



DOMESTIC VIOLENCE BY LAW ENFORCEMENT OFFICER

Directive: 15-104

Date of Issue: July 2013 Amends/Cancel: 14-103

I. PURPOSE

The purpose of this Directive is to establish enforcement and operational guidelines for investigating and handling incidents of suspected or alleged domestic violence when the primary aggressor is a sworn law enforcement officer.

II. POLICY

All sworn members of DGS-MCP will strictly adhere to the procedures set forth in this Directive.

III. DEFINITIONS

- A. Preferred Arrest Policy: Whenever the law permits, officers should affect a warrantless arrest of the assailant when there is probable cause to believe that a domestic violence incident has occurred.
- B. Primary Aggressor: This is the individual suspected of being the most culpable in a domestic violence situation which is being investigated, or the individual who officers suspect did not act in self-defense where there was a mutual battery. Officers should make a primary aggressor determination in domestic violence situations as an alternative to arbitrarily arresting both parties.
- C. Probable Cause: Reasonable ground for belief of guilt based on the totality of the circumstances; less evidence than necessary to sustain a conviction, but more evidence than would merely arouse suspicion.
- D. Protective Orders and Peace Orders: Protective orders generally apply to family members who are victims and abusers. Peace orders are for victims who are not family-related, such as people in a dating relationship. It is unlawful for any person to possess or receive any firearm if that person is subject to a protective order.

IV. PROCEDURES

- A. Whenever a member of this agency learns of an incident of domestic violence, either alleged or proven, by any sworn law enforcement officer, the matter shall be reported, investigated and handled no differently than if the officer were a civilian.

- B. If a sworn member of this or any other law enforcement agency is suspected to be the primary aggressor in a domestic violence incident, the investigating officer will notify a Supervisor who will immediately respond to the scene.
- C. After a comprehensive preliminary investigation at the scene of the alleged domestic violence incident, if the investigating supervisor has **probable cause** to believe the involved officer was the primary aggressor in a domestic violence incident, the preferred enforcement response is a physical arrest of the officer, regardless of rank or position, or obtaining an arrest warrant if the officer has left the scene.
- D. Following an arrest of an officer for domestic violence, his or her issue and off-duty handgun (if any) will be seized, along with any other firearm(s) in proximity to the crime scene. (Including long guns, rifles, shotguns)
- E. The arrested officer will be suspended by the investigating Supervisor and the officer's badge, MPTC certification card and agency ID card will be collected.
- F. If the officer is a member of DGS-MCP, the investigating supervisor will notify the Detachment Commander who in turn will notify the Chief of Police or his designee.
- G. The Chief of Police or his designee will initiate an internal investigation.
- H. Whenever a police officer-involved domestic violence call does not result in an arrest, the Supervisor shall submit a written report explaining why no arrest was affected or why an arrest warrant was not issued.
- I. When the involved officer is from another jurisdiction, the on-scene officers and supervisor shall follow the same procedures required for this agency. A supervisor from the officer's agency shall be notified and requested to respond to the scene.
- J. If the involved officer has left the scene, the on-scene supervisor shall make arrangements for application of an arrest warrant, if probable cause exists.
- K. If both parties in the incident are police officers, the inquiry should focus on identifying the primary aggressor and determining probable cause.
- L. The investigation should include determining if any protective or peace orders are in force concerning the involved officer, the violation of which could result in additional criminal charges.
- M. The Commanding Officer of the involved officer will make arrangements to liaison with the victim and ensure that all available victim assistance services are explained.
- N. The Commanding Officer will also designate a supervisor to be the agency's principal contact person for the victim.
- O. Command will conduct an in-depth assessment of the incident to assess the involved officer for appropriate possible remedial referrals, duty assignments and/or administrative actions.
- P. If the involved officer is subject to both a criminal and an administrative investigation, the inquiries should be kept strictly separate, and preferably conducted by different individuals.

Q. All personnel involved in the investigation of officer-involved domestic violence should be instructed to only exchange information on a strict need-to-know basis.