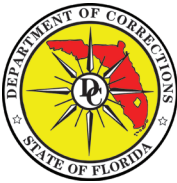


# Florida's Model Policy on Officer-Involved Domestic Violence



The Law Enforcement Families Partnership  
Institute for Family Violence Studies  
College of Social Work • Florida State University  
2010

## About The Law Enforcement Families Partnership

Florida's Model Policy on Officer-Involved Domestic Violence was created by a Committee formed by the Law Enforcement Families Partnership (LEFP), a collaboration based in the Institute for Family Violence Studies at Florida State University's College of Social Work.

The LEFP's overarching mission is to reduce and prevent officer-involved domestic violence. The goals of the LEFP include the following:

- To collaborate with private and public organizations to reduce officer-involved domestic violence in Florida.
- To conduct research and publish analysis of such research regarding officer-involved domestic violence to add to the knowledge base about officer-involved domestic violence.
- To create online multi-media prevention curricula developed to be accessible to all of Florida's officers.
- To help officers to recognize the warning signs of work-related trauma and abuses of power, and teach coping mechanisms to prevent using violence and intimidation with family members and intimate partners.
- To help normalize officers' asking for help with family relationships and job stress.
- To foster and support a culture of disapproval of officer-involved family violence at the agency level with a multi-media campaign reinforcing the lessons of the on-line prevention curriculum.
- To advocate for effective policies and programs at the agency, state, and federal levels to reduce officer-involved domestic violence.
- To assist in the creation, dissemination, and utilization of Florida's Model Policy on Officer-Involved Domestic Violence with a statewide committee of stakeholders.

FSU assistance to the Law Enforcement Families Partnership on this project included:

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*The Committee that created Florida's Model Policy on Officer-Involved Domestic Violence met from September, 2009 through June, 2010.*

*Records of all meetings and working documents are available on the LEFP website.*

## **How to Reach the LEFP**

Questions about the Model Policy can be directed to the Law Enforcement Families Partnership.

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# Florida's Model Policy on Officer-Involved Domestic Violence

*Committee Note: Florida's new Model Policy on Officer-Involved Domestic Violence helps criminal justice agencies reduce the risk of domestic violence by officers and address it appropriately when it occurs. The policy encourages agencies to highlight the issues involved and take concrete steps to prevent the crime. These steps include the creation and utilization of innovative programs for prevention, early intervention, outreach, training, and targeted assistance to officers and their families. If violence occurs, the policy guides agencies in response, investigation, and reporting protocols which emphasize victim safety. The policy recognizes the crucial role that officers play in keeping the public safe and acknowledges the importance of public trust in criminal justice agencies. When implemented locally, this policy can save lives, careers, and public confidence in officers and agencies. Fulfillment of this mission will be invaluable to officers, their families, and communities throughout Florida.*

## I. Statement of Purpose

The purpose of this model policy is to establish uniform statewide guidelines that provide clear procedures and protocols for preventing, investigating, reporting, and responding to domestic violence involving officers. Officers include sworn law enforcement officers, sworn correctional officers, and sworn correctional probation officers.

## II. Policy Statement

Public confidence in officers is important to agencies' ability to maintain public safety. The public must trust that officers are held to the standards of the law regarding domestic violence. Therefore agencies should:

- A. Employ administrative prevention strategies to prevent domestic violence by officers.
- B. Promptly respond to allegations of domestic violence by officers according to this policy and all applicable laws.
- C. Give primary consideration to protection of the victim of domestic violence and enforcement of the laws.
- D. Respect the due process rights of all officers, according to applicable legal precedent and collective bargaining agreements.
- E. Expeditiously report and conduct thorough investigations into any allegation of an officer involved in domestic violence.
- F. Train officers and seek to educate their families about domestic violence and avenues for assistance.

## III. Definitions

- A. Agencies - refers to Criminal Justice Agencies that employ sworn law enforcement officers, sworn correctional officers, and sworn correctional probation officers.
- B. Domestic violence - as defined by F.S. 741.

- C. Domestic Violence/Rape Crisis Advocacy Organization or Provider – refers to a domestic violence center or rape crisis center as defined by F.S. 39.
- D. Employee - as defined by F.S. 440.02(15).
- E. Family or Household Member - as defined by F.S. 741.
- F. Intimate Partner of a Law Enforcement Officer – refers to a family or household member or dating relationship as defined by F.S. 741.
- G. Law Enforcement Officer - as defined by F.S. 943.10.
- H. Protection Order – as defined by F.S. 741.
- I. Stalking - as defined by F.S. 784.048 (2).
- J. Sworn Employee – includes law enforcement or correctional officer, correctional probation officer, part-time law enforcement officer, part-time correctional officer, auxiliary law enforcement officer, auxiliary correctional officer, auxiliary correctional probation officer, and part-time correctional probation officer as defined in F.S. 943.10.
- K. Victim - as defined by F.S. 741.

#### **IV. Prevention through collaboration with domestic and sexual violence advocacy organizations.**

- A. Agencies should, whenever possible, collaborate with local certified domestic violence centers for mutual benefit. These centers are a valuable resource to agencies, and can offer a wide range of assistance for cross-training, victim assistance, and help in identifying ways to reduce domestic violence and sexual violence in the community.

Local certified domestic violence programs may be able to assist supervisory and administrative staff with issues relating to the following:

1. Training on warning signs of officer-involved domestic violence.
  2. Development of domestic violence training curricula.
  3. In-service training.
  4. Identification of well-known local, state, and national experts for trainings, meetings, and /or conferences.
- B. Agencies should provide training, when requested, to local domestic and sexual violence victim advocacy organizations on the agencies' domestic violence policies, procedures, and protocols.
  - C. Agencies should identify and collaborate with other local advocacy groups that regularly assist victims. When these agencies are aware of and work with community resources and advocacy organizations, they can help connect victims, families, and children with appropriate services. Whenever possible, agencies should establish and maintain ongoing relationships with the following:



1. Domestic and sexual violence organization advocates;
2. Shelter staff;
3. Hotline crisis workers;
4. Social service providers (such as homeless coalitions, emergency shelter food banks, and hospitals or other emergency medical providers);
5. Victim/witness personnel;
6. Coordinating councils/coalitions; and
7. Others knowledgeable about the challenges facing domestic violence victims.

## **V. Training and Education**

- A. Agencies should ensure that all their officers have training in the following topics related to domestic violence:
  1. The duties and responsibilities of law enforcement in response to domestic violence calls, enforcement of injunctions, and data collection.
  2. The legal duties imposed on law enforcement officers to make arrests and offer protection and assistance, including guidelines for making felony and misdemeanor arrests.
  3. Techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote safety of the victim.
  4. The dynamics of domestic violence and the magnitude of the problem.
  5. The legal rights of, and remedies available to, victims of domestic violence.
  6. Documentation, report writing, and evidence collection.
  7. Tenancy issues and domestic violence.
  8. The impact of law enforcement intervention in preventing future violence.
  9. Special needs of children at the scene of domestic violence and the subsequent impact on their lives.
  10. The services and facilities available to victims and batterers.
  11. The use and application of sections of the Florida Statutes as they relate to domestic violence situations.
  12. Verification, enforcement, and service of injunctions for protection when the suspect is present and when the suspect has fled.

13. Emergency assistance to victims and how to assist victims in pursuing criminal justice options.

14. Working with uncooperative victims, when the officer becomes the complainant.

B. Training Specific to Officer-Involved Domestic Violence:

In addition to the above training, agencies should ensure that all officers take prevention training that is specific to the issues of officer-involved domestic violence.

There is free online training available through Florida State University, at <http://familyvio.csw.fsu.edu>, that agencies are encouraged to use. Agencies may also use training from other sources, including, but not limited to, local certified domestic violence centers, local, state, or national researchers, victim advocates, mental health professionals, or other professionals who have expertise in the issues specific to officer-involved domestic violence. Such training should include:

1. The dynamics of officer-involved domestic violence, including misuse of authority, power and control, and surveillance techniques.
2. Information about available employee-assistance programs or local resources that can help officers before violence escalates.
3. How to recognize potential indicators of domestic violence behavior by law enforcement officers.
4. How to investigate or document information on indicators of potential abusive officer behavior.
5. How to notify the immediate ranking supervisor who will inform the agency head in accordance with the agency's chain of command.
6. The consequences of officer-involved domestic violence.
7. Special considerations of victim safety and confidentiality.
8. Information about programs for victims and batterers.
9. Understanding why a victim's fear of a perpetrator may make the victim (whether civilian or officer) afraid to cooperate with responding officers. This includes, but is not limited to, a victim's fear that a perpetrator's status as an officer may mean that the officer will not be held accountable for his/her actions.

C. Informational and Resource Materials for Officer Family Outreach

Agencies are also encouraged to make available information and resources related to domestic violence to the families/spouses/partners of officers. Below are a few ways to disseminate such information, but agencies retain the discretion to use methods they deem are the most safe and appropriate:

1. Posting the domestic violence hotline number on the agency website.
2. Posting the phone number of the local domestic violence and sexual assault hotline number on the agency website.

3. Designating a specific supervisor as the officer whom family members can contact with concerns about escalating violence or other dynamics of abuse.
4. Disseminating written information (for example, in new employee packets or agency-wide with other general mailings).

## **VI. Screening and Intervention**

### **A. Pre-Hire Screening and Investigation**

While it is recognized that all agencies are required to and do perform a background check of all new lateral and entry-level applicants, agencies should make reasonable inquiries to determine whether or not the applicant has been criminally investigated, arrested or convicted of elder abuse, child abuse, domestic violence, animal abuse, dating violence, stalking and/or sexual assault-related incidents. Additionally, inquiries should be made as to whether or not the applicant has ever been the subject of an injunction proceeding or administrative action for elder abuse, child abuse, domestic violence, animal abuse, dating violence, stalking and/or sexual assault-related incidents.

In light of the significant stressors involved in the performance of the duties of an officer and the risks of hiring a person with a history of violence/aggression, agencies should exercise caution in an employment determination if the background check of an applicant reveals incidents of violence or abuse. Such incidents should warrant further review and examination of the applicant's qualification for an officer position with the agency.

### **B. Post-Conditional Offer of Employment**

Agencies are not required under Florida law or Florida Administrative Code to conduct psychological evaluations of candidate officers; however, if an agency does conduct such evaluations, the screening should include a focus on any indications of abusive or violent background or tendencies.

If a psychological evaluation reveals concern about violence or abuse, such concerns should warrant close examination of the applicant's qualifications, especially in light of the significant stressors that accompany officers' responsibilities.

### **C. Post-Hire Intervention**

1. When new officers are hired, the agency should reach out to their intimate partners/family members to introduce this policy and other relevant agency policies.
2. Agencies should engage in periodic outreach to officers and their intimate partners/family members with information on this policy, the point of contact within the agency and referrals for local support services.

## **VII. Responsibilities of the Officer, Supervisors, and Agency**

### **A. Officer Responsibilities:**

1. Officers are encouraged to take personal responsibility in seeking confidential referrals and assistance from the agency to prevent a problem from escalating to the level of criminal conduct against an intimate partner.

2. Officers who engage in the following actions may be subject to investigation and disciplinary action:
  - a. Failure to report first hand or well-founded knowledge of abuse or violence committed by a fellow officer to a supervisor.
  - b. Failure to cooperate with the investigation of a law enforcement officer domestic violence case (except in the case where that officer is the victim).
  - c. Interference with cases involving themselves or fellow officers.
  - d. Intimidation/coercion of witnesses or victims (i.e., surveillance, harassment, stalking, threatening, or falsely reporting).
3. Officers who learn they are the subject of any criminal investigation, regardless of jurisdiction, are required to make a report to their supervisors and provide notice of the court dates, times, appearances, and proceedings in a timely fashion as determined by the agency. Failure to do so may result in investigation and disciplinary action.
4. Officers who learn they are the subject of any protective order proceeding, whether or not the order is issued and regardless of jurisdiction, should immediately notify their supervisor and provide a copy of the order, if issued. Subject to a qualifying protection order, the officer should surrender all firearms unless the order allows for possession of the primary service weapon. Failure to do so may result in investigation and disciplinary action.

B. Supervisor Responsibilities:

1. Supervisors should be aware and, when appropriate, document any pattern of abusive behavior potentially indicative of an officer's possible domestic violence including but not limited to the following:
  - a. Aggressiveness
    - (1) Excessive and/or increased use of force on the job
    - (2) Unusually high incidences of physical altercations and verbal disputes
    - (3) Citizen and fellow officer complaints of unwarranted aggression and verbal abuse
    - (4) Inappropriate treatment of animals
    - (5) Unexplained increased frequency of on- or off-duty officer injuries
  - b. Domestic violence-related issues
    - (1) Monitoring and controlling any family member or intimate partner through such means as excessive phone calling
    - (2) Stalking or inappropriate surveillance of any intimate partner or family member
    - (3) Frequent or repeated incidents of discrediting and/or disparaging an intimate partner or family member
  - c. Deteriorating work performance
    - (1) Tardiness

- (2) Excessive Absences
- (3) Alcohol and drug abuse

2. When the supervisor notes a pattern of problematic behavior (as detailed above), the supervisor should:
  - a. Address the behaviors through a review or other contact with the officer and document all contacts.
  - b. Forward written reports capturing the behaviors to the appropriate agency official through the chain of command in a timely manner.
  - c. Prepare and submit to the appropriate agency official a written request for a psychological exam/ counseling by a psychologist/psychiatrist/licensed mental health professional who is knowledgeable about domestic violence or a request that the agency official direct the officer to seek assistance via the Employee Assistance Program (EAP) to access a certified program for batterers, and if such a program is not available, a counselor knowledgeable about domestic violence.

### C. Agency Responsibilities

1. The agency should inform all civilian and sworn employees of the type and extent of services offered by the contracted Employee Assistance Program (EAP) for employee- initiated counseling and other similar assistance. This information should include relevant services for preventing and ending victimization and perpetration of domestic violence.
2. Agencies are encouraged to contract with EAPs that include professionals trained in domestic violence dynamics who are equipped to make appropriate referrals in domestic violence cases. At a minimum, the EAP should be able to provide the employee and/or family member with referrals to the local domestic or sexual violence advocacy organizations or providers (including certified domestic violence center, certified rape crisis center, and Batterer's Intervention program providers).
3. If the agency administrators or supervisors suspect that an officer is a victim of domestic or sexual violence, the agency may offer support and inform the officer about all existing EAPs and available services for counseling, including services offered by a domestic violence or sexual assault advocacy organization, and that if the officer seeks such assistance it is confidential. However, the agency should not compel a victim to acknowledge that he/she is a victim, to seek assistance or to cooperate in any investigation against his/ her abuser, and a victim's employment should not be impacted in any way by his or her decision to seek or decline assistance.
4. In response to observed escalating, threatening, or other problematic behaviors, or at the request of the employee or family member of an employee, the agency should provide specific information about confidential counseling or assistance programs and may offer or recommend intervention services to employees before an act of domestic violence occurs. If domestic violence is suspected, referral to a domestic violence or sexual assault advocacy organization or provider as described above in 2c above is critical.
5. A disclosure on the part of any officer, intimate partner or family member to any member of the agency that an officer has personally committed domestic violence will be treated as an admission or report of a crime and should be investigated both administratively and criminally.

6. Agencies should anticipate that an investigation of a sworn employee may be necessary for a domestic violence crime. Thus, agencies should develop a plan to have an agency point of contact to assist victims, both for internal and for criminal investigations. For internal investigations, agencies should be able to provide victims with a description of the internal affairs process, including how long it may take, the victim's role in the investigation, and what the victim can expect to occur during the process.
7. As required by F.S. 741.29 for all victims of domestic violence, the agency shall provide victims of domestic violence by agency employees contact information about public and private nonprofit domestic violence services and information regarding relevant confidentiality policies related to the victim's information.
8. The agency should provide for an impartial administrative investigation and appropriate criminal investigation of all acts of domestic violence allegedly committed by a sworn employee. Administrative investigations may be conducted by the employing agency or through agreements with other law enforcement agencies.
9. Whenever any agency becomes aware that it has made a domestic violence-related arrest of an officer from another agency, the arresting agency should notify the employing agency of the arrest, the specific charge, and the time of the arrest as soon as practically possible.

## **VIII. Incident Response Protocol**

### **A. Agency-Wide Response**

1. All reports of possible criminal activity implicating officers as alleged perpetrators in domestic violence should be documented and forwarded to the local certified domestic violence center in accordance with F.S. 741.29(2), and the investigating agency's policies governing the handling of all reports of domestic violence by citizens.
2. The on-scene supervisor should forward a copy of the report alleging domestic violence by the officer to the agency head through the chain of command. In the event the report of domestic violence is alleged to have been committed by the agency head, prompt notification should be made to the office that appointed the agency head or to the State Attorney's Office as appropriate.
3. Follow up contact with the victim should be initiated by the victim advocate unit or a ranking officer of the investigating agency in a timely manner during the initial investigation. As permitted by law, contact should be maintained throughout the criminal and administrative investigation for the purposes of:
  - a. providing information regarding safety planning and local domestic violence victim services
  - b. providing copies of all incident reports at no cost
  - c. advising the victim of all case developments
  - d. advising the victim that if there is any violation of an injunction, harassment, violence or the threat of future violence, such behavior should immediately be reported to the law enforcement agency in the jurisdiction where it occurred, and it should also be reported to the agency's follow up contact designee.

## B. Communications Response

1. Communications officers/dispatchers should be instructed to assign a high priority to all domestic violence calls, including those that involve or appear to involve an officer from any agency.
2. Communications officers/dispatchers should immediately notify the supervisor on duty and the dispatch supervisor of any domestic violence call received that involves, or appears to involve, an officer, regardless of the involved officer's jurisdiction.
3. Communications officers/dispatchers should prepare and preserve documentation of the facts and circumstances of the call, including the 911 tape, for use in potential administrative or criminal investigations.
4. Communications officers/dispatchers should make contact with local domestic violence victim advocacy organizations, if necessary, to facilitate immediate delivery of services if requested by the victim.

## C. On-Scene Patrol Officer Response

1. Upon arrival on the scene of a domestic violence call or incident involving an officer, the primary responding officer should immediately notify dispatch and request that a supervisor report to the scene, regardless of the involved officer's jurisdiction.
2. Responding officers shall perform the following actions in accordance with F.S. 741.29, Florida Statutes:
  - a. Obtain needed medical assistance
  - b. Address the immediate safety of all parties involved
  - c. Secure the scene and preserve evidence
  - d. Make an arrest if probable cause exists
  - e. Provide the victim with a copy of the legal rights and remedies notice
  - f. Assist the victim if immediate access is requested to local domestic violence victim advocacy organizations
  - g. Document the incident in a written report, whether or not an arrest is made, which includes
    - (1) a description of physical injuries observed, if any
    - (2) the grounds for not making an arrest or for making more than one arrest
    - (3) the fact that a copy of the legal rights and remedies notice was given to the victim
3. The written incident report should be submitted to the reporting officer's supervisor prior to the end of the officer's shift.

## D. On-Scene Supervisor Response and Additional Critical Considerations

1. A patrol supervisor should respond to the scene of any domestic violence incident investigated within the agency's jurisdiction that involves an officer (regardless of whether the officer is a victim or a suspect), even if the officer is from another jurisdiction.
2. If the accused is employed by the investigating agency, the on-scene supervisor should make appropriate notifications consistent with agency policy for an employee suspected of or arrested for criminal activity.
3. If the victim is employed by the investigating agency, the on-scene supervisor should notify the victim's supervisor as soon as possible. This involvement of a supervisor is intended to be supportive, and not punitive. It is also offered to help prevent further personal and workplace violence. The agency supervisor should offer the victim all available services, including EAP information, and the contact information for the local certified domestic violence center. However, no supervisor should compel any victim to utilize such services.
4. If the involved party is an officer from another agency, the on-scene supervisor should ensure that the officer's employer is notified as soon as possible following review of the incident or arrest report.

## IX. Weapons Policy

Agency policy regarding an officer's possession of weapons while under a temporary or final order of injunction or following his/her conviction for domestic violence should be consistent with state and federal laws and applicable court orders.

## X. Victim Safety and Protection

- A. Agencies should establish relationships with certified domestic violence centers, advocacy groups/organizations, and other resources in their community to enable them to refer victims and their children to appropriate services, including linguistically and culturally appropriate services.
- B. Each agency should designate a principal contact person for the victim whose responsibility should be to inform the victim of the agency's confidentiality policies and their limitations, and ensure that victim confidentiality, including the location of the victim if the victim has moved to a "safe place," is maintained throughout the case. The designated principal contact should advise the victim of the availability of the Statewide Domestic Violence Hotline, local certified domestic violence center or other domestic violence advocacy groups/organizations to receive safety planning, shelter, legal advocacy, children's services, and identify other needs.
- C. All officers should understand the potential for victim/witness intimidation or coercion by the perpetrator, and the increased danger when the victim reports the domestic violence and/or leaves an abusive partner.
- D. If an officer suspects or the victim reports perpetrator intimidation or coercion, the officer should prepare a written report and submit it immediately to the investigator in charge of the case through the chain of command. The investigator in charge should seek out secondary sources of information and supplemental evidence to confirm intimidation or coercion.



- E. The agency should develop a policy for instances when an officer is arrested for domestic violence. Where appropriate, the policy should provide for the relief of the accused officer's agency-issued firearms and weapons. Additionally, the policy should recommend that an inquiry be made of the victim as to whether he or she would like any other weapons removed from the home for safekeeping by the agency.
- F. To the extent permitted by law, the officer(s) conducting the administrative and criminal investigations should keep the victim informed about the progress of the investigations in an effort to address the victim's needs and safety concerns during disposition of the case.

#### **XI. Post Incident Administrative Investigation Process and Criminal Decisions**

- A. The agency should observe all other appropriate policies and procedures generally applicable to investigation of alleged misconduct. The agency should respect the rights of the accused employee under applicable collective bargaining agreements and law.
- B. Administrative investigations should be conducted through the agency professional standards function or by an outside agency as directed by the agency head.
- C. Where sufficient information exists, the agency should make appropriate restrictions to assignments, law enforcement powers, building and records access and consider administrative reassignment and/or leave.
- D. In determining the proper course of administrative action, the agency may consider consulting with treatment professionals and reviewing such factors as the employee's past conduct and history of complying with agency rules.
- E. Agency personnel may be ordered to undergo fitness for duty evaluation or assessment prior to any disposition, depending on circumstances and in accordance with agency policy, applicable collective bargaining agreements, and civil service standards.