


PINE BLUFF POLICE DEPARTMENT POLICY & PROCEDURES MANUAL

	SUBJECT:	POLICY NUMBER 279
	DOMESTIC ABUSE INVOLVING SWORN OFFICERS	ISSUE DATE 02/19/2008
	CHAPTER: PATROL	EFFECTIVE DATE 02/19/2008
	ISSUED By: Chief of Police John E. Howell	TOTAL PAGES 5

I PURPOSE

To establish policy and procedures concerning incidents of domestic abuse involving sworn members of this department, or incidents of domestic abuse which occur in the jurisdiction of the Pine Bluff Police Department that involve sworn members of other law enforcement agencies.

II POLICY

The Pine Bluff Police Department recognizes that domestic violence is a crime. Domestic abuse incidents involving police officers present unique problems because of the professional relationship with the parties involved. This directive is written to insure that the victims of domestic abuse are protected, and that departmental procedures are followed in accordance with the law.

III DEFINITIONS

TITLE 18 USC, 992(G): Bans individuals convicted on most criminal acts involving domestic violence from owning, shipping, receiving, transporting, or possessing firearm or ammunition. Law enforcement officers are not exempt. The prohibition includes any offense that includes:

- A misdemeanor under federal or state law, and
- Has an element of the offense the use or attempted use of physical force, or
- The threatened use of deadly force, and
- Is committed by a current or former spouse, parent or guardian, or
- By a person cohabitating with or who has cohabitated with the victim.
- This includes assault or battery even when the state statute or ordinance does not specifically define the offense as a domestic violence offense.

DOMESTIC ABUSE: Means physical harm, bodily injury, assault, or the infliction of fear or imminent physical harm, bodily injury or assault between family members or household members, or any sexual conduct between family or household members, whether minor or adults, which constitutes a crime under the laws of the state. (ACA 16-81-113(1) (A, B).

SWORN MEMBERS: Means any law enforcement officers who are responsible for the prevention and detection of crime and the enforcement of criminal and traffic laws of the City of Pine Bluff and the state of Arkansas.

Family or Household Members: Means any spouses, former spouses, parents or children, persons related by blood within the fourth degree of consanguinity, persons who are presently or in the past have resided or cohabited together. Family or household member includes persons who have had a child in common (ACA 16081-113(2)).

ORDER OF PROTECTION: Is an order issued by a chancery court which prohibits a person from engaging in certain conduct or contact with another person.

NO CONTACT ORDER: Is an order for a defendant to have no contact with the victim and the victim's family. It may be issued by a Circuit or Municipal courts in association with criminal charges, as either a condition or pretrial bond or as a condition of probation.

RESTRAINING ORDER: Is an order typically issued in divorce proceedings. The order usually lists the names of persons involved, parameters of protection, and any restrictions, such as sale of property. In order to enforce this order, the party must go back before the Chancery Court.

IV RESPONSIBILITIES

A. RESPONDING OFFICER RESPONSIBILITIES

Officers responding to a domestic abuse incident involving a sworn member of this department, or a sworn member of another agency, will insure that the procedures set forth in Department Policy 280 are adhered to, in order to maintain the integrity of the domestic abuse investigation.

B. SUPERVISOR RESPONSIBILITIES

1. A supervisor shall immediately respond to the scene of a domestic abuse incident. If the investigating supervisor has probable cause for an arrest for violations of the Domestic Abuse Laws, the supervisor shall arrest the sworn offender and will seize and take into custody all department issued firearms in the possession of the sworn member. The supervisor making the arrest should be at least the next rank higher than the arrested member, if practicable.
2. The investigating supervisor shall be responsible for notifying Commander of the Office of Professional Standards.
3. If the sworn member of this department does not have their department issued firearm(s) on their person or under their control at the time of the offense, the supervisor shall accompany the member to the location of the firearm(s) and take custody of the firearm(s).
4. Inquire through ACIC to see if an Order of Protection is in effect against the involved member.

5. If the incident involves a sworn member of another agency, the supervisor will notify the on-duty commander of the law enforcement agency involved of the incident and provide the names of the parties involved and any injuries they may have received. The supervisor will also, forward all pertinent copies of reports or other documentation to the involved member's agency.

6. If domestic violence has been committed and the offender has left the scene, the supervisor will conduct a search of the immediate area and obtain information from the victim and/or witnesses as to where the offender might be. If the search ends with negative results, then provide the information to the investigation division.

7. The supervisor will insure that the provisions of ACA title 5, title 9, and Title 16 are complied with.

a. **Title 5, Chapter 26**: Deals with offenses involving the family (ACA 5-26-303-305).

b. **Title 9, Chapter 27**: Deals with family law and how it relates to minors (ACA 9-27-301).

c. **Title 16, Chapter 81, and Section 113**: Deals with warrantless arrests for domestic abuse.

8. If the investigation reveals that the sworn member is the victim of the domestic abuse and not the aggressor, then he/she should be given the same rights as any other domestic abuse victim. However, the same notifications should be made to the Office of Professional Standards.

C. DETECTIVE DIVISION RESPONSIBILITIES

1. When a detective is called to the scene of a domestic abuse involving a sworn member of this department, or a sworn member of another law enforcement agency, the detective should do the following:

2. The Detective conducting the investigation should be at least the next rank higher than the arrested member, if practicable.

3. Attempt to obtain consent from the parties involved to search the incident scene.

4. Search the crime scene and insure that all crime scene evidence is preserved, marked, collected, and turned into the PBPD Property room.

5. Locate, identify, and interview the victim of the abuse, witnesses to the abuse, and the suspect.

6. Photographs should be taken of any visible injuries.

7. Prepare a criminal case file for the prosecution of the abuse.

8. The investigating supervisor will make a determination as to whether the sworn member of this department is the suspect or the victim.

9. The information gathered through the criminal investigation shall be forwarded to the City Attorney, if a misdemeanor, or the Prosecuting Attorney, if a felony, for review and consideration of charges.

D. RESPONSIBILITIES OF THE OFFICE OF PROFESSIONAL STANDARDS

1. When an officer is the subject of a criminal investigation or has been charged with a criminal offense, the department may suspend any related administrative investigation until the criminal matter has been resolved.
2. Whenever related criminal and administrative investigations are being conducted simultaneously, no statements made by the Police Officer in the administrative investigation shall be provided to those conducting the criminal investigation. No Police personnel having knowledge of such statements shall participate in the criminal investigation.
3. The department will investigate all incidents involving injuries serious enough to require medical treatment. An Office of Professional Standards Investigator will be notified immediately on injury cases requiring hospitalization or that result in death. The ranking supervisor on duty at the time of occurrence will notify an OPS Investigator of the incident.
4. Update the Chief of Police concerning the investigation.
5. Conduct an investigation as ordered to do so by the Chief of Police.

E. RESPONSIBILITIES OF THE SWORN MEMBER

1. If a sworn member of this department is served with an Order of Protection, No contact Order, Restraining Order, or any other order from a Municipal, Chancery, Circuit, Juvenile Court or any court in which the member is named as a defendant, he/she will immediately notify the on duty supervisor.
2. A sworn member who receives notice of any change in status of any existing Order of Protection, No Contact Order, or Restraining Order, including but not limited to the modification or addition of restrictions or an extension of the expiration date, will notify the Office of Professional Standards Unit prior to their first scheduled tour of duty after the incident.
3. Sworn members of this department involved in any domestic abuse incident must report the incident immediately to the on-duty supervisor.
4. Any member who has a No Contact Order or an Order of Protection issued against another person, and that order includes the properties of the Pine Bluff Police Department, shall notify a supervisor the first workday after the order is issued.
5. Any member, who requests an Order of Protection or No Contact Order, is asked to have the member's PBPD work location included in the order.

F. REPORTING INCIDENTS OF DOMESTIC ABUSE

1. Any sworn member, who is involved in a domestic abuse incident which occurs outside the jurisdiction of our department, will immediately report the incident to the on-duty supervisor.
2. The supervisor will be responsible for informing the Office of Professional Standards.
3. The Office of Professional Standards Unit will be responsible for contacting the involved agency and then report their findings to the Chief of Police for determination of administrative action.
4. Failure to report an incident as required by this policy is considered a Cardinal Offense and will result in disciplinary action up to and including termination.
5. Any sworn member who witnesses or has firsthand knowledge of a domestic violence incident involving a sworn member of this department as the alleged suspect and who fails to officially report this information will be subject to disciplinary action up to and including termination.