

Somerville Police Department 		TYPE: GENERAL ORDER		POLICY NUMBER: 116	
		Subject: Domestic Violence By Police Employees			
Issuing Authority: Charles Femino Chief of Police		Signature: 		Effective Date: December 4, 2023	
		Number of Pages: Page 1 of 5			
Accreditation Standards (6th Edition) 11.4.4		<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised <input type="checkbox"/> Amended			
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Purpose

The Somerville Police Department recognizes domestic violence as a universal problem that affects people from all walks of life. The purpose of this policy is to establish guidelines and to give direction when dealing with domestic violence incidents in which employees of the Somerville Police Department are involved. Domestic Violence is a crime in which arrest is the preferred response. No person is exempt, no matter his/her occupation, from the consequences of their actions that result in violations of M.G.L. Chapter 208, 209, 209A, 209C and/or Superior Court injunctions. This policy is issued to:

- A. Ensure the safety of the victim.
- B. Ensure compliance with all provisions of a court order.
- C. Ensure compliance with Massachusetts General Laws, Somerville Police Department Policies & Procedures, and Rules & Regulations; to include: M.G.L. Chapter 208, 209, 209A, 209C; M.G.L. Chapter 140 Sec. 129B (An act relative to Firearms, Effective July 1, 1994) Executive Office of Public Safety's Policy for Law Enforcement Response to Domestic Violence.
- D. Provide procedures for the uniformity of the investigation, notification, and reporting of domestic violence incidents.
- E. Preserve the integrity of an investigation and ensure fairness to all involved parties.
- F. Provide for the securing of department issued weapons and personal weapons.

Policy

It is the policy of the Somerville Police Department to thoroughly investigate all complaints of domestic violence allegedly committed by employees of the department and to take disciplinary and criminal action for violations when and if deemed necessary.

Definitions:

Domestic Violence Situations: Those situations involving domestic violence as described in accordance with M.G.L. Chapter 209A, Sec. 1, and Chapter 209A, Sec. 6.

Abuse: The occurrence of one or more of the following acts between family or household members:

- A. Attempting to cause or causing physical harm.
- B. Placing another in fear of physical harm.
- C. Causing another to engage involuntarily in sexual relations by force, threats or duress.

Family or Household Members: Persons who:

- A. Are or were married to one another.
- B. Are or were residing together in the same household.
- C. Are or were related by blood or marriage.
- D. Have a child in common regardless of whether they have ever been married or have ever lived together.
- E. Are or have been in a substantive dating relationship.

Procedures**1. Responsibilities of the Dispatcher Receiving the Call**

- A. The dispatcher or police officer who receives that initial call for a domestic dispute involving a Somerville Police Department employee shall immediately document the call by entering the applicable information into CAD. The dispatcher or police officer shall then immediately notify the Shift Commander of the incident.
- B. If the call received involves a police officer or police employee from another jurisdiction, the dispatcher shall immediately notify the Shift Commander after entering all relevant information into CAD.

2. Responsibilities of the Responding Officer(s)

- A. Immediate action shall be taken to ensure the safety of the victim.
- B. The responding officer(s) shall proceed with the investigation in accordance with M.G.L. Chapter 208, 209, 209A, 209C, Chapter 140, Sec. 129B, court orders, Policy and Procedures and Rules and Regulations of the Somerville Police Department.

- C. A supervisor is to be called to the scene if he/she has not already been dispatched.
- D. The responding officer will remain on the scene unless relieved by the responding supervisor.
- E. A **mandatory written report** is to be completed by both the patrol supervisor and the responding officer and submitted before the end of both of their tour of duty.

3. Responsibilities of the Responding Supervisor

- A. Immediately proceed to the scene of the incident.
- B. Assess the actual and potential harm to both the victim and the department employee.
- C. Ensure enforcement of M.G.L. Chapter 208, 209, 209A, 209C, Chapter 140, Sec. 129B, court orders, Policy and Procedures, and Rules and Regulations of the Somerville Police Department.
- D. If the supervisor reasonably believes that there is evidence of physical abuse or if the supervisor reasonably believes threats of physical harm exist, the responding supervisor shall secure the employee's department-issued firearm(s) along with all privately owned firearms, shotguns, rifles, ammunition.
- E. If the firearm, shotgun, rifle, and ammunition cannot be seized:
 - 1. A judge can order the employee to surrender the firearm, License to Carry and Firearms Identification Card.
 - 2. The Chief of Police can suspend or revoke the License to Carry or the Firearms Identification Card.
- F. The responding supervisor shall submit, through the department's appropriate chain of command, a written report detailing his/her assessment of the incident and action if any taken before the end of the supervisor's tour of duty.
- G. The responding supervisor shall ensure that the collection of evidence will include:
 - 1. Photos of scene
 - 2. Photos of the victim's visible injuries if any observed.
 - 3. Other relevant, probative evidence

4. Responsibilities of the Shift Commander

The Shift Commander shall:

- A. Ensure that a supervisor has responded to the scene and started an investigation.

- B. Ensure enforcement of all provisions of all M.G.L. Chapter 208, 209, 209A, 209C, Chapter 140, Sec. 129B, court orders, Policy and Procedures, and Rules and Regulations of the Somerville Police Department.
- C. Ensure proper documentation has occurred and appropriate action has been taken, and forward all reports through proper channels in accordance with department procedures.
- D. Ensure that appropriate **mandatory notifications** are made in accordance with department procedure and chain of command. Notifications shall include:
 - 1. Chief of Police [11.4.4]
 - a) If the incident of violence involves the Chief, notify the Office of the ADA
 - 2. Deputy Chiefs
 - 3. Follow Departmental Staff Notification Order
- E. If the domestic violence incident involves a police officer or department employee from another jurisdiction, the Shift Commander on-duty shall immediately notify the Shift Commander of the involved officer's department after ascertaining of all available facts. A full, detailed incident/arrest report shall be made available to the Chief of Police or designee of the involved agency upon request.

5. Responsibilities of the Involved Employee

A Somerville Police Department Police employee who has been either:

- A. Served a Restraining Order.
- B. Learns that he/she is a defendant named in any such order/complaint involving abuse.
- C. Is arrested for any crime involving abuse shall:
 - 1. **Immediately** provide oral notification to the on-duty Commanding Officer at the time of the incident or upon becoming aware of the existence and/or issuance of the order.
 - 2. **Within 24 hours** provide written notification to his/her respective Division Commander and the Commanding Officer of his/her permanent assignment. A copy of the restraining order shall be submitted with the written notification.
 - 3. **Upon being served** with a Restraining Order, the employee **shall immediately** surrender his/her License to Carry a Firearm / Firearms Identification Card, department-issued firearm, and any personal firearms in compliance with M.G.L. Chapter 140, Sec. 129B to his/her Division Commander. The employee may file an affidavit with the district court that a firearm is necessary for employment and request an expedited hearing on the suspension and surrender order.

6. Responsibilities of the Division Commander / O.I.C.

A Division Commander, upon being notified that an employee under his/her command has been served a Restraining Order and/or has been in a domestic violence incident, shall take the following actions:

- A.** Ensure that all steps have been taken to ensure the safety of the victim.
- B.** Order all appropriate notifications be made and ensure required documentation is completed and reviewed.
- C.** Ensure appropriate Staff Notifications have occurred including the Chief of Police.
- D.** Consult with the Chief of Police and the Lieutenant in charge of Professional Standards to determine the decision regarding the investigation of the incident.
- E.** Assist with, if necessary, the determination of fitness for duty and prospective punishment.
- F.** All concluded investigatory reports shall be submitted directly to the Chief of Police for his/her final approval.