



# DOMESTIC VIOLENCE INCIDENTS INVOLVING DEPARTMENT MEMBERS

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Contents:

- I. Policy
- II. Purpose
- III. Definitions
- IV. Response Procedures
- V. Criminal Investigation Division Responsibilities
- VI. Ex-Parte or Protective Order
- VII. Proponent Unit
- VIII. Cancellation

## **I. POLICY**

As a result of recent legislation regarding domestic violence and the ever increasing potential that a domestic incident may lead to a violent act unless proper intervention is initiated, the Department has determined that additional policies and procedures are warranted to address domestic incidents involving sworn police officers of this department.

The department does not condone the use of physical force by a department member against any person unless specifically enumerated in the Maryland Code or elsewhere in this Rules and Regulations Manual. As such, all incidents of domestic violence or threatened physical or deadly force as defined in federal, state, or local laws/codes/ordinances will be viewed as contrary to department policy resulting in the arrest and/or internal sanction (to include termination of employment) of offenders.

**All department members are reminded that domestic violence is not a private family matter, but rather a crime to be dealt with accordingly as mandated by appropriate laws.**

*As indicated in Index Code 1603, the policy of the Anne Arundel County Police Department is a preferred arrest response to domestic violence.*

## **II. PURPOSE**

The following provisions are hereby instituted to instruct department members who may respond to a domestic complaint involving any member of the department.

## **III. DEFINITIONS**

### **A. Domestic Violence**

Occurs when a person commits or attempts to commit offenses against a current or former spouse or a person whom he/she has, or had, an intimate relationship with.

### **B. Intimate Relationship**

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

**C. Warrantless Arrest**

A police officer may arrest a person without an arrest warrant in a domestic violence situation if the following conditions (1 and 2) are present:

**1. Probable Cause**

The officer has probable cause to believe that:

- a. The person physically assaulted the person's spouse, or any other individual with whom the person resides; and
- b. There is evidence of physical injury\*, and
- c. 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.

**2. Reported Within 48 Hours**

A report to the police was made within 48 hours of the alleged incident.

\* "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.

**IV. RESPONSE PROCEDURES**

The following procedures will be followed when responding to incidents of domestic violence when the suspected abuser is a police officer or civilian employee by the Anne Arundel County Police Department.

**A. Communications Section**

The Communications Section is responsible for receiving calls for service from citizens in need of law enforcement assistance. When a complaint of domestic violence is received and a member of the Department is involved, the Communications Section will dispatch the following units:

1. The beat car or nearest available car. Other back-up units may be dispatched as determined by the dispatcher or patrol supervisor.
2. A patrol *sergeant and lieutenant*.

**B. Responding Units**

Responding units will immediately proceed to the location of the complaint and upon their arrival will be alert to all issues regarding the identifications of parties and witnesses involved in the incident, physical evidence that may support the statements of parties and witnesses, injuries to the parties, and the identification of other person(s), who may provide information about the complaint or previous incidents involving the parties.

The patrol sergeant will also ensure that all responding units are sensitive to the situation and exhibit a caring and helpful attitude during interactions with all parties.

The patrol sergeant will ensure that proper informational assistance is provided to all victims of domestic incident, i.e., identification of HELP agencies and Services to include Employee Assistance Programs available to family members, the role of the Court Commissioner's Office, and appropriate laws regarding domestic violence as specified in the Law Enforcement Officer's Guide to Maryland Domestic Violence Laws.

**1. No Assault or Threat of Assault Occurred**

When there is probable cause to believe that a domestic argument has occurred and the responding *lieutenant* is certain that **NO assault** has been threatened or made, the following action will be taken:

- a. The patrol sergeant will ensure that a formal police report is written and the oncoming shift supervisors are informed of the situation. The report will document all of the allegations and facts relating to the incident. Their report will be completed before the end of the reporting officer's tour of duty, and upon review and acceptance by the responding patrol *lieutenant*, copies of the report will be distributed to the following individuals in separately sealed envelopes via Inter-Office mail:
  - \* Commander of the Criminal Investigation Division
  - \* Commander of the Internal Affairs Section
  - \* Central Records Manager
  - \* The accused's commanding officer or administrator/supervisor
  - \* District Commander where the incident occurred. The District Commander will immediately inform the Bureau Commander of the incident and upon request provide a copy of the incident to the Chief of Police.
- b. A copy of the police report will be retained by the platoon lieutenant for review and consideration for further action, i.e., referral to HELP agencies, supervisor counseling, proactive/reactive intervention, or training, etc.

**2. Assault Occurred or Threat of Serious Physical Injury Occurred**

When there is probable cause to believe that 1) An assault **has occurred** resulting in any physical injury or 2) An assault has occurred by threat of serious physical harm or using a weapon other than hands or feet:

- a. The first responding unit will immediately provide first aid/or summon medical assistance when indicated and secure the location of the incident and all parties present at the location in preparation for continued criminal investigation activities.

When immediately necessary, law enforcement action will be taken by responding units to quell any disturbance and apprehend any person, including the accused officer or civilian employee, responsible for committing any criminal act that qualifies under "warrantless arrest" provisions as defined in the Annotated Code of Maryland, specifically, Criminal Procedure 2-204.

- b. Upon the arrival of the patrol sergeant, the patrol sergeant will immediately determine whether or not there is sufficient probable cause to arrest an accused officer or civilian department member.

The responding patrol lieutenant (not acting lieutenant) will make the final determination as to whether or not there is sufficient probable cause to arrest an accused officer or civilian department member.

If sufficient probable cause exists to substantiate the arrest of an accused officer or civilian who is present at the crime scene and the accused has not been arrested, **THE PATROL LIEUTENANT WILL INFORM THE ACCUSED OF THE ARREST**, and immediately make arrangements to transport the accused officer/civilian to a booking facility.

An accused officer or civilian department member who is in a police department uniform may be afforded an opportunity to change clothes, when feasible, while being closely guarded.

- c. When a police officer is arrested or arrest is recommended and imminent, the patrol *lieutenant* will initiate action to locate and take into custody the accused police officer's assigned personal patrol vehicle, service weapon, police identification, and other firearms pursuant to Index Code 1604, Section IV, which deals with the Maryland Family Law, Article 4-511, if appropriate.
- d. If sufficient probable cause exists to substantiate the arrest of an accused officer or civilian and the accused officer or civilian is not present at the crime scene, or when any party has sustained severe physical injury, the patrol *lieutenant* will notify the Criminal Investigation Division to respond to the scene to assume command of the investigation
- e. Ensure that the reporting procedures outlined in Section IV.b (1) are completed.

- f. When there is sufficient probable cause to believe that an accused officer or civilian has violated any provision of the Maryland Annotated Code and an arrest has been made or is recommended, the patrol **lieutenant** will, as soon as possible, notify the appropriate on-duty commander. If the incident occurs after normal duty hours, the on-call night commander will be notified
- g. Emergency suspension of department members and notification of Internal Affairs Section will be directed by the District/Division Commander or on-call night commander, in accordance with law and applicable bargaining agreements.

#### **V. CRIMINAL INVESTIGATION DIVISION RESPONSIBILITIES**

Upon notification, an on-duty or on-call Criminal Investigation Division investigator will respond to the crime scene and conduct a thorough and detailed investigation, to include:

- A. Interview and/or interrogate involved parties, witnesses, and others who may have knowledge of the incident or previous incidents of a similar or relevant nature.
- B. Collect physical evidence, e.g., apparent weapon, torn/bloody clothing, written documents, and other relevant communications, such as 911 tapes, prior calls for service to the location or involving the parties, etc.
- C. Photograph injuries to victims that may have occurred during the incident or previous unreported incidents.
- D. Photograph and seize, if appropriate, broken or damaged furniture, fixtures, telephone cables and devices, and other evidence.
- E. Obtain a copy of the responding officer's preliminary investigation.
- F. Utilize all other investigative resources and conduct all other investigative activities as may be deemed necessary to determine the validity of the complaint and the proper course of action to be taken.
- G. When indicated, **and with the approval of the Commander of the Crimes Against Persons and Property Section**, obtain a warrant for the arrest of an accused officer, civilian department member, or other party involved in the incident and notify teletype, the Communications Section, and on-duty patrol personnel of the warrant.
- H. Serve as the Department's liaison between the police department and the States' Attorney's Office, when designated.

#### **VI. PROTECTIVE ORDERS**

***Certain provisions of the Violent Crime Control and Law Enforcement Act of 1994 (Title 18 U. S. C. 922(d) and 922(g)(8)) prohibit the sale, possession, receipt, and transportation of firearms and ammunition by persons who are the subject of restraining orders relating to the prevention of domestic violence. In Maryland, such restraining orders may take the form of protective orders issued by the District Court or the Circuit Court.***

***The law makes certain exceptions for law enforcement officers, depending on their employment status and other conditions.***

***In order to comply with the law and to protect the Police Department and the affected officer from penalty, any police officer who becomes the subject of a domestic violence-related protective order is required to immediately notify his/her Bureau Commander, through the chain of command, immediately upon becoming aware of the issuance of such an order.***

***The Bureau Commander will review the circumstances of the case and will determine whether the officer may continue to possess and use firearms while under the jurisdiction of the protective order. Before making this determination, the Bureau Commander will consult the Legal Advisor and the Chief of Police.***

Failure to immediately notify a supervisor of service of a Protective Order may result in disciplinary action.

Failure to comply with a Protective Order may result in arrest and/or internal disciplinary sanctions, to include, termination from the Department.

**VII. PROPONENT UNIT:** Chief's Office.

**VIII. CANCELLATION:** This directive cancels Index Code 1603.1, dated 09-18-06 and Written Directive Memorandum 95-016, which was filed behind Index Code 302.