



BRAINTREE POLICE DEPARTMENT

Policy and Procedure

DOMESTIC ABUSE/VIOLENCE INVOLVING LAW ENFORCEMENT PERSONNEL 2018-09

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Optional Accreditation Standards: **81.2.4 f**

I. ALLEGATIONS AGAINST LAW ENFORCEMENT PERSONNEL

The Braintree Police Department recognizes domestic violence as a universal problem that affects people from all walks of life in every community. It is the law enforcement community that this particular policy addresses. The purpose of the policy is to establish guidelines and to give direction when dealing with domestic violence incidents in which sworn officers and civilian personnel of this law enforcement department and others are defendants. Domestic violence is a criminal activity in which arrest shall be the appropriate response. No person is exempt, whatever his or her occupation, from the consequences of their actions that result in a violation of M.G.L. c. 208, 209, 209A, 209C, and/or Superior Court injunctions. Review policy **Domestic Abuse/Violence. [1.2.7]**

Law enforcement personnel, whether sworn or civilian, are not immune from committing or being a victim of domestic violence. Although no person is exempt, whatever their occupation, the dynamics change when law enforcement personnel are involved.

The following procedures and protocols are critical components to the integrity of the law enforcement profession and the trust of the community.

When responding to a domestic violence incident involving law enforcement personnel, all of the previously outlined protocol in the Domestic Abuse/Violence Policy applies; however, the additional protocols described in this section also applies.

A. DISPATCH AND OFFICER RESPONSE

1. The dispatcher / communications officers shall immediately notify the on-duty Commanding Officer of all domestic violence involving law enforcement personnel.
2. The responding officers shall take immediate action to ensure the safety of the victim and all parties present.
3. Immediate action shall be taken to ensure the safety of the victim; The responding officer (s) shall proceed with the investigation in accordance with Mass. Gen. Law, Chap. 208, 209, 209A, 209C and Chap. 140, Sec. 129B, court orders, Policy and Procedures, Rules and Regulations;
4. A supervisor of higher rank than the officer involved is to immediately respond to the scene.
5. The responding officers will remain on the scene to await further instruction or until relieved by the responding supervisor.
6. The responding officers shall document, in a report, their actions and complete such report prior to the end of their tour of duty.

B. ON-SCENE SUPERVISOR RESPONSE [81.2.4 f]

1. The supervisor shall proceed to the scene of the incident and conduct a thorough investigation;
2. The supervisor shall assess the actual and potential harm to the victim, children and others present, and ensure their safety;
3. Upon investigation, if the responding supervisor has reasonable cause to believe that there is evidence of physical abuse or that the threat of physical abuse exists, and the abuser is a sworn member of the department, that supervisor shall seize and take into custody, all department-issued firearms/weapons, licenses and equipment in possession of the officer, and shall further conduct a check of all firearms

databases and request the officer surrender all personally-owned firearms and licenses;

4. If the suspected officer does not have their department-issued firearm(s)/weapon(s) on his/her person or under his/her control at the time of the incident, that supervisor shall accompany the officer to the location where the firearm(s)/weapon(s) are located and take custody of those firearm(s)/weapon(s), and licenses;
5. The supervisor shall ensure enforcement of G.L. c. 208, 209, 209A, 209C, c. 140, § 129B, court orders, all policies, procedures and rules and regulations of the Department;
6. The supervisor shall ensure that a Board of Probation (BOP) and Warrant Management System (WMS) check is conducted to determine the existence of outstanding abuse prevention orders, harassment orders, or warrants in effect against the employee involved;
7. The supervisor shall submit, through the department's appropriate chain-of-command, a written report detailing his/her assessment of the incident and action taken before the end of that supervisor's tour of duty; and

C. ON-DUTY COMMANDING OFFICER'S RESPONSE

The On-Duty Commanding Officer shall:

1. Ensure the on-duty supervisor has responded to the scene and initiated an investigation;
2. Ensure the safety of the victim, children or others present at the scene.
3. Ensure enforcement of all provisions of G.L. c. 208, 209, 209A, 209C c. 140, § 129B, court orders, all policies, procedures and rules and regulations of the Department;
4. Ensure reports and proper documentation of the facts and circumstances of the incident and the action taken are submitted through proper channels in accordance with Department procedures;
5. Ensure that appropriate mandatory notifications are made in accordance with Department procedure and chain-of-command, including notifications to the following:
 - a. Chief of Police; **[11.4.5]**
 - b. Deputy Chief of Administration and Operations

D. ADDITIONAL CONSIDERATIONS

1. When responding to a domestic violence complaint involving a police officer from another jurisdiction, all responding officers, investigators, supervisors, and commanding officers shall follow the same procedures that are to be followed in responding to a domestic violence complaint regarding an officer from their own department. The Commanding Officer shall ensure the cooperation of the Braintree Police Department and the agency employing the involved officer.
2. In the event that the reported incident involves the Chief of Police the Commanding Officer shall notify the Deputy of Administration and Operations who will in turn notify the Mayor.
3. In responding to an incident where the victim is a police officer, standard domestic violence response and investigation procedures should be followed.
4. In responding to domestic violence incidents where the parties involved are both police officers, standard domestic violence procedures should be followed. After probable cause and dominant aggressor determinations are made, an arrest should be made and all service firearms/weapons of the accused officer confiscated.

E. INVOLVED OFFICER/EMPLOYEE RESPONSE

Any officer or employee of the Department who has either been: (i) served with a restraining order; or (ii) named as a defendant in a restraining order or complaint involving domestic abuse; or (iii) is arrested for any crime involving abuse, shall:

1. Immediately provide oral notification to the on-duty Commanding Officer at the time of the domestic incident or becoming aware that a court order has been issued or is in existence against them; and
2. Immediately provide written notification(if out of town investigation) to the on duty Commanding Officer, naming the department and including a copy of the restraining order or other court document; and
3. Upon being served with a restraining order, the officer shall immediately surrender his or her License to Carry a Firearm / FID Card, department-issued firearm/weapon and any personal firearms/weapons in compliance with G.L. c. 140, § 129B to the on duty Commanding Officer. The officer

may file an affidavit with the District Court that a firearm is necessary for employment and request an expedited hearing on the suspension and surrender order. If the officer is allowed to retain his department-issued firearm by the Court, the Chief of Police may impose certain conditions (such as on-duty use and secured at the department during off-duty hours). **[26.1.5]**

4. The on duty Commanding Officer will immediately notify the Chief. **[11.4.5]**

F. CHIEF OF POLICE RESPONSE

The Chief of Police, or his/her designee, upon being notified that an employee under his/her command has been served with a restraining order and/or involved in a domestic incident, shall:

1. Take steps to ensure the safety of the victim and all parties;
2. Ensure that all appropriate notifications are made and that required documentation is completed and reviewed;
3. If applicable, request an investigator conduct a follow-up investigation;
4. Determine if an internal affairs investigation should be conducted; **[26.1.5]**
5. Determine the employee's work status and if applicable, any appropriate disciplinary action. Pending a determination regarding the employee's fitness for duty, it may become necessary to place the involved officer or employee on Administrative Leave or Administrative Duty; and **[26.1.5]**
6. Ensure all completed investigatory reports have been submitted directly to the Chief of Police for his/her final approval, or continued investigation.