



CLEVELAND DIVISION OF POLICE

GENERAL POLICE



EFFECTIVE DATE:	CHAPTER:	PAGE:	NUMBER: 5.05.03
SUBJECT: DOMESTIC VIOLENCE INCIDENTS INVOLVING CLEVELAND DIVISION OF POLICE (CDP) OFFICERS			
CHIEF:			

PURPOSE: To establish guidelines for handling incidents when officers are arrested, charged, and/or convicted of a Domestic Violence Incident.

POLICY: It is the policy of the Cleveland Division of Police that any domestic violence incident, including incidents involving law enforcement officers, shall be thoroughly investigated. In cases where one (or more) party of a reported domestic violence incident is a law enforcement officer, members shall follow standard domestic violence procedures as outlined in this policy and GPO 3.4.16, Enforcement of Domestic Violence Statutes. No special privilege or consideration shall be given to members of the Department of Public Safety, elected or appointed officials of the City of Cleveland, or law enforcement officers from other agencies.

DEFINITIONS:

Affinity: Relationship by marriage between a person and the blood relations of their spouse (brother-in-law, sister-in-law, father-in-law, mother-in-law).

Consanguinity: Kinship; blood relationship; the connection or relation of persons descended from the same stock or common ancestor (i.e. brother, sister, mother, father).

Domestic Violence (ORC 2919.25): No person shall knowingly cause or attempt to cause physical harm to a family or household member.

No person shall recklessly cause serious physical harm to a family or household member.

No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

Domestic Violence Incident: Any offense, that has as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

Family or household member (ORC 2919.25 (F)(1)(a) and (b)): Means any of the following:

Any of the following who is residing with or has resided with the offender:

- A spouse, a person living as a spouse, or a former spouse of the offender;
- A parent, a foster parent, or a child of the offender, or another person related by consanguinity or affinity to the offender;

PAGE: 2 of 3	SUBJECT: DOMESTIC VIOLENCE INCIDENTS INVOLVING OFFICERS	NUMBER: 5.05.03
-----------------	--	--------------------

- A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender.

The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.

PROCEDURES:

I. Notifications

- A. When the Communications Control Section (CCS) receives a Domestic Violence Incident related call that involves or appears to involve an officer, they shall immediately:
 1. Notify and dispatch a supervisor of a higher rank than the suspect officer.
 2. Notify responding officers that the call involves an officer.
- B. If the responding officers are previously unaware, but while on scene, discover that the call involves a Domestic Violence Incident involving an officer, the responding officer(s) shall immediately:
 1. Notify CCS and request that a supervisor, of a higher rank than the suspect officer, respond to the scene.
- C. If there is not a supervisor of a higher rank available, the platoon commander shall be notified.
- D. Responding supervisors shall:
 1. Assume command of the scene, securing the crime scene until Internal Affairs investigators arrive and take command of the crime scene.
 2. Notify the Internal Affairs (IA) Unit via CCS.
 3. Notify the District Bureau Commander of the suspect officer.
- E. Any officer, who is the suspect in a Domestic Violence Incident, shall notify the responding officers or supervisor that they are a Cleveland Division of Police officer.
- F. If an officer is arrested and/or charged with a Domestic Violence Incident outside of the City of Cleveland in violation of a State Statute or local ordinance, the officer shall notify their supervisor as soon as practical but without unnecessary delay. The supervisor shall then notify the IA Unit and the District Bureau Commander of the suspect officer.

II. Arrests

PAGE: 3 of 3	SUBJECT: DOMESTIC VIOLENCE INCIDENTS INVOLVING OFFICERS	NUMBER: 5.05.03
-----------------	--	--------------------

- A. When an officer is arrested and charged with a misdemeanor Domestic Violence Incident, the suspect officer will be placed on restricted duty and his or her City issued weapons and ammunition will be confiscated.
- B. When an officer is arrested and charged with a felony Domestic Violence Incident, the suspect officer will be relieved of duty without pay and his/her City issued weapons, ammunition, badge, and City issued ID will be confiscated.
- C. A member of the IA Unit or a designee shall be responsible for confiscating city issued equipment and IDs.

III. Investigations

- A. If the alleged Domestic Violence Incident, involving a suspect officer, occurred in the City of Cleveland, IA shall conduct a thorough, objective, bias-free, and timely criminal investigation.
- B. In the event the alleged Domestic Violence Incident, involving a suspect officer, occurred outside the City of Cleveland, the agency of the jurisdiction involved will conduct the criminal investigation and IA shall monitor the criminal proceedings.
- C. IA shall conduct a parallel administrative investigation for Domestic Violence Incidents occurring both in and outside the City of Cleveland consistent with the IA Manual.

IV. Dispositions

- A. In the event an officer pleads guilty to or is otherwise found guilty of a Domestic Violence Incident, the officer will be terminated pursuant to the Disciplinary Matrix.
- B. If an officer is **alleged or accused to have engaged in a Domestic Violence incident or is charged but not criminally convicted** of a Domestic Violence Incident, and where the officer is found by the preponderance of the evidence at an administrative hearing to have engaged in conduct that would constitute a Domestic Violence Incident, the officer shall receive discipline for a Group III violation in accordance with the Disciplinary Matrix.