



## Criminal Charges, Civil Orders, and Domestic Violence Involving Employees

### .01 Policy

Federal law prohibits officers convicted of misdemeanor domestic violence assaults from carrying firearms.

It is the policy of the Bladensburg Police Department to ensure compliance with State and Federal laws and to ensure that employees who are charged criminally or civilly are afforded their rights under the law. Officers convicted of an act involving domestic violence shall have their police powers revoked.

### .02 Terms

Law Enforcement Officers' Bill of Rights (LEOBR): Maryland Law that provides certain rights to law enforcement officers who are facing an internal investigation.

### .03 Governing Legislation and Reference

Governing Legislation:

Law Enforcement Officers' Bill of Rights.

Maryland Vehicle Law, Section 21-902.

Lautenberg Amendment.

Forms: N/A

### .04 Procedure

#### A. Officers to Report Abuse

Officers with definitive knowledge of abuse and/or violence involving a fellow officer will report such information immediately to their supervisor. Failure to do so will subject the officer to investigation, disciplinary action, and possible sanction and/or criminal charges.

Any police officer convicted of a domestic violence crime shall have their police powers revoked.

#### B. Domestic Incidents Involving Law Enforcement Personnel

All officers should be aware of the possibility of victim or witness intimidation. If an officer suspects that this is occurring, the officer will notify a supervisor (Corporal or above). The supervisor will prepare an inter-office memorandum and immediately forward it directly to the Chief of Police.

Officers who attempt to interfere with cases against fellow officers by threatening, harassing, stalking, or otherwise engaging involved parties will be subject to investigation, disciplinary action and/or criminal charges.

#### C. Domestic Disputes Involving Departmental Employees

Officers responding to a domestic dispute involving Departmental employees that does not involve an allegation or evidence of physical assault will request the presence of a supervisor and complete a Case Report by the conclusion of the shift.

A supervisor the rank of Corporal or above shall respond to the scene. The supervisor will notify the Lieutenant and review and sign the Case Report by the conclusion of the shift. The report will be forwarded through the chain of command to the Chief of Police.

#### D. Domestic Disputes Involving Sworn Members of Other Agencies

Officers responding to a domestic disputer involving sworn members from other law enforcement agencies that does not involve an allegation or evidence of physical abuse shall complete a Case Report by the conclusion of the shift.

A supervisor the rank of Corporal or above shall respond to the scene. The supervisor will notify the Lieutenant and review and sign the Case Report by the conclusion of the shift. The report shall be forwarded through the chain of command to the Chief of Police.

#### E. Domestic Violence Involving Departmental Employees (Lautenberg Amendment)

##### Officer's Responsibility

Officers responding to a domestic violence call involving Departmental employees will determine if there are allegations or evidence of physical assault. If so, the officer shall:

- Request the presence of a supervisor (Corporal or above);
- Secure any Departmental firearms;

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- Make an arrest, if probable cause exists, and remove any privately owned firearms observed on the scene; and
- Complete a Case Report by the conclusion of the shift.

### Supervisor's Responsibility

Upon arrival, supervisors shall:

- Ensure that the officer's responsibilities have been completed;
- If the employee is an officer, contact the lieutenant, who will evaluate the need to respond to the scene;
- Contact the Chief of Police; and
- Complete a confidential inter-office memorandum and forward to the Chief of Police.

All officers should be aware of possible witness or victim intimidation/coercion. Whenever an officer suspects this is occurring, they will notify a supervisor the rank of corporal or above. The supervisor will prepare a written report and immediately notify the Chief of Police.

Officers who attempt to interfere with cases against fellow officers by threatening, harassing, stalking, or likewise engaging involved parties will be subject to investigation, disciplinary action, and/or criminal charges.

### F. Domestic Violence Involving Sworn Members of Other Agencies.

#### Officer's Responsibility

Officers responding for a report of domestic violence or a violation of a Protective Order involving sworn members of other law enforcement agencies shall determine if there are allegations or evidence of physical assault. If so, the officer shall:

- Request the presence of a supervisor;
- Make an arrest, if probable cause exists, and remove any privately owned firearms observed on the scene; and
- Complete a Case Report by the conclusion of the shift.

#### Supervisor's Responsibility

A supervisor the rank of Corporal or above shall respond to the scene and do the following:

- Ensure that the officer's responsibilities have been completed;
- Initiate a premise history through communications for at least 90-days;
- Notify the affected officer's on-duty commander; and
- Prepare a confidential inter-office memorandum documenting the name of the Commander notified within the other agency, the other agency's response, and all notifications made within this Department.

### G. Issuance of Court Criminal/Civil orders Against Employees.

An employee will immediately notify an on-duty supervisor when they have been:

- Arrested;
- Charged with a crime on a statement of charges, criminal information, or indictment;
- Charged with a traffic violation mandating a court appearance; or
- Served with a warrant, criminal summons, or protective or peace order.

This notification is also required of an employee who is aware that a warrant, criminal summons, or protective order is on file, but not yet served. On receipt of such notifications, the supervisor will notify the Lieutenant who shall in turn notify the Chief of Police.

### H. Response to Violations of Protective Orders

A Bladensburg Police Department officer that is served with a Protective or Peace Order will notify their supervisor. The Supervisor will immediately notify the Chief of Police, through the chain of command, so that a determination regarding the suspension of police powers consistent with Federal and State law can be made. The Lieutenant shall direct the involved employee to schedule and attend an appointment with the department psychologist within five days of the incident.

Officers responding for a report of a violation of a Protective Order involving employees of another law enforcement agency shall:

- Confirm that the employee is in violation of the Protective Order; and

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- If the employee is in violation of the Protective Order, the officer shall make a full custody arrest and notify the shift supervisor.

Supervisors responding to the scene shall follow the procedures detailed in the section Domestic Violence Involving Sworn Members of other Agencies.

### I. Employees Driving Under the Influence

Any employee found driving a Departmental vehicle in violation of Maryland Vehicle Law, Section 21-902, shall be charged with the violation on a Maryland Complaint and Citation in accordance with existing procedures. If the operator is a civilian employee, they shall be charged using the same procedures as for non-employees.

The employee shall be afforded the same rights as non-employees regarding chemical tests and related procedures, including the two-hour time limit for administering a chemical test.

The provisions of the LEOBR do not apply during the criminal phase of the investigation for officer operators.

The investigator shall conduct a separate, independent internal investigation regarding violations of Departmental written directives immediately after the employee has been processed criminally for the traffic violation.

If the operator is an officer ranking above the investigator, the investigator shall notify the officer's supervisor. If that supervisor is not available, the Commander of Operations shall be notified. That Commander of Operations will issue a direct order to the involved officer to submit a statement, answer questions, and comply with all requests of the investigating supervisor relating specifically to the investigation.

If the involved employee refuses to submit to a chemical test for alcohol during the criminal phase of the investigation, they shall be ordered to submit to a chemical test during the internal phase of the investigation. Failure to obey the order is insubordination and will likely result in additional administrative charges.

Information obtained from the involved employee during the internal investigation shall not be used in criminal proceedings.

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HISTORY: Adopted January 1, 2014

This General Order supersedes all other orders and memoranda in conflict therewith.

Authority:



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Chief of Police