

# SPRINGFIELD POLICE DEPARTMENT

## Standard Operating Guideline

<b>Effective Date:</b> 04/04/2017	<b>Supersedes Policy Dated:</b> 09/30/2016	<b>Rescinds:</b>	<b>SOG Number:</b>  <b>401.4</b>
<b>Accreditation Index:</b>			
<b>Part Title:</b> Operations	<b>Chapter Title:</b> Patrol Operations		
<b>Chief of Police:</b>			

## Domestic Violence

### I Policy

Domestic violence is a major cause of injury or death caused by criminal activity in our society. It is a social epidemic that continues its effect into the next generation. The Springfield Police Department will respond as quickly as possible to domestic violence cases, with greatest concern and sensitivity directed to protect and support the victim. Officers shall competently and professionally investigate the incident, arrest the primary physical aggressor when appropriate, and enforce any orders of protection, regardless of their origin. Police employees who are named as suspects in domestic violence cases face criminal and administrative investigation, as well as further action in compliance with federal law. <sup>1</sup>

### II Definitions <sup>2</sup>

**Abuse** – Includes, but is not limited to, the occurrence of any of the following acts, attempts, or threats against a person who may be protected as family or household members: (RSMo. 455.010)

**Assault** – Purposely or knowingly placing or attempting to place another in fear of physical harm.

**Battery** – Purposely or knowingly causing physical harm to another person with or without a deadly weapon.

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1 Policy Statement revised, punctuation and capitalization corrections, per Policy Change Order 17-029.

2 Definitions revised, updated to reflect RSMo changes, per Policy Change Order 17-029.

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**Coercion** – Compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage.

**Harassment** – Engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to another person and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress and must actually cause same to the petitioner. Harassment would include following another about in a public place or lingering outside the residence of another.

**Sexual Assault** – Causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress.

**Unlawful Imprisonment** – Holding, confining, detaining, or abducting another person against that person's will.

**Consent Judgment** – A respondent has consented to a full order of protection by signing associated paperwork during a court proceeding.

**Domestic Assault, First Degree** – An attempt to kill or knowingly causing or attempt to cause serious physical injury to a domestic victim. (RSMo 565.072)

**Domestic Assault, Second Degree** – Knowingly causing physical injury to a domestic victim by any means, including but not limited to, use of a deadly weapon or dangerous instrument, or by choking or strangulation; OR recklessly causing serious physical injury to a domestic victim; OR recklessly causing physical injury to a domestic victim by means of any deadly weapon. (RSMo 565.073)

**Domestic Assault, Third Degree** – An attempt to cause physical injury or knowingly causing physical pain or illness to a domestic victim. (RSMo 565.074)

**Domestic Assault, Fourth Degree** – An attempt to cause or recklessly causing physical injury, physical pain, or illness to a domestic victim; OR with criminal negligence causing physical injury to a domestic victim by means of a deadly weapon or dangerous instrument; OR placing a domestic victim in apprehension of immediate physical injury by any means; OR recklessly engaging in conduct which creates a substantial risk of death or serious physical injury to a domestic victim; OR knowingly causing physical contact with a domestic victim knowing they will regard the contact as offensive; OR knowingly attempting to cause or causing the isolation of a domestic victim by unreasonably and substantially restricting or limiting their access to other persons, telecommunication devices, or transportation for the purpose of isolation. (RSMo 565.076)

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**Domestic Victim** – A household or family member including any child who is a member of the household or family. (RSMo 565.002)

**Domestic Violence** – Abuse or stalking committed by a family or household member. (RSMo 455.010)

**Family or Household Member** – Spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or who have resided together in the past, an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and adults who have a child in common regardless of whether they have been married or resided together at any time. (RSMo 455.010)

**Primary Physical Aggressor** – The most significant aggressor (not necessarily the first aggressor) based upon the intent of the law to protect victims of domestic violence from continuing abuse, the comparative extent of injuries inflicted or serious threats creating fear of physical injury, and the history of domestic violence between the involved parties. (RSMo 455.085)

**Stalking** – When a person purposely, through their course of conduct, disturbs or follows with the intent to disturb another person. Disturb shall mean engaging in a course of conduct directed at a specific person that serves no legitimate purpose and would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed. (RSMo 565.225 & 565.227)

### **III Procedure**

#### **1 MISSOURI ADULT ABUSE ACT & U.S. VIOLENCE AGAINST WOMEN ACT**

1.1 The Adult Abuse Act defines the authority and legal duty of officers to act in domestic violence cases. It is found in Chapter 455 of the Revised Missouri Statutes. Officers are expected to be familiar with this act. The federal Violence Against Women Act (VAWA) mandates equal enforcement of orders of protection from foreign jurisdictions and authorizes federal prosecution of certain domestic violence cases.<sup>3</sup>

#### **2 DISPATCH AND POLICE RESPONSE**

2.1 Domestic violence cases where the following factors exist will be classified as minimum Priority II Calls for Service (immediate response) if:

2.1.1 The caller indicates that violence is imminent or in progress, or

2.1.2 An order of protection is in effect, or<sup>4</sup>

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3 Section 1.1 revised, capitalization corrections, per Policy Change Order 17-029.

4 Section 2.1.2 revised, capitalization, per Policy Change Order 17-029.

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- 2.1.3 The caller indicates that incidents of domestic violence have occurred previously between the parties.

### 3 DOMESTIC VIOLENCE ENFORCEMENT <sup>5</sup>

- 3.1 When an officer responds to a first call for service involving domestic abuse or assault and probable cause exists to make an arrest, they are encouraged to do so whether or not the offense occurred in the officer's presence.
- 3.2 If no arrest is made the officer shall complete a written report describing the offending party, the victim's name, address, and explaining why no arrest was made, and any other pertinent information.
  - 3.2.1 Protection of the victim shall be the highest priority and concern of the officers.
- 3.3 Any officer who subsequently responds to the same address within 12 hours and finds probable cause to believe that the same offending party committed a domestic violence violation against the same or any other family or household member shall arrest the offending party for this subsequent offense and shall refer to the first report when completing the subsequent report. (RSMo. 455.085)
  - 3.3.1 Refusal by the victim to cooperate with prosecution shall not prevent arrest.
- 3.4 When an arrest is required under RSMo 455.085 and both parties claim to be the victim of an assault, the officer is NOT required to arrest both parties involved. In such cases, the officer will evaluate each complaint separately in consideration of legally defining factors and determine who is the primary physical aggressor (see definition above).
- 3.5 No officer shall threaten the arrest of all parties for the purpose of discouraging requests for law enforcement intervention by any party.

### 4 ORDER OF PROTECTION ENFORCEMENT <sup>6</sup>

- 4.1 When an officer responds to a call for service alleging a violation of an order of protection, the officer will attempt to verify the existence of a valid order and determine if it has been served to the respondent.
- 4.2 If there is probable cause to believe an order of protection is in effect, the respondent has been served or has consented to the order during a court proceeding (Consent Judgment), and the respondent has violated terms and conditions of the order; the officer is required to make an arrest.
  - 4.2.1 Officers shall place a 24-hour hold on all suspects arrested for violation of an order of protection and shall notify their supervisor.

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<sup>5</sup> Section 3 reorganized; headings revised, redundant RSMo citations deleted, minor rewording; per PCO 17-029.

<sup>6</sup> Section 4 reorganized (previously part of 3), subsequent sections renumbered accordingly, per PCO 17-029.

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- 4.3 An arrest is required when the violation involves failure to surrender custody of a child to the person whom custody was granted in an order of protection. The officer shall then turn the minor children over to the designated custodian.
  - 4.3.1 Officers shall not arrest in cases where the sole complaint alleges non-support, unless an arrest warrant has been issued.
- 4.4 Officers shall not arrest for civil violations of the order such as failure to pay child support, failing to attend Batterer's Intervention Program, or failing to return victim's property. In such cases, the plaintiff should be referred to the clerk of the issuing court or the Greene County Sheriff's Office Civil Division.
- 4.5 In cases where probable cause to arrest exists, but the suspect has left the scene, the officer will make an immediate investigative effort to locate and arrest that person.
  - 4.5.1 Efforts should include the broadcast of *stop-and-hold* information and checking locations where the suspect might be found.
- 4.6 Suspects will be incarcerated on probable cause State charges in the booking facility.
- 4.7 Determining that an Order of Protection is Valid
  - 4.7.1 Officers shall enforce orders of protection if they believe that they are valid on their face. Officers acting on good faith have immunity under the Adult Abuse Act.
  - 4.7.2 Orders of protection are deemed valid on their face if all of the following are present on the document:
    - 4.7.2(a) Names of the parties;
    - 4.7.2(b) Date of issuance;
    - 4.7.2(c) Expiration date;
    - 4.7.2(d) Terms and conditions against the respondent;
    - 4.7.2(e) Name of the issuing court;
    - 4.7.2(f) Signed by or on behalf of a judicial officer.
- 4.8 Mutual Orders of Protection
  - 4.8.1 If an order of protection contains a mutual "no contact" clause or if it directs both parties not to abuse each other, officers shall enforce the order against the respondent and not against the petitioner UNLESS:
    - 4.8.1(a) The order of protection includes a specific finding by the court that each party had abused the other. If so, enforce the order against both parties.
- 4.9 Alternatives for Notice/Service of an Order of Protection
  - 4.9.1 Normally orders are served by Greene County Sheriff's Office deputies assigned to the Civil Division.

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- 4.9.1(a) A respondent who has consented to the order of protection during a prior court proceeding has knowledge of the order and, therefore, is held to the restrictions contained in said order (Consent Judgment).
- 4.9.2 Service to the respondent may occur at any time by any law enforcement officer, regardless of agency.
- 4.9.3 In the event that an order of protection exists, but has not yet been served, the officer may choose to obtain a copy of the order from the Greene County Sheriff's Office and serve it to the respondent.
- 4.9.4 Another approach is to serve the petitioner's copy to the respondent. When this is the petitioner's only copy, the officer must obtain a new copy for the petitioner from the originating court of jurisdiction as soon as possible.
- 4.9.5 The officer may also verbally advise the respondent of the existence of a valid order of protection to constitute legal service. This is an exceptional circumstance.
- 4.9.6 All manner of service of an order of protection requires the primary officer to make proper notification to the Civil Division of the Greene County Sheriff's Office and document the manner of service clearly in the police report.
- 4.9.7 If after service the respondent refuses to comply with the order, an arrest will be required as previously outlined in this policy.

## 5 FOREIGN ORDERS OF PROTECTION <sup>7</sup>

- 5.1 The federal Violence Against Women Act (VAWA) requires that all orders of protection – regardless of their origin, content, or format – be given “full faith and credit,” meaning equal recognition and enforcement.
- 5.2 Officers shall recognize and enforce all valid civil or criminal orders of protection, regardless of source jurisdiction, if probable cause exists to believe a violation of the order occurred within Springfield Police Department jurisdiction.
- 5.3 “Registration and a Missouri court order recognizing a foreign order of protection **shall not be required** (emphasis added) for the enforcement of a certified foreign order of protection in this state”. (RSMo 455.067)
- 5.4 The order need not be an original nor display a raised seal.
- 5.5 If possible, officers shall verify the validity of foreign orders by computer or calling the originating court by telephone and recording the name of the court clerk providing verification.

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<sup>7</sup> Section 5 revised, capitalization and punctuation changes, per Policy Change Order 17-029.

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- 5.6 Such orders shall be enforced in accordance with provisions for enforcement of local orders provided in this policy.
  
- 6 ENTRY INTO PRIVATE DWELLING
  - 6.1 Officers responding to a domestic violence scene will make reasonable effort to ensure safety of victim. This will be determined through personal contact and interview with the victim.
    - 6.1.1 In the event that consent to enter cannot be obtained, officers should review all justifications for exigent entry.
  
- 7 VICTIM PROTECTION, SUPPORT, AND SERVICE
  - 7.1 Victim Safety and Protection
    - 7.1.1 Victim safety is a top priority.
    - 7.1.2 The Domestic Violence Lethality Assessment (SPD Form # 14-OP-0643-NICHE) shall be completed by the primary investigating officer while investigating a domestic assault call. The form shall be included in the case packet to be forwarded to either CID or the Greene County Prosecutor's Office.
      - 7.1.2(a) The officer shall explain to the victim their risk of danger, as indicated by the assessment, and if also indicated by the assessment, shall assist them with contacting a victim advocate.
      - 7.1.2 (b) If an arrest is made for domestic abuse or assault and the protocol referral is triggered as a result of responses to the questions on the Lethality Assessment form, officers shall place a 24-hour hold on the suspect and notify their supervisor.
    - 7.1.3 The patrol supervisor shall ensure that victim support services and information are provided.
    - 7.1.4 The victim shall be offered available victim advocacy/counseling resources.
    - 7.1.5 Confidentiality for victims is an absolute essential requirement and must be conveyed clearly to the victim by the primary investigating officer. Victim location and communications shall remain on a need-to-know basis only.
      - 7.1.5(a) If shelter or alternative housing is arranged, officers should contact the victim through the advocate and avoid report documentation of the victim's new location.

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- 7.1.6 The primary investigating officer shall ensure that the victim is familiar with their rights and procedures for seeking an order of protection.<sup>8</sup>
- 7.2 Investigating officers should attempt to establish a rapport with the victim to gain their trust and shall offer them support. Officers should do the following for the victim:<sup>9</sup>
  - 7.2.1 Convey concern for their safety;
  - 7.2.2 Inform them of the most expeditious process for obtaining an order of protection;
  - 7.2.3 Advise them of what to expect concerning the movement of the case through the system and the likelihood that the accused may remain in custody only for a short period of time;
  - 7.2.4 Explain that domestic violence is a crime and the sole responsibility for decisions regarding filing of charges resides with the prosecutor and not the victim;
  - 7.2.5 If an arrest is not made, explain the reasons and offer legal options for follow-up by the victim;
  - 7.2.6 If the victim does not speak English or is hearing impaired, officers shall seek the use of an interpreter utilizing an officer, other department employee, or an interpreter contacted via Communications;
    - 7.2.6(a) Officers shall refrain from using friends, family members or neighbors because of the potential for personal feelings to interfere with the translation.
  - 7.2.7 Remain at the scene until it is secure. If the victim is leaving, officers should remain for a reasonable period of time, unless the accused is in custody.
    - 7.2.7(a) The investigating officer should discreetly obtain the temporary address and phone number from the victim.
- 7.3 Officers will arrange for or provide transportation to a medical facility for treatment of injuries and/or to a place of shelter for safety. Documentation in the report will be required in either case.
- 7.4 Officers will provide victims of domestic abuse with information on available shelters and judicial remedies for relief from that abuse. This will be done by supplying the victim with a Victim/Witness Information brochure (SPD Form # 97-IN-0260). Officers will complete the blanks on the front of the brochure. In the event that no brochure is available, officers shall verbally advise the victim of shelter and judicial remedy information and document it in their report.

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8 Section 7.1.6 revised, minor rewording, per Policy Change Order 17-029.

9 Section 7.2 revised, rewording and punctuation changes, per Policy Change Order 17-029.



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#### **8 CHILDREN OR DEPENDENT ADULTS**

- 8.1 Officers shall not leave the scene until the appropriate care and supervision of children and/or dependent adults is assured.
  - 8.1.1 If family members are not available to provide custody and protection, officers shall contact the Division of Family Services or the Division of Aging and request that a caseworker respond.
- 8.2 If child abuse is determined to have occurred, officers shall implement the Child Abuse Protocol (refer to SOG 403.1 – Juvenile Operations).
- 8.3 If elder abuse is determined, the officer shall begin a criminal investigation and report the incident to the Adult Abuse and Neglect Hotline (# 800-392-0210) for further follow-up.
  - 8.3.1 Investigative support can be obtained by contacting the Special Victims Unit or the Division of Aging for assistance.

#### **9 INVESTIGATION AND REPORTING**

- 9.1 Once a call involving an allegation of domestic abuse is dispatched and the abuse has been confirmed by the responding officer, a written report of the incident is required.
  - 9.1.1 If the investigating officer determines the call does not meet the statutory definition of domestic abuse or assault, they may request a supervisor change the call type to a more appropriate classification.
    - 9.1.1(a) Handled by Officer (HBO), Gone on Arrival (GOA), or Unfounded (UNF) dispositions are prohibited on any dispatched domestic abuse or assault call unless authorized by a supervisor.
    - 9.1.1(b) Domestic Disturbance calls that are closed HBO shall include comments in the CAD system from the primary officer explaining why a report was not written.
- 9.2 Officers shall pay particular attention to cues or indicators of future violence including:
  - 9.2.1 Threats made to the victim;
  - 9.2.2 Presence of firearms;
  - 9.2.3 Use of alcohol or controlled substances;
  - 9.2.4 Past history of abuse;
  - 9.2.5 Abuse of pets;
  - 9.2.6 Other unusual behavior.
- 9.3 Officers shall document all pertinent information in their report, to include:
  - 9.3.1 Statements of the victim and suspect, particularly any “excited utterances” and when they were made;

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- 9.3.2 Description and location of any observed injuries;
  - 9.3.2(a) Photographs of injuries should also be taken.
- 9.3.3 Response and name(s) of any medical treatment provider including EMT personnel;
- 9.3.4 The identities and ages of any children present and steps taken to protect and care for them;
- 9.3.5 Description of all physical evidence located and seized;
- 9.3.6 If no arrest is made, an explanation of the reason(s);
- 9.3.7 Contact information for the victim (including the name and telephone number of another person who can contact them if necessary);
- 9.3.8 Information on any order of protection in effect, including the court of jurisdiction and the case number. <sup>10</sup>
- 9.4 Officers shall locate any witnesses, to include contacting neighbors, and shall record any pertinent information in their report.
  - 9.4.1 Communications between domestic violence shelter staff and the victim are privileged and confidential under the law, unless the victim waives the confidentiality requirement in writing. (RSMo 455.220)
- 9.5 Supervisors will ensure high quality investigations that meet all reporting requirements prior to approval of the report.
- 9.6 Follow-up Investigation (Uniform Operations Bureau) <sup>11</sup>
  - 9.6.1 Uniform Operations Bureau officers are expected to complete the follow-up investigation and Criminal Case Report on domestic violence cases when:
    - 9.6.1(a) The case is a misdemeanor or a third degree domestic assault (a class E felony), AND
    - 9.6.1(b) Does not involve a law enforcement officer, AND
    - 9.6.1(c) An arrest is made during the same shift as the complaint, OR
    - 9.6.1(d) The officer observes physical injury consistent with an assault, OR
    - 9.6.1(e) Physical evidence of domestic violence is observed by the officer or a third party, OR
    - 9.6.1(f) The suspect makes admissions, OR
    - 9.6.1(g) There is history of violence between the parties (officer knowledge or criminal history), OR
    - 9.6.1(h) Officer discretion (based on totality of circumstances).

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<sup>10</sup> Section 9.3.8 revised, capitalization change, per Policy Change Order 17-029.

<sup>11</sup> Section 9.6 revised, UOB follow-up responsibilities updated, per Policy Change Order 17-029.

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- 9.6.2 Domestic violence cases that fit the criteria in Sections 9.6.1(a) through 9.6.1(h) shall be submitted to the Greene County Prosecutor's Office with a Criminal Case Report regardless of whether the victim intends to cooperate with prosecution.
- 9.6.3 Cases involving prior or persistent domestic violence offenders should receive follow-up investigation by the Crimes Against Persons Section.
- 9.6.4 Completed cases (Criminal Case Report documents along with related reports) should be placed in the in-basket in Records for processing. Records will attach a criminal history check, make copies, and forward the package to the Crimes Against Persons Section.
  - 9.6.4(a) All completed domestic abuse cases will be referred to the Greene County Prosecutor's Office.
- 9.6.5 Every effort should be made by patrol officers to complete misdemeanor follow-up investigations relating to domestic abuse, but if a patrol supervisor has determined that it is not possible, the investigation may be forwarded to the Crimes Against Persons Section.
- 9.7 Follow-up Investigation (Crimes Against Persons Section)<sup>12</sup>
  - 9.7.1 The Crimes Against Persons Section shall conduct follow-up investigations into felony assaults, felonious restraints, and homicides that are the result of domestic violence.
    - 9.7.1(a) Exception: Follow-up investigations on third degree domestic assaults (a class E felony) will generally be completed by the Uniform Operations Bureau in accordance with section 9.6 of this policy.
  - 9.7.2 The Crimes Against Persons Section will also complete follow-up investigations on misdemeanor domestic violence cases involving prior or persistent domestic violence offenders.
- 9.8 Domestic violence offenders who have previous convictions in state court may be classified as prior or persistent offenders as provided by law.
- 9.9 All domestic violence incidents are reported to the Missouri State Highway Patrol (MSHP) via the normal Uniform Crime Report submission process, either monthly or on an individual basis.
- 9.10 Any incident of homicide or suicide shall be reviewed and a determination made whether the incident is related to domestic violence (as defined by RSMo 455.010). Such determination shall be written into the case records by the investigator.

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<sup>12</sup> Section 9.7 revised, Crimes Against Persons follow-up responsibilities updated, per PCO 17-029.

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- 9.10.1 If determined to have been a homicide or suicide involving domestic violence, the incident must be reported to the MSHP within seven days of that finding, in accordance with RSMo 455.543.

## 10 DOMESTIC VIOLENCE INVOLVING LAW ENFORCEMENT OFFICERS

*This protocol shall be used for any incidents involving law enforcement officers from any agency or jurisdiction and any Springfield Police Department officer named as a suspect.*

### 10.1 Special definitions required by federal law apply to these incidents.

#### 10.1.1 Domestic Violence is any threatened or actual act of violence including:

- 10.1.1(a) Bodily injury or threat of imminent bodily injury;
- 10.1.1(b) Sexual battery;
- 10.1.1(c) Physical restraint;
- 10.1.1(d) Property crime directed at the victim;
- 10.1.1(e) Violation of a court order of protection;
- 10.1.1(f) Death perpetrated upon his/her partner.

#### 10.1.2 Partner is defined as:

- 10.1.2(a) A person to whom the officer is related by legal marriage;
- 10.1.2(b) A person with whom the officer has a child in common;
- 10.1.2(c) A cohabitant;
- 10.1.2(d) A person with whom the officer has had a dating relationship;
- 10.1.2(e) Otherwise specified by state law.

### 10.2 Patrol Response

- 10.2.1 Upon learning a domestic violence incident involves a law enforcement officer, the investigating officer shall immediately request the presence of a supervisor.

### 10.3 Supervisor Response

- 10.3.1 The responding supervisor shall assume responsibility for decision-making at the scene.
- 10.3.2 The supervisor shall do the following:
  - 10.3.2(a) Ensure the scene is secured and evidence is collected;
  - 10.3.2(b) Ensure an arrest is made if determined to be appropriate;
  - 10.3.2(c) Notify the chain of command about the incident quickly. If the involved officer is from another

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agency, contact management staff and advise them of the incident.

10.3.2(c.1) In the event the incident involves a chief executive officer; the supervisor shall immediately notify the official having direct supervisory oversight such as a mayor or city manager.

#### 10.4 Arrest Decision

10.4.1 If probable cause is not present for an arrest, the supervisor shall explain the reason in a written report.

10.4.2 If a warrant is issued at a later time naming an officer, the arrest team shall include a supervisor, senior in rank to the involved officer.

#### 10.5 Weapon Removal

10.5.1 If an arrest is made or a full order of protection produced, the on-scene supervisor shall relieve the officer of his/her service weapon.<sup>13</sup>

10.5.2 Where multiple weapons are present, the supervisor can ask the residing victim if they want to remove any weapons from the home for safekeeping by the department.<sup>14</sup>

10.5.2(a) If seizure of a weapon is necessary for evidentiary purposes, officers shall adhere to search and seizure legal doctrine in securing the weapon.

#### 10.6 Follow-up Investigation

10.6.1 Follow-up investigation of domestic violence cases involving officers shall be undertaken by the Criminal Investigations Division unless otherwise directed by the Chief of Police.

10.6.2 The investigation shall be conducted in a comprehensive manner but as quickly as such thoroughness allows.

10.6.3 If the incident involves a Springfield police officer, the CID investigator shall keep the Inspections and Internal Affairs supervisor briefed on all case activities and findings and shall forward requested information in a timely manner.<sup>15</sup>

#### 10.7 Department Command Follow-up

10.7.1 A command officer shall conduct a debriefing of all officers who respond to the scene of an officer-involved domestic violence incident.

10.7.2 The commander shall notify their chain of command of the incident immediately.

10.7.3 Confidentiality policies shall be reviewed.

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13 Section 10.5.1 revised, capitalization change, per Policy Change Order 17-029.

14 Section 10.5.2 revised, minor wording changes, per Policy Change Order 17-029.

15 Section 10.6.3 revised for clarification, per Policy Change Order 17-029.

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- 10.7.4 An incident review will also be conducted to ensure all department procedures are appropriate and properly carried out.
- 10.7.5 If the incident involves a Springfield police officer, the Chief of Police shall notify the Director of Human Resources or designee of the incident no later than the next business day. <sup>16</sup>
- 10.8 Involved Employee's Responsibilities <sup>17</sup>
  - 10.8.1 All police employees have a duty to immediately report to their Bureau Commander the existence of any criminal investigation implicating them or the issuance of an order of protection naming them as a respondent.
  - 10.8.2 Any officer served with a full order for protection shall immediately surrender their service weapon to their Commanding Officer or designee or to the Internal Affairs Unit Supervisor or designee.
- 10.9 Other Employee's Duty to Report
  - 10.9.1 Police employees who have definitive knowledge of the existence of a domestic violence incident involving another Police Department employee shall report the incident to the Internal Affairs Unit or their Bureau Commander. Confidentiality is not an option.
    - 10.9.1(a) Failure to report such an incident in a timely manner may subject the employee to investigation, disciplinary action, possible sanction, and/or criminal charges.
- 10.10 Administrative Investigations and Actions
  - 10.10.1 An administrative investigation will be undertaken by the Inspections and Internal Affairs Unit in the following circumstances: <sup>18</sup>
    - 10.10.1(a) Domestic violence incident naming a Springfield police officer as a suspect;
    - 10.10.1(b) Upon issuance of an order of protection naming a Springfield police officer as the respondent;
    - 10.10.1(c) Violation of an order of protection by a Springfield police officer;
    - 10.10.1(d) Alleged violation of any other department policies or procedures.
  - 10.10.2 Officers charged with a crime in a domestic violence incident or named as respondent in an order of protection shall be: <sup>19</sup>

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<sup>16</sup> Section 10.7.5 revised for clarification, per Policy Change Order 17-029.

<sup>17</sup> Section 10.8 revised, capitalization changes, per Policy Change Order 17-029.

<sup>18</sup> Section 10.10.1 revised, capitalization changes, per Policy Change Order 17-029.

<sup>19</sup> Section 10.10.2 revised, capitalization change, per Policy Change Order 17-029.

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- 10.10.2(a) Immediately removed from any function requiring response to domestic violence incidents;
- 10.10.2(b) Suspended from working any extra-duty assignments involving the use of police authority, wearing a weapon, or use of the uniform.
- 10.10.3 Officers charged with a crime in a domestic violence incident or named as respondent in an order of protection may be assigned to an administrative duty post or placed on paid administrative leave pending disposition of the charges, expiration of the order, or disposition on any related administrative actions.<sup>20</sup>
- 10.10.4 An officer convicted of a crime involving domestic violence shall have their police authority revoked by the Chief of Police if the incident included either of the following:
  - 10.10.4(a) Use or attempted use of physical force;
  - 10.10.4(b) Threatened or actual use of a deadly weapon.

## 11 PERTINENT FEDERAL STATUTES<sup>21</sup>

- 11.1 Possession of Firearm While Subject to a Full Protection Order (18 USC 922(g))
  - 11.1.1 **OFFICIAL USE EXEMPTION:**
    - 11.1.1(a) *Law enforcement and military personnel allowed possession of officially issued department firearm while on duty only.*
    - 11.1.1(b) *May not possess personal firearm.*
    - 11.1.1(c) *May not possess issued firearm off duty. (18 USC 925)*
- 11.2 Possession of Firearm After Conviction of Misdemeanor Crime of Domestic Violence (18 USC 922 (g) (9)) - Lautenburg Amendment
  - 11.2.1 *Note: DOES apply to law enforcement and Supreme Court has sustained no exception.*
- 11.3 Interstate Travel to Commit Domestic Violence (18 USC 2261(a)(1))
- 11.4 Interstate Stalking (18 USC 2261 A(1))
- 11.5 Interstate Violation of a Protective Order (18 USC 2262(a)(1))

## IV Attachments

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<sup>20</sup> Section 10.10.3 revised, capitalization change, per Policy Change Order 17-029.

<sup>21</sup> Section 11 revised, US Code references updated, per Policy Change Order 17-029.