

**Bowie Police Department - General Orders**



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| TITLE: DOMESTIC VIOLENCE  |  | NUMBER: 424  |
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**I. PURPOSE**

This Order establishes policy and procedures for investigations, arrests and referrals in all incidents of domestic violence and other types of family disputes.

**II. POLICY**

The Bowie Police Department recognizes that domestic violence is a criminal act no different from other crimes and will vigorously enforce the laws relating to domestic violence. Arrest will be made whenever the law so authorizes. Victims will be provided information relating to assistance and family counseling.

**III. DEFINITIONS**

**A. Domestic violence:** one of the following types of offenses against an individual identified in Section III.G.:

1. An act that causes physical injury;
2. An act that places one in fear of physical injury to self or others; and/or,
3. Sexual assault.
4. Property crimes;
5. Violations of an Ex-Parte or Protective Order; or,
6. False imprisonment.

**B. Abuse:** An act that causes serious bodily harm;

1. An act that places one in fear of imminent serious bodily harm to self or others;

2. Assault in any degree;
3. Rape or sexual assault, or attempted rape or sexual assault; and/or,
4. False imprisonment;

**C. Respondent:** The person alleged to have committed the abuse.

**D. Family Domestic:** A domestic dispute involving violence or the threat of violence between family members who reside in the same household.

**E. Family Member:** A relative by blood, adoption or marriage

**F. Harassment:** Maliciously engaging in a course of conduct that alarms or seriously annoys an individual, with the intent to harass, alarm or annoy that individual after receiving a warning or request to stop

**G. Intimate Partner:** A current or former spouse, boyfriend or girlfriend, and/or dating or sexual partner, including those who have a child in common. Both heterosexual and same-sex couples are considered intimate partners

**H. Petitioner:** An individual who files a petition

**I. Interim Protective Order:** An order by the court, based upon “reasonable grounds” to believe that a person eligible for relief has been abused by a respondent. For the protection of a person eligible for relief, the court may order the respondent to refrain from further abuse or threats and to refrain from contact with the petitioner and may award use and possession of the parties’ residence and custody of children and pets to the petitioner. The order may be issued ex parte. A Interim Protective Order may not remain in effect for more than two (2) days after the date of issue, during which period a hearing to determine whether a Temporary Protective Order is warranted will be conducted, or until a Temporary Protective Order, if any is issued, is served upon the Respondent, whichever is earlier.

**J. Temporary Protective Order:** An order issued upon the same findings as an Interim Protective Order and that may contain the same restrictions upon the conduct of the respondent, and additionally may order the respondent to surrender his or her firearms under certain circumstances. A Temporary Protective order may not remain in effect for more than seven (7) days after the date of issue, except that it can be extended by the judge for up to six months to effect service where necessary to provide protection or for other good cause. This Order may be issued ex parte and becomes effective when it is served by a law enforcement officer. The Order includes notice of hearing (typically the last day the order is in effect), during which the court will determine if a Protective Order is needed.

NOTE: An Interim Protective Order can be issued by a court commissioner when courts are closed.

**K. Final Protective Order:** An order issued upon the same findings as a Temporary Protective Order and that may contain the same restrictions upon the conduct of the respondent, and additionally may contain provisions related to visitation with minor children, the award of family maintenance, the award of use and possession of a jointly owned vehicle, and may require participation in counseling or a domestic violence program. The Protective Order can last up to, but not exceed, one (1) year, or under limited circumstances two (2) years, except that a Final Protective Order shall be permanent if the respondent was previously the subject of a Final Protective Order, has previously

been sentence to a five year prison term for acts of abuse and is issued after a final hearing before the court A Protective Order is granted by a judge after a hearing to be held within seven (7) days of a Temporary Protective Order, unless the hearing is continued for good cause. . If the respondent consents, or if the judge determines that abuse occurred, whether the respondent is present or not, the judge will issue a final Protective Order. The court can issue mutual Protective Orders, if both parties have filed petitions for protective orders, and the judge finds that both have been abusive.

**L. Person Eligible for Relief Through Ex-Parte or Protective Order:**

1. Current or former spouse.
2. A person who has cohabited with the respondent during the last year.
3. A person related to the respondent by blood, marriage or adoption.
4. A parent, step-parent, child, or step-child who resides or has resided with the respondent or person eligible for relief for 90 days during the last year.
5. A vulnerable adult-defined as an adult who lacks the physical or mental capacity to provide for their own daily needs.
6. An individual who has a child in common with the respondent.

**M. Consent Order:** A court order, the terms of which have been agreed to by the parties, signed by a judge setting forth the conditions and terms of contact between the two parties. This order can be criminally enforceable if either party is in violation of the terms which constitute a misdemeanor (similar to any category of Protective Order). Out of state consent orders are enforceable to the same extent as an order issued in Maryland.

**N. Peace Order:** A protective order is available to individuals who have been the subject of harassment, stalking, trespass, violence, including sexual violence, or abuse by another person, including someone in a dating relationship, a neighbor, or a stranger, within 30 (thirty) days preceding the application. A Temporary Peace Order may be issued by a District Court judge or by a Commissioner when the District Court Clerk's office is not open. Like a Protective Order, a Final Peace Order is preceded by Interim and Temporary Peace Orders, the duration of which are equivalent to their Protective Order counterparts, except that the extension period for service of the Temporary Order is thirty (30) rather than six months and the final peace order may last no longer than six months. . The Peace Order may direct the respondent to refrain from committing or threatening to commit an act specified in § 3-1503(a) of this subtitle against the petitioner; order the respondent to refrain from contacting, attempting to contact, or harassing the petitioner; order the respondent to refrain from entering the residence of the petitioner; order the respondent to remain away from the place of employment, school, or temporary residence of the petitioner; direct the respondent or petitioner to participate in professionally supervised counseling or, if the parties are amenable, mediation; and order either party to pay filing fees and costs of a proceeding under this subtitle.

**O. Stalking:** a malicious course of conduct that includes approaching or pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear:

- (i) of serious bodily injury;
- (ii) of an assault in any degree;

- (iii) of rape or sexual offense as defined by Maryland Annotated Code
- (iv) of false imprisonment; or
- (v) of death; or
- (vi) that a third person likely will suffer any of the acts listed above

**P. Strangulation:** as to create a risk of or cause great bodily harm by applying pressure on the throat or neck of the other person or by blocking the nose or mouth of the other person; causing loss of consciousness for any period of time; and substantially impedes normal breathing or circulation of blood.

#### **IV. INVESTIGATION (CALEA 42.2.1, 42.2.2, 83.2.2)**

Officers will investigate domestic violence incidents as any other criminal investigation.

**A. Interviewing:** The goal of the interview is to obtain information from the involved parties and witnesses, including children, pertaining to potential criminal activity for later use in court, to assess injuries and to capture relevant information. All questions should be clear, direct and concise.

**B. Observations:** Officers are to be alert to other signs of problems or violence within the household, such as child abuse or neglect. Officers shall fully document such incidents and take appropriate action. If an officer notices unhealthy living conditions, he/she should contact the City's Code Enforcement for intervention.

**C. Lethality Assessment:** The Bowie Police Department voluntarily participates in the Domestic Violence Lethality Assessment Program through the Maryland Network Against Domestic Violence. In the context of the protocol, a first responder conducts a lethality assessment through the use of a screening instrument; contacting the domestic violence hotline when a victim is assessed as being in danger; asking the victim to speak with a hotline counselor; and offering services to the victim as determined by the situation.

1. An officer should initiate a Lethality Assessment on all domestic calls when :
  - a. There is reason to believe that an assault or an act that constitutes domestic violence has occurred, whether or not there is an arrest; or
  - b. There is a belief that once the victim is no longer in the care or presence of the officer, the potential for assault or danger is high; or
  - c. There have been multiple repeat calls for service; or
  - d. The investigating officer believes for articulable reasons that a Lethality Assessment should be conducted.
2. The investigating officer will complete the "Domestic Violence Lethality Screening for First Responders" form (referred to as "Lethality Screening") as well as the Domestic Violence Supplement BPD Form #75. The completed forms will be included with the investigating officers' report if applicable.
3. Assessing Responses:
  - a. Yes to questions #1-3; A yes or positive response to any 1 of the first three questions on BPD Form #75 reflects a high danger situation and automatically triggers the protocol referral process.

- b. Yes to questions #4-11; If the victim gives negative responses to questions #1-3, but gives a yes or positive response to at least any 4 of these questions, that reflects a high danger situation and triggers the protocol referral.
- c. A “no” or negative response to all of the assessment questions, or positive responses to three or fewer of Questions #4-11, the protocol is not automatically triggered, however, the investigating officer may still initiate the protocol referral if her/she feels it is appropriate.
- d. High Danger Protocol Activation:
  - i. Advise the victim that he/she may be at an increased level of danger.
  - ii. Advise the victim that he/she should contact the domestic violence hotline and speak with a counselor. The officer should offer to help the victim make contact with the counselor.
  - iii. If the victim agrees to speak with the counselor: the investigating Officer will call the Domestic Violence Protocol Referral Hotline and advise the counselor that he/she has made a high danger assessment, or believes that the victim is in danger, and would like the counselor to speak with the victim.
  - iv. If the victim refuses to speak with the counselor then the investigating officer will:
    - a. Tell the victim that the officer will contact the domestic violence hotline to receive guidance on how to proceed with the situation;
    - b. Tell the victim that he or she would like the victim to reconsider speaking with the hotline counselor; and
    - c. After the officer concludes the conversation with the counselor, ask the victim if he or she has reconsidered and would now like to speak with the counselor.
  - v. If the victim continues to decline to speak with the counselor, the officer should do the same thing he or she would do for a victim who did not trigger the referral, including conveying information that the counselor has suggested and going over some safety tips when the victim does not want to leave.
  - vi. If the victim agrees to speak with a counselor, the officer will advise the counselor that he or she has made a high danger assessment, or believes that the victim is in danger, and would like the counselor to speak with the victim.
- e. Officers will not provide the name of the victim to the counselor without the consent of the victim;
- f. At the appropriate time during the conversation between the victim and the counselor, the counselor will ask the victim to speak with the officer about the situation;
- g. The officer will then be guided by the discussion with the counselor for further assistance. Officers will provide reasonable assistance to the victim if the victim wants to leave the residence.

#### 4. Records Reporting

- 1. The Department will prepare and forward reports to the Maryland Network Against Domestic Violence by the 15<sup>th</sup> of:

- a. January
- b. April
- c. July
- d. October

2. The reports shall contain the following information:
  - a. How many lethality screens were attempted?
  - b. How many victims were screened in high danger?
  - c. How many victims were not screened in high danger?
  - d. How many did not respond to the screening questions?
  - e. How many screened spoke to a counselor?

ALL COMPLETED LETHALITY SCREENING FORMS ARE TO BE FAXED TO THE FAMILY CRISIS CENTER AT 301-779-2104, AT THE END OF THE OFFICER'S SHIFT, WHETHER A REFERRAL IS INITIATED OR NOT.

#### **V. SUPERVISOR NOTIFICATION**

The investigating officer will notify the Shift Supervisor if there has been a felony assault. The nature and seriousness of the victim's injuries may dictate the need for a criminal investigator to respond to the scene or have follow-up conducted by the Criminal Investigations Unit.

#### **VI. COLLECTION OF EVIDENCE**

Many domestic violence victims choose not to testify on behalf of the State. Evidence collected at the scene must speak for them. Whenever possible an officer will:

1. Obtain written statements from involved parties and witnesses.
2. Identify and seize weapons or objects used as weapons.
3. Seize clothing that may be evidence.
4. Photograph the victim, the perpetrator, and injuries and the crime scene.
5. Arrange for or take additional photographs of the victim, two or three days later when bruises would be more developed.
6. Interview neighbors to see if they heard any screaming and/or acts of relevance to the investigation.
7. Retrieve any notes/writings made by the perpetrator, victim or witnesses.
8. If appropriate, secure a copy of the 911 tape.

#### **VII. FIREARMS**

1. Pursuant to Family Law Article § 4-511, law enforcement officers may remove firearms from the scene if they have probable cause to believe that an act of domestic violence has occurred and have

observed the firearms in plain view. Family Law Article § 4-511 does not authorize a search of the dwelling for firearms beyond that described in section E.1. A resident of the dwelling, however, may lead the officer to the location of other firearms in areas of the dwelling that the resident has legal standing to enter.

2. The statute does not require that the owner of the firearm be a party to an act of domestic violence in order for an officer to seize the weapon. Likewise, the statute does not require that either party indicate a desire to initiate charges.
3. If officers remove a firearm from the scene, they shall advise the owner that the firearm will be held in the Bowie Police Department Property Room pending a proceeding on the alleged act of domestic violence or for no less than sixty (60) days.

#### **VIII. WRITTEN REPORT (CALEA 82.2.2)**

A written report will be prepared on all domestic situations including disputes and assaults, no matter how little information is obtained from involved parties. The following information should be documented in the written report:

1. The status of the relationship between the involved parties;
2. The nature and extent of injuries;
3. The use of force or weapon;
4. The use of threatening language or actions;
5. The nature of the conflict that led to the violence;
6. The involved party's history of past violence and police intervention;
7. The use of alcohol, illicit drugs or medication;
8. Excited utterances by the victim, suspect and witnesses;

NOTE: The following information within a domestic violence report will not be released to any person other than law enforcement agencies or the State's Attorney's Office.

9. Temporary location of victim;
10. The names, addresses and phone numbers of witnesses; and,
11. Any statements made by the victim, suspect or witnesses.

#### **IX. ASSISTANCE TO VICTIMS (CALEA 55.2.3)**

In many cases, victims of abuse only want officers to stop the violence. Officers should make it clear to all parties that domestic violence is a crime, regardless of the victim's relationship with the suspect, and will be dealt with accordingly.

- A. In the event a warrantless arrest cannot be lawfully affected, officers will review the charging process with the victims;

B. Officers will provide victims with the Domestic Violence Information Handbook regardless of whether an arrest occurs and note the RMS Number on the front. This shall be documented in the narrative of the Case or Booking Record:

1. Officers will explain the Ex-Parte application process to the victim. Officers should recommend the victim make numerous copies of the Ex-Parte Order and distribute them to family member(s), daycare provider and/or a dependent child's school;
2. Officers will explain to the victim how to obtain the police report.
3. Officers will comply with reasonable requests of the victim, such as transportation to another location.

**X.** Officers should review the circumstances present in the household to determine if the victim is at risk of serious physical harm. Factors to be considered include, but are not limited to:

1. Has the abuser threatened or attempted to kill the victim or himself or herself?
2. Does the abuser have access to weapons and/or has he or she used them against the victim?
3. Has the victim recently considered leaving the relationship and is the abuser aware of that?
4. Has the abuser threatened the victim or their children?
5. Has the abuser held the victim or children against their will?
6. Does the abuser follow the victim or control who the victim can see and what to do?
7. Has the abuser shown physical aggression or violence against the victim in public?
8. Is the abuser depressed?
9. Is the presence of alcohol or drugs a contributing factor to the violence?
10. Does the victim feel they are in more danger now than they have been in the past?

NOTE: Officers who believe any of these indicators are present will advise the victim that they are at risk for future serious physical injury and encourage the victim to leave the residence.

**XI. ARREST (CALEA 1.2.5)**

**A.** Criminal arrest will be the primary means of police intervention in domestic violence incidents.

1. The law permits warrantless arrests for domestic assaults (misdemeanor) that occur outside the presence of an officer. The following elements must be present to apply this law:
  - a. The victim is the spouse, or any other individual who resides with the suspect, and;
  - b. There is evidence of physical injury to the victim, and;
  - c. The assault occurred within forty-eight (48) hours of the report to the police, and;

- d. Unless the person is immediately arrested:
  - i. The person may not be apprehended; or
  - ii. The person may cause injury to the person or damage to the property of one or more persons; or,
  - iii. The person may tamper with, dispose of, or destroy evidence.
- e. A police officer may arrest a person for an incident of stalking without a warrant if:
  - i. The officer has probable cause to believe a stalking under Criminal Law § 3-803 has been committed.
  - ii. The police officer has reason to believe that the alleged stalking victim or a third person is in danger of imminent bodily harm or death; and,
  - iii. The probable cause is supported by credible evidence other than statements of the alleged stalking victim.
- 2. An act of violence against any person in the presence of an officer shall result in arrest, regardless of the relationship between the parties.
- 3. An arrest will be effected whenever probable cause exists that a felony has occurred, regardless of whether an officer was present.
- 4. An arrest will be effected when probable cause exists to believe that a subject has violated the criminal provisions, listed below, or a verifiable Ex-Parte, Consent, Protective or Peace Order.
  - a. Further acts of abuse or threats of abuse to a person eligible for relief;
  - b. Contacting, attempting to contact or harassing the person eligible for relief;
  - c. Re-entering the residence of the person eligible for relief;
  - d. Not vacating the home where the person eligible for relief and the respondent has resided; and/or,
  - e. Going to the place of employment, school or temporary residence of a person eligible for relief.
- 5. Factors to consider when determining probable cause:
  - a. Visible injuries and whether they are offensive or defensive in nature;

Note: Evidence of physical injury" is 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.

- b. Evidence of victim's non-visible injuries, such as a blow to the stomach causing the victim to wince and hold the affected area;

- c. Evidence of strangulation, which may include some of the below physical, neurological and psychological signs and symptoms and these may occur concurrently with or after an attack:
    - i. Voice changes (hoarseness, raspy voice, or loss of voice)
    - ii. Swallowing changes (difficulty or pain)
    - iii. Breathing changes (difficulty or inability to breathe)
    - iv. Involuntary incontinence
    - v. Nausea or dizziness
    - vi. Redness, swelling, abrasions, or bruising on the neck
    - vii. Petechiae (tiny ruptured capillaries that look like red spots) on eyes, face or neck
    - viii. Ligature marks
    - ix. Broken/fractured bones or injured cartilage in the neck
    - x. Vision or hearing changes
    - xi. Memory loss
  - d. Torn clothing, disheveled appearance;
  - e. Furniture in disarray;
  - f. Need for medical attention;
  - g. Corroborating statements of witnesses who can verify violence or the threat of violence, or any other pattern of behavior that occurred prior to a call for service.
  - h. Threats and the presence of weapons;
  - i. Visibly upset children;
  - j. Demeanor of the suspect;
  - k. History of violence or repeat calls for service;
  - l. Existence of a Civil Protection Order;
  - m. Refusal of suspect to allow the victim to be interviewed out of the suspect's presence and the victim complies;
  - n. Demeanor of the complainant; and,
  - o. History of complaints at a location-do not take frequent complaints lightly or dismiss them due to unsuccessful earlier intervention.
  - p. When able to corroborate look to find out what patterns of behavior were present prior to the call for service.
6. Factors to disregard in determining probable cause:
- a. Marital status;
  - b. Race or ethnic background;
  - c. Sexual orientation;

- d. Location;
  - e. Verbal assurances that the violence will stop;
  - f. Financial consequences of arrest to the suspect and/or victim;
  - g. Refusal of victim to prosecute;
  - h. Complainant's statement that they did not want the suspect arrested;
  - i. Denial from either party that abuse occurred, despite evidence to the contrary;
  - j. Claims by the suspect that the complainant provoked the abuse;
  - k. Suspect is a police officer, public official or person of stature in the community; and/or,
  - l. Evidence that the suspect or victim is under the influence of drugs or alcohol.
7. In all cases of domestic violence where probable cause existed to support an arrest and an on-scene arrest was not effected, the investigating officer will document his or her reason(s) in the written report and will include the actions taken to ensure the safety of the victim.
  8. If the suspect is arrested, officers will attempt to obtain a written statement from the defendant in reference to the incident, post-Miranda.
  9. If the suspect is arrested, the officer will advise the victim of the Victim Information and Notification Everyday (VINE) program (1-866-634-8463).

**B. Dual Arrests:** Dual arrests in a domestic context usually refers to the arrest of both parties for mutual assault upon another. In some cases dual arrests are appropriate.

1. The policy in cases of Mutual Assault:

- a. Officers should avoid dual arrests whenever investigation reveals that one party acted in self-defense.
- b. The primary aggressor should be arrested.
- c. If both parties committed domestic assaults, and neither was acting in self-defense, both parties should be arrested.
- d. In recognition of the dynamics of domestic violence and the State's intent of holding the primary aggressor accountable, cases of mutual arrest should be infrequent.
- E. Officers shall contact a supervisor before making a dual arrest.

2. Consideration of Self Defense: Maryland Law requires officers to consider whether one of the parties acted in self-defense. In Maryland, a person may act in self-defense when:

- a. The person actually believed that they were in immediate and imminent danger of bodily harm; and,
- b. The person's belief was reasonable; and,

- c. The person used no more force than was reasonably necessary to defend themselves in light of the threat of actual harm.

3. Determination of primary aggressor. Does one of the parties:

- a. Have a history of committing violent crimes;
- b. Is or has been a respondent of a Temporary Ex-Parte or Protective Order; and/or,
- c. Has carried out his/her threats.

C. Where probable cause exists, but an on-scene arrest cannot be made, officers shall obtain an arrest warrant.

## **XII. SERVICE OF EX-PARTE AND PROTECTIVE ORDERS**

**A.** Generally, the Prince George's County Sheriff's Office (PGSO) will pick up all Ex-Parte and Protective Orders issued by the Courts of Prince George's County. It is the responsibility of PGSO to serve Ex-Parte and Protective Orders.

**B.** However, on occasion it may be necessary for a Bowie officer to serve an Ex-Parte or Protective Order. Officers will follow the following procedures when serving a respondent.

1. Have Communications contact the PGSO to authenticate the Ex-Parte or Protective Order.
2. Obtain the complainant's copy of the Ex-Parte or Protective Order and serve the respondent.
3. Notify PGSO of the Ex-Parte or Protective Order service via fax 301-780-8410.
4. Request that the PGSO send the complainant a new copy of the Ex-Parte or Protective Order.

**C.** Out-of-State Protective Orders:

1. Officers may arrest, without a warrant, a person whom the officer has probable cause to believe is in violation of a civil protective order that was issued by a court of another state or an Indian tribe, and is in effect at the time of the violation, if the person seeking assistance of the officer:

- a. Has filed a copy of an authenticated order with the District or Circuit Court of Maryland; or,
- b. Displays or presents to the officer a copy of an out-of-state authenticated order.

2. Out-of-State orders are only criminally enforceable to the extent a similar order issued in Maryland would be enforceable.

3. Responding officers will have Communications conduct a MILES/NCIC query on the respondent's name to verify whether an Order is outstanding, has been served, and if served, identify the conditions of the Order.

4. If the respondent is on the scene when the officers arrive, the officers will ascertain whether the respondent is in violation of the respective order. If the subject is in violation of a criminally enforceable provision of an Order they will be placed under arrest.

5. If the respondent is no longer on the scene when officers arrive and probable cause exists to believe he or she was in violation of a criminal enforceable provision of an Order, a lookout will be broadcast and a reasonable effort will be made to locate them. If the subject is located he or she will be placed under arrest.

6. If probable cause exists to believe that a respondent has violated a criminal provision of an Order (pursuant to the Maryland statute) and the subject could not be located, the responding officer will:

- a. File an application for a Statement of Charges, or
- b. Refer the complainant to the District Court Commissioners Office,

NOTE: If the respondent has violated a non-criminal provision of an Order the officer will refer the petitioner to private counsel or to the issuing court for further relief.

**D. Ex-Parte and Protective Orders and Law Enforcement Officers:** A Bowie Police Officers who is listed as a respondent in an Ex-Parte or Protective Order will notify his or her Division Commander immediately. The officer's police powers will be suspended pending an immediate internal review.

### **XIII. SUPERVISOR'S RESPONSIBILITY IN DOMESTIC STANDBY**

It is important that persons requesting domestic standby services be afforded these services as guaranteed by law. It is important that officers ensure that they are not assisting an individual in violating the "vacate or stay away" portion of a protective order. Conditions of most existing protective orders can be verified through NCIC/METERS. Supervisors shall determine the level of response to a request for a domestic standby. If available, the supervisor will respond to assist the officer. The supervisor shall ensure that assistance is limited to removing essential items, such as a change of clothing, personal effects or medicines for themselves or their children.

### **XIV. DOMESTIC VIOLENCE INCIDENTS INVOLVING MEMBERS OF THE BOWIE POLICE DEPARTMENT**

**A.** Domestic violence incidents involving police officers will be investigated the same as other domestic incidents, being mindful that a weapon may be involved.

**B.** Arrests will be effected when the law permits.

**C.** Response to domestic violence incidents involving Bowie Police Officers (in jurisdiction):

1. The Shift Supervisor will respond to the scene and assume the role of the investigating officer.
2. The Shift Supervisor will complete and submit a detailed report prior to the end of his/her shift.
3. The investigating officer will make immediate notification to the involved officer's Division Commander or his/her designee.
4. The investigating officer will forward a copy of the initial report to the Chief of Police.
5. In the event probable cause exists to support the arrest of an officer, or when an officer is arrested, the involved officer's police powers will be immediate suspended by the Chief of Police or their designee.
4. The investigating officer will seize the involved officer's badge, police credentials and duty weapon.

**XV. DOMESTIC VIOLENCE INCIDENTS INVOLVING POLICE OFFICERS FROM OTHER JURISDICTIONS**

- A.** The on-duty Shift Supervisor will respond to the scene to supervise the investigation.
- B.** The investigating officer will complete and submit a detailed initial report, prior to the end of his/her shift.
- C.** The investigating officer will be responsible for forwarding a copy of the completed report to the Chief of Police.
- D.** In the event probable cause exists to support an arrest (whether an arrest was effected or not), the on-duty Shift Supervisor will contact a commander of the respective allied agency within four (4) hours of the incident and apprise him/her of the incident.
- E.** If an Ex-Parte or Protective Order has been served or needs to be served on an officer from another jurisdiction, the on-duty Shift Supervisor will make notification to a commander of the respective allied agency within four (4) hours.
- F.** If the criminal provisions of an Ex-Parte or Protective Order need to be enforced against an officer from another jurisdiction, the on-duty Shift Supervisor will make notification to a commander of the respective agency within four (4) hours of the incident.

**XVI. RESPONSE TO VIOLATIONS OF PROTECTIVE ORDERS**

A CBPD officer that is served with a Protective Order will notify his or her Commander/Manager. The Commander/ Manager shall immediately notify Internal Affairs so that a determination regarding the suspension of police powers, consistent with applicable laws, can be made. Officers responding for a report of a violation of a Protective Order involving a member of a law enforcement agency shall determine if a violation of a Protective Order has occurred, then:

- a. Confirm that the employee is in violation of the Protective Order;
- b. If the employee is in violation of the Protective Order the officer shall make a full custody arrest and notify the shift supervisor;
- c. For officer safety, officers shall pay particular attention to section 7, which may list firearms owned by the employee and the block in section 8, which reads, "To turn over firearms to a law enforcement agency."
- d. Supervisors responding to the scene shall follow the appropriate procedures detailed in the above sections; Domestic Violence Involving Department Employees or Domestic Violence Involving Police Officers from Other Jurisdictions.

**XVII. OTHER POLICE SERVICES**

- A.** Non-violent disputes between household members are primarily civil matters and the courts have specific proceedings and personnel to resolve them. Generally, in these types of incidents, officers will provide appropriate referral information.

**B.** When Officers are required to accompany individuals, alleged victims (or potential victims) of domestic abuse, to the family home to remove personal effects required for immediate needs of themselves and any children in their custody, Officers have an obligation to protect the individual from harm .

**C.** Guidelines for disputes over property or access to the household:

1. Officers will not act as arbitrators. If a party seeks possession of personal property and is the owner or tenant of the household, not subject to a Court Order to vacate, it will be presumed that he or she has a right to enter the premises.
2. Where clear title to a vehicle cannot be determined, property disputes between household members shall be referred to the District Court Commissioner's Office or private counsel.
3. All other property disputes should be referred to the District Court Commissioner's Office or private counsel.

**D.** In disputes over child custody, all parties should be instructed to consult private counsel for relief.

1. Officers should be alert to factors that pose potential health and safety hazards to children.
2. Whenever a non-custodial relative or any non-relative takes a child from a legal parent or guardian, a child abduction investigation will be initiated.

## **XVIII. HARASSMENT REPORTS**

When an individual complains of harassment, the officer shall complete a Case Record documenting the nature of the harassment and specifying that no threats to personal safety were made. Unless the incident is investigated by CIS, the officer shall instruct the victim to contact a commissioner to obtain a warrant if the complainant desires criminal prosecution. Harassment reports do not require follow-up attention except those investigated by CIS. In those incidents where the suspect of the harassment is an intimate partner or family member, the officer shall contact CIS prior to clearing the call.

## **XIX. EXTREME RISK PROTECTIVE ORDERS (ERPO)**

The purpose of an ERPO is to reduce gun deaths and injuries by restricting a respondent's access to firearms and ammunition. ERPOs are meant to prohibit a respondent from possessing a firearm where there is sufficient information to believe that the respondent poses an immediate and present danger of causing personal injury to the respondent, the petitioner, or other individuals by possessing a firearm.

**A.** ERPO(s):

- a. Are not limited to domestic violence situations;
- b. Do not in any way affect the ability of law enforcement to remove or seize firearms and/or ammunition from any person or property as permitted by any other law;
- c. May be issued as a temporary, interim, or final;
- d. Do not contain provisions related to protection for the petitioner or others from abuse, contact etc. (it is not a Protective Order);
- e. Require the respondent to immediately surrender firearms and ammunition in their possession to law enforcement.

B. A petitioner may be any of the following:

- a. Physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage or family therapist, or designee of a health officer who has examined the individual;
- b. A law enforcement officer;
- c. The spouse of the respondent;
- d. A cohabitant of the respondent;
- e. A person related to the respondent by blood, marriage, or adoption;
- f. An individual who has a child in common with the respondent; or
- g. A current dating or intimate partner of the respondent; or
- h. A current or former legal guardian of the respondent.

C. Officer's Responsibilities – ERPO(s)

- a. Generally, ERPOs will be served by the Prince George's County Sheriff's Office (OSPG). A court referral of an ERPO does not provide law enforcement with the legal authority to take the respondent into custody for evaluation;
- b. When a CBPD officer or investigator obtains an ERPO, regardless of whether or not they will be serving it, notification shall be made to the OSPG and the on-duty OSPG Domestic Violence Supervisor, in that regard. This allows for proper notifications to all entities involved;
- c. When an officer is requested to serve an ERPO, they must, upon receipt of an interim or temporary ERPO:
  - i. Initiate a computer check to determine if the respondent is the registered owner of a regulated firearm;
  - ii. Attempt to serve the order on the respondent ;
  - iii. Make a good faith effort to secure any firearm(s) and/or ammunition in the respondent's possession;
  - iv. Make a return of service to the Clerk of the court;
  - v. Within two hours after service of an ERPO, notify the Department of Public Safety and Correctional Services, Victim Information & Notification Everyday (VINE). Vine may be contacted at [ww.vinelink.com](http://ww.vinelink.com) or 1-866-MD-4-VINE .
- d. Upon coming into possession of firearms and/or ammunition an officer shall:
  - i. Issue a receipt to the respondent identifying the make, model, and serial; number of all firearms and ammunition (retaining a copy for department records BPD Form 118)
  - ii. Provide information to the respondent on the process for retaking possession of the firearms and/or ammunition (BPD Form 119);

iii. Process the firearms and/or ammunition according to General Order, 428  
Property other than Evidence.

## **XVI. TRAINING**

The Administrative Services Division will ensure that all officers are provided with updates on laws relating to the issues contained herein, as well as updates on referral services that are available.

## **XVII. CANCELLATIONS**

This General Order cancels and replaces;

General Order 4/236 , Stalking, dated 7/07

General Order 5-79, Initiating a Lethality Assessment, dated 4/18/13

