

	LANE COUNTY SHERIFF'S OFFICE POLICY	Number: G.O. 1.16
		Issue Date: March 21, 2005
		Revision Date: November 2, 2005
CHAPTER: Sheriff's Office Role and Authority		Related Policy: G. O. 7.14 (APA/Child/Elder Abuse), G.O. 7.32 (Stalking Law), Lane Manual 2.384
SUBJECT: Law enforcement Employee Domestic Violence		Related Laws: ORS 181.662, ORS 163.415, ORS 163.425, ORS 163.427

POLICY: The Sheriff's Office's position is zero tolerance for domestic violence whether committed by a citizen or an employee. Where incidents of domestic violence occur, the Sheriff's Office will act quickly to protect the victim.

DEFINITIONS:

1. "Abuse" means:
 - a. Attempting to cause or intentionally, knowingly, or recklessly causing physical injury;
 - b. Intentionally, knowingly, or recklessly placing another in fear of imminent serious physical injury; or
 - c. Committing sexual abuse in any degree as defined in ORS 163.415, 163.425, and 163.427.

2. "Domestic Violence" means abuse between family or household members.

3. "Family or household members" means any of the following:
 - a. Spouses.
 - b. Former spouses.
 - c. Adult persons related by blood, marriage, or adoption.
 - d. Persons cohabitating with each other.
 - e. Person who have cohabitated with each other or who have been involved in a sexually intimate relationship.
 - f. Unmarried parents of a minor child.

4. "Employee" means any person employed on a full-time or part-time basis by a law enforcement agency. It also includes any unpaid volunteer with enforcement authority, such as a reserve deputy sheriff.

5. "Law Enforcement Agency" means any federal, state, county, or local criminal justice agency employing persons who have the power to make arrests and who are authorized to carry firearms in the performance of duty.

Note: Federal law prohibits police officers who have been convicted of felony or misdemeanor domestic violence crimes from possessing a firearm.

RULE: A deputy found guilty of domestic violence, either by criminal court or an administrative hearing, shall have his/her police powers revoked in accordance with 181.662.

PROCEDURE:

I. Training

The Sheriff's Office will provide training to employees about domestic violence and this policy, and will collaborate with local and state agencies dealing with domestic violence in designing and providing training.

II. Sheriff's Office Responsibilities

- A. The Sheriff's Office, either in response to observed warning signs or at the request of an employee and/or their family or household member, shall provide non-punitive avenues of assistance to Sheriff's Office members, their partners, and other family members.
- B. Confidential referrals to counseling services in collaboration with existing community services that have specific expertise in domestic violence, including the Sheriff's Office chaplain, will be made available to employees.
- C. Employees who disclose to any member of the Sheriff's Office that they have personally engaged in domestic violence are not entitled to confidentiality within the Sheriff's Office. The report of such criminal conduct will be treated as an admission of a crime and shall be investigated both criminally and administratively.

III. Sheriff's Office-wide Response

- A. The Sheriff's Office shall accept, document, and preserve all calls or reports involving possible police officer domestic violence, including those made anonymously. A police report shall be completed on all incidents.
- B. All reports of possible criminal activity implicating an employee in domestic violence shall be documented in accordance with the policies governing the handling of any domestic violence by citizens. A criminal incident report shall be completed including details on date, time, location, circumstances, names (if known), officials notified, and actions taken; a case file number shall be assigned and the report filed.

- C. A copy of the report detailing the possible criminal activity implicating an employee in domestic violence shall be directed to that employee's division commander.

IV. Supervisor Responsibilities – Generally

- A. Supervisors shall be cognizant of employees exhibiting signs of domestic violence-related problems and document inappropriate aggressive behaviors that occur while on or off duty.
- B. The Sheriff shall be informed of such circumstances or concerns in a timely manner through the Sheriff's Office's chain of command.

V. Communications Response

- A. Communications officers/dispatchers shall document all domestic violence calls received that involve, or appear to involve, a law enforcement officer, or any Sheriff's Office employee, and immediately notify the supervisor, regardless of the involved officer's jurisdiction.
- B. Normal dispatch priority protocol will apply, ensuring an in-person contact with the involved parties.
- C. Communications officers/dispatchers shall preserve all documentation of the facts and circumstances of the call for use in potential criminal or administrative investigations.

VI. Employee Responsibilities

- A. Employees are encouraged to seek confidential assistance from the Sheriff's Office or county resources (e.g., Employee Assistance Program), or other qualified individuals or entities, to prevent a problem from escalating to the level of criminal conduct against a family or household member.
- B. Employees with definitive knowledge of abuse and/or violence involving fellow employees must report such information in a timely manner to their supervisor.
- C. If an employee suspects or becomes aware of possible witness or victim intimidation/coercion, he/she shall prepare a written report and immediately deliver it to the investigator handling the case through the proper chain of command.
- D. Employees may not engage in threatening, harassing, stalking, surveillance, or other such behavior designed to interfere with cases against fellow employees or intimidate witnesses.

- E. Employees who fail to cooperate with the investigation of a Law Enforcement employee domestic violence case will be subject to investigation, and possible sanction and/or criminal charges.
- F. An employee who falsely reports that a victim of Law Enforcement domestic violence has committed a crime (such as child abuse or neglect) will be subject to investigation, and possible sanction and/or criminal charges.
- G. An employee who is the subject of protective or restraining order related to domestic violence or a criminal investigation, regardless of jurisdiction, is required to report himself/herself to his/her supervisor and provide notice of the court dates, times, appearances, and proceedings in a timely manner.
- H. An accused employee who is the subject of any civil protective order proceeding, whether or not the order is issued and regardless of jurisdiction, shall notify his/her supervisor in a timely manner and provide a copy of the order, if issued, to his/her supervisor.
- I. An employee who becomes aware of another employee having difficulties which might lead to domestic violence will encourage him/her to get assistance.

VII. Patrol Response

- A. Upon determining that a domestic violence call/incident involves an employee of a law enforcement agency, Deputies shall request an LCSO supervisor be sent to the scene. If there is a question as to whether a situation falls under this policy, contact a supervisor.
- B. If the alleged offender has left the scene and probable cause exists to arrest him/her, the responding Deputies shall conduct a thorough investigation and take enforcement action as in any other incident of domestic violence, and prepare a written report about the incident, even if there is not sufficient evidence to determine that a crime occurred.

VIII. On-Scene Supervisor Response

- A. A supervisor shall report to the scene of all officer domestic violence situations, regardless of the involved officer's jurisdiction.
- B. The on-scene supervisor shall assume command of the investigation and ensure that the crime scene is secure and that all evidence is collected, including color photographs.

- C. In cases where probable cause exists, the on-scene supervisor shall ensure an arrest is made.
- D. If the offender has left the scene, and probable cause to arrest him/her exists, the supervisor shall ensure that reasonable efforts are made to locate him/her in accordance with Oregon law.
- E. Whenever a Law Enforcement officer is arrested, the supervisor will take custody of all Sheriff's Office firearms issued to him/her, regardless of agency, and request permission to take any other firearms on scene for safekeeping.
- F. If the arrested employee is in uniform, he/she should be allowed to change to civilian clothes prior to transport, if feasible.
- G. Corrections personnel will be notified of the arrested person's employee status to ensure the safety of the employee while he/she is in custody.
- H. Whenever a Law Enforcement employee domestic violence call does not result in an arrest, the on-scene supervisor shall submit a written report explaining any and all reasons why an arrest was not made or a warrant was not sought.
- I. The division commander or designee will be notified of the incident as soon as possible, or if the incident involves an employee of another agency notify the watch commander or equivalent supervisor for that agency. If the incident involves the head of a law enforcement agency, notify the person(s) to whom that employee reports (e.g., City Manager). A written report will be completed, and if no arrest is made, the report will include reasons why.
- J. When feasible, an LCSO sworn supervisor will respond to the location of domestic violence incidents involving an LCSO employee which occur inside the City to assist the responding agency and to take custody of any Sheriff's Office weapon(s) or other Sheriff's Office equipment which is being taken.
- K. When an employee of the Sheriff's Office is a suspect in domestic violence, and LCSO is investigating, the on-scene supervisor will affirmatively give the victim an option to request investigation by an outside agency.
- L. The on-scene supervisor shall ensure the victim is informed of what enforcement action has occurred, what judicial proceedings will follow, procedures for obtaining restraining and/or protective orders, the availability of Victims' Assistance response, and local community resources which may aid him/her. Caution the victim to be alert for, and to report any future stalking or other criminal behavior by the abuser, and assist the victim in safety planning including access to shelter if necessary.

IX. Sheriff's Office Follow-Up

- A. The supervisor shall debrief all Deputies who respond to a police officer domestic violence call in a timely manner. During the debriefing, the supervisor shall:
 - 1. Review Sheriff's Office confidentiality guidelines.
 - 2. Reaffirm employees share information only on a need-to-know basis.
 - 3. Establish a clear delineation of assignments in order to assist victims in a coordinated and consistent manner.
- B. Arrest warrants charging police officers with domestic assault and civil protective orders issued at a later time shall be served by no fewer than two Deputies with at least one being of senior rank to the officer being served. At the request of the petitioner/victim, the warrant or protective/restraining order shall be served by an outside agency.
- C. On-scene and follow-up investigators shall proactively seek out information on existing restraining and/or protective orders and, if found, shall enforce them.
- D. A member of the command staff shall conduct an assessment to determine the potential for further violence on the part of the accused employee. Based on the outcome, the Sheriff's Office will need to make decisions concerning referrals, duty assignments, and administrative actions.