

IDAHO STATE POLICE PROCEDURE

02.15 ISP EMPLOYEE DOMESTIC VIOLENCE, DATING VIOLENCE, STALKING, SEXUAL VIOLENCE, AND CHILD ABUSE REPORTING

I. General

- A. The Idaho State Police (ISP) does not tolerate acts of domestic violence, dating violence, stalking, or sexual violence involving its employees. Commissioned officers must recognize that pursuant to [18 U.S.C. § 922 \(g\)\(8\) and \(9\)](#), committing an act of domestic violence is not only illegal, but may end their career in law enforcement.
- B. All employees are encouraged and entitled to seek confidential assistance from the [Employee Assistance Program](#) to prevent a problem from escalating.
- C. Employees have a duty to immediately report to their supervisor any arrest, summons, or citation received for any alleged act of domestic violence, dating violence, stalking, or sexual violence, regardless of the jurisdiction in which it may have occurred. If the supervisor cannot be reached, the employee must report up the chain of command until a contact is made and the arrest, summons, or citation is reported.
- D. Allegations of domestic violence, dating violence, stalking, or sexual violence committed by ISP employees, consultants, contractors, or subcontractors against an ISP employee, initiate an administrative investigation under ISP procedure [03.01 Incident Review and Administrative Investigation](#).
- E. Pursuant to [Idaho Code § 16-1605](#), any person having reason to believe that a child under the age of eighteen (18) years has been abused, abandoned or neglected or who observes the child being subjected to conditions or circumstances that would reasonably result in abuse, abandonment or neglect shall report or cause to be reported within twenty-four (24) hours such conditions or circumstances to the proper law enforcement agency or the Department of Health and Welfare at 2-1-1- or (855) 552-5437.

II. Definitions

- A. “Abandoned” means the failure of the parent to maintain a normal parental relationship with his child including, but not limited to, reasonable support or regular personal contact.
- B. “Abuse” means any case in which a child has been the victim of:
 - 1. conduct or omission resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, head injury, soft tissue swelling, failure to thrive or death, and such condition or death is not justifiably explained, or where the history given concerning such condition or death is at variance with the degree or type of such condition or death, or the circumstances indicate that such condition or death may not be the product of an accidental occurrence; or
 - 2. Sexual conduct, including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes, human trafficking as defined in section 18-8602, Idaho Code, or other similar

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forms of sexual exploitation harming or threatening the child's health or welfare or mental injury to the child.

- C. "Complaint of domestic violence, dating violence, stalking, or sexual violence" means any report made to an investigating agency, such as the Department of Health and Welfare, Child Protective Services, a law enforcement agency or a court, by an alleged victim or others.
- D. "Consultant" means a person under a contract with ISP who gives professional or expert advice.
- E. "Contractor" means a person whether individually, or who works for a business entity, under a contract with ISP who furnishes supplies or performs work for ISP.
- F. "Dating violence" includes any assault or battery committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.
- G. "Domestic violence" includes any assault or battery committed upon a household member as defined by [Idaho Code 18-918](#).
- H. "Employee" includes ISP employees, volunteers, or interns.
- I. "Neglected" means a child:
 - 1. who is without proper parental care and control, or subsistence, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them; however, no child whose parent or guardian chooses for such child treatment by prayers through spiritual means alone in lieu of medical treatment shall be deemed for that reason alone to be neglected or lack parental care necessary for his health and well-being, but this subsection shall not prevent the court from acting pursuant to section 16-1627, Idaho Code; or
 - 2. whose parent, guardian or other custodian is unable to discharge the responsibilities to and for the child and, as a result of such inability, the child lacks the parental care necessary for his health, safety or well-being; or
 - 3. who has been placed for care or adoption in violation of law; or
 - 4. who is without proper education because of the failure to comply with section 33-202, Idaho Code.
- J. "Protection order" or "no contact order" means any order issued by a court including criminal and civil orders of protection issued for the purpose of preventing violent or threatening acts against another; stalking or harassment of another; contact or communication with another; or physical proximity to another.

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- K. “Sexual violence” is any sexual act or behavior that is perpetrated against someone’s will when someone does not or cannot consent. Sexual violence is a range of behaviors, including but not limited to: sexual harassment; a completed nonconsensual sex act (i.e., rape); an attempted nonconsensual sex act; abusive sexual contact (i.e., unwanted touching); and non-contact sexual abuse (e.g., threatened sexual violence, exhibitionism, verbal harassment). Some of these acts are also addressed in ISP Procedure [03.18 – Sexual Harassment and Illegal Discrimination](#).
- L. “Stalking” refers to harassing, intimidating or threatening conduct that causes the victim to fear for his or her safety or the safety of a family member, or would cause a reasonable person in a similar situation to fear for his or her safety. Stalking includes violations of [18-7905](#) and [18-7906](#).
- M. “Subcontractor” means a person whether individually, or who works for a business entity, under a contract with ISP who furnishes supplies for the performance of another’s contract with ISP.

III. Notification of Command

- A. Any employee, other than the victim of the alleged incident, must immediately notify their immediate supervisor when they have direct knowledge an employee has committed or made threats of domestic violence, dating violence, stalking, or sexual violence, or is under investigation for allegations of domestic violence, dating violence, stalking, or sexual violence.
- B. ISP officers coming upon or responding to the scene of a domestic violence, dating violence, stalking, or sexual violence incident involving a current ISP employee as a suspect must immediately notify their supervisor.
- C. Employees who learn they have been named in a complaint of domestic violence, dating violence, stalking, or sexual violence or as a respondent to a civil or criminal Order of Protection, or who have been implicated in a domestic violence, dating violence, stalking, or sexual violence call for police assistance must:
 - a. immediately notify their supervisor of the incident and of any injunction or order, including the names of protected persons and remedies listed therein; and
 - b. provide a copy of any order to their supervisor within 24 hours of receipt of the order.
- D. Any employee, other than the victim of the alleged incident, must immediately notify their immediate supervisor when they have direct knowledge a consultant, contractor or subcontractor has committed or made threats of domestic violence, dating violence, stalking, or sexual violence against an ISP employee.

IV. Investigation of Domestic Violence, Dating Violence, Stalking, or Sexual Violence Allegations.

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- A. ISP cooperates with local law enforcement agencies in the event of any reported domestic violence, dating violence, stalking, or sexual violence incident involving an ISP employee.
- B. ISP completely and thoroughly investigates the charges against an ISP employee, consultant, contractor, or subcontractor even if the employee victim recants the complaint.
- C. Complaints or information received are verified and documented under ISP procedure [03.02 Complaints](#).
- D. Administrative investigations of domestic violence, dating violence, stalking, or sexual violence incidents involving an ISP employee, consultant, contractor, or subcontractor as a suspect are conducted under ISP procedure [03.01 Administrative Review and Investigation](#).

V. Employee Safety

- A. Employees who are victims of domestic violence, dating violence, stalking, or sexual violence and have a concern for their safety at an ISP worksite may report that concern to, and request a workplace safety plan from, their supervisor.
- B. The supervisor reports the request up the work unit chain of command.
- C. The workplace safety plan is developed by the most appropriate supervisor, manager, or team and may include, but is not limited to:
 - 1. screening telephone calls;
 - 2. setting an alternate work schedule;
 - 3. arranging an escort to and from parking areas;
 - 4. involving building security or local law enforcement to enforce restraining orders or orders of protection on state property;
 - 5. relocating an employees' workspace to a more secure area;
 - 6. saving any threatening emails or voice mails.
- D. A victim service provider can assist with a workplace safety plan. To find a victim service provider, contact the [Idaho CareLine](#) by dialing 2-1-1 or 1-800-926-2588 or Text 989211.

VI. Employee Support

- A. ISP offers support and referrals for assistance to employees who are victims of domestic violence, dating violence, stalking, or sexual violence and disclose concerns or request help from supervisors, management, or Human Resources.
- B. Resources. Referral information will be provided to employees, which may include:
 - 1. local and state resources for domestic violence, dating violence, stalking, and sexual violence victims;

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2. advocacy and legal services;
3. medical and counseling services;
4. building security or local law enforcement agencies;
5. Employee Assistance Program.

Victim service providers can be found at the [Idaho Council on Domestic Violence and Victim Assistance](#).

C. Time Off

1. Time off will be in compliance with Idaho Code, Division of Human Resources rules, and statewide policies. ISP may ask employees to present court orders before leave is granted.
2. Leave may include, as applicable:
 - a. compensatory time;
 - b. sick or vacation leave;
 - c. Family and Medical Leave Act;
 - d. unpaid leave.

D. Work Performance

1. When an employee has performance problems as a result of domestic violence, dating violence, stalking, or sexual violence ISP will offer support and an opportunity to correct the problems. Supervisors may develop a work plan with the employee to assist them in meeting performance expectations.
2. Nothing in this procedure alters the authority of ISP to establish performance expectations, counsel employees, impose discipline, reassign duties, place an employee on leave, or take other action as necessary.
3. Information or documents pertaining to an employee's involvement in a domestic violence, dating violence, stalking, or sexual violence situation will be kept separately from the employee's personnel records.
4. In addition, any employee who uses any State resources including but not limited to telephones, cell phones, pagers, facsimile machines, mail, electronic mail, vehicles, or credit cards, at any time or place to commit domestic violence, dating violence, stalking, or sexual violence will be subject to corrective or disciplinary action, up to and including termination.

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VII. Non-Discrimination and Non-Retaliation

1. ISP will not discharge or in any manner discriminate or retaliate against an employee because of the employee's status as a victim of domestic violence, dating violence, stalking, or sexual violence, if the victim provides notice to ISP of the status, or ISP has actual knowledge of the status.
2. ISP will not retaliate against a victim of domestic violence, dating violence, stalking, or sexual violence for requesting leave or a reasonable accommodation, regardless of whether the request was granted.

VIII. Statement of Confidentiality

1. ISP recognizes and respects an employee's right to privacy. ISP shall maintain the confidentiality of an employee's disclosure regarding domestic violence, dating violence, stalking, or sexual violence to the extent allowed by law, unless there is a threat to the safety of the individual or other employees in the workplace.
2. Whenever possible, the employee will be given notice of necessary disclosures.