.
9. Whenever a domestic violence call involving a law enforcement officer does not result in an arrest or a warrant is not sought, the on-scene supervisor will explain in a written report why these actions were not taken, and the report shall be forwarded to the Internal Affairs Unit.
10. The on-scene supervisor will notify the Chief of Police or Law Enforcement Chief Executive through the chain of command as soon as possible. If the officer is from another jurisdiction, the supervisor will ensure that notification is made to the Chief of Police or Law Enforcement Chief Executive in the department where the accused officer is employed. All notifications, and attempts to notify, will be fully documented in writing and shall be forwarded to the Internal Affairs Unit.
11. [Optional] The supervisor will ensure that the communications supervisor is notified that the incident involves a law enforcement officer.

E. Additional Critical Considerations

- 1. When responding to a domestic violence incident involving a law enforcement officer from another jurisdiction, all responding officers, investigators, and supervisors will follow the same procedures that are to be followed in responding to a domestic violence complaint involving an officer from this Department as set forth in the *Attorney General's Guidelines on Police Response to Domestic Violence Cases* and *Attorney General Weapons Seizure Directives*.
- 2. When responding to a domestic violence incident involving a law enforcement officer from another county, the Chief of Police or Law

Enforcement Chief Executive or person acting in those capacities shall notify the County Prosecutor where the officer is employed.

3. If the reported incident involves the Chief of Police or Law Enforcement Chief Executive or a person acting in those capacities, the supervisor will immediately notify the County Prosecutor's Office which may directly oversee the criminal investigation. If warranted the County Prosecutor may designate a member of the office to respond to the scene of all domestic violence incidents involving a Chief of Police, Law Enforcement Chief Executive.
4. In responding to domestic violence incidents where the victim is a law enforcement officer, standard domestic violence response and investigation procedures should be followed as set forth in *the Attorney General's Guidelines on Police Response to Domestic Violence Cases*.
5. In responding to domestic violence incidents where the parties involved are both law enforcement officers, standard domestic violence response and investigation procedures as set forth in the *Attorney General's Guidelines on Police Response to Domestic Violence Cases* and the *Attorney General Weapons Seizure Directives* should be followed.
6. When responding to a domestic violence complaint involving a law enforcement officer employed by the federal government or out-of-state agency, all responding officers, investigators and supervisors will follow the same procedures that are to be followed in responding to a domestic violence complaint involving an officer from this Department as set forth in the *Attorney General's Guidelines on Police Response Procedures in Domestic Violence Cases* and in the *Attorney General's Weapons Seizure Directives*. All weapons are to be seized. The Chief of Police shall notify the federal government agency that employs the officer.

F. Department Follow-Up

1. In a timely manner, the Chief of Police or Law Enforcement Chief Executive shall ensure that all officers who responded to a law enforcement officer domestic violence call are debriefed. The debriefing should include:
 - a. A review of department confidentiality guidelines.

- b. A direct order prohibiting discussion of the incident outside of the official inquiry.
 - c. A clear delineation of assignments.
2. Follow-up investigators will proactively seek out information on existing protective orders and, if found, will enforce them and any applicable state and federal firearms laws and determine whether the officer violated department policy by failing to report the temporary or final restraining order.
 3. Arrest warrants charging law enforcement officers with domestic violence and protective orders issued at a later time should all 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 will be seized and decisions about seized weapons shall be made as set forth in the *Attorney General's Guidelines on Police Response Procedures in Domestic Violence Cases* and in the *Attorney General Weapons Seizure Directives*.
 4. This Department will conduct a thorough Internal Affairs investigation even if the temporary or final restraining order is dismissed against a member of this Department.
 5. Following the reported incident, the Chief of Police or Law Enforcement Chief Executive of the primary investigative department or his/her designee will immediately contact the designated Principal Law Enforcement Contact person and advise that officer of the domestic violence incident and request that he/she perform the duties listed in Section VIII. A.(6) above.

G. Response in Cases Involving Restraining Order Only

1. Any law enforcement officer who is served with a temporary or final restraining order must immediately inform his or her supervisor and provide a copy of the order to the supervisor.
2. Whenever this Department is notified that a temporary or final restraining order is issued against a member of this Department, this Department will serve the restraining order, if it has not already been served, or will assist any other agency in ensuring the immediate service of the restraining order. This Department will also ensure that a supervisory officer will be present at any time the

law enforcement officer is removing personal items from any common residence with the victim pursuant to the restraining order.

3. If the law enforcement officer's duty and off-duty firearms and weapons have not already been turned in pursuant to the *Attorney General Weapons Seizure Directives*, the weapons shall be immediately seized by this Department.
4. No weapon is to be returned or issued to the law enforcement officer except pursuant to the procedure set forth in *Attorney General Weapons Seizure Directives*.
5. This Department will ensure that an Internal Affairs investigation is initiated pursuant to the procedures set forth in *the Attorney General's Internal Affairs Policy and Procedures Manual*.
6. This Department will immediately notify the Prosecutor's Office of the issuance of a restraining order against the officer.
7. The Chief of Police or Law Enforcement Chief Executive or his/her designee will immediately contact the designated Principal Law Enforcement Contact person to perform the duties listed in Section VIII. A.(6) above.

IX. SEIZURE OF WEAPONS

- A. See *Attorney General Directives Implementing Procedures for the Seizure of Weapons from Municipal and County Law Enforcement Officers and from All State Law Enforcement Officers Involved in Domestic Violence Incidents* [Directives 2000-3 and 2000-4 dated September 1, 2000].

X. VICTIM SAFETY AND PROTECTION

- A. Victim Safety

This Department will make all reasonable efforts to

1. Provide law enforcement protection and other safety measures to a victim of law enforcement officer domestic violence.
 - a. Directed patrol initiatives including:
 - (1) Drive-bys.
 - (2) Dismounted patrols.

(3) Welfare checks.

2. Assist in arranging for the transportation of the victim to a safe place when necessary.
3. Ensure victim contact with trained domestic violence advocates for safety planning.

These protective measures will remain in effect even if the officer is dismissed as a result of committing domestic violence.

B. Victim Notification

To better ensure victim safety, the designated Principal Law Enforcement Contact person will inform the victim as to the status of the case as far in advance as possible to all impending actions taken against or with the officer. This Department will provide reasonable assistance to help the victim with safety measures.

C. Confidentiality of Victim Location

If the victim wishes to be placed in an undisclosed "safe home," she/he may be transported by another party in lieu of a law enforcement officer. Those law enforcement employees who do have contact with the victim must keep all information concerning his or her whereabouts and safety plans confidential.

D. Prohibition of Law Enforcement Court Accompaniment

No law enforcement officer will attend any domestic violence related court proceeding of any law enforcement officer employee unless subpoenaed to appear, or authorized by their agency, or as part of their investigation.

XI. POST INCIDENT ADMINISTRATIVE AND CRIMINAL DECISIONS

Departments must conduct an administrative investigation of an alleged incident of domestic violence committed by an officer in the department in accordance with *the Attorney General's Internal Affairs Policy and Procedures Manual*.

**Discussion Paper on IACP's
Policy on Domestic Violence by Police Officers**
A product of the IACP Police Response to Violence Against Women Project

Effective Date: July 2003

I. INTRODUCTION

A. Purpose of Document

This paper supports the policy on Domestic Violence by Police Officers established by the IACP. This document conveys the philosophy and development of the policy along with implementation requirements. As law enforcement executives tailor this policy to their specific agencies, the policy will need to be redrafted in the context of existing local ordinances, provisions of union contracts and all other state and federal laws. Departments must ensure that all other related policies are updated to be consistent with the provisions of this new policy and that other forms of family violence, including elder and child abuse, are addressed in a parallel manner. Although the policy speaks to police officers, it is strongly recommended that departments apply the principles to all employees whether sworn or civilian whenever appropriate.

B. Definitions

"Police Officer Domestic Violence" refers to any reported, founded, and/or prosecuted incident of domestic violence wherein a sworn police officer is the suspected offender. For the purposes of this policy, "domestic violence" refers to an act or pattern of violence (threatened or actual) perpetrated by a police officer or any police department employee upon his or her intimate partner. "Intimate Partner" refers to any individual (opposite or same sex) the officer has dated, cohabitated with, married, and/or has a child in common. These definitions may be limited to the definitions in the laws of each state. "Protection Order" is defined as 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).

A "qualifying" order of protection is a standard necessary under federal law to enforce certain federal firearms provisions; however, it is **not** required for enforcing full faith and credit. A qualifying order of protection is an order of the court that:

1. Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate; and
2. Restrains a person from harassing, stalking, or threatening his or her intimate partner, or child of such intimate partner, or, from engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
3. Includes a finding that the person represents a credible threat to the physical safety of such intimate partner or child; or, by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

A "qualifying" misdemeanor crime of domestic violence must include:

1. A state or federal misdemeanor crime that has as an element of use or attempted use of physical force or threatened use of a deadly weapon
2. Right to counsel or knowing and intelligent waiver
3. Applies to convictions occurring prior to and after September 30, 1996
4. Excludes convictions that have been expunged, set aside, or person has been pardoned or has had his/her civil rights restored

C. Background and Philosophy

IACP/COPS/OVW Collaboration: The policy and this concepts and issues paper are the culmination of an effort by the IACP, with the support of the Office of Community Oriented Policing Services (COPS) and the Office on Violence Against Women (OVW). Together these agencies accomplished a series of tasks to develop the policy. The IACP designed and developed the project, working closely with advisors and using grant funds from COPS and OVW to support the completion of project tasks. The underpinning of the project was the strong agreement among IACP, OVW, and COPS that the problem of police officer perpetrated domestic violence is of paramount importance and requires a definitive policy response. An effective, pro-active plan and consistent enforcement of a zero tolerance position by an agency's leaders goes to the core credibility of a department. The integrity of the law enforcement profession and the community's trust are at stake.

Nature and Extent of the Problem: We recognize that the law enforcement profession is not immune from having members commit domestic violence against their intimate partners. The rate of domestic violence is estimated to be at least as common as that of the general population and limited research to date indicates the possibility of higher incidence of domestic violence among law enforcement professionals. The IACP, while concerned with variations in assessed levels, takes the position that the problem exists at some serious level and deserves careful attention *regardless of estimated occurrences.*

Research has indicated that documentation of such incidents by departments varies dramatically, with some incidents reported in great detail, others handled through informal actions, and still others undocumented in any way. Departmental positions on police officer domestic violence also differ significantly: some departments have a clear "zero-tolerance" position, other departments have less defined positions, and still others have no articulated position at all. The variations in departmental policies underscore the need for IACP's policy.

Policy Development Approach: To develop this policy, the IACP held four national summits in 1997 on "Police Officer Domestic Violence" and a final policy review summit in April 1998. This final summit focused on review, reaction, and revision of a draft policy crafted from information gained from the four prior summits. The policy was originally released in spring 1999. In 2002, previous summit participants and experts were gathered to explore how this topic has been addressed in the field since the IACP's policy was released and to begin the process of updating it. The revised policy was released in July 2003.

Potential Challenges to the Policy: The IACP believes that the presence of a clearly delineated policy and adequate training positions a department to reduce risk for charges of liability. As departments attempt to set a standard of zero-tolerance for domestic violence through implementation of a policy to address past, present, and future incidents of police officer domestic violence, challenges may arise. Even though departments are directed to observe and adhere to all necessary protocols to ensure that administrative and criminal investigations of an accused officer are conducted such that the officer's departmental and legal rights are upheld, departments may face legal challenges to the policy from individual officers or the unions that represent them.

II. POLICY COMPONENTS

This policy is based upon the principles of community-oriented policing and addresses the problem of domestic violence in a proactive, multifaceted way that reflects a continuum of action:

- A. Prevention and Training
- B. Early Warning and Intervention
- C. Incident Response Protocols
- D. Victim Safety and Protection
- E. Post-Incident Administrative and Criminal Decisions

Federal law prohibits any individual, including a police officer, who has been convicted of a misdemeanor domestic violence crime, from possessing a firearm. Therefore, departments must periodically review the records of all officers to ensure they are free of domestic violence convictions.

A. Prevention and Training

Prevention is a law enforcement executive's best tool to save the department valuable time and resources that would otherwise be lost on an officer who must be terminated at a later point. Effective preventative measures may protect victims and save an officer's career. A tone of zero-tolerance to police officer domestic violence must permeate the entire police department, as it may be the most crucial prevention strategy available. Zero-tolerance is accomplished through comprehensive baseline education and training for all department employees upon implementation of the policy, and consistent policy enforcement.

1. Prevention Through Collaboration. As a means of prevention, departments should establish ongoing and meaningful relationships with victim advocates and domestic violence program professionals in their community. These may include shelter staff, hotline crisis workers, social service providers, coordinating councils/coalitions, or others who are knowledgeable about the challenges facing domestic violence victims and can serve as essential partners in effective community policing.

The policy strongly urges departments to collaborate with and utilize the expertise of local domestic violence victim advocates to:

- Provide training
- Work on-scene with victims
- Offer confidential counseling services and/or referrals
- Assist with policy development

In addition, the advocate community should receive information and training on department policies so they can work effectively with police to respond to victim needs. Training should focus on the respective concerns and needs of both organizations.

Departments should also look to neighboring departments and state and national law enforcement agencies for information on existing domestic violence curricula that can be used to train officers or serve as a guideline for the development of training.

2. Policy Implementation Training. Once adapted from the IACP policy, the formal policy of the department should be distributed to all employees of the department. It should also become part of the department's written policies and procedures, as well as a core component of the training curriculum at the academy. Adopting a comprehensive training and implementation strategy ensures all department employees have a working knowledge of the

dynamics and issues involved in domestic violence and their responsibilities under department policy. The training should be inclusive of volunteers as appropriate.

a. Upon implementation of this policy, all officers shall receive comprehensive mandatory instruction covering the following topics:

i. Understanding Domestic Violence

- a. *General domestic violence training*
- b. *Domestic violence and stalking dynamics, tactics, and behavior patterns*
- c. *Common victim responses to domestic violence (to include withdrawn or aggressive behavior, denial or recantation)*
- d. *Common offender responses (to include denial, minimization, blaming or justifying)*
- e. *Cultural dynamics (to include racial, gender, and same-sex issues)*
- f. *Legal rights of victims*
- g. *Role of victim advocates and available services*

ii. Departmental Domestic Violence Response Protocol

- a. *Command notification and reporting procedures*
- b. *Cross-jurisdictional policies and protocol*
- c. *General domestic violence investigation and evidence collection*
- d. *Appropriate criminal charges*
- e. *Strangulation investigation*
- f. *Working with victim advocates*
- g. *Dominant aggressor/self defense determination*
- h. *Use and limitation of danger assessment tools*
- i. *Officer safety*
- j. *Confidentiality issues*
- k. *Ethical considerations*
- l. *Criminal and civil liability*
- m. *Firearms removal and seizure*

iii. Warning Signs of Domestic Violence by Officers

- a. *Orientation to department policy*
- b. *Responsibilities of supervisors and officers*

iv. Victim Safety

- a. *Safety planning*
- b. *Knowledge of services (to include culturally sensitive, language-appropriate services)*
- c. *Potential barriers to assistance/intervention*

v. Federal Domestic Violence Laws

- a. *Intrastate and interstate enforcement of protective orders*
- b. *Federal stalking, domestic violence, immigration, and gun control laws*

b. Additional administrative command and supervisor training related to domestic violence shall address the following:

- i. *Department legal considerations and criminal and civil liability*
- ii. *Media and public relations*
- iii. *Criminal versus administrative investigations*

3. Targeted Personnel Training. Specific instruction based on various employee roles and positions in the department should be developed and implemented.

- a. *Recruit Education.* A recruit's perspective on law enforcement's attitudes and approaches to domestic violence, including police officer domestic violence, is formed early on by what is taught at the police academy. It is each department's responsibility to know what training on this issue is provided through the academy and to evaluate the content. The department must then supplement any missing information and lobby for additions to be made to the academy curricula. Orientation to department policy is the responsibility of the department.
 - b. *Field Training Officer (FTO) Education.* Once academy training is completed, new officers learn their role as a patrol officer from a FTO. How FTOs are selected and how they present information on both domestic violence and the department's policies are pivotal in furthering the department's stance on zero-tolerance and commitment to community policing. In-depth training of FTOs who may influence future generations of law enforcement is critical to the elimination of domestic violence within the profession. FTOs should receive specific instruction on how to train officers on domestic violence and victim issues.
 - c. *Communications Officer/ Dispatcher Education.* Communications officers/ dispatchers may receive the first information on a police officer domestic violence incident. They must be carefully trained to respond quickly, notify the appropriate individuals, and document the incident for command personnel. Actions at the 911 juncture are essential to proper police response and victim safety.
 - d. *Administrative Command/ Supervisor Education.* Commanders within a department must agree upon a proactive and coordinated response to police officer domestic violence. Their leadership on the issue of domestic violence and the tone they set in the department will determine the success of the policy's implementation. A training curriculum that details their duties and responsibilities is essential and should address department legal considerations, criminal and civil liability, and media and public relations as well as criminal versus administrative investigations.
4. Ongoing Training. Roll-call and in-service opportunities should be utilized for on-going education along with other training techniques such as FTO instruction and ride-alongs.

Information (new research, training bulletins, advocate program brochures, etc.) should be regularly disseminated to department employees in order to reinforce the existing policy and provide additional resources. Training on police officer domestic violence should also be integrated into a wide array of training topics such as use of force, ethics, evidence, and community policing. Departments should consider using experienced trainers from neighboring departments and draw on local, state and federal resources such as prosecutors, advocates and other law enforcement trainers, in order to provide the most comprehensive training possible.

- a. *In-Service Training.* Academy and FTO training on domestic violence and stalking must be reinforced regularly through periodic in-service training. Departments shall select a series of effective and concise instructional materials for routine dissemination to all personnel. The training should ensure that officers comprehend the complexities of domestic violence and responsibilities under department policy in order to be most effective on scene.
- b. *Roll-Call Training.* The most intense and shortest in duration, ongoing roll-call training is an extremely effective way to keep a department's domestic violence policies at the forefront. To be innovative and informative, roll-call training should use video, news clips, advocate presentations, or senior/command officer presentations. Roll-call training should be designed to refresh officers on the broader policy information they learned through academy and in-service training initiatives.
- c. *Program Evaluation.* In order to create the most effective training program possible, departments should look to measure the effectiveness of the training provided. By using tools such as pre and post-tests and training evaluation forms, instructors can gain valuable feedback and direction for future training. Information gained from this testing will indicate whether additional training is needed.

B. Early Warning and Intervention

Of critical concern to departments is how to screen candidates to minimize the risk of hiring officers who may engage in domestic violence. The process of investigating recruits must be handled in two stages: pre-hire screening and investigation, and post-conditional offer of employment activities. In addition, the department must establish a system for detecting indicators of abusive tendencies and train supervisors to intervene. Under a zero-tolerance policy, it is ultimately the responsibility of the officer to refrain from domestic violence. (See IACP Early Warning System Model Policy)

1. Pre-Hire Screening and Investigation. The department should 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. As part of the background investigation, the department should seek to 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. Any candidate who is found through the interview and investigation process to have a history of perpetrating violence should be deemed ineligible for employment.
2. Post-Conditional Offer of Employment. If the candidate's background investigation does not indicate a history of perpetrating violence, the department should proceed with a psychological examination, which should address indicators of abusive tendencies, to be conducted by a psychologist or psychiatrist who is knowledgeable about these risk factors.
3. Post-Hire Intervention. Departments must clearly explain the zero tolerance policy to all officers and regularly create opportunities to share this information with their families. For example, a department can hold a family orientation day prior to graduation where family members are provided 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. The purpose of providing this information to families is to underscore the department's zero-tolerance stance and to provide victims with avenues to address potentially problematic behavior or report acts of domestic violence. It must be noted that in families where there is a controlling partner, it will be more difficult to reach family members with this information. This underscores the need to develop an ongoing multi-faceted outreach campaign. Such a campaign can help ensure that a department communicates this information to new intimate partners and families throughout an officer's career. In addition, officers need 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.
4. Department Responsibilities. An intimate partner or family member of an officer may recognize early indicators of a police officer's potential for violence, such as issues of power and control. The power and control may take the form of: restricting contact with others, requiring the partner to turn over paychecks, limiting activities outside the home, etc. Victims may communicate their concerns "informally" at first, such as a call to an officer's supervisor. Informal contacts must be treated carefully, since this is a critical opportunity for a department to provide referrals and/or intervene using early intervention/prevention strategies. The policy calls for a formal system of documenting, sharing and responding to information from concerned partners and family members.
Departments need to provide officers and their families with non-punitive avenues of support and assistance *before* an incident of domestic violence is reported. However, once there is a disclosure that the officer has engaged in an act of domestic violence, this must be treated as a report of a crime and will be investigated both criminally and administratively. As a matter of safety, it is essential that to the degree possible, confidentiality be extended to any intimate partners or family member who contacts the department. Departments must establish procedures for making confidential referrals to internal or external counseling services with expertise in domestic violence. Collaboration with local domestic violence victim advocacy organizations is recommended. These referrals can be made upon the request of an officer or family members, or by a supervisor through the chief in response to observed warning signs.

Departments should develop specific non punitive protocols for incidents where the victim is a police officer and make a range of services available, to include: employee assistance program, internal professional counseling (police psychologist), external professional counseling (contract/referral), advocacy support from local agencies, and peer support programs (with clear reporting and confidentiality guidelines).

Departments must watch for officers who interfere with domestic violence cases brought against fellow officers by stalking, intimidating, harassing or putting under surveillance victims, witnesses and/or family members of victims or witnesses. If this occurs, the department shall investigate those officers and take disciplinary action and criminally charge as warranted.

5. Supervisor Responsibilities. An officer may reveal a pattern of abusive behavior potentially indicative of domestic violence while on the job; the supervisor is in the unique position to detect these warning signs. Therefore it is critical that supervisors receive specific training on indicators of violent and controlling behaviors and strategies for effective management of these behaviors. Warning signs that indicate a likelihood of violent behavior such as aggressiveness, domestic violence-related issues and deteriorating work performance are detailed in the policy (see this policy, section 5a, Early Warning and Intervention, Supervisor Responsibilities).

As a supervisor becomes aware of an officer exhibiting these behaviors, the information shall be documented and the chief shall be notified in accordance with the department's chain of command. After making proper notification, the supervisor should inform the officer that the behaviors have been documented and must cease immediately. At the discretion of the chief, the officer should be ordered to seek counseling or to participate in a batterer program to address the issues and behaviors.

6. Police Officer Responsibilities. All officers need to understand the zero-tolerance policy of their department and their responsibility to report knowledge they have concerning domestic violence on the part of an officer, except in the case where that officer is the victim. Departments must be prepared to investigate and severely discipline, up to and including dismissal, any officer who fails to report such knowledge or cooperate with an investigation. When an officer becomes the subject of a criminal investigation and/or protective order, regardless of the jurisdiction, the officer is responsible for immediately informing the supervisor, providing copies of the order and giving timely notice of court dates. In addition, all officers need to know that they will be investigated and severely disciplined, up to and including dismissal, if they attempt to interfere with an investigation of another officer accused of domestic violence.

C. Incident Response Protocols

A department's response to 911 calls where officers are involved immediately sets the tone for how a situation will be handled throughout the remainder of the continuum. A range of trained personnel is critical to the effective management of an incident.

1. Department-Wide Response. When handling a report of domestic violence involving a police officer, all actions must be documented and forwarded to the chief through the chain of command.
2. Communications Officer/ Dispatcher Documentation. When a call or report of domestic violence involves a police officer, the dispatcher should have a standing directive to document the call and immediately notify both the supervisor on-duty and the dispatch supervisor. This directive ensures that command personnel receive the information and prevents the call from being handled informally.
3. Patrol Response. In a domestic violence situation involving an officer, the dynamics between the responding patrol officer and the accused officer (i.e. collegiality, rank differential) have the potential for making on-scene decisions additionally difficult. Therefore, the responding patrol officer shall immediately request that a supervisor on-duty who is of higher rank than the involved officer report to the scene, regardless of the involved officer's jurisdiction.

4. On-Scene Supervisor Response. The on-scene supervisor must respond to the call and 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
 - Notifying the chief in the accused officer's jurisdiction
- a. *Crime Scene Documentation*. Understanding the dynamics of domestic violence, as well as the high incidence of threats and intimidation by offenders, recanting or reluctant victims/witnesses are not uncommon. Police on the scene of a domestic violence incident must record excited utterances and threats by the perpetrator, interview witnesses and use cameras and/or videotapes to document all evidence including injuries, damaged property and the crime scene. Thorough documentation is essential for the successful prosecution of the case whether or not the victim participates in court proceedings.
- b. *Arrest Decisions*. Policies on arrest for domestic violence incidents vary among state, county, and local jurisdictions. In all cases, responding officers should base arrest decisions on probable cause. The responding officers and/or on-scene supervisor is responsible for determining whether probable cause exists, ensuring an arrest is made if probable cause does exist, or submitting written documentation to explain why an arrest was not made. When the dominant aggressor is not arrested, the victim feels that the police will not help, and the abuser understands that police involvement can be used as an additional tool to hurt and control the victim. Officers must make every effort to determine which party is the dominant aggressor in order to avoid the arrest of victims.
- c. *Weapon Removal*. When an arrest is made, the on-scene supervisor shall relieve the accused officer of all service weapons. Where multiple firearms are present (officers may own recreational firearms that they keep at home), removing only the service weapons may leave the victim vulnerable to further violence. While federal, state, and local laws vary on how and when firearms can be removed, police have broad powers to remove them in certain circumstances, particularly if an arrest is being made. The on-scene supervisor may suggest that the accused officer voluntarily relinquish all firearms. The supervisor can also ask the victim about the removal of firearms from the home for safekeeping by the department. In situations where an arrest is not made, the on-scene supervisor may consider removing the accused officer's firearm(s) as a safety consideration and to reduce department liability.

After firearms are removed, decisions need to be made about how long they will or can be held. Where court orders of protection are in place, these orders may affect decisions on the return or seizure of firearms. Federal law prohibits any person subject to a qualifying order of protection from possessing firearms and ammunition (18 U.S.C. 922(g)(8)). (For determination of qualifying orders of protection, see this document, page 1, section B Definitions.) Under ATF's interpretation of the Gun Control Act's Official Use Exception, this provision does not apply to persons "performing official duties on behalf of a Federal, State or local law enforcement agency". This exception applies "as long as the officer is authorized or required to receive or possess that firearm in his/her official duties". ATF has clarified that "the authorization must be by statute, regulation, or official department policy" and applies to both department-issued firearms and those purchased by the officer if authorized or required by the department. A department may want to limit the scope of the exception to apply only to the primary service weapon instead of the full range of firearms with which the officer has qualified in order to further minimize liability. A department may choose to be more restrictive than federal law by prohibiting officers from possessing service weapons when subject to protective orders or under criminal and/or administrative investigations.

A 1996 federal law prohibits any person convicted of a qualifying misdemeanor crime of domestic violence from possessing firearms and ammunition, (18 U.S.C. 922(g)(9)); no exceptions are allowed under this law, and it is

retroactive to convictions prior to 1996. (For determination of qualifying MCDV, see this document, page 1, section B. Definitions.)

5. Additional Critical Considerations. Although a domestic violence incident involving an officer from another jurisdiction could present a department with compounding complications, a policy that addresses such circumstances can minimize confusion and liability. Of equal importance is the need for department policy to address employees involved in domestic violence who live outside the department's jurisdiction. It is recommended that neighboring jurisdictions prepare written Memoranda of Understanding so that departments can be assured that they will receive mutually agreed upon, timely notification of an incident's occurrence.

It is important that the department's policy addresses the possibility that the accused officer is the chief/director/supervisor of the department in order to affirm the department's commitment to zero-tolerance. In such a situation, notification would be made to the individual with direct oversight.

Departments may be faced with a domestic violence incident where the victim is a police officer or both victim and offender are police officers. If this occurs, standard domestic violence response and investigative procedures should be followed. Safety of the victim should be the paramount concern. The department should take steps to protect the privacy of the officer who has been abused, and make referrals to confidential domestic violence services. The department should not allow the reported incident to impact negatively upon the assignments and evaluation of the victimized officer. In the event that an order of protection has been issued, a department will need to make careful decisions concerning work assignments for accused officers pending administrative and criminal investigations. Firearm removal in this situation becomes additionally complex. In the development of the policy, individual departments should seek legal guidance to protect the rights of all concerned.

6. Department Follow Up. The policy requires officers to report to their supervisor if they become the subject of a criminal investigation or protective order proceeding, however departments should not rely on self-reporting. It is recommended that departments establish a mechanism such as annual/periodic checks of protective order databases for names of officers.

The chief should require a debriefing of all officers including communications officers/dispatch involved in response to a police officer domestic violence case and should use the opportunity to review with personnel the department's confidentiality guidelines. In addition, a command-level critical incident management review of every domestic violence case involving an officer should be conducted.

The department must select a danger assessment tool to be used to determine the potential for further violence on the part of an accused officer and provide training on the use of the tool to a designated member of the command staff. In addition, the assessment should be supplemented by interviews with the victim, witnesses, and family members. Information gathered should be used to settle on appropriate sanctions, administrative actions, and referrals. Danger assessment findings may be shared with the judge, while the officer is in custody, prior to arraignment. The command officer assigned as the victim's principal contact should discuss the findings with the victim as part of safety planning. All victims shall be informed of the possibility of danger regardless of the outcome of the assessment.

Another tool which supervisors and chiefs are encouraged to use when a pattern of abusive behavior is detected is an administrative order of protection. This is a directive from a supervisor ordering an officer to refrain from particular conduct toward a particular person as a condition of continued employment. The use of administrative orders of protection are helpful in that they may enhance victim safety, and punishment for violations of an order can proceed quickly reducing department liability and eliminating the time a department may need to continue to pay an officer on administrative leave or suspension for the duration of a lengthy criminal case.

D. Victim Safety and Protection

IACP efforts within this project have clearly identified victims of police officers as especially vulnerable. Police officers are usually well known within the criminal justice community and may be well respected in law enforcement circles.

Victims in these circumstances may feel powerless. They face formidable obstacles in seeking police assistance. Therefore, the department must be actively engaged in outreach to families of officers and connected to the range of services within the community.

1. Advocacy Resources. The support of a domestic violence victim advocate can help the victim proactively enhance personal safety. While at the scene, the supervisor must ensure that the victim receives written information about community resources and local domestic violence organizations. It is the responsibility of the on-scene supervisor to share information on victim rights and the procedures for obtaining a protective order. Providing information on applicable state laws in a timely manner will enable victims to make informed decisions.
2. Designated Principal Contact. Promptly following the report of the incident, the department shall assign a member of the command staff as the victim's principal contact for case information. This connection is essential for addressing safety and informing victims about all aspects of department protocols and policies and applicable laws. As a matter of safety, the victim's whereabouts and any communication with victims must be kept confidential. The principal contact must inform the victim of department confidentiality policies and their limitations.
3. Victim Safety. Departments must recognize that as the consequences of being held responsible for his/her behavior (the potential loss of employment coupled with the loss of control over the intimate partner) become apparent, an abusive officer may escalate behavior to extreme acts of violence such as abducting the victim, taking hostages, and committing homicide and/or suicide. The victim's principal contact must ensure that the victim is offered the opportunity to create a safety plan and discuss stalking. Information learned through the danger assessment should be incorporated into the development of a safety plan created by the victim and officer together or with the assistance of an experienced domestic violence victim advocate. Both the safety planning and danger assessment tools are critical for alerting the department and victim to the potential for additional violence and for developing strategies in an attempt to cope with the situation.

E. Post-Incident Administrative and Criminal Decisions

Once an arrest has been made or an incident has otherwise been documented, careful attention must be devoted to the proper handling of the case. The department should conduct two separate but parallel investigations. The chief may ask an outside law enforcement agency to handle the administrative or criminal investigation for reasons of limited resources or to avoid the appearance of a conflict of interest. Simultaneous investigations will prevent a department from continuing to employ an officer who has violated department policy while the outcome of a criminal investigation and prosecution may take considerably longer to conclude. In order to ensure that an accused officer's departmental and legal rights are upheld during the administrative and criminal investigations, the department should seek legal guidance.

1. Administrative Investigations and Decisions. The chief shall appoint an investigator within the internal affairs division of the department to conduct the administrative investigation. If a department does not have an internal affairs division, the chief should appoint an investigator. Based on the report of an incident the department must undertake a comprehensive administrative investigation of the accused officer and take steps to reduce the potential for further violence by seizing firearms and using administrative orders of protection. The investigating body/officer must have the authority to make decisions about arrest, access to all pertinent case information, and experience conducting case analysis. Decisions on administrative actions should not be contingent on anticipated outcomes of the criminal procedure. Departments have a broad range of administrative options; employing these options in a timely manner is crucial to victim and community safety as well as the well being of the officer and the efficient operation of the department. With respect to seized firearms, departments need to establish policy governing the length of time firearms can be held and the protocol used for their return. Departments need to take responsibility for notifying victims prior to the return of firearms. Court orders of protection may affect the terms of firearm seizure and return. The department may employ the full range of administrative sanctions against an officer who has violated department policy.

Any officer determined through an administrative investigation to have committed domestic violence shall be terminated from the department. (See IACP Model Policy on Investigation of Employee Misconduct)

2. Criminal Investigations and Decisions. The chief shall appoint an investigator within the domestic violence unit to conduct the criminal investigation. If a department does not have a domestic violence unit, the criminal investigations unit or the detective division should handle the criminal investigation. The role the police play in gathering evidence and conducting a thorough criminal investigation has fostered the development of the successful strategy of evidence-based prosecution. Where the victim recants or chooses not to participate in court proceedings, the prosecutor as allowed under state law may determine that, based on the quality of evidence, the case should proceed with the state as the complainant. The department should establish a liaison to work closely with the prosecuting attorney's office on each case to support the department's interest in having the case processed in a timely manner.

Upon the conclusion of a criminal investigation, all information pertaining to the incident and all necessary charging paperwork must be forwarded directly to the prosecutor's office. The quality and quantity of information transferred should be thorough, including documentation of earlier calls to the agency, photo documentation of on-scene damage and injuries, previous concerns about officer behavior, danger assessment findings, etc.

Any officer convicted through criminal proceedings of domestic violence shall be terminated from the department. Federal law prohibits anyone convicted of a misdemeanor domestic violence crime from possessing firearms or ammunition. The chief shall ensure the department seizes all firearms owned by the department or possessed by the convicted officer as allowable under state law.

3. Termination Procedures. Once the administrative and/or criminal investigations conclude with the decision to terminate an officer, the chief is responsible for notifying the officer in person and in writing. Because of the heightened risk for violence at the point of termination, it is critical that the officer be given information on available support services and that the victim be notified immediately of the department's intended course of action and offered all available assistance, to include safety planning. The department should take extra precautions to protect against violence in the workplace. The chief is responsible for notifying the state licensing body about the decision to terminate the officer.

Every effort has been made by the IACP Research Center Directorate and the Police Response to Violence Against Women Advisory Group to ensure that this policy incorporates the most current information and contemporary professional judgment on the issue. However, law enforcement administrators should be cautioned that no "model" policy can meet the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions, and collective bargaining agreements, and each agency needs to tailor its policies to ensure compliance with all laws, regulations, and agreements.

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IACP National Law Enforcement Policy Center DOMESTIC VIOLENCE BY POLICE OFFICERS

Model Policy
July 2003

I. PURPOSE

This policy recognizes that the profession of law enforcement is not immune from members committing domestic violence against their intimate partners. The purpose of this policy is to establish procedures for handling acts of domestic violence committed by police officers and for implementing prevention strategies. This policy will provide police executives, officers, and all department employees guidance in addressing incidents where one (or more) party to a reported domestic violence incident is an employee, whether sworn or civilian, of any rank in the department.

II. POLICY

This policy offers a comprehensive, pro-active approach to domestic violence by police department employees with an emphasis on victim safety. It delineates a position of zero tolerance by the department. It is imperative to the integrity of the profession of policing and the sense of trust communities have in their local law enforcement agencies that leaders, through the adoption of clear policies, make a definitive statement that domestic violence will not be tolerated. In the process of implementing this policy, the department should review the records of all employees to determine whether convictions for qualifying misdemeanor crimes of domestic violence *(MCDV) or valid protection orders exist. If an employee is found to have a MCDV or is the subject of a qualifying protection order, department legal counsel and/or city/county attorney shall be consulted immediately regarding continued employment or duty assignment.

Federal law prohibits police officers convicted of qualifying misdemeanor domestic violence crimes from possessing firearms.

Officers found guilty of a qualifying domestic violence crime through criminal proceedings shall be terminated.¹

III. DEFINITIONS

"Domestic violence" refers to an act or pattern of violence perpetrated by a police officer upon his or her intimate partner not done in defense of self or 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

¹ For the definitions of qualifying misdemeanor crime of domestic violence and qualifying order of protection that trigger federal firearm provisions, see the Concepts and Issues Paper, page 1, section B, Definitions.

An “intimate partner” of a police officer is any person 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

“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:

- Violent or threatening acts against another person
- Stalking or harassment of another person
- Contact or communication with another person
- Physical proximity to another person

IV. PROCEDURES

While prioritizing the safety of victims, this policy is designed to address prevention through hiring and training practices, provide direction to supervisors for intervention when warning signs of domestic violence are evident, institutionalize a structured response to reported incidents of domestic violence involving officers, and offer direction for conducting the subsequent administrative and criminal investigations. Components of the policy include: A) Prevention and Training B) Early Warning and Intervention C) Incident Response Protocols D) Victim Safety and Protection E) Post-Incident Administrative and Criminal Decisions.

A. PREVENTION AND TRAINING

The department will adhere to a zero-tolerance policy towards police officer domestic violence and will not tolerate violations of the policy. The department will provide ongoing training to every officer on domestic violence and the zero-tolerance policy throughout all phases of the police officer's career.

1. Prevention Through Collaboration

- a. Through ongoing partnerships with local victim advocacy organizations the department shall develop domestic violence curricula and train officers in order to enhance the officers’/agency’s response to victims.
- b. The department shall provide local domestic violence victim advocacy organizations copies of all domestic violence training curricula, protocols and policies for review and possible revision.

2. Training Topics²

Upon implementation of this policy, all officers shall receive comprehensive mandatory instruction covering the following topics:

- a. Understanding Domestic Violence
- b. Departmental Domestic Violence
 - (1) Response Protocol
- c. Warning Signs of Domestic Violence by Officers
- d. Victim Safety

² For details on these training topics, see Concepts and Issues Paper, section A) Prevention and Training, #2

- e. Federal Domestic Violence Laws
- 3. Ongoing Training

Departments shall use a variety of training techniques including in-service, roll-call, FTO, ride-alongs, and training bulletins to regularly reinforce standards of effective response protocol.
- 4. Program Evaluation

To enhance the effectiveness of the training, departments should work with internal or external research resources to evaluate the training and its impact.
- B. EARLY WARNING AND INTERVENTION
 - 1. Pre-Hire Screening and Investigation
 - a. Certification agencies and/or departments shall conduct thorough background investigations of all potential new employees using address history, driver's record, protection order database and a search on IADLEST.
 - b. All candidates shall be asked if they have engaged in or been investigated for domestic violence and asked about any past arrests, suspended sentences, diversion programs, convictions, and protection orders related to elder abuse, child abuse, sexual assault, stalking, or domestic violence.
 - c. Those candidates with a history of perpetrating violence (to include: elder abuse, child abuse, sexual assault, stalking, or domestic violence) 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 violence 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. Departments should strongly consider a no-hire decision in the case of a candidate with tendencies indicative of abusive behavior.
 - 3. Post-Hire Intervention
 - a. When new officers are hired, the department shall reach out to their intimate partners/family members to introduce this policy and other relevant department policies.
 - b. Departments should engage in periodic outreach to officers and their intimate partners/family members with information on this policy, the point of contact within the department and referrals for local support services.
 - 4. Department Responsibilities
 - a. The department shall develop cross-jurisdictional MOUs to ensure timely notification of an incident involving an officer.
 - b. The department shall, either in response to observed warning signs or at the request of an officer, intimate partner, or other family member, provide non-punitive avenues of assistance before an act of domestic violence 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 violence will be treated as an admission or report of a crime and shall be investigated both administratively and criminally.
5. Supervisor Responsibilities
 - a. Supervisors shall be cognizant of and document any pattern of abusive behavior potentially indicative of domestic violence including but not limited to the following:
 - (1) Aggressiveness
 - Excessive and/or increased use of force on the job
 - Stalking and inappropriate surveillance activities
 - Unusually high incidences of physical altercations and verbal disputes
 - Citizen and fellow officer complaints of unwarranted aggression and verbal abuse
 - Inappropriate treatment of animals
 - On- or off-duty officer injuries
 - (2) Domestic violence-related issues
 - Monitoring and controlling any family member or intimate partner through such means as excessive phone calling
 - Stalking any intimate partner or family member
 - Discrediting and/or disparaging an intimate partner
 - (3) Deteriorating work performance
 - Tardiness
 - Excessive absences
 - Alcohol and drug abuse
 - b. When the supervisor notes a pattern of problematic behavior (as detailed above), the supervisor shall:
 - (1) Address the behaviors through a review or other contact with the officer and document all contacts
 - (2) Forward written reports capturing the behaviors to the chief through the chain of command in a timely manner to determine discipline as warranted
 - (3) Prepare and submit to the chief a written request for a psychological exam/ counseling by a psychologist/psychiatrist who is knowledgeable about domestic violence.
 - (4) When warranted, request the chief order an officer to seek assistance from a certified program for batterers, and if such a program is not available, a counselor knowledgeable about domestic violence.
6. Police 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 severe discipline up to and including dismissal:
 - (1) Failure to report knowledge of abuse or violence involving a fellow officer
 - (2) Failure to cooperate with the investigation of a police officer domestic violence case (except in the case where that officer is the victim)
 - (3) Interference with cases involving themselves or fellow officers
 - (4) Intimidation/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 make a report to their supervisors and provide notice of the court dates, times, appearances, and proceedings. Failure to do so may result in severe 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 their supervisor and provide a copy of the 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 severe discipline up to and including dismissal.

C. INCIDENT RESPONSE PROTOCOLS

1. Department-wide Response

- a. The department shall accept, document, and preserve all calls or reports, including those made anonymously, regarding domestic violence as on-the-record information.
- b. All reports of possible criminal activity implicating police officers in domestic violence shall be documented in accordance with the policies governing the handling of reports of domestic violence involving civilians.
- c. The on-scene supervisor shall forward a copy of the report alleging domestic violence by the officer to the chief through the chain of command.
- d. All such incident reports shall be made available by the department to the victim without cost.

2. Communications Response

- a. Communications officers/dispatchers shall be instructed to assign a high priority to all domestic violence calls, including those that involve or appear to involve a police officer of any department.
- b. Communications officers/dispatchers shall immediately notify the supervisor on duty and the dispatch supervisor of any domestic violence call received that involves, or appears to involve, a police officer, regardless of the involved officer's jurisdiction.
- c. Communications officers/dispatchers shall prepare and preserve documentation of the facts and circumstances of 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 violence victim advocacy organizations for on-scene supervisors to provide to victims.
3. Patrol Response
- a. Upon arrival on the scene of a domestic violence call or incident involving a police officer, the primary patrol unit shall immediately notify dispatch and request a supervisor of higher rank than the involved officer report to the scene, regardless of the involved officer's jurisdiction.
 - b. The responding officers shall perform the following actions:
 - (1) Obtain needed medical assistance
 - (2) Address the immediate safety of all parties involved
 - (3) Secure the scene and preserve evidence
 - (4) Note all excited utterances, admissions and/or incriminating statements
 - (5) Make an arrest if probable cause exists
4. On-Scene Supervisor Response
- a. A supervisor of higher rank shall report to the scene of all police officer domestic violence incidents including a police officer, regardless of the involved officer's jurisdiction.
 - b. The on-scene supervisor shall assume command and ensure that the crime scene is secured and that all evidence is collected. Photographic and/or video documentation of the parties involved and scene shall be recorded where such resources are available.
 - c. The supervisor shall inquire as to the safety of all children present at the time of the incident and all children in the household. As appropriate and necessary, the children should be interviewed separately from other parties.
 - d. In cases where probable cause exists, the on-scene supervisor shall ensure 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 unable to locate the alleged offender
 - (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 violence incident should be avoided. The supervisor shall ensure that a thorough investigation is conducted and an arrest of the dominant aggressor is made in accordance with state law.
 - h. Whenever an officer is arrested, the supervisor 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, state, or local ordinances, 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 make arrangements as necessary.
 - k. The on-scene supervisor shall ensure the victim is informed of the following:
 - (1) The judicial process and victim rights
 - (2) The department's policy on police officer domestic violence, procedures 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 violence victim service
 - (9) The option to remove firearms for safekeeping
 - l. Whenever a police officer involved domestic violence call does not result in an arrest or a warrant is not sought, the on-scene supervisor shall explain in a written report.
 - m. The on-scene supervisor shall notify the chief and the accused officer's immediate supervisor as soon as possible. In the event that the officer is from another jurisdiction, the supervisor shall ensure that the accused officer's chief is notified. All notifications, and attempts to notify, shall be fully documented.
5. Additional Critical Considerations
- a. When responding to a domestic violence complaint involving a police 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 violence complaint involving an officer from their own department.
 - b. In the event that the reported incident involves the chief of police or commissioner, the supervisor shall immediately notify the district/state's attorney and the individual in government who has direct oversight for the chief, for example, the mayor.
 - c. In responding to domestic violence incidents where the victim is a police officer, standard domestic violence response and investigation procedures should be followed.
 - d. In responding to domestic violence incidents where the parties involved are both police officers, standard domestic violence response and investigation procedures should be followed. After probable cause and dominant aggressor are determined, an arrest should be made and all service weapons of the accused officer confiscated.³

³ If a protective order is issued against an officer, additional firearm seizure may be required under state law.

6. Department Follow-Up

- a. In a timely manner, the chief shall ensure that all officers who responded to a police officer domestic violence 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 delineation 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 laws and determine whether the officer violated department policy by failing to report the protective order.
- c. Arrest warrants charging police officers with domestic violence 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 decisions 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 violence 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 who will make decisions concerning appropriate sanctions, administrative actions, and referrals for the accused officer

D. VICTIM SAFETY AND PROTECTION

1. Departments shall work with community resources and advocacy agencies to connect victims and their children with appropriate services.
2. The command staff designated as principal contact for the victim, shall inform the victim of confidentiality policies and their limitations, and ensure that confidentiality is maintained throughout the case.
3. All officers shall be aware of possible victim/witness intimidation or coercion and the increased danger when the victim leaves an 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.
4. 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 investigator 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 investigator 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.

E. POST INCIDENT ADMINISTRATIVE AND CRIMINAL DECISIONS

Departments shall conduct separate parallel administrative and criminal investigations of alleged incidents of police officer domestic violence 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 violence 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 will adhere to and observe all necessary protocols to ensure an accused officer's departmental, union, and legal rights are upheld during the administrative and criminal investigations.*

1. Administrative Investigations and Decisions

The responsibility to complete the administrative investigation of a police officer domestic violence incident shall rest with the Internal Affairs Division of the department, or in the event that no such unit exists, the chief shall appoint an experienced investigator. The chief may ask 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, 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 requested.
- 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, reassignment, sanctions, suspension, or termination.
- c. When an investigation of an incident uncovers officers who had knowledge of violence on the part of another officer but failed to notify the department or engaged in actions intended to interfere with the investigation, 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 order of protection. (See Concepts and Issues paper, section C Incident Response Protocols, #6 department follow-up)
- e. If administrative policies and/or administrative orders of protection 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, a department 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 violence calls.
- h. If the department determines through an administrative investigation that the officer violated department policy, regardless of whether the officer plead nolo contendere in response to criminal charges, the department may employ the full range of administrative sanctions. Any officer determined through an administrative investigation to have committed domestic violence 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 violence shall rest with the domestic violence unit of the department, or in the event that no such unit exists, the criminal investigations unit or detective division. The chief may ask 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 violation.
 - b. In accordance with the officer's and victim's privacy rights, the investigating 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 decisions 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 proceedings of a domestic violence 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 and state law:

- (1) Notify the officer, in writing, of the effective date of termination
 - (2) Inform the officer of 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 the state licensing body within 30 days and inform them of the reason for termination
- b. Federal law prohibits anyone convicted of a misdemeanor domestic violence crime from possessing firearms. The department shall ensure compliance with federal law.

Every effort has been made by the IACP Research Center Directorate and the Police Response to Violence Against Women Advisory Group to ensure that this policy incorporates the most current information and contemporary professional judgment on the issue. However, law enforcement administrators should be cautioned that no "model" policy can meet the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions, and collective bargaining agreements, and each agency needs to tailor its policies to ensure compliance with all laws, regulations, and agreements.

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