

HONOLULU POLICE DEPARTMENT

POLICY HUMAN RESOURCES AND TRAINING

October 12, 2015

Policy Number 3.26

EMPLOYEES INVOLVED IN DOMESTIC VIOLENCE

POLICY

- I. In keeping with its mission and values statement, the department recognizes that some of its employees may commit acts of violence against their family and household members. Such violence is unacceptable.
- II. To assist employees in preventing such violence, an early identification and intervention program will be maintained by the department (see Policy 3.12, EMPLOYEE EARLY RECOGNITION SYSTEM).
- III. When acts of violence occur, quick and decisive action will be taken to protect the victim, arrest the accused employee, and hold the employee accountable for his or her actions through an effective course of criminal prosecution and/or administrative action.

PROCEDURE

I. DEFINITIONS

Domestic violence: Any act which would constitute an offense under Section 709-906 or under Parts V and VI of Chapter 707, Hawaii Revised Statutes (HRS). This includes (but is not limited to) physical harm, bodily injury, assault, or sexual assault; the threat of imminent harm, bodily injury, assault, or sexual assault; and extreme psychological abuse or malicious property damage between family or household members.

Employee: A police officer, civilian, helicopter pilot, reserve officer, contract hire, or volunteer of the Honolulu Police Department.

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Family or household member: Spouses or reciprocal beneficiaries, former spouses or former reciprocal beneficiaries, persons who have a child in common, parents, children, persons related by consanguinity, persons jointly residing or formerly residing in the same dwelling unit, and persons who have or have had a dating relationship (as defined in Section 586-1, HRS).

II. RESPONSIBILITIES

- A. The Criminal Investigation Section, Professional Standards Office (PSO), is responsible for completing criminal investigations of domestic violence incidents.
- B. The Administrative Investigation Section, PSO, is responsible for completing administrative investigations of domestic violence incidents.
- C. Administrative action shall not be delayed for criminal prosecution.
- D. Employees are encouraged to report to their supervisors any information about other employees who may have engaged in or been subjected to domestic violence.
- E. A supervisor within or outside the employee's chain of command shall report any information about an employee who may have engaged in or been subjected to domestic violence; the supervisor shall notify the employee's commander at the division level or above.

III. ABUSE AND OTHER DOMESTIC VIOLENCE CASES

General procedures governing cases involving abuse of family and household members are spelled out in Policy 4.18, ABUSE OF FAMILY OR HOUSEHOLD MEMBERS; those procedures shall be followed in all cases. The requirements of this directive are designed to supplement the more general procedures in those cases of domestic violence in which an employee is a suspect.

Some procedures apply to all cases (section III A below); others apply separately to officers (section III B below) and to civilian personnel (section III C below).

A. All Cases Involving Employees

1. All calls that involve or appear to involve a departmental employee in an abuse of family or household member case or any other offense related to domestic violence shall be reported immediately by the dispatcher to the on-duty supervisor in the Communications Division. The on-duty supervisor shall prepare a written report of each call and send it through channels to the Criminal Investigation Section, PSO, no later than the end of the watch.
2. Patrol personnel shall notify the Criminal Investigation Section, PSO, of each call in accordance with Policy 5.01, COMPLAINTS AND INTERNAL INVESTIGATIONS.
 - a. During normal working hours, the officer initiating the report or the officer's supervisor shall notify the Criminal Investigation Section, PSO, of the allegations.
 - b. At all other times, the officer initiating the report or the officer's supervisor shall notify the on-duty Criminal Investigation Division lieutenant, who in turn shall notify the element commander or designee of the PSO.
 - c. Notifications should be made from the scene immediately upon determining that a crime has been committed.
3. Patrol officers and supervisors shall prepare written reports for all domestic violence incidents, including arguments. Copies of each report (including follow-ups) shall be submitted and sent or faxed to the PSO no later than the end of the preparing officer's tour of duty.
4. In accordance with Sections 709-906(4)(f) and 134-7.5(a), HRS, an officer who has reasonable grounds to believe that a person has recently assaulted or threatened to assault a family or household member shall seize all firearms and ammunition that the officer has reasonable grounds to believe were used or threatened to be used in the commission of the offense.

The officer may also seize firearms and ammunition that are in plain view of the officer or were discovered pursuant to a consensual search, as necessary for the protection of the officer or any family or household member.

5. Investigating personnel shall inform the affected victims of the community resources available to them as outlined in Policy 4.18, ABUSE OF FAMILY OR HOUSEHOLD MEMBERS; and Policy 5.11, VICTIM ASSISTANCE AND RESOURCE CARD.

B. Cases Involving Officers

1. Field Personnel

When an officer is a suspect in an abuse of family or household member case or any other offense related to domestic violence (including argument-type cases), a supervisor who is at least one rank higher than the suspect shall be called to the scene.

2. Arrest Cases

When an officer is arrested for any domestic violence offense, the case shall be referred to the Criminal Investigation Section, PSO, for investigation.

- a. The on-scene supervisor shall make the notification of the arrest to the PSO; the notification should be made from the scene whenever possible.
- b. PSO criminal investigators shall respond to all cases where an arrest has been made and shall relieve the patrol personnel as soon as practicable.
- c. PSO personnel shall notify the officer's commander of the arrest and, if circumstances warrant, request the commander's presence at the scene.

3. Nonarrest Cases

When an officer is a suspect in a domestic violence case but no arrest is made, notification to the PSO should be made from the scene.

- a. If there is probable cause for arrest but the suspect officer is not at the scene, the PSO shall direct the investigation and attempt to locate the accused officer.
- b. The accused officer's commander shall be notified by the PSO as soon as practical.

4. Command Responsibilities

- a. When an officer is arrested for any domestic violence offense, the division-level (or higher) commander or second in command shall:
 - (1) Send written notification to his or her bureau chief or deputy chief and a copy to the commander of the Human Resources Division (HRD). The HRD shall prepare the memorandum of notification regarding the surrender of firearms and other equipment for the Chief of Police's signature (see Policy 5.03, RESTRICTION OF POLICE AUTHORITY);
 - (2) Serve the memorandum of notification on the officer and assist the officer in facilitating compliance;
 - (3) Ensure that a Miscellaneous Public report and Evidence report are initiated to document the surrender of the firearms, ammunition, and other equipment;
 - (4) Ensure that city-owned firearms, ammunition, and other equipment are submitted to the Property and Supply Section, Finance Division, and that privately owned firearms and ammunition are submitted to the Evidence Unit, Records and Identification Division;
 - (5) Direct the officer to obtain a temporary identification card from the HRD;

- (6) Notify the officer that all special duty privileges have been suspended as of the time of notification and inform the Major Events Division of the suspension;
- (7) Direct the officer to wear appropriate civilian attire (without a firearm) during court appearances; and
- (8) Assign the officer to duties that do not require a firearm.

- b. When an officer is suspected of a domestic violence offense but an arrest is not warranted, the division-level (or higher) commander may consider action under Policy 5.03, RESTRICTION OF POLICE AUTHORITY.

C. Cases Involving Civilian Employees

- 1. When a civilian employee is a suspect in an abuse of family or household member case or any other offense related to domestic violence (including argument-type cases), a field supervisor shall be called to the scene.
- 2. The accused employee's commander shall be notified by the PSO as soon as practical.

IV. COURT ORDERS FOR PROTECTION DIRECTED AT DEPARTMENTAL
PERSONNEL

Court orders for protection often involve relationships that fall within the scope of section I above (definition of family or household member). However, because some orders do not involve such relationships, guidelines are provided separately; refer to Policy 7.09, COURT ORDERS FOR PROTECTION.

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Post on bulletin
board for one week

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