

# WATERTOWN POLICE DEPARTMENT GENERAL ORDER



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CHIEF OF POLICE

Effective Date: December 1, 2009	Rescinds: Amends:	Number: A-140
Subject: Employee Involved Domestic Misconduct		Re-evaluationDate: December 2012
Distribution: ALL PERSONNEL	Related CALEA Standards:	

This order consists of the following numbered sections:

1. Purpose
2. Policy
3. Definitions
4. Procedures
5. Training
6. Conviction of a crime of domestic violence

## 1. PURPOSE:

Watertown Police Department employees come from the community. They may become involved in domestic matters. Because they are Watertown Police Department employees and their status is usually known to other persons in the community and they are representatives of the Watertown Police Department, the department must take positive steps to ensure that these domestic matters do not adversely affect the employee's ability to perform, or compromise the conduct of department missions, or create moral, operational or efficiency problems for the department. The Watertown Police Department is dedicated to providing assistance for the employee during these critical times so that the employee may resolve the situation and return to being a productive member of the department without these types of personal and family concerns.

## 2. POLICY:

It is the policy of the Watertown Police Department to deal directly and positively with any employee involved in acts of domestic misconduct. The ultimate mission of the Watertown Police Department is to assist the employee to resolve these family/relationship problems, to ensure that these acts do not adversely affect the employee or the department during the period of resolution, and to provide the department with a safe work environment.

## 3. DEFINITIONS:

- a. **COLLATERAL MISCONDUCT:** Any conduct by another member of the Watertown Police Department to assist another department employee in the continuation of the act of domestic misconduct. This would also include any actions designed to shield the employee or impair the ability of the department to be informed of the domestic misconduct.
- b. **DOMESTIC MISCONDUCT:** A domestic relationship involves any employee who is married to the other party, has been married to the other party, has a child with the other party, is related to the other party by consanguinity, or the other party is a person 18 years or older with whom the employee resides with or has formerly resided with. Misconduct refers to any assault, vandalism, or stalking against a party within this form of domestic relationship.
- c. **SERVICE OF COURT PAPERS:** Any documents from a judicial proceeding, which are designed to assist in helping to resolve the domestic misconduct or curtailing specific actions by the parties, involved in the domestic misconduct.
- d. **SELF-REPORTING:** It is the responsibility of the employee to provide the Watertown Police Department with specific notice whenever he/she is involved in any acts of domestic misconduct. This is specifically true whenever the employee is the subject of any judicial proceeding concerning these types of acts, whether the employee is the person complained of or the victim.

## 4. PROCEDURE:

- a. The Watertown Police Department shall take immediate action when notified of any act of domestic misconduct involving an employee of this department.
- b. When the incident occurs within the jurisdiction of this department:

- i. Assign the call for response by a uniformed officer and a supervisor.
- ii. The supervisor will assure that any violence is curtailed, all parties are protected, and any required medical assistance is provided.
- iii. The supervisor shall ensure that all evidence is properly recorded and collected.
- iv. The supervisor is responsible for overseeing the criminal investigation, if warranted.
- v. The supervisor of the investigating officer shall respond to oversee the investigation.
- vi. The supervisor shall notify the Assistant Chief of Police or Chief of Police at the earliest moment.
- vii. The decision to arrest an agency employee involved in domestic misconduct shall be the responsibility of the on-scene supervisor with consultation with Assistant Chief of Police or Chief of Police. When probable cause exists, the suspect shall be arrested and processed the same as any civilian.
- viii. At the initial on scene investigation, if possible another law enforcement agency will be requested to investigate acts of domestic misconduct involving an employee of this department.
- ix. After the initial on scene investigation, any allegations of criminal misconduct will be referred to the Department of Criminal Investigations by the Chief of Police.
- c. The supervisor, Assistant Chief of Police, or Chief of Police shall assist the investigating agency and take immediate steps to ensure that there is no continuation of the domestic misconduct.
  - i. Ensure that victim advocate assistance is offered and provided when necessary.
  - ii. Ensure that an immediate safety plan is discussed with the victim of the domestic misconduct and assist in any manner to ensure this continued safety.
- d. The Assistant Chief of Police or Chief of Police shall be responsible for:
  - i. Ensuring that the appropriate assignment decision is made regarding the department employee.
  - ii. Ensuring that the criminal investigation has been conducted in a reasonable manner.
  - iii. Developing and/or implementing any necessary safety plan to ensure employee safety.
  - iv. Conducting the administrative investigation of the incident and any collateral employee misconduct. The department shall be listed as the complainant.
- e. When the incident involving domestic misconduct occurs in a jurisdiction other than that of this department:
  - i. The employee notified of this incident shall immediately notify the Assistant Chief of Police or Chief of Police.
  - ii. The Assistant Chief of Police or Chief of Police shall make immediate contact with the involved department to ensure that our department is kept on notice of the progress of the investigation.
  - iii. The Assistant Chief of Police or Chief of Police shall ensure that the employee and the persons involved are aware that the department will assist them during this process.
- f. Service of court orders:
  - i. The Assistant Chief of Police or Chief of Police shall facilitate, when requested, the service of any court orders upon department employees.
  - ii. The Assistant Chief of Police or Chief of Police shall be responsible for the determination regarding any assignment limitations involving the employee who is subject to the court order.

**5. TRAINING:**

- a. South Dakota statutes require that all law enforcement officers be trained on domestic abuse during the initial academy and subsequently once every four (4) years.

**6. CONVICTION OF A CRIME OF DOMESTIC VIOLENCE:**

- a. When a sworn employee is convicted of a crime of domestic violence that brings in the provisions of 18 U.S.C. 922(g)(9) law, the employee shall be terminated as not being able to function completely within the job classification for which s/he was hired.

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