

**NEW HAVEN
DEPARTMENT OF POLICE SERVICE
GENERAL ORDERS**



GENERAL ORDER 5.08

EFFECTIVE DATE: May 13, 2015

OFFICER-INVOLVED DOMESTIC VIOLENCE

5.08.01 PURPOSE

The purpose of this policy is to establish clear and concise procedures that will guide Officers and Supervisors in addressing incidents where one (or more) of the parties to a possible domestic violence incident is a sworn employee, of any rank, in the Department. The purpose of this section is to:

- Ensure the safety of the victim(s);
- Provide procedures for the uniformity of the investigation of said incidents;
- Provide notification and reporting procedures;
- Provide for the securing and safeguarding of Department weapons, equipment, and personally owned weapons taken into custody;
- Ensure compliance with all provisions of a court order; and
- Ensure Departmental compliance with Federal law. Federal law prohibits police officers that have been convicted of misdemeanor domestic violence crimes from possessing a firearm.

5.08.02 POLICY

When incidents of domestic violence are alleged to have occurred, the Department will act quickly to protect the victim(s), arrest the perpetrator and conduct parallel administrative and criminal investigations. This policy delineates a position of zero tolerance by the Department.

5.08.03 RESPONSIBILITIES**RESPONSIBILITIES OF COMMUNICATION PERSONNEL**

- Upon receiving a call for assistance in a domestic violence incident where the dispatcher assistant determines that one of the parties involved is a police officer of any department, the communications supervisor shall be notified immediately. The communication supervisor shall ensure that a patrol supervisor be automatically dispatched to the scene along with the officers dispatched to the call.
- Communication officer/dispatchers shall be instructed to categorize such domestic violence calls as priority one, regardless of the nature of the domestic violence incident.
- The communications supervisor on duty shall prepare and preserve documentation of the facts and circumstances of the call, including the 911 tape, for use in potential criminal and/or administrative investigations.

RESPONSIBILITIES OF THE RESPONDING OFFICERS

- Upon arrival on the scene of a domestic violence incident involving a police officer, the primary patrol unit shall immediately notify dispatch and request a supervisor be sent to the scene, regardless of the involved officer's jurisdiction/department.
- 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, admission and/or incriminating statements.
- The patrol officer shall remain at the scene and assist the patrol supervisor as requested.

RESPONSIBILITIES OF THE PATROL SUPERVISOR

- A supervisor shall respond to the scene of all police officer domestic violence situations within the city's jurisdiction.
- The on-scene supervisor shall assume command, ensure that the crime scene is secured, all parties and witnesses interviewed, medical attention rendered as needed, and that all evidence is collected, including photographs.

- In cases where probable cause exists, the on-scene supervisor shall ensure that the appropriate arrest(s) is made and that all appropriate paperwork is completed.
- If the offender has left the scene, the supervisor shall ensure a search is conducted for him/her and submit an arrest warrant to the States Attorney's Office.
- Whenever an officer is arrested for a domestic violence incident where there is the use of physical force, the attempted use of physical force, or the threatened use of physical force, the supervisor shall relieve the accused officer of his/her service weapon. All firearms seized shall be placed in the annex of the property room unless the firearm is evidence in the incident. No firearm, at any time, shall be returned to the officer until after the disposition of the police case. In the event that a firearm cannot be immediately seized, the supervisor will consult with the Firearms Unit and a search and seizure warrant shall be prepared and executed.
- The supervisor shall be the lead investigator and shall author and submit a report and a Family Violence Offense Report (FVOR) before the end of his or her tour of duty. In all domestic violence cases, the reports shall be readily available for the arraignment. A copy of the report along with a detailed cover sheet (*memorandum*) shall be submitted to the Commander of the Patrol Division with a copy to the Chief of Police or his/her designee

RESPONSIBILITIES OF THE SHIFT COMMANDER

The Shift Commander, upon being notified of a domestic violence incident involving a police officer, shall:

- Ensure that the Patrol Supervisor has responded to the scene and commenced an investigation.
- Upon confirmation of the incident, the Shift Commander shall request CS-2 to notify the employee's supervising officer.
- If the involved officer of the domestic violence incident is the victim, standard domestic violence response and investigation procedures should be followed, and the Shift Commander should ensure that the appropriate supervisor in the Investigative Services Division is forwarded copies of all reports.
- Ensure that the above provisions relative to firearms have been complied with.
- In an arrest situation, the Shift Commander shall review the circumstances of each incident and determine whether a custodial or citation arrest will be made.
- The Shift Commander will assure that any officer arrested for domestic violence receives a court appearance date for the following day or next arraignment date.

- The Shift Commander will issue a direct order to all officers who responded to a police officer involved domestic violence call that they are prohibited from all discussions of the incident outside of the official inquiry.
- The Shift Supervisor shall notify the following personnel:
 - Chief of Police
 - Duty Chief
 - The Patrol Commander
 - Internal Affairs

RESPONSIBILITIES OF THE INVOLVED SWORN DEPARTMENT MEMBER

- Any officer who is arrested for a domestic violence incident in any other jurisdiction shall notify the Officer in Charge of the Internal Affairs Unit within 24 hours. If any officer's Department-issued weapon is seized by another department for any reason, the officer shall immediately notify the Officer in Charge of the Internal Affairs Unit.
- Any Department employee who has been served with a Restraining Order or Protective Order, or learns that he/she is a defendant named in any such order, shall immediately notify his/her supervising officer. This information shall include any change in status of any existing restraining order/protective order, including but not limited to, the modification or addition of restrictions and an extension of the expiration date.
- A Department employee who is served with a Restraining Order or Protective Order shall immediately turn over their Department issued firearm to the Patrol Shift Commander. Privately owned firearms, electronic defense weapon(s), and pistol permit should be turned over to either the police department of their town/city of residence or the Firearms Unit of the New Haven Department of Police Service. The employee shall be prohibited from carrying a firearm while the Order is in forcing effect.

RESPONSIBILITIES OF AN EMPLOYEE'S SUPERVISING OFFICER

- Ensure that the officer's issued firearm, and privately owned firearms and permits have been seized and placed into the property room annex for safekeeping pending the direction of the Chief of Police or his/her designee.

5.08.04 POST-INCIDENT ADMINISTRATIVE AND CRIMINAL DECISIONS

- If the facts of the case indicate that domestic violence has occurred or any Departmental policies have been violated, administrative action shall be taken

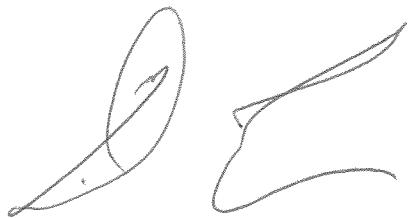
separate and distinct from any criminal proceedings as soon as practical. The Internal Affairs Unit shall follow the criminal proceedings in their entirety, gather all information and reports from other jurisdictions and forward information with detailed memorandum to the Chief of Police or his/her designee.

- All information obtained will be forwarded to the Chief of Police for review. Where sufficient information exists, the Department shall take administrative action which can include discipline up to and including termination.

5.08.05 ADDITIONAL CONSIDERATIONS

- 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. The Shift Commander shall notify the officer's agency as soon as possible, but no later than by the end of the Supervisor's shift.
- When responding to a domestic violence situation where the victim is a police officer, standard domestic violence response and investigation procedures should be followed.
- All Department personnel shall keep all information concerning victims confidential, including their whereabouts, safety plan, and any communications or addresses.

This General Order supersedes General Order 04-01.



Chief Dean Esserman
Chief of Police



Date