



Domestic Violence

.01 Policy

The Bladensburg Police Department is committed to reducing the incidence and severity of domestic violence by recognizing it as a significant societal problem, and dealing with it as a serious criminal offense. The Department will strive to:

- Educate victims as to their legal rights;
- Advise victims of the assistance that is available to them;
- Encourage victims to seek legal and social assistance;
- Control abusers and hold them accountable for their actions, even if the abuser has left the scene at the time of police response;
- Ensure that officers are prepared to respond to and effectively deal with domestic violence calls for service;
- Make arrests, consistent with warrantless arrest criteria, when there is evidence of injury, probable cause exists, and a report has been made to the police within 48 hours of the incident; and,
- Violence between current or former intimate partners is a crime. The policy of the Bladensburg Police Department is a preferred arrest response to domestic violence.

.02 Terms

Domestic Violence: For Departmental reporting purposes, Domestic Violence is a physical injury, or the threat to inflict such an injury, committed by a person in an intimate relationship with the victim.

Family Violence: Occurs when one family member inflicts or attempts to inflict physical injury against another family member, with whom no intimate relationship exists (i.e., parent/child, sibling relationships, etc.).

Intimate Relationship: A relationship in which heterosexual or homosexual partners, have, or have had, a sexual or emotional relationship.

- Persons involved in an intimate relationship are partners who:
 - Are married, separated, or divorced;

- Live or have lived together;
- Have children in common; or,
- Date or have dated, but do not live or have never lived together.
- Persons not involved in an intimate relationship within the meaning of the definition are:
 - Other family members, such as children or parents; and,
 - Individuals living together in a situation in which the relationship is usually not considered intimate, such as dormitory or rooming arrangement.

Evidence of Physical Injury: Not limited to physical or observable evidence. The investigating officer is permitted to make reasonable inferences based on the circumstances of the situation. An example of such a case would be where a victim calls the police to report domestic violence, and upon the arrival of officers, complains of pain caused by domestic violence, and also actually appears to be in pain. In this case, a reasonable inference could be made that the victim is exhibiting evidence of physical injury, even if the injury is not visible.

Preferred arrest: Arrest is the preferable action, when probable cause exists. Non-arrest measures are the exception and should be explained in the officer's narrative (the victim, not wanting criminal charges to be filed, should not influence an officer's decision to not make an arrest.).

Lethality Assessment: Lethality Assessment is a way of identifying and assessing a domestic violence victim's potential for being killed.

.03 Governing Legislation and Reference

Governing Legislation:

Maryland Criminal Procedures Article, Title 2, Subtitle 2.

Maryland Family Law Article, Title 4, Subtitle 5.

Title 18 USC (G)(8), Gun Control Act of 1968 Amended.

This amendment makes it unlawful for any individual convicted of a misdemeanor crime of

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domestic violence to ship, transport, possess or receive firearms or ammunition.

It also makes it unlawful for any individual to sell or otherwise dispose of a firearm or ammunition to any person the individual knows or believes has been convicted of such a misdemeanor. This act also applies to all law enforcement officers.

Forms:

Domestic Violence Lethality Screen for First Responders (Form 671).

Reference:

Appendix A—Important Telephone Numbers.

.04 Procedure

A. Warrantless Arrest Criteria

A police officer may arrest a person without a warrant if the following conditions are present:

- The officer has probable cause to believe that:
 - The person battered the person's spouse, or any other individual with whom the person resides; and,
 - There is evidence of physical injury; and,
 - Unless the person is immediately arrested, the person may not be apprehended, the person may cause further injury or destruction of property, or the person may tamper with, destroy or dispose of evidence; and,
- A report to the police was made within 48 hours of the alleged incident.

B. Officer Responsibility

Protect the Victim

While on scene, protect the victim of a domestic situation from harm, and when necessary obtain medical treatment for the victim. Anytime a victim of domestic violence is transported to a local hospital, the investigating officer shall notify the Domestic Violence & Sexual Assault Center at Dimensions Healthcare of the situation.

On-Scene Investigation

Conduct an on-scene investigation to include the determination of the primary aggressor. Officers are discouraged from making dual arrests in domestic violence incidents.

Crime Scene Processing

Ensure that the crime scene is processed in accordance with Departmental procedures, including color photographs of any visible injury to the victim. Officers shall promptly submit photographs to Central Records prior to the end of his or her tour of duty. This is required due to the victim's need for photographs at Protective Order hearings, which are held in seven days or less.

Signs of Child Abuse

Officers shall remain alert for any signs of abuse to all children that are encountered during domestic-related calls for service. Officers shall document in a Case Report the names, gender, age, and condition of all children on the scene of a domestic situation. Interview any children present separately and quote their remarks on your report. Take the required action when there is probable cause to believe that physical or sexual child abuse or child neglect has occurred.

Signs of Animal Abuse

Research suggests a link between child abuse, animal abuse, and domestic violence. Remain alert for any signs of abuse to any family pets encountered during domestic calls for service and document any occurrences. If any abused pets are encountered, contact Animal Control and ensure that any probative evidence is properly preserved and photographed.

Removing Firearms from the Scene

Firearms may be removed from an alleged domestic or family violence scene, if:

- Probable cause exists to believe that an act of domestic violence occurred; and,
- The Officer observed firearms on the scene during the response.

Officers may not conduct a search of a building/dwelling without a warrant. A resident of the dwelling can lead an Officer to the location of firearms, and in that situation, the Officer is authorized to seize such weapons. However, despite the consent provided by one resident, if the suspect on the scene is a resident, and refuses to provide consent to further search the premises, Officers are barred from searching for or seizing any firearms not in plain view, not covered by a search pursuant to an arrest, or not covered by the exigent circumstances exception to

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obtaining a warrant.

When an Officer seizes a non-departmental firearm pursuant to Family Law Article §4-51, the Officer is required to:

- Provide the owner of the firearm information concerning the process for regaining possession of the firearm, and,
- Provide for safe storage of the firearm pending any related domestic violence proceedings.

C. Domestic Standby

Victim

Accompany a victim to the residence so that the victim may remove personal clothing and effects, and also the personal clothing and effects of any children that may be in the victim's care.

- The personal effects to be removed will be those required for immediate needs, including medicine or medical devices, regardless of who paid for the items.
- If the victim's name is not on the lease or deed, both the officer and the victim can be denied access by the lessee or the owner and attempts to enter the residence could be considered trespassing.
- If access is denied, help the victim and protect him/her from harm. Advise and assist the victim in obtaining a court order to assist in the retrieval of personal clothing and effects.

Offender (Aggressor)

If an offender requests a Domestic Stand-by, the following procedures will be followed:

- An Officer will respond to the residence and determine if the complainant is prohibited from returning to the residence by Court Order (Protective Order). If the complainant is prohibited from returning by that order, then no Stand-by will occur, and the Officer will advise the complainant to seek relief through the Court. If a Court Order allows the Stand-by, or there is no Court Order, the Officer will stand by and allow the complainant to remove personal clothing and effects required for immediate needs, including medicine or medical devices, regardless of who paid for the items.

- The Officer will notify the complainant that the Police Department will provide no further Domestic Standbys. The complainant will further be advised to contact the Sheriff Department's Domestic Violence Unit, if they need further assistance.
- The Officer will notify Communications to place notes in CAD for the address, that no further Domestic Standbys will occur. Any further requests for a Domestic Standby will be forwarded to an on-duty supervisor.

D. Lethality Assessment

The Department has implemented a Domestic Violence Lethality Screen for First Responders.

The lethality assessment is an instrument and a protocol for first responders that will identify and help victims who would be assessed as being in danger of death. A first responder using a lethality assessment will ask a victim of domestic violence 11 questions that were determined to be critical factors in identifying victims who are in danger of being killed. When an Officer is interviewing a victim of domestic violence, they will initiate the lethality screen of the victim.

- The officer will ask the victim 11 yes or no questions. If the victim gives positive responses to any of Questions 1-3, this triggers a protocol referral. If the victim gives negative responses to questions 1-3, but gives positive responses to at least 4 of questions 4-11, this triggers a protocol referral. An Officer may also trigger a protocol referral if he or she believes the victim is in a potentially lethal situation.
- If the protocol referral is triggered, the Officer will advise the victim that victims in a similar situation have been killed and that the officer would like the victim to speak with a domestic violence counselor. The officer will call the domestic violence hotline, advise the counselor of the situation and let the victim speak with the counselor. If the victim refuses to speak with the hotline counselor, the officer is to still call the domestic violence hotline and once again offer a chance for the victim to speak with the counselor.
- After the victim has spoken with the counselor or if the victim and officer determine that the Officer is no longer required at the scene, the Officer will make

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sure to complete the lethality screen to submit with the case report .

E. Reporting Requirements

Cases of domestic or family violence, including attempts or threats to commit domestic violence, require a written report. The report shall contain as much information as possible under the circumstances concerning what occurred, descriptions of physical evidence, names of witnesses, the age, race, sex, household status, whether or not alcohol was involved, the relationship of the parties, methods and contributing circumstances of the incident, and any police action taken.

A copy of the Domestic Violence Lethality Screen for First Responders shall be completed for all cases of domestic violence. The only exception to this reporting requirement is in cases of a dual domestic assault where the Officer is unable to determine the primary aggressor. If the Officer is able to determine the primary aggressor in the case of a dual domestic assault, the Officer may elect to do a lethality assessment on the victim. Officers shall NOT perform a dual lethality assessment.

Maryland Code, Family Law Article, Sec. 4-503 requires that a copy of any incident report filed as a result of a response to a request for assistance under Sec. 4-501, be provided to the State Police and to the victim, if the victim so requests.

Report Distribution

Officers shall fax completed forms by the end of their tour of duty to:

- The Family Crisis Center, (301) 577-1188 or (301) 779-2104 (*LAP Form Only*); and,
- The Office of the Sheriff for Prince George's County, Domestic Violence Intervention Unit, (301) 780-8410 (*LAP Form and Case Report*).

F. Protective Orders

The Annotated Code of Maryland prohibits a respondent of a Protective Order from possessing a regulated firearm. An individual that is named as a respondent in a Protective Order, if so ordered by the judge, must surrender all firearms owned or possessed by them. They are also prohibited from purchasing firearms while they are named as a respondent in a domestic violence proceeding.

The following violations of Protective Orders are misdemeanors under Title 4, Subtitle 5, of the Family Law Article:

- Abusing or threatening the petitioner; or,
- Contacting or harassing the petitioner;
- Refusing to vacate or stay away from the petitioner's or family member's residence, school, place of employment, temporary residence, and all surrounding areas.

Officer's Responsibilities

Officers may verify the existence of Protective Orders by contacting the Office of the Sheriff for Prince George's County. If the order has been filed but not served, and the subject named in the order is present, the officer will serve the order. The petitioner's copy may be served on the respondent. Another copy of the order may be obtained from the courts.

If service is made, the officer can order the respondent to vacate the home, advising the respondent that to disregard the Protective Order is a misdemeanor, which lead to an arrest.

Arrests for Violation of Protective Order

The following violations of a protective order are misdemeanors under Title 4, Subtitle 5, of the Family Law Article:

- Abusing or threatening the petitioner;
- Contacting or harassing the petitioner; and,
- Refusing to vacate or stay away from the petitioner's and/or family member's:
 - Residence;
 - School;
 - Place of employment;
 - Temporary residence; or,
 - All surrounding areas.

Officers shall arrest, with or without a warrant, an individual whom the Officer has probable cause to believe is in violation of an active Protective Order, even if the violation occurs with the petitioner's consent. A full custody arrest shall be made for such violations.

Violations of other conditions of a protective order that are not misdemeanors or felonies are not enforceable by an officer. The Officer should refer the petitioner to the court for relief.

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Protective Orders Issued by Another State

In 1994, Congress enacted the Violence Against Women Act directing jurisdictions to give full faith and credit to valid orders of protection issued by other jurisdictions.

A Protective Order issued by a court of another state or Indian tribe will be accorded full faith and credit by a court of Maryland and enforced as an order of Maryland.

Under Maryland law, in order to enforce an out of state protective order:

- The order must be in effect at the time of the violation;
- The petitioner must display or present a copy of the order that appears valid on its face; and,
- The defendant must have violated an arrestable provision of the order.

G. Temporary Protective Orders

Temporary Protective Orders are issued through the District Court. A District Court Commissioner may issue the order when neither the Clerk of the District or Circuit Court is open for business.

Persons that are eligible for relief include:

- The current or former spouse of the respondent;
- A cohabitant of the respondent;
- An individual related to the respondent by blood, marriage, or adoption;
- A parent, stepparent, child, or stepchild of the respondent who resides or has resided with the respondent for at least 90 days within one year before

filing for the petition;

- A vulnerable adult; or,
- An individual who has a child in common with the respondent.

Service of Protective Orders

If an officer serves a protective order issued by a Prince George's County Court, the Return of Service shall be forwarded to the Prince George's County Sheriff's Office. All other returns shall be forwarded to the issuing jurisdiction.

HISTORY: Adopted October 19, 2012

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

Authority:



Charles L. Owens
Chief of Police