

**Departmental Policy for Handling of  
Domestic Violence Incidents  
Involving Law Enforcement Officers<sup>1</sup>**

This Policy, prepared by the Division of Criminal Justice, is intended to serve as a model for the law enforcement agency in formulating a written policy regarding the Department's handling of domestic violence incidents involving a member of the law enforcement agency.

Each Department's policy should be reviewed by the Department's legal advisor to ensure that it meets all constitutional and statutory standards, meets the needs of the jurisdiction, and incorporates all provisions of this policy to provide guidance to those who must comply with the requirements of the policy.

As used in this Model Policy: the term "Department" refers to the particular Department or law enforcement agency that is the subject of this policy. Law enforcement departments may include additional provisions to their policy as long as the additions do not conflict with the policies and procedures established by this model policy.

**I. PURPOSE**

This Department recognizes that some law enforcement officers commit acts of domestic violence as defined in *N.J.S.A. 2C:25-17 et. seq.* The integrity of the law enforcement profession and the community's trust in law enforcement are dependent upon a uniform policy on the handling of such incidents.

**II. POLICY**

This Department will act quickly where incidents of domestic violence are alleged to have occurred to protect the victim, arrest the perpetrator, where appropriate, and conduct parallel administrative and criminal investigations. In addition, the Department will work to develop and implement appropriate, case-specific remedies to the situation.

This policy for handling of domestic violence incidents involving law enforcement officers does not supercede the *Attorney General's Guidelines on Police Response*

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<sup>1</sup> This model policy is based on a comprehensive policy approved by the New Jersey Domestic Violence Fatality and Near Fatality Review Board that was based on a model policy promulgated by the International Association of Chiefs of Police.

*Procedures in Domestic Violence Cases* and Attorney General Directives Implementing Procedures for the Seizure of Weapons from Municipal and County Law Enforcement Officers and from All State Law Enforcement Officers Involved in Domestic Violence Incidents [Directives 2000-3 and 2000-4 dated September 1, 2000, hereinafter *Attorney General Weapons Seizures Directives*]. These guidelines and directives remain in full force and effect and must be followed by law enforcement officers responding to a domestic violence call involving a law enforcement officer.

Failure of any officer or supervisor to comply with any provision of this policy will subject the officer to discipline.

### **III. DEFINITIONS**

See *N.J.S.A. 2C:25-19* and *Attorney General's Guidelines on Police Response Procedures in Domestic Violence Cases* for definitions.

### **IV. PREHIRE SCREENING AND INVESTIGATION**

- A. This Department will conduct thorough background investigations of all potential new employees to determine if there is a criminal history with particular attention to acts of domestic violence, sexual abuse, stalking, elder abuse or child abuse. This Department will conduct a check of the Domestic Violence Registry to determine the existence of any active restraining orders and to determine if there is a history of domestic violence.
- B. All candidates will be interviewed about any history of acts of domestic violence, sexual assault, stalking, elder abuse or child abuse and past or present restraining orders and their disposition.
- C. Those candidates with a history of perpetrating acts of domestic violence, sexual assault, stalking, elder abuse or child abuse will be screened out at this point in the hiring process.

### **V. POST-CONDITIONAL OFFER OF EMPLOYMENT**

- A. This Department will require a psychological examination of all viable candidates to be performed by an experienced and licensed psychiatrist/psychologist or other mental health professional.
- B. The psychological screening should include a focus on indicators of violent or abusive tendencies or behaviors, including domestic violence, in their background.

## **VI. EDUCATION AND TRAINING**

- A. All law enforcement officers within this Department will receive at least four hours of training on domestic violence issues annually, as approved by the Division of Criminal Justice, pursuant to *N.J.S.A. 2C:25-20*.
- B. All police dispatchers within this Department, sworn and unsworn, will receive annual training on how to handle a domestic violence call.
- C. All law enforcement officers and unsworn members of this Department will receive at least annual training on the impact of domestic violence within the law enforcement community and on the Department's policy and procedures when a law enforcement officer or an unsworn member is involved in a domestic violence incident.
- D. In addition to the training required in Paragraph A. above, all police supervisors within this Department will receive annual training on such matters as:
  - 1. How to recognize potential indicators or early warning signs of domestic violence behavior by law enforcement officers.
  - 2. How to investigate indicators of potential abusive behavior or early warning signs potentially indicative of domestic violence.
  - 3. When to notify the Chief of Police or Law Enforcement Chief Executive of the information gathered in accordance with the Department's chain of command.
  - 4. Available programs to assist law enforcement domestic violence victims and batterers.

## **VII. EARLY WARNING AND INTERVENTION RESPONSIBILITIES**

- A. Department Responsibilities
  - 1. This Department will, either in response to observed warning signs of domestic violence behavior or at the request of an officer, provide non-punitive avenues of assistance to officers, their partners, and other family members.
  - 2. This Department will encourage officers to take personal responsibility in seeking referrals and assistance, confidential or otherwise, and assistance from the Department or on their own initiative to prevent a problem from escalating to the level of criminal conduct.

3. When this Department is aware that an officer is undergoing a separation or divorce, or that an officer is otherwise undergoing a high conflict period with a spouse or intimate partner, and the officer is exhibiting any of the warning signs of domestic violence behavior, the Department will encourage the officer to seek individual counseling.
4. This Department will investigate reports of domestic violence reported by family members or other officers.
5. The Department, either in response to observed signs of domestic violence behavior or at the request of an officer, will refer the officer to Employee Assistance.

B. Supervisor Responsibilities

1. Supervisors will document any information potentially indicative of domestic violence including but not limited to:
  - a. Aggressiveness
    - (1) Excessive or increased use of force on the job.
    - (2) Inappropriate surveillance activities.
    - (3) Unusually high incidences of physical altercations and verbal disputes.
    - (4) Citizen and fellow officer complaints of unwarranted aggression or verbal abuse.
    - (5) Inappropriate treatment of animals.
    - (6) On or off-duty officer injuries.
  - b. Domestic violence-related issues  
Monitoring, controlling or harassing the purported victim directly or through any other person.
  - c. Deteriorating work performance
    - (1) Tardiness.
    - (2) Excessive absences.

(3) Alcohol and drug abuse.

2. When the supervisor finds a pattern of behavior potentially indicative of domestic violence, the supervisor will:
  - a. Address the behaviors, consistent with Internal Affairs policies, through a review with the officer and document all contacts. Under no circumstances will the identity of a reporting victim or witness be disclosed to the officer at this stage.
  - b. Forward written reports detailing the behaviors to the Chief of Police or Law Enforcement Chief Executive through the chain of command in a timely manner to determine discipline or other appropriate action.
  - c. Prepare and submit to the Chief of Police or Law Enforcement Chief Executive a written request for a psychological exam/counseling by a licensed psychologist/psychiatrist or other mental health professional. The supervisor's written report will include the factual basis for the referral and will attach any relevant supporting documentation. A copy of the report will also be forwarded to the County Prosecutor for consideration and discussion with the Chief of the Department.
  
3. When the supervisor determines an officer has engaged in domestic violence, the supervisor will:
  - a. Prepare and submit to the Chief of Police or Law Enforcement Chief Executive a written request for a psychological exam/counseling by a licensed psychologist/psychiatrist or other mental health professional. The psychologist/psychiatrist must be provided with all reports and information available regarding the domestic violence incident/s. The psychologist/psychiatrist must attempt to contact the reported victim for their input and must be provided with the reported victim's contact information; the contact information must be kept confidential. A copy of the report will also be forwarded to the County Prosecutor.
  - b. Request that the Chief of Police or Law Enforcement Chief Executive order the officer to seek assistance from a program for batterers that has been approved by the County Prosecutor or the Department. If such a program is not

available, request that the Chief of Police or Law Enforcement Chief Executive order the officer to a counselor who has demonstrable training and experience in counseling domestic violence batterers. [The cost of the counseling is to be paid by the officer].

- c. Contact and inform the purported victim of the concerns regarding the officer's behavior; that the officer has been ordered to undergo a psychological evaluation; that the evaluator will be contacting the reported victim; that the reported victim is not required to speak with the evaluator; and, that any information disclosed by the reported victim may not be confidential. The supervisor will document that he/she informed the reported victim concerning this procedure.
- d. If the Department decides to take adverse action against the officer, it will provide a copy of the psychological report to the officer in a timely manner, unless doing so would endanger the safety of the victim.

#### C. Law Enforcement Officer Responsibilities

- 1. Officers must:
  - a. When an officer knows or is made aware of any information of abuse or violence involving a fellow officer, the officer must report that knowledge or information to his or her supervisors.
  - b. Cooperate with the investigation of a domestic violence case involving a law enforcement officer except in the case where the officer is the victim.
- 2. Officers may be subject to criminal charges or discipline in accordance with Department procedure, if they:
  - a. Interfere with domestic violence cases involving themselves or fellow officers.
  - b. Intimidate or coerce witnesses or victims (*i.e.*, surveillance, harassment, stalking, threatening, or falsely reporting).
- 3. Officers who are involved in any domestic violence incident involving police response, regardless of jurisdiction, must

immediately notify the on-duty supervisor and provide notice of the court dates, times, appearances, and proceedings. Failure to do so may result in Departmental discipline in accordance with Departmental Policy and Procedures.

4. Officers who are the subject of any domestic violence restraining order or protective order proceeding, whether or not the order is issued and regardless of jurisdiction, must immediately notify their supervisor and provide a copy of the order, if issued. Failure to do so may result in Departmental discipline in accordance with Departmental Policy and Procedures.

## **VIII. INCIDENT RESPONSE PROTOCOLS**

### **A. Department-Wide Response**

1. This Department will accept, document, and preserve all calls or reports, including those made anonymously, regarding domestic violence as on-the-record information. A detailed Criminal Investigation Report (CIR) must be completed by the responding officer to a domestic violence call. This report is to be completed regardless of whether or not an arrest is made, and regardless of whether or not a criminal offense has been committed.
2. All reports of possible criminal activity implicating law enforcement officers in domestic violence will be documented in accordance with approved policies and procedures governing the handling of reports of domestic violence incidents.
3. A copy of the report alleging domestic violence by an officer will be forwarded to the Chief of Police or Law Enforcement Chief Executive through the chain of command including the Internal Affairs Officer.
4. The Department will make all such CIRs available to the victim without cost. *N.J.S.A. 47:1A-1.1.*
5. The Department will make all such CIRs available to the officer at no cost.
6. The Chief of Police or Law Enforcement Chief Executive will consult with the County Prosecutor, who will determine who should be the designated Principal Law Enforcement Contact person. If the designated Principal Law Enforcement Contact person is not available 24/7, then, after consultation with the Chief of Police of

Law Enforcement Chief Executive, the County Prosecutor will select an alternate contact person. The contact person's information must be provided to the victim. The Principal Law Enforcement Contact person will:

- a. Advise the victim to immediately report any violation of any restraining order to the police department where it occurred and to the designated Principal Law Enforcement Contact person.
- b. Advise the victim to contact the designated Principal Law Enforcement Contact person if there is any harassment, witness tampering or intimidation by a law enforcement officer.
- c. Intervene if the officer or agents of the officer are harassing or intimidating the victim, or violating no-contact orders.
- d. Provide the victim with the name and contact number of the domestic violence Assistant Prosecutor in the county where the abusive officer is charged with committing a criminal offense, contempt of a domestic violence restraining order, or subject to a motion for forfeiture of weapons. The victim should also be provided with the name of the victim-witness advocate or detective in the Prosecutor's Office who have been designated as the resource persons in the Prosecutor's Office.
- e. Provide the victim with contact information for a local domestic violence program and with approved safety planning material.
- f. Keep the victim apprised of all case developments.
- g. Ensure that the chain of command, including the Chief of Police or Law Enforcement Chief Executive, is regularly briefed on both the administrative and criminal investigations.
- h. Assist the victim with safety planning should the officer be terminated. Assistance will be provided by linking the victim with resources and preparation planning either within the Department or via outside government and non-profit agencies.

- B. Communications Response if the agency has its own communication center or Departmental Agreement with a Regional or County communication center.
1. Communications officers/dispatchers will assign a high priority to all domestic violence calls, including those that involve or appear to involve law enforcement personnel from any agency.
  2. Communications officers/dispatchers will immediately notify the communications supervisor of any domestic violence call received that involves, or appears to involve, law enforcement personnel from any agency.
  3. Communications supervisors will prepare and preserve documentation of the facts and circumstances of the call, including any relevant recorded call for service, for use in potential administrative or criminal investigations upon knowledge or notification that the domestic violence incident involved law enforcement personnel from any agency.
- C. Patrol Response
1. Upon arrival on the scene of a domestic violence call or incident involving a law enforcement officer, the primary patrol unit will immediately notify dispatch and request the primary patrol supervisor or shift commander to report to the scene, regardless of the involved officer's jurisdiction.
  2. The responding officers will follow standard police response procedures as set forth in the *Attorney General's Guidelines on Police Response Procedures in Domestic Violence Cases*.
- D. On-Scene Supervisor Response
1. The primary patrol supervisor or shift commander will immediately report to the scene of all law enforcement officer domestic violence incidents regardless of the involved officer's jurisdiction.
  2. The on-scene supervisor will immediately notify the County Prosecutor's Office of any domestic violence incident involving a law enforcement officer for direction on handling the case regardless of whether criminal charges are filed or a restraining order is issued.

3. The on-scene supervisor will assume command and ensure that the crime scene is secured and that all evidence is collected in accordance with approved police investigative procedures.
4. The on-scene supervisor will ensure that an arrest is made in cases where mandatory arrest is required or probable cause exists.
5. If the alleged offender has left the scene and probable cause exists, the supervisor will:
  - a. Exhaust all reasonable means to locate the alleged offender.
  - b. Ensure that an arrest warrant is sought, if unable to locate the alleged offender.
  - c. Document all subsequent actions in a timely manner.
6. If the victim has left the scene, the supervisor will make every effort to follow through on the investigation and attempt to locate the victim.
7. Arrest of both parties involved in a domestic violence incident should be avoided. The supervisor will ensure that a thorough investigation is conducted and an arrest of the primary aggressor is made in accordance with State law. In determining which party is the primary aggressor where both parties exhibit signs of injury, the supervisor should consider such factors as:
  - a. Any history of domestic violence or violent acts by either person.
  - b. Whether the injury was caused by a person acting in self-defense.
  - c. Relative size and strength of the persons involved.
  - d. The comparative severity of the injuries suffered or inflicted.
  - e. Each person's fear of physical injury resulting from the other person's threatened use or history of use of force.
8. The on-scene supervisor will ensure the victim is informed of the following:
  - a. Victims' Rights as set forth in the Victim Notification Form.

- b. Procedures for obtaining a restraining order.
  - c. The availability of a Domestic Violence Response Team member or a domestic violence advocate immediately following the incident.
  - d. The availability of confidential transportation to a location that can provide improved victim safety.
  - e. Community resources, local domestic violence victim services, including shelter, and safety planning information.
9. Whenever a domestic violence call involving a law enforcement officer does not result in an arrest or a warrant is not sought, the on-scene supervisor will explain in a written report why these actions were not taken, and the report shall be forwarded to the Internal Affairs Unit.
10. The on-scene supervisor will notify the Chief of Police or Law Enforcement Chief Executive through the chain of command as soon as possible. If the officer is from another jurisdiction, the supervisor will ensure that notification is made to the Chief of Police or Law Enforcement Chief Executive in the department where the accused officer is employed. All notifications, and attempts to notify, will be fully documented in writing and shall be forwarded to the Internal Affairs Unit.
11. [Optional] The supervisor will ensure that the communications supervisor is notified that the incident involves a law enforcement officer.

E. Additional Critical Considerations

- 1. When responding to a domestic violence incident involving a law enforcement officer from another jurisdiction, all responding officers, investigators, and supervisors will follow the same procedures that are to be followed in responding to a domestic violence complaint involving an officer from this Department as set forth in the *Attorney General's Guidelines on Police Response to Domestic Violence Cases* and *Attorney General Weapons Seizure Directives*.
- 2. When responding to a domestic violence incident involving a law enforcement officer from another county, the Chief of Police or Law

Enforcement Chief Executive or person acting in those capacities shall notify the County Prosecutor where the officer is employed.

3. If the reported incident involves the Chief of Police or Law Enforcement Chief Executive or a person acting in those capacities, the supervisor will immediately notify the County Prosecutor's Office which may directly oversee the criminal investigation. If warranted the County Prosecutor may designate a member of the office to respond to the scene of all domestic violence incidents involving a Chief of Police, Law Enforcement Chief Executive.
4. In responding to domestic violence incidents where the victim is a law enforcement officer, standard domestic violence response and investigation procedures should be followed as set forth in *the Attorney General's Guidelines on Police Response to Domestic Violence Cases*.
5. In responding to domestic violence incidents where the parties involved are both law enforcement officers, standard domestic violence response and investigation procedures as set forth in the *Attorney General's Guidelines on Police Response to Domestic Violence Cases* and the *Attorney General Weapons Seizure Directives* should be followed.
6. When responding to a domestic violence complaint involving a law enforcement officer employed by the federal government or out-of-state agency, all responding officers, investigators and supervisors will follow the same procedures that are to be followed in responding to a domestic violence complaint involving an officer from this Department as set forth in the *Attorney General's Guidelines on Police Response Procedures in Domestic Violence Cases* and in the *Attorney General's Weapons Seizure Directives*. All weapons are to be seized. The Chief of Police shall notify the federal government agency that employs the officer.

F. Department Follow-Up

1. In a timely manner, the Chief of Police or Law Enforcement Chief Executive shall ensure that all officers who responded to a law enforcement officer domestic violence call are debriefed. The debriefing should include:
  - a. A review of department confidentiality guidelines.

- b. A direct order prohibiting discussion of the incident outside of the official inquiry.
  - c. A clear delineation of assignments.
2. Follow-up investigators will proactively seek out information on existing protective orders and, if found, will enforce them and any applicable state and federal firearms laws and determine whether the officer violated department policy by failing to report the temporary or final restraining order.
  3. Arrest warrants charging law enforcement officers with domestic violence and protective orders issued at a later time should all be served by no fewer than two officers with at least one being of senior rank to the officer being served. In cases where firearms have not previously been seized, firearms will be seized and decisions about seized weapons shall be made as set forth in the *Attorney General's Guidelines on Police Response Procedures in Domestic Violence Cases* and in the *Attorney General Weapons Seizure Directives*.
  4. This Department will conduct a thorough Internal Affairs investigation even if the temporary or final restraining order is dismissed against a member of this Department.
  5. Following the reported incident, the Chief of Police or Law Enforcement Chief Executive of the primary investigative department or his/her designee will immediately contact the designated Principal Law Enforcement Contact person and advise that officer of the domestic violence incident and request that he/she perform the duties listed in Section VIII. A.(6) above.

G. Response in Cases Involving Restraining Order Only

1. Any law enforcement officer who is served with a temporary or final restraining order must immediately inform his or her supervisor and provide a copy of the order to the supervisor.
2. Whenever this Department is notified that a temporary or final restraining order is issued against a member of this Department, this Department will serve the restraining order, if it has not already been served, or will assist any other agency in ensuring the immediate service of the restraining order. This Department will also ensure that a supervisory officer will be present at any time the

law enforcement officer is removing personal items from any common residence with the victim pursuant to the restraining order.

3. If the law enforcement officer's duty and off-duty firearms and weapons have not already been turned in pursuant to the *Attorney General Weapons Seizure Directives*, the weapons shall be immediately seized by this Department.
4. No weapon is to be returned or issued to the law enforcement officer except pursuant to the procedure set forth in *Attorney General Weapons Seizure Directives*.
5. This Department will ensure that an Internal Affairs investigation is initiated pursuant to the procedures set forth in *the Attorney General's Internal Affairs Policy and Procedures Manual*.
6. This Department will immediately notify the Prosecutor's Office of the issuance of a restraining order against the officer.
7. The Chief of Police or Law Enforcement Chief Executive or his/her designee will immediately contact the designated Principal Law Enforcement Contact person to perform the duties listed in Section VIII. A.(6) above.

## **IX. SEIZURE OF WEAPONS**

- A. See *Attorney General Directives Implementing Procedures for the Seizure of Weapons from Municipal and County Law Enforcement Officers and from All State Law Enforcement Officers Involved in Domestic Violence Incidents* [Directives 2000-3 and 2000-4 dated September 1, 2000].

## **X. VICTIM SAFETY AND PROTECTION**

- A. Victim Safety

This Department will make all reasonable efforts to

1. Provide law enforcement protection and other safety measures to a victim of law enforcement officer domestic violence.
  - a. Directed patrol initiatives including:
    - (1) Drive-bys.
    - (2) Dismounted patrols.

(3) Welfare checks.

2. Assist in arranging for the transportation of the victim to a safe place when necessary.
3. Ensure victim contact with trained domestic violence advocates for safety planning.

These protective measures will remain in effect even if the officer is dismissed as a result of committing domestic violence.

B. Victim Notification

To better ensure victim safety, the designated Principal Law Enforcement Contact person will inform the victim as to the status of the case as far in advance as possible to all impending actions taken against or with the officer. This Department will provide reasonable assistance to help the victim with safety measures.

C. Confidentiality of Victim Location

If the victim wishes to be placed in an undisclosed "safe home," she/he may be transported by another party in lieu of a law enforcement officer. Those law enforcement employees who do have contact with the victim must keep all information concerning his or her whereabouts and safety plans confidential.

D. Prohibition of Law Enforcement Court Accompaniment

No law enforcement officer will attend any domestic violence related court proceeding of any law enforcement officer employee unless subpoenaed to appear, or authorized by their agency, or as part of their investigation.

**XI. POST INCIDENT ADMINISTRATIVE AND CRIMINAL DECISIONS**

Departments must conduct an administrative investigation of an alleged incident of domestic violence committed by an officer in the department in accordance with *the Attorney General's Internal Affairs Policy and Procedures Manual*.