

2.447 PEACE ORDERS

- A. CJ 3-1501, *et. seq* establishes and authorizes the issuance and enforcement of peace orders.
1. Alleged acts must have occurred within 30 days before the filing of peace order petitions.
 2. Persons who are eligible to file for protective orders consistent with **2.420.30** are not authorized to apply for peace orders.
- B. Complainants can apply for peace orders only at offices of the Clerk of the Court, M-F, during normal business hours, excepting holidays. For Prince George's County, those offices are in Hyattsville and Upper Marlboro.
- C. Temporary peace orders are effective only when served by a law enforcement officer and remain in effect for at least seven days, but not to exceed 6 months.
- D. After temporary peace orders are issued and peace order hearings are held, then the courts may order final protective orders to be issued and to be effective for a maximum of 1 year. There is a provision to extend the Final Protective Order for up to 6 additional months. Under certain circumstances, a judge may issue a final protective order for up to 2 years.
- E. Temporary peace orders and peace orders must be served before enforcement actions can be taken.
- F. The service of temporary peace orders and peace orders in Prince George's County is the primary responsibility of OSPG, but may otherwise be assigned to and/or served by other law enforcement officers. UMDPS officers serving any peace order must immediately return the return of service within 2 hours to DPSCS by electronic notification through the METERS/NCIC database or promptly after service could not be made. This electronic notification can also be made using the Mobile Data Terminal (MDT) computer.
- G. If our agency's connection to METERS/NCIC is inaccessible for technical reasons, emergency procedures should be followed for contacting the Maryland State Police Headquarters and submitting data for NCIC entry.
- H. If the METERS/NCIC system is completely down, UMDPS will be notified through an outage email sent by the DPSCS helpdesk. DPSCS will activate the emergency VINE Protective Order notification website and this website will be included in the outage email.
- I. UMDPS Officers serving temporary peace orders and peace orders should follow these procedures when serving peace orders:
1. UMDPS serving officers should ask the respondent if he/she possesses any firearms and advise the respondent that:
 - a. It is illegal to possess any firearm;
 - b. Any firearms in his/her possession must be surrendered immediately;
 - c. Failure to surrender firearms is a violation of the law; and
 - d. Transfer of firearms to another is a violation of the law.
 2. If MILES indicates the respondent has firearms or the petitioner claims the respondent possesses firearms, an arrest warrant should be sought. If the respondent acknowledges possession of firearms, the serving officer should seek their surrender immediately.
 3. If the officer determines there is probable cause to believe the respondent possesses firearms and is refusing to surrender them, the officer shall effect an on-scene arrest and may obtain a search warrant. There is no discretion or alternative to arrest if the firearm surrender and possession condition is violated and the respondent is present. In cases where the respondent is not present, the officer should seek an arrest warrant.
 4. If the respondent requests that the firearms be transported in a protective case and makes one available, the officer shall transport the firearms that fit in the case. The officer is not required to suggest the use of a protective case but shall attempt to prevent damage to the firearm during the time the protective order is in effect. It is the agency's responsibility to maintain the integrity of stored firearms.
- G. If orders have been filed, but not served, and subjects named in the orders are present, the respective MD sheriff's office will be contacted and requested to fax orders to this agency to facilitate service. Additionally, if petitioners' copies are available, officers may serve those copies on respondents. Officers will not detain persons who decline to wait for service of the orders.
- H. Officers are required to arrest, with or without warrants, respondents who violate the relief granted in temporary peace orders or peace orders.
- I. When complainants inform officers that orders exist, but no corroborating documents are presented, officers will ensure respective MD sheriff's offices are contacted to verify the existence of current orders and their conditions before taking any enforcement actions. If the existence of peace orders is verified, then officers must make arrests for any violations of arrestable conditions.
- J. The terms and conditions of orders can only be modified or rescinded by the issuing courts.
- K. Investigating officers will ensure complainants requesting relief by peace orders are 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.
- L. 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 disputes.
- M. Officers will, as necessary and proper:
1. Take process service or enforcement actions as necessary;
 2. Assist complainants in contacting local service providers;
 3. Inform complainants of the peace order process, including office locations for the Clerk of the Court;
 4. Review procedures with complainants intended to assist in ensuring their immediate safety;
 5. Ensure complainants are safe when officers leave and know how to call police if suspects return; and/or
 6. Provide transportation to safe locations or locations where they can obtain assistance when:
 - a. Officers believe complainants will be best served by providing this service; and
 - b. Complainants have no reasonable means of transportation.
- N. Officers will complete agency reports for all incidents that meet the criteria for obtaining peace orders. Information to be included in these reports includes, but is not limited to:
1. Any injuries;
 2. Locations of suspects;
 3. The names and other pertinent information for all parties involved;
 4. Use and locations of weapons;
 5. Nature of threats or disturbances;
 6. Other persons at the scenes;
 7. Presence, use, or involvement of drugs, alcohol, or presence of mental illness;
 8. History of past police responses to locations or involvement of individuals;
 9. Explanations as to why arrests were or were not made; and
 10. Descriptions of the specific actions taken to ensure the safety of victims.
- O. In some cases of temporary protective orders, respondents are required to surrender all firearms in their possession to a law enforcement agency and refrain from possessing firearms.
- P. In all final protective order cases, respondents are required to surrender all firearms in their possession to a law enforcement agency and refrain from possessing all firearms.

- Q. 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.