

<b>New Berlin Police Department Directives Manual</b>		<b>Directive Title: Officer Involved Domestic Abuse</b>			
<b>Issue Date:</b> 02/08/15	<b>Published Date:</b> 01/25/21	<b>Next Review Date:</b> 10/01/21	<b>Total Pages:</b> Page 1 of 4	<b>Directive Number:</b> 6308	<b>WILEAG Standards:</b> 6.3.10

### Purpose

This directive establishes guidelines for handling matters of domestic violence and abuse involving law enforcement officers and for implementing prevention strategies. This directive will provide law enforcement executives and department employees' guidance in reporting and responding to, and investigating domestic violence incidents involving agency employees and law enforcement officers, thereby discouraging and reducing acts of domestic violence by employees of law enforcement agencies.

### Policy

This directive applies to all department employees. The department will not accept acts of domestic violence committed by its employees. Understanding that enforcing any actions against fellow officers can be complex and uncomfortable, this directive lays out guidelines to help reduce the intimidation felt by responding officers. Responding officers should handle these incidents in accordance with the training guide accompanying this directive. Moreover, the department will not condone any retaliation against responding officers or anyone who reports an incident of officer-involved domestic violence. Whenever incidents of domestic violence are alleged to have occurred, the department will act quickly to protect the victim, investigate the allegations, arrest the perpetrator and conduct parallel administrative and criminal investigations.

Finally, federal law prohibits police officers convicted of qualifying misdemeanor domestic violence crimes from possessing firearms.

### Definitions

- A. Domestic Abuse:** Section 968.075(1)(a) of the Wisconsin Statutes defines domestic abuse as any of the following engaged in by an adult (17 years of age and older), against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided, or against an adult with whom the person has a child in common:
- Intentional infliction of physical pain, physical injury or illness.
  - Intentional impairment of physical condition.
  - Violations of Wis. Stats. 940.225(1), (2), or (3) (sexual assault).
  - A physical act that may cause the other person reasonably to fear imminent engagement in the conduct described under subs. (1), (2), or (3).
- B. Qualifying Misdemeanor Crime of Domestic Violence:** Must include:
- 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.
  - Right to counsel or knowing and intelligent waiver.
  - Applies to convictions occurring prior to and after September 30, 1996.

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- Excludes convictions that have been expunged, set aside, or person has been pardoned or has had his/her civil rights restored

### Guidelines

**Early Warning and Intervention:** The department will implement pre-hire screening and post-conditional employment procedures to screen out candidates with a history of domestic violence. Once hired, officers will undergo an orientation and training on domestic violence and this directive. The department will offer training to officer families through the department Citizen Academy. Throughout an officer's career, the department, supervisors, and officers will attempt to identify warning signs of domestic violence and intervene prior to an incident happening.

**Prevention through Education and Training:** The department will conduct periodic training on domestic violence issues throughout officers' careers. The department will evaluate the domestic violence training program to improve the program and prevent domestic violence.

### Incident Response

Critical elements in responding to an officer-involved domestic violence incident include specific guidelines for a department response, patrol response and on-scene supervisor response. The department will follow specific procedures using the [Wisconsin Officer Involved Domestic Violence Policy Training Guidelines and Recommendations](#) to respond to officer-involved incidents, ensure victim safety, for seizing and removing weapons from the officer involved, and for conducting a department follow-up.

**Patrol Response:** When responding to any domestic violence call, there is potential for danger and potential for the situation to escalate. Incidents involving officers can be even more dangerous because the officer involved knows the procedures for approaching the scene and the procedures used to handle these types of calls. The officer involved may also feel as though his career is over because of this situation and may take on the attitude that he has nothing to lose. This attitude makes such a situation extremely dangerous.

Upon arrival on the scene of a domestic violence call/incident involving a law enforcement 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.

Responding officers shall perform the following actions, at a minimum, upon their arrival:

1. Obtain/administer medical assistance if needed.
2. Address the immediate and future safety of the victims(s).
3. Secure the scene and preserve evidence.
4. Perform an unbiased investigation under the guidance of the responding supervisor.
5. Attempt to locate the suspect(s) if he/she has left the scene.
6. Make an arrest if probable cause exists.

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All involved officers will file supplemental reports. When completing reports, responding officers should not identify the accused officer by title or rank; they shall refer to the accused officer in the same manner as any other civilian.

**Supervisor Response:** A supervisor shall report to the scene of all law enforcement-involved domestic violation situations, regardless of the involved officer's jurisdiction that occur in the City of New Berlin. A supervisor will also respond to all domestic violence situations involving department employees occurring in the City Of New Berlin. The supervisor will assume command, ensure that the crime scene is secure and that all evidence is collected, including photographs.

In cases where probable cause exists, the on-scene supervisor shall ensure an arrest is made.

If the accused, arrested officer is a member of this department, the supervisor shall place the accused officer on Administrative Leave, relieve the accused officer of his/her badge and identification, and advise the officer the Chief of Police will contact him/her in accordance with directive 1901 Investigation of Personnel Complaints. If the accused officer has a department-owned service weapon, the supervisor will relieve the accused officer of his/her service weapon. The accused officer's service weapon will be inventoried at the department for safekeeping. If the accused officer is from another department, the supervisor will contact a supervisor from that department and ask what they would like done with the officer's service weapon. The supervisor will follow and document the wishes of the other department.

In the event a supervisor is advised that an officer of this department has been arrested by another police department for a domestic abuse crime, the supervisor will ask the other department to relieve the officer of his/her department-owned service weapon, badge and identification. The supervisor will ask the other department to advise the officer he/she is on Administrative Leave and the Chief of Police will contact him/her in accordance with directive 1901.

The supervisor will advise his/her Shift Commander, Deputy Chief of Police and Chief of Police via email whenever a law enforcement officer-involved domestic violence call occurs within the city. The supervisor will also notify his/her Shift Commander, Deputy Chief of Police and Chief of Police whenever an officer of this department is arrested for a domestic violence crime.

#### **Post incident Administrative and Criminal Decisions**

If a member of the department is involved in a domestic violence incident, the Chief of Police will designate two separate investigators who will conduct two separate investigations. The administrative investigation will determine if the officer violated any departmental policies and procedures, and the criminal investigation will determine if the officer violated any laws. If the involved officer is from another agency, the department will only conduct the criminal investigation.

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**Victim Safety and Protection**

The department will work to ensure victim safety and confidentiality. A safety plan will be created and any perception of victim or witness intimidation/coercion will be investigated. When the victim is a member of the department, consideration will be given to preserving the rights of the victim, including his/her personal safety. The department recognizes that when an officer or other employee is the victim of officer-involved domestic violence, there may be reluctance, on the part of the victim to report the abuse.

**Collaboration with Victim Advocacy Agencies**

The department will continually foster relationships with local advocacy groups and include those advocacy groups in planning and offering training and in responding to domestic violence incidents.

**Implementation**

Once implemented, the policy will apply to past convictions, pending or existing domestic violence cases/crimes, and future police officer domestic violence crimes.

By Order of:   
 Jeffrey Hingiss \_\_\_\_\_ Chief of Police