

PERSONNEL MANAGEMENT

DOMESTIC ABUSE INVOLVING SWORN OFFICERS

Purpose: To establish policy and procedure concerning incidents of domestic abuse involving sworn members of this Department, or incidents of domestic abuse which occur in the jurisdiction of the North Little Rock Police Department that involve sworn members of other law enforcement agencies.

Policy Statement: The North Little Rock Police Department recognizes that domestic violence is a crime. Domestic abuse incidents involving police officers present unique problems because of the professional relationship with the parties involved. This directive is written to insure that the victims of domestic abuse are protected, and that Departmental procedures are followed in accordance with the law.

Summary of Changes: New format.

Definitions:

Title 18 USC, 922(g) bans individuals convicted on most criminal acts involving domestic violence from owning, shipping, receiving, transporting, or possessing a firearm or ammunition. Law enforcement officers are **not** exempt. The prohibition includes any offense that is:

- A misdemeanor under federal or state law, and
- Has as an element of the offense the use or attempted use of physical force, or
- The threatened use of deadly force, and
- Is committed by a current or former spouse, parent or guardian, or
- By a person cohabitating with or who has cohabitated with the victim.
- This includes assault or battery even when the state statute or ordinance does not specifically define the offense as a domestic violence offense.

Domestic Abuse means physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault between family members or household members, or any sexual conduct between family or household members, whether minors or adults, which constitutes a crime under the laws of this state. (ACA 16-81-113(1)(A, B).

Sworn Members means law enforcement officers who are responsible for the prevention and detection of crime and the enforcement of criminal and traffic laws of the city and state.

Family or Household Members means spouses, former spouses, parents or children, persons related by blood within the fourth degree of consanguinity, persons who are presently or in the past have resided or cohabitated together. Family or household member includes persons who have or have had a child in common. (ACA 16-81-113)(2).

Order of Protection means an order issued by a chancery court which prohibits a person from engaging in certain conduct or contact with another person.

No Contact Order is an order for a defendant to have no contact with the victim and the victim's family. It may be issued by Circuit and Municipal courts in association with criminal charges, as either a condition of pretrial bond or as a condition of probation.

Restraining Order is an order typically issued in divorce proceedings. This order usually lists the names of persons involved, parameters of protection, and any restrictions, such as sale of property. In order to enforce this order, the party must go back before the Chancery Court.

Procedure:

1 Responsibilities of the Responding Officer

1.1 Officers responding to a domestic abuse incident involving a sworn member of this Department, or a sworn member of another law enforcement agency, will insure that the procedures set forth in Policy Directive 30-5 are adhered to, in order to maintain the integrity of the domestic abuse investigation.

2 Responsibilities of the Supervisor

2.1 A supervisor will respond immediately to the scene of a domestic abuse incident. If the investigating supervisor has probable cause for an arrest for violations of the Domestic Abuse Laws, the supervisor will arrest the sworn offender and will seize and take into custody all Department issued firearms in the possession of the sworn member. In addition, the supervisor will request that the sworn member surrender all personally owned firearms. The supervisor making the arrest should be at least the next rank higher than the arrested member, if practical.

- 2.2 The supervisor will be responsible for notifying the member's Division Commander, an Investigations Division supervisor, and the supervisor of the Professional Standards Unit.
- 2.3 If the sworn member of this Department does not have his/her Department issued firearm on his/her person or under their control at the time of the offense, the supervisor will accompany the member to the location of the firearm and take custody of the firearm.
- 2.4 Inquire through ACIC to see if an Order of Protection is in effect against the involved member.
- 2.5 If the incident involves a sworn member of another agency, the supervisor will notify the on-duty Commander of the law enforcement agency involved of the incident and the names of the parties involved and any injuries they may have received. Forward all pertinent copies of reports or other documentation to the involved member's agency.
- 2.6 If domestic violence has been committed and the offender has left the scene, the supervisor will conduct a search of the immediate area and obtain information from the victim and/or witnesses as to where the offender might be. If the search ends with negative results, then provide the information to the investigation division.
- 2.7 The supervisor will insure that the provisions of **ACA Title 5, Title 9, and Title 16** are complied with.
 - 2.7.1 Title 5, Chapter 26 deals with offenses involving the family. (ACA 5-26-303-305).
 - 2.7.2 Title 9, Chapter 27 deals with family law and how it relates to minors. (ACA 9-27-301).
 - 2.7.3 Title 16, Chapter 81, Section 113 deals with warrant less arrests for domestic abuse.
 - 2.7.4 All reports concerning the offense will be submitted before the end of the supervisor's tour of duty.
- 2.8 Supervisors reviewing the offense reports will insure that a copy of any reports involving offenses described in section 2, where sworn members of the Department are involved, are forwarded to the employee's Division Commander.

3 Investigations Division Responsibilities

When the Investigations Division is called to the scene of a domestic abuse involving a sworn member of this Department, or sworn member of another law enforcement agency, the detectives should do the following:

- 3.1 Attempt to obtain consent from the parties involved to search the incident scene for the purpose of seizing and taking into temporary custody all privately owned firearms present.
- 3.2 Search the crime scene and insure that all crime scene evidence is preserved, marked, collected, and turned into the NLRPD property room.
- 3.3 Locate, identify, and interview the victim of the abuse, witnesses to the abuse, and the suspect.
- 3.4 Photographs should be taken of any visible injuries.
- 3.5 Prepare a case file for the criminal prosecution of the abuse.
- 3.6 The Investigations Supervisor will make a determination as to whether the sworn member of this Department is the suspect or the victim. This information will be forwarded to the professional standards unit.

4 Responsibilities of the Professional Standards Unit

- 4.1 Monitor the criminal investigation of the incident involving the sworn member.
- 4.2 Update the Chief of Police concerning the investigation.
- 4.3 Conduct an investigation as ordered to do so by the Chief of Police.

5 Responsibilities of the Sworn Member

If a sworn member of this Department is served with an Order of Protection, No Contact Order, Restraining Order, or any other order from a Municipal, Chancery, Circuit, Juvenile Court, or any court in which the member is named as a defendant, he/she will immediately notify their supervisor in writing.

- 5.1 A sworn member who receives notice of any change in status of any existing Order of Protection, No Contact Order, or Restraining Order, including, but not limited to the modification or addition of restrictions or an extension of the expiration date, will notify their supervisor and the Professional Standards Unit in writing, prior to their first scheduled tour of duty after the incident.
- 5.2 Sworn members of this Department involved in any domestic abuse incident, including past, present, or future incidents must report the incident immediately to their supervisor.
- 5.3 Any member who has a No Contact Order or Order of Protection issued against another person, and that order includes the properties of the North Little Rock Police Department, will notify a supervisor the first workday after the order is issued.
- 5.4 Any member who requests an Order of Protection or No Contact Order is asked to have the member's North Little Rock Police Department work location included on the order.

6 Reporting Incidents of Domestic Abuse

Any sworn members who are involved in a domestic abuse incident which occurs outside the jurisdiction of our Department, will immediately report the incident to the on-duty supervisor.

- 6.1 The supervisor will be responsible for notifying the member's Division Commander and the Professional Standards Unit.
- 6.2 The Professional Standards Unit will be responsible for contacting the involved agency and reporting their findings to the Chief of Police for determination of administrative action.
- 6.3 Failure to report an incident as required by this directive will result in disciplinary action up to and including termination.
- 6.4 Any sworn member who witnesses or has firsthand knowledge of a domestic violence incident involving a sworn member of this Department as the alleged suspect and who fails to officially report this information will be subject to disciplinary action up to and including termination.

Mike Davis
Chief of Police