

SWORN MEMBER INVOLVED DOMESTIC VIOLENCE INCIDENTS	Procedures Manual Section	6.18 (a)
	Effective Date	04-20-2016
	Revisions	NEW
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1. PURPOSE

The purpose of this procedure is to establish effective procedures in investigating and documenting domestic violence incidents involving sworn members of the Hawai'i Police Department.

The department shall properly accept, document, and preserve all calls and reports, including those made anonymously, regarding domestic violence involving sworn members.

These procedures are specific to sworn member involved incidents and P.M. 6.18 shall be followed in all other incidents of domestic violence.

2. PERSONS AFFECTED

All Hawai'i Police Department personnel that either accept calls for service or respond to incidents of domestic violence where the responsible or suspected person is a sworn member of the Hawai'i Police Department.

3. DEFINITIONS

Definitions under these procedures are consistent with the definitions outlined in G.O. 305.

4. COMMUNICATIONS RESPONSE

4.1 Communications supervisors/dispatchers shall be instructed to assign a high priority to all domestic violence calls, including those that involve or appear to involve a police officer or any department member.

4.2 Communications supervisors/dispatchers shall immediately notify the sworn communications supervisor on duty and the desk supervisor in Hilo or Kona of any domestic violence call received that involves, or appears to involve, a police officer or any department member.

4.3 The dispatch supervisor will then find an available ranking officer within proximity to the incident that can respond to the scene.

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- a. The ranking officer should be higher in rank than the offending officer. If there is no higher ranking officer immediately available, the Area Assistant Chief or the respective bureau Major shall be notified to direct an off-duty ranking officer within proximity of the incident to respond.
- b. In the event notification cannot be made with the Area Assistant Chiefs or the respective bureau Major, notification shall be made with the Administrative Assistant Chief.
- c. All attempts to find a higher ranking officer will be documented in the calls for service.

- 4.4 Communications supervisors/dispatchers shall prepare and preserve documentation of the facts and circumstances of the call, including the 911 call, for use in potential administrative or criminal investigations.
- 4.5 Sworn Supervisors assigned to dispatch are responsible for the collecting and submission of evidence.
- 4.6 Communications supervisors/dispatchers shall have available current contact information of local domestic violence victim advocacy organizations for on-scene supervisors to provide to victims.

5. PATROL RESPONSE

- 5.1 Upon arrival on the scene of a domestic violence call or incident involving a police officer and a determination that domestic violence occurred and the offender was a sworn member, the primary patrol unit shall immediately notify dispatch and request a supervisor or the closest available supervisor of higher rank than the involved officer report to the scene.
- 5.2 Should there be no available higher ranking officer, the officer will ask for an available rank, obtain an estimated time of arrival, and take immediate action if necessary to ensure the safety of all pending the arrival of a ranking officer.

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- 5.3 Under no circumstances is the unavailability of a higher ranking officer cause for a responding police officer not to take immediate action to provide safety to the victims of domestic violence and securing the scene as required in any criminal incident.
- 5.4 If probable cause exists the arrest of the offender shall not be delayed pending the arrival of a supervisor.
- 5.5 Failure to take appropriate action may be cause for disciplinary action.
- 5.6 The responding officers shall perform the following actions:
- Perform preliminary investigation
 - Obtain needed medical assistance
 - Address the immediate safety of all parties involved
 - Secure the scene and preserve evidence
 - Note all excited utterances, admissions and/or incriminating statements
 - Make an arrest in accordance with current policy.
- 5.7 On-Scene Supervisor Response
- 5.7.1 A supervisor of a higher rank will respond to the scene of all police officer domestic violence incidents.
- 5.7.2 In cases where this is not feasible and there is no current available rank in district, the next district having a ranking officer will respond to the scene.
- a. This may require the call-out of district resident rank on an off-duty status to respond to the scene and take command.
 - b. If there is no higher ranking officer available, the responding officer, and/or responding supervisor, if lower rank than the offender, will notify the Dispatch Supervisor. The Dispatch Supervisor will immediately notify the Assistant Chief of the respective area where the incident occurred or the respective bureau Major, to find an off-duty

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higher ranking officer within proximity of the incident that can respond.

- c. Attempts to find a higher ranking officer will take place. If unable to find a higher ranking officer to respond, the details of the attempts and issues regarding the unavailability of a higher rank will be documented in a memorandum to the Police Chief.

- The memorandum will be submitted by the district commander where the incident occurred once apprised of the unavailability of a higher ranking officer.

5.7.3 In an effort to avoid conflict, every effort will be taken, regardless of time of arrival, to obtain a higher ranking officer that can respond to the scene and take command, even if an arrest has been made and the offender taken away from the scene.

5.7.4 The on-scene supervisor will assume command and ensure that the crime scene is preserved and evidence collected.

5.7.5 The supervisor shall inquire as to the safety of all children present at the time of the incident and all the children in the household.

- a. Children should be interviewed following established protocols.

5.7.6 In cases where probable cause exists, the on-scene supervisor shall ensure that an arrest is made.

5.7.7 If the alleged offender has left the scene and probable cause exists the supervisor shall perform the following actions:

- Exhaust all reasonable means to locate the offender
- Document all subsequent actions in a timely manner

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- Ensure that enough facts and circumstances have been developed through the preliminary investigation.
- Initiate an All Point Bulletin for the responsible before shifts end.
- Contact the Captain of the Area Criminal Investigation Division and confer regarding the assignment of CIS or JAS personnel.

5.7.8 In cases where the offender is arrested and the offender is a police officer, the on-scene supervisor will contact the Captain of the Area Criminal Investigation Division for assignment of appropriate personnel.

5.7.9 Arrest of both parties involved in a domestic violence incident should be avoided. The supervisor shall ensure that a thorough investigation is conducted and if there is probable cause, an arrest of the predominant aggressor is made.

5.7.10 Whenever a police officer involved domestic violence call does not result in an arrest, the on-scene supervisor shall explain in a written memorandum to the Police Chief and detail the facts in a narrative report.

6. ADDITIONAL CRITICAL SITUATIONS

6.1 In the event that the reported incident involves the Police Chief or a Police Commissioner, the supervisor shall immediately notify the Deputy Police Chief, who will then notify the County of Hawai'i Managing Director.

6.2 In responding to domestic violence incidents where the parties involved are both police officers, standard domestic violence response outlined in P.M. 6.18 should be followed. After probable cause and predominant aggressor are determined, an arrest shall be made.

6.3 Firearms – Department owned firearms and ammunition of the involved sworn member shall be recovered immediately.

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- All other firearms and ammunition shall be seized if there are reasonable grounds to believe that they were used or threatened to be used in the commission of a domestic violence incident.
- Consent to recover all firearms and ammunition, including department owned firearms, that are not considered evidence, shall be made. All firearms recovered under the consent will be submitted for safekeeping.
- Consultation with the Prosecuting Attorney for criminal investigation and/or Captain of the Office of Professional Standards for administrative action shall take place if there is any uncertainty.

7. CRIMINAL INVESTIGATION DIVISION (CID) RESPONSE

- 7.1 When informed of an incident that involves a police officer arrested or suspected of domestic violence, the Captain of the Criminal Investigation Division will assign personnel from either the Criminal Investigation Section (CIS) or the Juvenile Aid Section (JAS) to investigate.
- 7.2 The investigator will conduct the criminal investigation as would be the case for any other criminal violation involving domestic violence.
- 7.3 In accordance with the officer's and victim's privacy rights, the investigator shall conduct sufficient interviews (recorded) of family members, friends, neighbors, colleagues, and others who may have information regarding criminal charges.
- 7.4 The department shall completely investigate the charges and where warranted seek prosecution even in cases where the victim recants.
- 7.5 The department shall work with the prosecuting attorney for each case. The assigned investigator shall present all the information to the prosecuting attorney for action and ask that decisions about the adjudication of the case be made in a timely manner.

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8. OFFICE OF PROFESSIONAL STANDARDS (OPS) RESPONSE

- 8.1 The Captain of the Office of Professional Standards shall immediately be notified and conferred with on all domestic violence cases involving a sworn member. Standard notification protocols will immediately take place in all incidents of sworn members being involved in domestic violence.
- 8.2 The Captain will assign an OPS detective to investigate the matter in an administrative capacity.
- 8.3 Standard administrative investigative procedures will govern the investigator and administrative investigation.