

TOWNSHIP OF OSCEOLA POLICE DEPARTMENT		POLICY: DOMESTIC ABUSE – OFFICER INVOLVED	
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CHIEF: DONALD M. COOK		DATE: 04/10/2022	

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I. PURPOSE:

The purpose of this policy is to establish procedures for handling matters of domestic violence and abuse involving law enforcement officers and for implementing prevention strategies. This policy will provide guidance in reporting and responding to, and investigating domestic violence incidents involving agency employees and law enforcement officers, thereby discouraging and reducing acts of domestic violence by employees of law enforcement agencies.

II. POLICY:

The Township of Osceola Police Department will not tolerate domestic violence by its employees. Understanding that enforcing any actions against fellow officers can be complex and uncomfortable; this policy lays out procedures to help reduce the intimidation felt by responding officers. Responding officers are expected to handle these incidents in accordance with the training guide accompanying this policy and could face disciplinary actions if they do not report, investigate, or follow procedures correctly. Moreover, this agency will

not tolerate any retaliation against responding officers or anyone who reports an incident of officer-involved domestic violence.

This policy, and the accompanying training guide, offers a comprehensive approach towards officer-involved domestic violence. The procedures seek to educate officers at all phases of their career and use early intervention and awareness strategies as well as disciplinary measures, when necessary, to reduce victimization and increase the chances of officer career stability.

Furthermore, whenever incidents of domestic violence are alleged to have occurred the department will act quickly to protect the victim, investigate the allegations, arrest the perpetrator, and conduct parallel administrative and criminal investigations.

Finally, federal law prohibits police officers convicted of qualifying misdemeanor domestic violence crimes from possessing firearms. Officers found guilty of a qualifying domestic violence crime through criminal proceedings shall be terminated as an officer. Once implemented, the policy will apply to past convictions, pending or existing domestic violence cases/crimes, and future police officer domestic violence crimes.

III. DEFINITIONS:

DOMESTIC ABUSE: Any of the following engaged in by an adult person (17 years of age or older) against his or her spouse or former spouse, against an adult (18 years of age or older) with whom the person resides or formerly resided or against an adult with whom the person has a child in common (§968.075(1)(a), Wis. Stats.):

1. Intentional infliction of physical pain, physical injury or illness. Some examples include:

Physical Violence

Hitting; Strangling; Pushing; Slapping; Grabbing; Kicking; Beating; Shoving; Suffocating; Forcing Sex; Biting; Pulling Hair; Burning; Using a Weapon

2. Intentional impairment of physical condition.
3. A violation of §940.225(1), (2) or (3), Wis. Stats. (Sexual Assault, Statutes excluding 4th degree.)
4. A physical act that may cause the other person reasonably to fear imminent engagement in the conduct described under sub. 1, 2 or 3.

QUALIFYING MISDEMEANOR CRIME OF DOMESTIC VIOLENCE: Must include:

1. A state or federal misdemeanor crime that has as an element of

use or attempted use of physical force or threatened use of a deadly weapon.

2. Right to counsel or knowing and intelligent waiver.
3. Applies to convictions occurring prior to and after September 30, 1996.
4. Excludes convictions that have been expunged, set aside, or person has been pardoned or has had his/her civil rights restored

IV. PROCEDURES

- A.) Procedures for early warning and intervention: The department will implement pre-hire screening and post-conditional employment procedures to screen out candidates with a history of domestic violence. Once hired, officers and their families will undergo an orientation and training on domestic violence and this policy. Throughout an officer's career, the department, supervisors, and officers will attempt to identify warning signs of domestic violence and intervene prior to an incident happening.
- B.) Procedures for prevention through education and training: The department will collaborate with advocacy groups on ways to educate officers and their families and conduct periodic training on domestic violence issues throughout officers' careers.
- C.) Incident response procedures: Critical elements in responding to an officer-involved domestic violence incident include specific procedures for a department response, communications response, patrol response and on-scene supervisor response. The department will ensure a prompt response, ensure as equal and unbiased treatment as possible upon arrival, ensure victim safety, seizing and removing weapons from the officer involved, and contact an outside agency to conduct the investigation after their initial response.
- D.) Procedures for post-incident administrative and criminal decisions: After an officer-involved domestic violence incident, the department will contact an outside agency to conduct the investigation. The outside department's investigation will determine if the officer violated any departmental policies and procedures and if the officer violated any laws. If the officer is convicted of a criminal violation, he/she may be terminated from the department.
- E.) Victim safety and protection procedures: The department, department contact and community resources will work to ensure victim safety and confidentiality. A lethality assessment/safety plan will be created and any perception of victim or witness intimidation/coercion will be investigated.
- F.) Collaboration with victim advocacy agencies: The department will continually foster relationships with local advocacy groups and include those advocacy groups in planning and offering training and in responding to domestic violence incidents.

V. IMPLEMENTATION PROCEDURES

A.) Once implemented, the policy will apply to past convictions, pending or existing domestic violence cases/crimes, and future police officer domestic violence crimes.

06-22-16

Donald M. Cook
Chief of Police

Date 04/10/2022

APPENDIX A

TraJa Act requirements (939.621)**When you are making a domestic arrest complete these requirements prior to confinement:**

1. Personally check RMS and CCAP to see if the subject has been arrested for a domestic within the previous 72 hours, or within the last 10 years.
2. If the subject requires immediate detention due to behavior, OCJ jail staff can then assist with this.

The repeater enhancement may be applied in the following situations:

1. When a person commits an act of domestic abuse within 72 hours following an arrest for a previous domestic abuse.
2. The 72-hour period applies whether or not the victim waived the no-contact provision.

And/or

1. When a person has two (2) or more prior domestic abuse convictions **within the previous ten (10) years**.
2. A prior domestic abuse conviction includes crimes where a court imposed a domestic abuse surcharge or waived a domestic abuse surcharge.

***For the 72 hour or 10-year criteria, the victim of the second act does not have to be the same as the victim of the prior act.**

3. The results of these checks shall be specifically documented in the officer's narrative report. Include dates, times, (etc) listed for the listed CCAP offenses, or document if none were found if that is the case.
4. The repeater changes the arrest to a felony. List the statute (939.621) on the booking sheet/notice of confinement and mark it as a felony arrest.
5. Whether a surcharge was imposed or waived may be found on an offender's CCAP record under the "View history and details of Charge(s)/Sentence(s)" link, where a count may be modified with the descriptor "Domestic Abuse."
6. Do not rely on a criminal history checks as they are often not up to date or are incomplete.
7. List the criminal acts that lead to the arrest separately.

Documentation examples:

1. "I was able to determine from (list source) that the (AR) had been arrested on (date, time, location), which is within 72 hours of this offense. He will therefore be charged with a felony"
2. "I checked Wisconsin CCAP and was able to determine that (AR) has (two or more) prior domestic arrests that meet the criteria to make this a felony arrest. Those cases are: (List each applicable charge, date, time, location)." For each of the cases list whether the court imposed a domestic abuse surcharge or waived a domestic abuse surcharge.

Lethality Assessment Screening

Officer:	Date:	Case #:
Victim:	Offender:	
<input type="checkbox"/> <i>Check here if victim did not answer any of the questions.</i>		
▶ A "Yes" response to any of Questions #1-3 automatically triggers the protocol referral.		
1. Has he/she ever used a weapon against you or threatened you with a weapon?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
2. Has he/she threatened to kill you or your children?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
3. Do you think he/she might try to kill you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
▶ Negative responses to Questions #1-3, but positive responses to at least four of Questions #4-11, trigger the protocol referral.		
4. Does he/she have a gun or can he/she get one easily?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
5. Has he/she ever tried to choke you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
6. Is he/she violently or constantly jealous or does he/she control most of your daily activities?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
7. Have you left him/her or separated after living together or being married?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
8. Is he/she unemployed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
9. Has he/she ever tried to kill himself/herself?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
10. Do you have a child that he/she knows is not his/hers?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
11. Does he/she follow or spy on you or leave threatening messages?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
▶ An officer may trigger the protocol referral, if not already triggered above, as a result of the victim's response to the below question, or whenever the officer believes the victim is in a potentially lethal situation.		
Is there anything else that worries you about your safety? (If "yes") What worries you?		
Check one: <input type="checkbox"/> Victim screened in according to the protocol <input type="checkbox"/> Victim screened in based on the belief of officer <input type="checkbox"/> Victim did not screen in		
If victim screened in: After advising her/him of a high danger assessment, did the victim speak with the hotline counselor?		<input type="checkbox"/> Yes <input type="checkbox"/> No

Note: The questions above and the criteria for determining the level of risk a person faces is based on the best available research on factors associated with lethal violence by a current or former intimate partner. However, each situation may present unique factors that influence risk for lethal violence that are not captured by this screen. Although most victims who screen "positive" or "high danger" would not be expected to be killed, these victims face much higher risk than that of other victims of intimate partner violence. MNADV 08/2005

Based on your answers, **you're in danger & I'm concerned for your safety.** People in your position have been killed. I would like to contact a Domestic Violence advocate. You don't have to talk to them, but I would like you to think about it while I'm on the phone.
 ~ You're just talking; It'll be a private conversation; They understand this is difficult for you.

Harbor House Domestic Abuse Programs (920) 832-1666

APPENDIX C

Domestic Arrest Flow Chart

