

GENERAL ORDER ADMINISTRATION NUMBER 17
APRIL 3, 2001
WATERLOO POLICE DEPARTMENT

A. SUBJECT:

Domestic Violence

B. PURPOSE:

To establish a standardized procedure for the investigation of Domestic Violence involving spousal, elder and child abuse, spousal rape, stalking, domestic assault, and instances where Waterloo Police Officers, Police Department Employees, or Police Reserve Officers are identified as being involved in a domestic violence complaint.

C. POLICY:

It is the policy of the Waterloo Police Department that all Officers adhere to the procedural guidelines identified through annual Domestic Violence training, presented by the Waterloo Police Domestic Abuse Response Team, the existing protocol established by the Black Hawk County Attorney, State Code of Iowa and Federal laws, and the provisions herein with respect to domestic violence investigations.

D. PROCEDURES:

1. Definitions:

For the purpose of this General Order, the following terms are defined as indicated.

- a. "Domestic Violence" occurs when one family or household member causes or attempts to cause, bodily injury to another family or household member.
- b. "Family or household member" means
 1. Spouses.
 2. Persons living as spouses.
 3. Persons related by blood or marriage.
 4. Persons who have a child in common.
 5. Other persons jointly residing in the same dwelling unit, who are eighteen (18) years of age or older, or who are emancipated.
- c. "Complainant" is the person alleging or reporting abuse.
- d. "Primary Aggressor" Iowa Code Section 236.12(3)
In identifying the "Primary Aggressor" a peace officer

shall consider the need to protect victims of domestic abuse, the relative degree of injury or fear inflicted on the persons involved, and any history of domestic abuse between persons involved.

- e. “Victim” is the person who is the subject of domestic abuse and who law enforcement has determined not to be the primary aggressor.
 - f. “Petitioner” means the person alleging the abuse seeking protection through a no contact or restraint, court order.
 - g. “Weapon” means a firearm or other device, threatened or actual, that can or has been used, to inflict injury upon a person as outlined in the Iowa Criminal Code.
 - h. “Partner” refers to any individual (opposite or same sex) the person has dated, cohabitated with, married, and/ or has a child in common.
 - i. “Police Officer Domestic Violence” refers to any reported, founded, and / or prosecuted incident of domestic violence wherein a sworn police officer is the suspected offender. For the purposes of this General Order, “domestic violence” refers to any act of violence (threatened or actual) that is perpetrated by a police officer (on or off duty) or any police department employee upon his or her intimate partner.
2. When responding to reports of domestic violence and abuse, Police Officers will act with the same priority as any other life threatening call, based on the seriousness of the reported injuries or threatened harm, and whether the primary aggressor is present or within the immediate area of the victim.
- a. Law Enforcement Officers, including Reserve Officers, as “Mandatory Reporters”, must initiate or ensure the appropriate agency is notified immediately, to investigate any report or allegation of abuse of children, or family member over the age of 18 years.
 - b. Upon arrival at the location of the reported domestic violence, a forced entry is permissible at any time there is probable cause to believe that the safety of a potential Victim may be in jeopardy.
 - c. When responding to a domestic violence call, the responding Officer will establish control of the scene and restore order by:

1. Separating the persons involved.
 2. Assessing the need for medical attention.
 3. Protect the crime scene.
- d. Interview all parties separately (victim, suspect, and witnesses). Interview children in a manner appropriate for their age.
 - e. After an initial investigation, determine if an arrest is appropriate.
 - a. Collect and record evidence. Call for Crime Scene Investigator (CSI), or Lab Investigator, if injuries and or property damage is observed.
 - b. Initiate an offense report and obtain a statement from the victim as soon as possible.
 - c. Provide victim assistance and ensure the victim is placed in a safe environment if the primary aggressor is still at large.

E. PROCEDURE FOR INVESTIGATION OF LAW ENFORCEMENT, CIVILIAN EMPLOYEES or RESERVE OFFICERS.

1. When officers respond to a domestic violence call and the victim or suspect is a certified peace officer, police reserve, or civilian employee of any law enforcement agency, a supervisor will be immediately called to the scene.
 - a. The officer shall investigate the incident involving a police officer, police reserve, or civilian employed by a Police Department, using the same procedural guidelines identified in this General Order, used for the investigation of all other domestic abuse assaults.
 - b. The Supervisor will ensure that a ranking official from the law enforcement agency in which the person is employed, is notified.
2. If the person is an employee of the Waterloo Police Department the supervisor must immediately notify the on-duty Watch Commander.
 - a. The Watch Commander must notify either the Patrol Division Commander, Investigative Division Commander, Administrative Division Commander, and Chief of Police.

- b. When an incident of domestic violence has been identified, the Chief of Police or designee, will contact an outside law enforcement agency, to assume the responsibility of the investigation, as soon as practical.
 - c. If a Waterloo Police Officer, Waterloo Reserve, or Police Department Civilian Employee is implicated in a Domestic Abuse complaint, while residing or visiting a location or residence outside the City of Waterloo, the Officer, Reserve Officer, or Employee, must immediately notify the on-duty Watch Commander about the incident and identify what law enforcement agency will be conducting the investigation.
3. The on-scene supervisor shall ensure the incident is investigated using the same guidelines identified in the "Iowa's Domestic Abuse Team" protocol, article XVII, "Officer involved in a domestic abuse assault, as follows:
- a. When employees of a law enforcement agency, including State Certified Peace Officers, Police Reserve officers and Civilian personnel are involved in a domestic violence situation, it is the responsibility of the sworn law enforcement members of the department, to initiate an investigation in accordance with Chapter 236.12 of the Iowa Code.
 - b. The officer investigating domestic violence, or abuse, involving police officer, police reserve, or civilian employed by the law enforcement agency, shall investigate the incident using the same guidelines identified as protocol of all other domestic abuse assaults.
 - c. The responding officer shall immediately contact his or her supervisor about the incident. If the incident involves a member from a foreign jurisdiction, the investigating agency shall notify the parent agency of the officer involved.
 - d. Whenever possible, the supervisor called to assist the responding officer, shall be one rank above the alleged perpetrator. The on-scene supervisor shall assume command and ensure that the crime scene is secure, all evidence collected, color photographs obtained and video or audio documentation of the victim at the scene shall be recorded when such resources are available.
 - e. There are no provisions excluding Law Enforcement personnel from mandatory arrest in cases of domestic

violence, therefore, arrest shall be consistent with mandated criteria. In cases where probable cause exists the on-scene supervisor shall ensure an arrest is made.

Whenever a domestic violence call involving an officer does not result in an arrest, the on-scene supervisor shall open an incident report and provide a written investigative report explaining any reasons why an arrest was not made or a warrant was not sought.

- f. When an incident of domestic violence involves a Law Enforcement officer, responding officers shall seize weapons for the safety of both parties, per Iowa Code 809.1 (1) c., regardless of whether the officer is a member of the responding department.
- g. Possession or receipt of a firearm or ammunition by a prohibited person, Federal Felony.

If the violation is a federal felony as outlined in Title 18 U.S.C. 2261, or 2262, or Title 18 U.S.C. 921(a), 33(a), 922(d)(g)(s)(3)(B)(I) or 925(c)(1) or 922 (g), possession or receipt of a firearm or ammunition by a prohibited person, involving one or more of the following violations, investigating officers, or their supervisors, shall contact the county attorney in order to forward the case to the Special Assistant United States Attorney at the Iowa Attorney General's Office:

Federal Firearms Violations- (Continued)

Interstate travel with the intent to injure, harass, or intimidate an intimate partner or spouse or interstate travel to violate a court order of protection ...or the continued possession of a firearm while under the stipulations of a court order of protection or restraining order which must have been issued only after a hearing of which the subject was notified and at which the subject had an opportunity to participate...or having been convicted in a criminal proceeding of domestic abuse assault, or threatened use of a deadly weapon against a present or former spouse or partner or child or guardian of any such person. The subject must have been entitled to a jury trial and been represented by counsel in the prior proceeding or be shown to have waived those rights.

F. POST-INCIDENT Administrative and Criminal

1. The Waterloo Police Department shall ensure that separate parallel administrative and criminal investigations are conducted of alleged incidents of police officer domestic violence.
2. If the facts of the investigation indicate that domestic violence occurred or any departmental policies have been violated, administrative action shall be taken separate and distinct from any criminal proceedings as soon as practical.
3. The department will adhere to / observe all necessary protocols to ensure an accused officer's departmental, union bargaining rights, and legal rights are upheld during the administrative and criminal investigations.

By order of:

Thomas J. Jennings
Chief of Police