

SWORN MEMBER INVOLVED DOMESTIC VIOLENCE	Document Number	GO 305
	Effective Date	04-20-2016
	Revisions	NEW
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	Approval:	HSK

1. PURPOSE

This policy will provide police executives, officers, and department employees assistance in addressing incidents where one (or more) party to a reported domestic violence incident is a sworn member of the department. Sworn member includes any ranking officer in the department.

2. PERSONS AFFECTED

This policy is specifically for sworn members of the Hawai‘i Police Department.

3. POLICY STATEMENT

This policy is a pro-active approach to domestic violence by Hawai‘i Police Department sworn members with an emphasis on “Zero Tolerance”.

Any sworn member determined through an administrative investigation to have committed domestic violence shall be subject to discipline that may include dismissal from the department.

It is imperative to the integrity of the profession of policing and the sense of trust communities have in their local law enforcement agencies that leaders, through the adoption of clear policies, make a definitive statement that domestic violence will not be tolerated.

4. DEFINITIONS

4.1 Domestic Violence – As defined by this policy refers to an act and/or allegation or pattern of violence perpetrated by a sworn member, upon his or her intimate partner, or children, and not done in defense of self or others, or discipline, including but not limited to the following:

- Bodily injury or threat of imminent bodily injury
- Sexual Assault
- Assault
- Property crime directed at the victim
- Stalking – as defined by current law.
- Violation of a court order of protection or similar injunction
- Death threats or death

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4.2 Intimate Partner of a sworn member - is any person who meets one or more of the following criteria:

- Has or had a recent dating relationship with the sworn member
- Is or was legally married to the sworn member
- Has a child in common with the sworn member
- Has or had a dating relationship with the sworn member
- Is specified as an intimate partner by state law
- Is cohabitating or has cohabitated romantically with the sworn member

4.3 Protection Order - refers to any injunction, or other order issued by a court, including criminal or civil orders of protection, "Warning Citation" regardless of form, content, length, layout, or name (such as stay away, restraining, criminal, and emergency or temporary protection orders or injunctions), issued for the purpose of preventing the following:

- Violent or threatening acts against another person
- Stalking or harassment of another person
- Contact or communication with another person
- Physical proximity to another person

4.4 Danger Assessment – Is a thorough assessment of the incident in order to further protect the victim and family from further harm or the potential for further harm. The assessment designed to reasonably protect the victim and family of domestic violence is completed by investigators and discussed with the victim. The assessment takes into consideration the safety of the victim, potential danger, history of the involved parties, and the propensity of the involved sworn member to cause further harm to the victim based on historic information established, if any, of prior acts of violence or physical harm. The assessment should be fair and impartial and conducted with the safety of the victim and family as the paramount driving force.

4.5 Sworn Member – Is any police officer, including reserve police officers, regardless of rank stature, that is employed by the Hawai'i Police Department, has taken an oath, and carries a firearm under the law.

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5. DEPARTMENT RESPONSE

- 5.1 All cases of alleged domestic violence involving any members of the department shall be reported to the Police Chief or Deputy Police Chief immediately via the chain of command.
- 5.2 All reports of possible criminal activity implicating sworn members in domestic violence shall be documented in accordance with P.M. 6.18 (a) and the policy governing the handling of reports of domestic violence involving civilians. (Re: P.M. 6.18)
- 5.3 The department shall accept, document, and preserve all calls or reports, including those made anonymously, regarding domestic violence.
- 5.4 Regardless of whether an arrest was made on scene, the department shall conduct an independent, comprehensive administrative investigation using standard elements of criminal investigations. Victims and witnesses shall be re-interviewed and their statements recorded; crime scene evidence, diagram(s), photographs, and medical records accessed; and 911 tapes requested.
- 5.5 Where sufficient information/evidence exists, the department shall take immediate administrative action against the accused officer that may include removal of badge and service weapons, reassignment, sanctions, suspension, or dismissal.
- 5.6 When an investigation of an incident uncovers officers who had knowledge of violence on the part of another officer and failed to notify supervisory officer or engaged in actions intended to interfere with the investigation, the department shall investigate those officers and take disciplinary action and criminally charge as warranted.
- 5.7 In all domestic violence cases the Hawai'i Police Department has a "Zero-Tolerance" and will immediately proceed in all cases with the proper course of administrative action regardless of any extenuating factors.