

AG POLICY MANUAL 2.34

DOMESTIC VIOLENCE AND STALKING POLICY

I. PURPOSE

Domestic violence is a universal societal problem with consequences reaching far beyond the realm of the family. It is of particular concern to the Attorney General's Office in connection with its role and mission of protecting Utah's children and families. Domestic violence is not a private family matter; it has devastating effects on the victims, their children, communities and the workplace. Often *domestic violence is a crime*. Stalking is a crime whether committed by a cohabitant or by a stranger or acquaintance.

Domestic violence imposes significant costs on the criminal and juvenile justice systems and the courts, the health care system, the mental health care system and the child welfare system. It also imposes significant costs to the workplace including poor work performance, lost workplace productivity, and an increase in the costs of health benefits. Victims of stalking suffer similarly. The Attorney General's Office believes that all persons have a basic right to feel safe from harm at all times, especially in their homes, schools, communities and during the conduct of business in the workplace.

It is the intent of the Attorney General's Office to minimize the devastating effects of domestic violence and stalking for our employees and the associated costs to the workplace.

II. DEFINITIONS - For purposes of this document, the following terms will be defined as follows:

- A. Domestic Violence: A pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse, perpetrated by one person against a cohabitant, with the goal of establishing and maintaining power and control over the victim.
- B. Perpetrator: An adult who perpetrates a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse against a cohabitant, with the goal of establishing and maintaining power and control over the victim. A perpetrator may also be a person against whom a protective order or stalking injunction has been issued. A perpetrator may also be a person who stalks another person.
- C. Victim: The cohabitant against whom an abuser directs his coercive and violent acts. Because women represent the vast majority of victims, this policy will refer to abusers as male and to victims as female. Most of the information in this policy, however, will apply to all victims and abusers regardless of their gender or the gender of their partners. Victims may also be children who are present or observe domestic violence. Victims may also be persons who are stalked.

- D. Cohabitant:: An emancipated person pursuant to § 15-2-1 Utah Code Ann. or a person who is 16 years of age or older who:
- a) is or was a spouse of the other party;
 - b) is or was living as if a spouse of the other party;
 - c) is related by blood or marriage to the other party;
 - d) has one or more children in common with the other party; or
 - e) is the biological parent of the other's unborn child; or
 - f) resides or has resided in the same residence as the other party.

For purposes of this policy this does not include the relationship of a minor child to his/her parents (natural, adoptive or step) or the relationship of minor siblings to each other, though violence involving these persons may also be illegal and in violation of other policies.

- E. Domestic Violence Service Provider: Agency or a staff member of an agency that primarily or exclusively provides comprehensive services to victims of domestic violence, including residential programs, and/or provides nonresidential services to victims of domestic violence.
- F. Victim Advocates: Individuals who provide advocacy and information to the broader group of crime victims, including victims of domestic violence. These persons may be based in, or linked with, the Attorney General's Office, the District or County Attorneys' Offices, law enforcement agencies, or shelters.
- G. Domestic Violence Perpetrator Treatment Provider: A treatment provider licensed for Domestic Violence Outpatient Perpetrator Treatment by the Department of Human Services, whose program is designed to eliminate violence in intimate relationships, to stop other forms of abusive behavior and to increase victim safety. Standards require at least one hour of treatment per week for a minimum of sixteen weeks.
- H. Stalking: An intentional or knowing course of conduct by a person directed at a specific person (victim) which causes the victim to reasonably fear bodily injury or suffer emotional distress to himself or member of his immediate family.

I. III. POLICY

It is the policy of the Attorney General's Office to have *zero tolerance* for domestic violence and stalking. The Attorney General's Office will use prevention, early intervention and awareness strategies as a first line of defense in order to avoid or minimize the occurrence and effects of domestic violence and stalking in the workplace. The office will offer assistance to victims. The office will offer assistance to and discipline perpetrators of such acts in accordance with office policy and Department of Human Resource Management (DHRM) rules.

This office will not tolerate domestic violence and stalking that includes harassment of any employee or client while in state offices, facilities, work sites, vehicles, or while conducting state business. This includes the display of any violent, aggressive or threatening behavior (physical or verbal) that results in physical injury or emotional distress, or otherwise places a person's safety or productivity at risk.

Any employee who threatens, stalks, harasses or abuses someone at the workplace or from the workplace using any state resources such as state time, workplace phones, FAX machines, mail, e-mail, or other means will be subjected to disciplinary action pursuant to office policy or DHRM Rule R477-10-2 and R477-11.

It is the policy of the office to uphold valid orders of the court, including protective orders and stalking injunctions. This office may take appropriate action against an employee upon conviction of any crime including domestic violence or stalking.

This policy applies to the conduct of full-time and part-time employees while functioning in the course and scope of employment as well as any off-duty conduct that has a potentially adverse impact on a State employee's ability to perform assigned duties and responsibilities

Under federal law, 18 United States Code § 922(g)(9), it is unlawful for any person convicted of a misdemeanor crime of domestic violence to ship, transport, possess or receive firearms or ammunition. Under 18 United States Code 922(g)(8) any person who is subject to a court order restraining the person from harassing, stalking or threatening an intimate partner or child of an intimate partner may not possess, transport or carry firearms or ammunition.

Employees shall report any child abuse or vulnerable adult abuse to the proper authorities as required by law. If AG management becomes aware of a violation of a protective order in the workplace, that violation shall be reported to local law enforcement.

J. PROCEDURES REGARDING ASSISTANCE FOR VICTIMS

1. An employee who is or may be the victim of domestic violence or of a stalker and who needs assistance shall be encouraged to contact his or her supervisor, other office administrator, or Employee Assistance Program (EAP - see Policy 2.32) representative (if available) so that appropriate measures may be taken regarding safety, security, referral for assistance and, if necessary, to a shelter. If the victim desires, management shall facilitate this linkage with the EAP representative. Additionally, supervisors should actively utilize EAP representatives as resources for themselves as well as the employee. Employees and supervisors may also want to contact the office's Victim Assistance unit for help with safety assessment and planning, available resources, etc.

2. Any employee who is a victim of domestic violence or stalking shall be treated with sensitivity and confidentiality except as required by law (ex: mandatory reporting of child abuse and vulnerable adult abuse). This office will establish confidential channels for employees to report threats of domestic violence, stalking or domestic violence concerns.
3. Workplace safety and security procedures will be implemented, evaluated, and modified as appropriate, to reflect the particular security risks that arise in domestic violence or stalking situations, including response plans to provide clear instructions about what to do if an abuser or stalker gains access to the work site.
4. When an employee needs to be absent from work as a result of being a victim of domestic violence or stalking, such as for medical care, counseling, criminal and/or civil court proceedings, legal consultation, or relocation, the office will grant the employee maximum flexibility as appropriate to arrange the work schedule in order to prevent lost wages in accordance with office and DHRM rules and procedures. Office administrators shall be aware of procedures to make changes in payroll processing and benefits in a timely manner.
5. The office will display in locations of high visibility, the current hotline or information referral number for domestic violence victim and perpetrator service resources, 1-800-897-LINK (5465).
6. The office will cooperate fully in the enforcement of all court orders, including protective orders and stalking injunctions (particularly orders in which abusers have been ordered to stay away from the work site).

K. PROCEDURES REGARDING PERPETRATORS

1. Employees who are perpetrators of domestic violence and stalking are encouraged to seek assistance and contact their supervisor, office administrators or EAP. (See Policy 2.32).
2. The office will make every effort to grant leave time, with or without pay, or adjust the employee's work schedule for the purpose of allowing an employee to arrange for voluntarily attending an approved perpetrator treatment program.
3. It is the responsibility of the employee, not the office, to incur all costs associated with participation in an outpatient perpetrator treatment program. Any exceptions will be according to established office policies, procedures, and the law.
4. Any employees who is subject to a protective order or who is being

investigated for, arrested for, charged with or convicted of a misdemeanor crime of domestic violence or stalking or any felony involving domestic violence or stalking will immediately notify his or her supervisor of this fact. Appropriate action, including discipline, may be taken because of the potentially adverse impact on the State employee's ability to perform assigned duties and responsibilities. (See also Workplace Violence policy 7.7.)

I. SYSTEM RESPONSIBILITY

1. Training on domestic violence and stalking and its impact on the workplace will be provided for all managers, supervisors, employee assistance professionals (whether on-site or an outside vendor), human resources personnel, and security staff. Training should include information on the ways in which domestic violence and stalking impacts on the workplace, including the potential impact on worker productivity, in addition to a general overview of domestic violence, stalking prevention and appropriate responses to violence in the workplace, including resources and referral information. Training should be thorough and ongoing.
2. Supervisors will provide new employees, volunteers or interns with the brochure "Domestic Violence Prevention Guidelines for State Employees and Volunteers" or comparable website information.
3. When appropriate, the office will coordinate with the Investigations Division as well as with local law enforcement to establish response plans as part of workplace security.