

2.420 DOMESTIC VIOLENCE

- A. This directive is adapted from the Model Domestic Violence Policy for the Maryland Law Enforcement Community.
- B. Domestic violence occurs when current or former spouses, or persons with whom they have, or have had, intimate relationships, commit or attempt to commit:
 - 1. Acts causing physical injury;
 - 2. Acts placing victims in fear of physical injury to self or others;
 - 3. Sexual assaults;
 - 4. Property crimes;
 - 5. Violations of temporary *ex parte* or protective orders; or
 - 6. False imprisonment.
- C. For the purposes of domestic violence, the definition of persons involved in "intimate relationships" have or have had, regardless of gender or sexual orientation, sexual or emotional relationships and:
 - 1. Are married, separated, or divorced;
 - 2. Live or have lived together;
 - 3. Have had children in common;
 - 4. Date, or have dated, but do not live, or never lived, together;
 - 5. Are other family members, such as children or parents; or
 - 6. Are individuals living together in a situation in which the relationship is usually not considered intimate, such as in a dormitory or rooming arrangement.

2.420.05 Preferred Arrest in Domestic Violence Cases

- A. When permitted by law, agency officers should arrest assailants if there is probable cause to believe that crimes of domestic violence have been committed, unless such arrests would be clearly counterproductive.
- B. CP 2-204 provides warrantless arrest authority to officers where probable cause exists to believe that:
 - 1. The person battered is the person's spouse or other individual with whom the person resides;
 - 2. There is evidence of physical injury; and
 - 3. Unless the person is immediately arrested;
 - a. The person may not be apprehended;
 - b. The person may cause injury to the person or damage to the property of one or more persons; or
 - c. The person may tamper with, dispose of, or destroy evidence; and
 - 4. A report to the police was made within 48 hours of the alleged incident.

2.420.10 Mutual Battery & Dual Arrest

- A. Dual arrests should be avoided whenever investigations reveal parties acted in self defense.
 - 1. Primary aggressors should be arrested.
 - 2. Parties defending themselves from assaults should not be arrested.
 - 3. Both parties should be arrested if they committed domestic offenses and neither was acting in self defense.
- B. Consistent with CP 2-204, officers developing probable cause to believe that mutual batteries occurred will consider whether one of the parties acted in self-defense.
 - 1. Self defense determinations arise in situations when:
 - a. Persons actually believe they were in immediate and imminent danger of bodily harm;
 - b. The belief was reasonable; and
 - c. No more force was used than was reasonably necessary for defense in light of the threatened or actual harm.

- 2. Officers should consider that the extent of victims' injuries do not substantiate suspects' claims of self defense when injuries are severe enough to demonstrate an intent to do great bodily harm and officers have probable cause to believe suspects committed the offenses.
- C. Investigating officers will consider primary aggressor factors in order to decide whether one of the parties' actions constitute acts of primary aggression.
 - 1. Primary aggression factors include, but are not limited to:
 - a. A history of committing crimes of violence;
 - b. Being a current or past respondent of a temporary *ex parte* or protective order;
 - c. Threatening the other party;
 - d. Carrying out threats; and/or
 - e. Being more capable than the other party of being assaultive.
 - 2. Verbal provocation, outside the definition of "fighting words," is not cause or justification for assaultive behavior.

2.420.15 Response to Domestic Violence Calls

- A. The agency will dispatch all domestic violence calls and assign them the same priority as any other crime of violence according to the degree of danger.
 - 1. Initial information to be obtained by Communications personnel includes, but is not limited to determining:
 - a. If callers are at the same location as the incidents;
 - b. When incidents occurred;
 - c. If assailants are on the scene;
 - d. Descriptions of assailants;
 - e. If assailants have weapons or where there are weapons at the scene;
 - f. If there are any injuries or sexual assaults;
 - g. If assailants are under the influence of drugs/ alcohol;
 - h. The number of people, including children, on the scene;
 - i. If officers have responded to the scene for domestic violence calls before; and
 - j. If civil protective orders have been issued against assailants.
 - 2. Calls will not be canceled based on the request of callers.
- B. At least two officers will be sent to in-progress or just occurred calls dealing with domestic violence.
 - 1. Supervisors will respond and assist officers, as necessary or prudent, in determining the levels of police responses to incidents of domestic violence.
 - 2. Officers will, when practical, await backup when responding to in-progress or just occurred calls of domestic violence.
 - 3. Officers should comply with victims' requests to meet at alternate locations if assailants are still at scenes of domestic violence.
 - 4. Officers will identify themselves upon their arrival, and request permission to enter the premises. If confronted by persons who decline assistance, officers should insist that all others present at the premises come to the door to determine whether domestic violence has occurred.
 - 5. Officers should enter residences only when invited and when significant opposition to the invitation is not displayed. If officers' presence antagonizes assailants, officers should employ non-confrontational methods to assist abused parties.
 - 6. Forcible entries into residences may be made in order to:
 - a. Suppress affrays which are heard from the outside; or
 - b. Remove children believed by officers to be in immediate danger.

7. Officers will not forcibly enter residences merely to obtain complainants' clothing or personal items.

2.420.20 Investigating Incidents of Domestic Violence

A. See also 2.308 Preliminary Investigations.

- B. Evidentiary duties and responsibilities of officers investigating incidents of domestic violence include, but are not limited to:
 1. Ensuring audio tapes of related phone calls and radio conversations are retained for potential use as evidence;
 2. Ensuring photographs are taken of crime scenes, any initial injuries, and any injuries one to three days post incident;
 3. Documenting "excited utterances" made in the presence of officers; and
 4. Interviewing all victims and witnesses, including children.
- C. Officers will remove firearms from scenes of domestic violence consistent with the provisions of FL 4-511.
- D. Arrests will be made as applicable.
 1. Interrogations will be conducted consistent with **2.306.20 Interviews & Interrogations.**
 2. Mutual battery and dual arrests will be consistent with **2.420.10 Mutual Battery & Dual Arrest.**
 3. Arrests will be made for violations of temporary *ex parte* or protective orders consistent with FL 4-509.
 4. When probable cause exists, but on-scene arrests cannot be made because assailants are not on-scene or the law does not authorize warrantless arrests, officers will:
 - a. Actively assist victims in obtaining charging documents; or
 - b. Apply for charging documents themselves when victims would best be served by this action or are physically incapacitated.
 5. Investigating officers will ensure look-outs are broadcast and active searches for assailants are conducted when assailants are not on-scene and probable cause exists for arrests.
- E. Officers leaving scenes of domestic violence when probable cause does not exist to make arrests will attempt to ensure the environment is safe and the potential for danger is unlikely.
- F. Responding officers are responsible for ensuring the Division of Parole and Probation is notified if arrestees are under the jurisdiction of that agency.

2.420.25 Domestic Stand-Bys

- A. Agency officers will conduct domestic stand-bys consistent with FL 4-502.
- B. Officers will accompany complainants to the family home, as necessary, so complainants may collect their clothing and that of children in their care, personal effects, including medicine and medical devices, regardless of who paid, required for the immediate needs of complainants or their children.
 1. Victims whose names appear on leases have the right to enter the premises to collect their effects.
 2. Victims whose names do not appear on leases do not have the right to enter the premises and responding officers do not have the authority to forcibly enter the premises. In such cases, officers will:
 - a. Suggest that complainants petition the courts for protection orders;
 - b. Seek other legal means to enable complainants to obtain their property; or
 - c. Refer complainants to local domestic violence service providers for assistance.

2.420.30 Civil Protective Orders

- A. FL Title 4, Subtitle 5 requires officers to serve temporary *ex*

parte orders and protective orders on respondents.

- B. Temporary *ex parte* orders are effective when served by a law enforcement officer and remain in effect for seven days, but can be extended for up to 6 months to effect service.
- C. The service of civil protective orders is primarily the function of sheriffs' offices, but police agencies may also be called upon to serve the orders.
- D. Protective orders may be issued only after temporary *ex parte* orders are issued and are effective for 12 months, but may be extended by the courts an additional six months. Under certain circumstances, a judge may issue a final protective order for up to 2 years.
- E. Civil protective orders must be served before enforcement actions can be taken.
- F. If civil protective orders have been filed, but not served, and subjects named in the orders are present, OSPG will be requested to respond and serve the orders. Officers will advise the subjects that civil protective orders have been filed and request that subjects standby to be served by deputy sheriffs. Officers will not detain persons who decline to wait for service of the orders.
- G. Officers are required to arrest, with or without warrants, respondents who violate civil protective orders by not:
 1. Refraining from abusing or threatening the petitioners;
 2. Refraining from contacting, attempting to contact, or harassing the petitioners;
 3. Refraining from entering the petitioner's residence, which includes the yard, grounds, outbuildings, and common areas surrounding the area;
 4. Vacating the residence and awarding temporary use and possession of the home to petitioners; or
 5. Staying away from petitioners' or other family members' places of employment, school, or temporary residences.
- H. Officers are mandated to arrest, with or without warrants, persons whom officers have probable cause to believe are in violation of civil protective orders issued by courts of other states or Indian tribes, and are in effect at the time of violations
 1. Out of state or Indian tribe protective orders will be enforced if the persons seeking assistance of officers:
 - a. Have filed copies of authenticated orders with the district or circuit court; or
 - b. Display or present to officers copies of out-of-state authenticated orders.
 2. Violators of out of state or Indian tribe protective orders will be arrested if they violate provisions of the protective orders by abusing, threatening, contacting or harassing the victims, or if they violate provisions requiring them to stay away from victims' homes, workplaces, school, or families.
 3. Officers having doubts about the authenticity of printed out of state or Indian tribe protective orders will attempt to contact a district or circuit clerk or judge for assistance.
- I. When told of the existence of civil protective orders, but no documents are presented, officers will ensure MILES queries are conducted and any resulting information verified through originating agencies before taking any service or enforcement actions.
 1. If verified, officers will make arrests for any violations of arrestable conditions.
 2. If not verified, officers will not take action based on the possibility of civil protective orders.
- J. The terms and conditions of civil protective orders can only be modified or rescinded by the issuing courts.
- K. Respondents of protective orders are prohibited from making

straw purchases of regulated firearms or possessing regulated firearms.

- L. The service weapons or any authorized off-duty firearms of law enforcement officers who have jurisdiction in Maryland and who are respondents to protective orders will be removed from the officers during time periods protective orders are in effect.

2.420.35 Victim Assistance

- A. Investigating officers will ensure domestic violence victims are:
 - 1. Presented and explained their rights as contained in **Crime Victim and Witnesses: Your Rights and Services** brochures and the agency's supplemental listing of local victim / witness resources consistent with CP 11-104, CP 11-1002, and **2.312.30 Delivery of Victim / Witness Services**; and
 - 2. Advised how to obtain report copies consistent with CP 11-1002.
- B. Officers will take reasonable and prudent actions with the intent of ensuring the peace, protecting and assisting the parties, and providing information about services that are available to people involved in non-criminal domestic disputes.
- C. Officers will, as necessary and proper:
 - 1. Assist victims in contacting local service providers;
 - 2. Inform victims of the civil protective order process, including Commissioner locations;
 - 3. Review procedures with victims intended to assist in ensuring their immediate safety;
 - 4. Encourage victims to leave if they or officers believe situations are unsafe;
 - 5. Ensure victims are safe when officers leave and know how to call police if assailants return; and/or
 - 6. Provide transportation to safe locations or locations where they can obtain assistance when:
 - a. Officers believe victims will be best served by providing this service; and
 - b. Victims have no reasonable means of transportation.
- D. When assailants are on the scene, and officers assess that domestic violence likely occurred in the household, officers will, as necessary and proper:
 - 1. Carry out steps established in C;
 - 2. Assess situational lethality, advise victims of assessments, and encourage victims to leave if officers believe there will be any threats to victims' safety when officers leave;
 - 3. Stand-by to ensure the safety of victims as they gather clothing and personal effects if they decide to leave; and/or
 - 4. Advise assailants:
 - a. That pursuit of victims could constitute violations of the stalking statute;
 - b. That domestic violence exists in the relationship and such conduct is criminal; and
 - c. To seek help from local service providers before other incidents occur.
- E. When assailants are arrested for crimes of domestic violence, officers will, as necessary and proper:
 - 1. Obtain medical attention;
 - 2. Assist victims in contacting local service providers;
 - 3. Inform victims of the civil protective order process;
 - 4. Explain the bail process to victims and the likelihood that assailants may be released from custody in short periods of time; and
 - 5. Encourage victims to find safe locations away from home.

2.420.40 Cases Involving Members of the Criminal Justice System

- A. Supervisory or administrative ranked officers will:
 - 1. Respond to, and take charge of, scenes of domestic violence involving members of criminal justice agencies; and
 - 2. Ensure respective criminal justice agencies are informed if their personnel are involved as assailants in domestic violence incidents.
- B. Issued service weapons confiscated from law enforcement officers, but not held for evidence, will be returned to issuing agencies.

2.420.45 Reporting Requirements

- A. Officers will complete agency reports and the UMDPS Domestic Violence Lethality screening form for all domestic violence related incidents, both criminal and non-criminal. Information to be included in domestic violence related reports includes, but is not limited to:
 - 1. Any injuries;
 - 2. Locations of assailants;
 - 3. The names and relationships of all parties involved;
 - 4. Use and locations of weapons;
 - 5. Presence of any children;
 - 6. Nature of threats or disturbances;
 - 7. Other persons at the scenes;
 - 8. Presence, use, or involvement of drugs, alcohol, or presence of mental illness;
 - 9. History of past police responses to locations or involvement of individuals;
 - 10. Explanations as to why arrests were or were not made; and
 - 11. Descriptions of the specific actions taken to ensure the safety of victims.
- B. Officers will also complete "Maryland Domestic Violence Supplemental" reports, in addition to initial incident/crime reports, when crimes of domestic violence have occurred. Supplemental forms will not be completed when domestic related incidents do not involve crimes.
- C. Information contained in domestic violence or domestic incident reports that cannot be released to persons other than authorized law enforcement officers or officers of the court for the conduct of official business is:
 - 1. Sites of, and any revealing information about, the temporary relocation of victims away from their residences; and
 - 2. The names, addresses, and phone numbers, of witnesses, as well as statements they made concerning domestic incidents.

2.420.50 Relationship/Domestic Violence

2.420.51 Lethality Assessment Program

- A. Purpose
 - 1. The Agency has implemented the Lethality Assessment Program – Maryland Model in conjunction with the Maryland Network Against Domestic Violence. The purpose of the program is to establish a protocol and implement the use of the Lethality Assessment Screen for cases of relationship violence.
 - 2. UMPD will attempt to identify victims of relationship violence in potentially lethal situations and place those victims in immediate and direct contact with a victim advocate/counselor. The Domestic Violence Lethality Assessment shall be used at the scene of a relationship violence incident to assist officers in identifying high risk situations and follow the established criteria to

place the victim in direct contact at the scene with a victim advocate/counselor.

3. Officers conducting a Lethality Assessment screen will ask the victim the Lethality Screening Questions included in the Domestic Violence Supplement Report. When a victim is assessed as being in danger, the officer will contact the campus victim advocate, or, alternatively, the Prince George's County Family Crisis Center hotline.

B. Lethality Assessment Screening

In addition to other investigative procedures, the investigating officer will complete the "lethality screening section" in the Domestic Violence Supplement when responding to a relationship violence complaint involving intimate partners or any incident where one or more of the following conditions exist:

1. There is reason to believe an assault or an act that constitutes relationship/domestic violence has occurred, whether or not there is an arrest.
2. There is a belief or sense on the part of the investigating officer that, once the victim is no longer in the care or presence of the responding officer, the potential for assault or danger is high.
3. Repeated calls for domestic complaints at the same location or involving the same parties.
4. The investigating officer believes one should be conducted based on experience, training, and instinct.

C. Upon determining that a Lethality Assessment is needed, the investigating officer will:

1. Advise the victim they will be asked a series of questions to help the officer determine the immediate potential for danger to the victim.
2. Ask the Lethality Assessment questions in the order they are listed on the form.
3. Ask all the questions in assessing the victim. The more questions the victim responds to positively, the clearer and more immediate the potential for danger is to the victim.

D. After asking the questions, the officer will interpret the answers as follows:

1. A **single** "yes" or positive response by the victim to questions #1, 2 or 3 reflects a high danger situation and automatically triggers the protocol referral.
2. If the victim gives negative responses to questions #1-3, but positive responses to four or more of questions 4 thru 11, this reflects a high danger situation and triggers the protocol referral.
3. "No" or negative responses, to all of the assessment questions, or positive responses to less than four of questions #4 thru 11, may still trigger the referral if the investigating officer believes it is appropriate. The officer should ask the victim the following questions: "Is there anything else that worries you about your safety? If yes, what worries you?" The response to the question may aid in the decision to initiate a referral.
4. The domestic violence lethality screen is flexible and relies heavily on the investigating officers' acting on their instincts. If the victim's responses don't trigger the referral but the officer believes the situation indicates high danger, the officer should trigger the referral.

E. If the protocol referral is not triggered, or victim does not answer the screening questions, the officer will:

1. Advise the victim that relationship violence is dangerous and sometimes fatal.
2. Inform the victim to watch for the signs listed in the assessment because they may convey to the victim that they are at an increased level of danger.
3. Refer the victim to the Victim Advocate/SARPP Office.
4. Provide the victim with a Crime Victims and Witnesses brochure and the SARPP telephone number, the Agency's telephone numbers, the case number, and the officer's contact information.

F. If a high danger assessment is made or the officer believes it is appropriate, the protocol referral will be implemented as follows:

1. Advise the victim that the responses indicate that the victim is at an increased level of danger and that people in the victim's situation have been killed or seriously injured.
2. Advise the victim that you would like to call the Victim Advocate and have the victim speak with a counselor.
3. If the victim initially declines to speak with the counselor, the officer will:
 - a. Tell the victim that the officer will contact the victim advocate to receive guidance on how to proceed with the situation;
 - b. Tell the victim that you would like the victim to think about speaking with the advocate; and
 - c. After the officer concludes the conversation with the advocate, ask if the victim has reconsidered and would now like to speak with the advocate.
4. If the victim continues to decline to speak with the advocate, the officer will do the same thing as if the victim did not trigger the referral, convey any information the advocate has suggested, and go over safety tips when the victim does not want/need to leave.
5. If the victim agrees to speak with an advocate, the officer will advise the advocate that a high danger assessment has been made or there is a belief that the victim is in danger, and the victim would like to speak with the advocate.
 - a. At the appropriate time during the conversation between the victim and the advocate, the advocate will ask the victim to speak with the officer about the situation.
 - c. The officer will then be guided by the discussion with the advocate for further assistance. If the victim wants/needs to leave the residence, the officer will provide reasonable assistance.
6. For the purposes of Lethality Screens, the officer will contact the Victim Advocate at **301-741-3442** to ensure that an advocate trained on the protocol takes the call.

G. Officers will notify the Threat Management Team via email for all incidents of reported or suspected relationship violence, whether or not a lethality screen is completed.

H. A Lethality Assessment Screen will be completed for all threat assessment cases involving stalking or intimate partner relationships, whether or not actual violence has been reported.

I. The SARPP Office/Victim Advocate will make the necessary reports to the Prince George's County Family Crisis Center to enter victims into the county system.

- J. Officers will provide reasonable assistance to the Victim Advocate for needed follow-up, including providing escorts for any visits to victims' residences.
- K. Domestic violence calls occurring in concurrent jurisdiction will, generally be screened and reported by the Prince George's County Police. If the call is referred to UMPD, the screen will still be referred through the Victim Advocate who will coordinate follow-up with the Prince Georges County Family Crisis Center.
- L. For all calls related to relationship/domestic violence, Communications will immediately initiate a location/name history and provide any relevant information to responding officers, including if there is no history found.
- M. Officers completing the screening tool will fax a copy of the screen to the Victim Advocate in the SARPP office as soon as possible and, in all cases, before the completion of their shifts.
- N. The SARPP Office/Victim Advocate will be the UMPD primary contact for Lethality Screens. If the Victim Advocate is not available:
 - 1. Calls may get transferred to the Community Crisis Center. These counselors are not trained in Lethality Assessment and will not be used for screens. Advise the counselor that you are trying to reach the University of Maryland Victim Advocate directly and will call another number.
 - 2. Call the Prince Georges County Family Crisis Center hotline to conduct the screening.
 - 3. Leave a voice message on the SARPP voice mail advising the case number, officer's name, that a screen was done by the Family Crisis Center, and the date and time of the screen. Do not leave the victim's name on the voice message.
 - 4. The screening tool will still be faxed to the SARPP office for the Victim Advocate, but may also be faxed to the Family Crisis Center if requested.
- O. Reporting
 - 1. UMPD will provide quarterly report to the Maryland Network Against Domestic Violence on the forms and at the times required by that organization.
 - 2. At a minimum, reports will contain:
 - a. Number of Lethality Screens attempted,
 - b. Number of victims screened as "high danger,"
 - c. Number of victims not screened as "high danger,"
 - d. Number of victims who did not respond to screening questions,
 - e. Number of screened victims who spoke to an advocate/counselor.