



# DOMESTIC VIOLENCE

**INDEX CODE: 1603**  
**EFFECTIVE DATE: 08-15-11**

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**I. DEFINITIONS**

**A. 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.

**B. 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.)

**C. Intimate Relationship**

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

1. Persons involved in an intimate relationship are partners who:

- a. Are married, separated, or divorced
- b. Live or have lived together;
- c. Have children in common; or
- d. Date or have dated, but do not live or have never lived together.

2. Persons not involved in an intimate relationship within the meaning of the definition are:

- a. Other family members, such as children or parents.
- b. Individuals living together in a situation in which the relationship is usually not considered intimate, such as dormitory or rooming arrangement.

**D. Lethality Assessment**

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

## II. POLICY

The 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:

- A. Educate victims as to their legal rights.
- B. Advise victims of the help that is available to them.
- C. Encourage victims to seek legal and social assistance.
- D. Control abusers and hold them accountable for their actions, even if the abuser has left the scene at the time of police response.
- E. Ensure that officers are prepared to respond to and effectively deal with domestic violence calls for service.
- F. 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.
- G. Violence between current or former intimate partners is a crime. The policy of the Anne Arundel County Police Department is a preferred arrest response to domestic violence. Preferred arrest means that an 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.)

## III. WARRANTLESS ARREST CRITERIA

(Criminal Procedure, Sec. 2-204a)

A police officer may arrest a person without a warrant if the following conditions (both A and B) are present:

### A. Probable Cause

The officer has probable cause to believe that:

- 1. The person battered the person's spouse, or any other individual with whom the person resides; and
- 2. There is **evidence of physical injury\***; and
- 3. 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.

### B. 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.

The above Warrantless Arrest Criteria does not preclude an officer from applying for charges through the courts when the above criteria have not been met to make an arrest at the scene.

*If a suspect (batterer) is arrested, the arresting officer will give the suspect a Domestic Violence YWCA Referral Form (PD 1603A).*

## IV. RESPONSIBILITIES

(MD Code, Family Law 4-502 & 4-503)

### A. 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 will request that the Sexual Assault Crisis Center be notified of the situation by the Department's Communications Section.

### B. 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.

**C. 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. Contact ECU if a camera is not available at the time of the incident. Any officer who has taken photographs at a domestic violence scene and/or of victim injuries with a digital camera should promptly submit any photographs to the District Domestic Violence Officer (DVO) before the end of his/her tour of duty. The DVO will ensure that the photos are submitted to Central Records for processing. This is required due to the victim's need for photos at Protective Order hearings, which are held in 7 days or less.

**D. Domestic Stand-bys**

**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.

1. 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.
2. If the victim's name is not on the lease or deed, both you and the victim can be denied access by the lessee or the owner and attempts to enter the residence could be considered trespassing.
3. If you and/or the victim are denied access, 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.

**Suspect (Aggressor)**

*If a suspect requests a Domestic Stand-by, the following procedures will be followed:*

1. *A Police 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.*
2. *The Police Officer will notify the complainant that the Police Department will provide no further Domestic Stand-bys. The complainant will further be advised to contact the District's Domestic Violence Officer, if they need further assistance. If requested, the Domestic Violence Officer will consult with supervision to determine if further Domestic Stand-bys will be conducted, or if the suspect will be referred to the Courts for judicial relief.*
3. *The Police Officer will notify Communications to place notes in CAD for the address, that no further Domestic Standby's will occur. Any further requests for a Domestic Standby will be forwarded to a Platoon Supervisor by Communications.*

**E. Required Information to be given to victims of Domestic Violence**

Whenever an officer responds to a call involving domestic violence, including attempt or threats to commit domestic violence, and domestic stand-bys, the officer will provide the victim with a copy of the brochure entitled CRIME VICTIMS AND WITNESSES: Your Rights and Services. This brochure contains the information that is required by Maryland Law to be given to the victim of domestic violence.

**F. Signs of Child Abuse**

Ensure that you remain alert for any signs of abuse to all children that are encountered during domestic-related calls for service. Be sure to document in your police 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 you have probable cause to believe that physical or sexual child abuse or child neglect has occurred. (Refer to Index Code 1704.)

**G. 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 or photographed.

**H. Removing Firearms from the Scene**

1. When on the scene of an alleged act of domestic or family violence, you may remove firearms if:
  - a. You have probable cause to believe that an act of domestic violence occurred; and
  - b. You have observed firearms on the scene during the response.

This law does not grant you authority to conduct a search without a warrant of a building/dwelling into which you are called. You may seize weapons in plain sight. A resident of the dwelling can lead you to the location of other firearms, and in that situation, you have the authority to seize such weapons. However, despite the consent provided by one resident, if the suspect is on the scene, is a resident, and refuses to provide his/her consent to further search the premises, you are prevented 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 obtaining a warrant. If denied consent under these circumstances, you may obtain a search warrant, and seize a firearm(s) pursuant to that warrant.

2. When an officer seizes a non-departmental firearm pursuant to Family Law Article Sect. 4-511, the officer is required to:
  - a. Provide the owner of the firearm information concerning the process for regaining possession of the firearm, and
  - b. Provide for safe storage of the firearm pending any related domestic violence proceedings (see Index Code 1201.2).

**I. Domestic Violence Involving Members of this Department**

When an alleged act of domestic violence involves a member of this Department, refer to Index Code 1603.1.

**V. LETHALITY ASSESSMENT**

The department has implemented a Domestic Violence Lethality Screen for First Responders (page 3 of the Domestic Violence Report form.)

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, after the officer has filled out a domestic violence report, they will initiate the lethality screen of the victim.

A. 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/she believes the victim is in a potentially lethal situation.

If the protocol referral is triggered, the officer will advise the victim that the victims in 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.

B. 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 sure to complete the lethality screen to submit with the domestic violence report.

## **VI. REPORTING REQUIREMENTS**

A. Cases of domestic violence, including attempts or threats to commit domestic violence, require a written report. The report should 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.

B. The Domestic Violence Report form (PD 1603) will be used as the first two pages of the domestic violence report. The reporting officer is responsible for completing both pages of the report; however, attempts should be made to have the victim fill out the body map, victim statement, and sign all the appropriate areas (victim statement, body map, and medical information release.) The narrative of the report will be completed on Supplemental Report forms.

C. If a victim is willing to complete the report but is physically unable to do so, the officer will provide assistance and will describe what assistance was provided in completing the report in the narrative of the incident report.

D. If an incident fits the “Family Violence” criteria and an incident report is required to be written, it is to be titled “Family Violence” and written on a Departmental incident report.

E. A copy of the Domestic Violence Lethality Screen for First Responders (page 3 of the Domestic Violence Report form, PD 1603) will be submitted with the domestic violence report. This lethality screen must 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 are advised NOT to perform a dual lethality assessment.

F. Copies of the domestic violence report will be distributed to the following components:

- \* Central Records
- \* CID
- \* District Domestic Violence Officer
- \* Reporting Officer

NOTE: A written request for a copy of the 911 tape of the Domestic Violence incident should be submitted to the Central Records Manager.

MD Code Family Law, Sec. 4-503 requires that a copy of any incident report filed as a result of a response to a request for assistance under 4-501, be provided to the State Police and to the victim, if the victim so requests. If a victim of domestic violence requests a copy of an incident report filed as a result of a response to a request for assistance, the victim will be referred to Central Records who will accommodate the request. Central Records is responsible for forwarding copies of domestic reports to the State Police.

## **VII. DUTIES OF THE DISTRICT DOMESTIC VIOLENCE OFFICER**

A. Assist victims of domestic violence with obtaining Interim or Temporary Protective Orders and criminal charging documents. Refer victims/complainants to the YWCA Civil Advocate located in Annapolis and Glen Burnie District Courts. Officers may provide information about legal or civil remedies.

B. Assist District officers and the State’s Attorney’s Office with case preparation or other matters of assistance.

C. Maintain the District Domestic Violence database for tracking domestic violence cases and repeat offenders.

D. Provide case enhancement and collection of additional evidence for District officers.

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E. Assist in the training of Departmental personnel in regards to domestic violence laws and enforcement strategies.

F. Maintain liaison with other agencies, such as the Anne Arundel County Domestic Violence Coordinating Council (DVCC) and other police agencies in regards to domestic violence issues.

G. Maintain Domestic Violence Log sheets and keep District statistics regarding domestic violence.

H. Maintain Lethality Assessment district statistics and forward them to the MNADV.

**VIII. PROPONENT UNIT:** Training Academy.

**IX. CANCELLATION:** This directive cancels Index Code 1603, dated 10-23-07.