



Policy 1110

Subject	
PROTECTIVE AND PEACE ORDERS	
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By Order of the Police Commissioner

POLICY

Victim Support. The Baltimore Police Department (BPD) is committed to supporting crime victims by offering assistance and guidance in obtaining Protective Orders and Peace Orders.

Protection from Abuse. The BPD shall serve Protective Orders and Peace Orders on Respondents and shall enforce Protective Orders and Peace Orders to provide protection for persons eligible for relief.

DEFINITIONS

Abuse — Abuse is defined for purposes of a Protective Order as an act that constitutes any of the following:

1. An act that causes serious bodily harm;
2. An act that places a person eligible for relief in fear of imminent serious bodily harm;
3. Assault in any degree;
4. Rape or sexual offense, or attempted rape or sexual offense to any degree;
5. False imprisonment;
6. Stalking;
7. Revenge Porn;
8. Child Abuse, as defined below, if the person seeking a Protective Order is a child; OR
9. Vulnerable adult Abuse, if the person seeking a Protective Order is a vulnerable adult.

Child Abuse — Child Abuse is defined for purposes of a Protective Order as the physical or mental injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed. Child Abuse also includes sexual Abuse of a child, whether physical injuries are sustained or not. Child Abuse does not include the physical injury of a child by accidental means.

Cohabitant — A person who has had a sexual relationship with the victim and resided with the victim for a period of at least 90 days within one year before the filing of the petition.

Peace Order — A civil order directing the Respondent to refrain from committing certain acts against the Petitioner. A person is not eligible for a Peace Order if they are eligible for a Protective Order. A Peace Order can be granted as an Interim, Temporary, or a Final Peace Order. A final Peace Order can be granted for up to six months. A Peace Order can only be issued if one of the following acts occurred within 30 days of the Petitioner seeking a Peace Order:

1. An act that causes serious bodily harm;
2. An act that places the petitioner in fear of imminent serious bodily harm;
3. Assault in any degree;
4. False imprisonment;
5. Harassment;
6. Stalking;
7. Trespass;
8. Malicious destruction of property;
9. Misuse of telephone facilities and equipment;
10. Misuse of electronic communication or interactive computer service;
11. Revenge porn;
12. Visual surveillance.

Petitioner — The person requesting the court's protection from the Respondent.

Protective Order — A civil order directing the Respondent to refrain from committing certain acts against the Petitioner. In order for a person to be eligible for relief under a Protective Order, there must be Abuse (defined above), and the Petitioner's relationship to the Respondent must be one of the following:

1. The current or former spouse of the Respondent;
2. A Cohabitant of the Respondent;
3. A person related to the Respondent by blood, marriage, or adoption;
4. A parent, stepparent, child or stepchild of the Respondent or the person eligible for relief who resides or resided with the Respondent or person eligible for relief for at least 90 day within 1 year before the filing of the petition;
5. A vulnerable adult;
6. An individual who has a child in common with the Respondent;
7. An individual who has had a sexual relationship with the Respondent within 1 year before

the filing of the petition, or

8. An individual who alleges the commission, within six months before the filing of the petition, of rape or a sexual offense (including 4th degree/misdemeanor sexual offense), or attempted rape or sexual offense in any degree.
 - **Interim Protective Order** — An order of protection issued by a District Court Commissioner when the District Courthouse is closed. After issuance, an Interim Protective Order may remain in effect until whichever of the following occurs first: the Temporary Protective Order hearing OR the end of the second business day after the District Court is open.
 - **Temporary Protective Order** — A temporary order issued by a judge to help protect a person eligible for relief from the Respondent until a final hearing can be held. This temporary order generally lasts for a period of seven days after service, unless court is closed on that date, in which case it will last until the second day court is open but may be extended. A Temporary Protective Order can also be extended longer by court order to allow the Respondent to be served. The Temporary Protective Order will notify the Respondent of the date and time for the Final Protective Order hearing.
 - **Final Protective Order** — An order issued by a judge after a hearing to protect a person(s) eligible for relief from the Respondent for a period of time not to exceed 12 months. This order may be renewed for an additional 6 months.

Respondent — The Respondent is the person who has been accused of abusing the Petitioner and against whom the order is sought.

Stalking — A malicious course of conduct that includes approaching or pursuing another person with the intent (or where the likely outcome would be) to either: cause serious emotional distress OR to place the victim in reasonable fear of assault, false imprisonment, a sex offense or attempted sex offense, serious bodily injury, or death to themselves or a third person.

Vulnerable Adult — An adult who lacks the physical or mental capacity to provide for their daily needs.

Vulnerable Adult Abuse — For purposes of a Protective Order, this means the sustaining of any physical injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act by any person.

GENERAL

Person Eligible for Relief May:

1. Seek relief from Abuse, between 0830 and 1630 hours on weekdays, excluding holidays, by filing a “Petition for Protection from Domestic Violence” or “Petition for Peace Order” with the District Court of Maryland, Civil Division, 1400 E. North Ave., alleging Abuse of any person for relief by Respondent.
 - 1.1. Outside of these times, an Interim Peace or Protective Order may be sought from the District Court Commissioner.

2. Request help from a law enforcement officer if they have been a victim of Abuse.
3. Seek relief from Abuse on behalf of a minor or Vulnerable Adult from:
 - 3.1. The Office of the State's Attorney, or
 - 3.2. The Department of Social Services.

NOTE: Police Officers can no longer obtain Protective Orders or Peace Orders on behalf of minors or Vulnerable Adults. Members should be aware of their responsibilities under the Child Abuse and Neglect Laws (See Policy 1201, *Child Abuse Investigations*).

MEMBER REQUIRED ACTION – SERVICE

Instructions for Service of Protective or Peace Orders

4. Service of Interim Protective and Peace Orders is the responsibility of the BPD. Service of Temporary and Final Protective and Peace Orders is generally the responsibility of the Baltimore City Sheriff's Office, though it is possible that a BPD member may be required to serve a Temporary or Final Protective Order.
5. Immediately after successfully serving **any** type of Protective or Peace Order, the member **MUST** do the following:
 - 5.1. Call the Hot Desk to report the service of the Protective or Peace Order.

NOTE: The Department is required to enter an electronic notification of successful service within two hours after service. Therefore, Hot Desk must be informed of successful service immediately.

- 5.2. Complete and then fax the Return of Service sheet directly to the Court Commissioner's Office (410-230-0362). Wait to receive the fax confirmation before leaving the fax machine.
 - 5.2.1. All Returns of Service must *also* be faxed back to the District Court Domestic Violence Clerk at 410-878-8535. Wait to receive the fax confirmation before leaving the fax machine.
 - 5.2.2. If the district's fax does not work, it is the responsibility of the serving member to ensure the Return of Service is hand-delivered to the District Court Clerk's Office (at 1400 E. North Avenue) as soon as the court is open.
- 5.3. If the Protective Order has a "Protective Order Worksheet" attached, members must complete this form and return it to Central Records.
- 5.4. Give the original service documentation, as well as the fax confirmation sheet and the completed Incident Report, Form 008, to your supervisor. All Returns of Service will be forwarded to Central Records.

Standard Procedure for Interim Protective and Peace Orders

6. Once an Interim Protective Order or Peace Order is issued by the Court Commissioner, an on-duty member is required to pick up the order directly from the Commissioner's Office.
 - 6.1. Upon retrieving the order, the member shall sign the Court Commissioner's log and clearly write their sequence number in the log.
7. Upon receipt of an Interim Protective or Peace Order, a member must return to their district to log the order in the district logbook, and then immediately attempt service on the Respondent named on the order (unless a supervisor assigns the order to another member).
8. In order to successfully serve an Interim Protective or Peace Order:
 - 8.1. The Respondent's signature is not required.
 - 8.2. The Interim Order must be served by a law enforcement officer.
 - 8.3. Service may be completed by leaving a copy with the Respondent.
 - 8.4. The Respondent does not have to accept the copy for service to be complete.

NOTE: Request a permanent-rank supervisor to respond if the person on whom you will be serving either a Protective or Peace Order is a member of the agency.

9. All attempts to serve a Protective or Peace Order should be made with the assistance of back-up officer(s), and if necessary, the guidance of a permanent-rank supervisor.
10. Make at least three attempts to serve the Protective or Peace Order.
 - 10.1. If unsuccessful at serving the order during your shift but the order is still valid, give the order to a supervisor at the end of the shift.

NOTE: Continued attempts to serve an Interim Protective or Peace Order must be made by each shift until the order is served or it expires.

11. Once any Protective or Peace Order has been served, explain the contents of the order to the Respondent and give them a copy of the order.
12. Take no immediate enforcement action if the Respondent refuses to accept service of the Protective or Peace Order, other than verbally explaining the contents of the order and leaving it in close proximity to the Respondent, thus accomplishing service (see "Violation of Protective Order" section below and Policy 711, *Domestic Violence*).

EXCEPTION: Ensure the Respondent leaves the premises whenever a Protective or Peace Order directs the Respondent "TO VACATE THE HOME", after being given reasonable time to remove personal clothing and effects required for the Respondent's needs until the hearing date.

13. Protect the Petitioner from harm and, if assistance is requested to obtain belongings, comply with Policy 711, *Domestic Violence*.

14. If a Protective Order includes the temporary custody of a child as a provision of the order, ensure that the child has been returned to the proper party, if applicable.
15. When the Respondent cannot be located, fill out "Return of Service by Law Enforcement Officer" for all orders and explain:
 - 15.1. The reason the Protective or Peace Order was not served, and
 - 15.2. What efforts were made to locate the Respondent.

Service of All Other Protective or Peace Orders

There may be times when a member of the BPD is called on to serve a Temporary or Final Protective Order or Peace Order, usually by way of a 911 call.

16. If a member encounters a person who the member knows, or determines through investigative means, is named the Respondent in a Protective or Peace Order that HAS NOT yet been served on the person:
 - 16.1. Serve the Protective or Peace Order upon the person if a copy is in your possession, or if a copy is available.
 - 16.1.1. Respondent's signature is not required.
 - 16.1.2. Order must be served by a law enforcement officer.
 - 16.1.3. Service may be completed by leaving a copy with the Respondent.
 - 16.1.4. The Respondent does not have to accept the copy for service to be complete.

NOTE: Request a permanent-rank supervisor to respond if the person on whom you will be serving either a Protective or Peace Order is a member of the agency.

- 16.2. If a copy of the Protective or Peace Order is not immediately available:
 - 16.2.1. DO NOT detain, arrest, or otherwise restrict the person's freedom of movement when the respondent has NOT previously been served.

NOTE: The fact that a person is the Respondent in a Protective or Peace Order that has not yet been served upon that person DOES NOT ALLOW a BPD member to detain, arrest, or otherwise forcibly restrict or restrain the person's freedom of movement. Absent some other legal justification for detaining or arresting the person (such as the discovery of an open arrest warrant by way of a 10-29), members MAY NOT force or compel the person to remain in their presence while a copy of the Protective or Peace Order is retrieved for service.

- 16.2.2. Make every reasonable effort to REQUEST that the person remain in your presence, or that they respond to some alternate location, such as a police district, while a copy of the Protective or Peace Order is obtained for service.

NOTE: A copy of a Protective or Peace Order can be obtained from the Hot Desk, Central Records Section, and may be retrieved in person or faxed to a particular location for service upon the Respondent.

17. Once any Protective or Peace Order has been served, explain the contents of the order to the Respondent and give them a copy of the order.
18. Protect the Petitioner from harm and, if assistance is requested to obtain belongings, comply with Policy 711, *Domestic Violence*.

Service of a Protective Order – Firearms

19. When a person is the subject of a Final Protective Order, or when firearms surrender is a condition of a Temporary Protective Order, that person may not possess firearms. Knowingly violating this law is a federal crime. Possession of a firearm in violation of a Protective Order, as set forth in the Family Law Article, Section 4-506, is a violation of Maryland law. The BPD member must ensure the Respondent complies, or must seize any firearms found in the possession of any person who is the subject of a Temporary Protective Order in which the person was ordered not to possess any firearm, or who is the subject of a Final Protective Order.
 - 19.1. Provide the Respondent information on the process for retaking possession of the firearm; and
 - 19.2. Submit the firearm to ECU in keeping with departmental policy.
 - 19.3. A police officer would not be exempt from a Protective Order requiring them to surrender firearms. Federal law may also prohibit the purchase and/or possession of a firearm by a Respondent of a Temporary or Final Protective Order (See Appendix A, *Notification that a Respondent is a Registered Owner of, or in Possession of a Firearm*).

If Service is Unsuccessful

20. Complete the “Return of Service by Law Enforcement Officer” and the “Protective Order Worksheet” form (if attached to order).
21. If unsuccessful at serving the order during your shift but the order is still valid, give the order to a supervisor at the end of the shift.
22. When the Respondent cannot be located, explain:
 - 22.1. The reason the Protective or Peace Order was not served, and
 - 22.2. What efforts were made to locate the Respondent.
23. Upon the expiration of any Protective or Peace Order in your possession that has not been served, the member MUST fax the order directly to the District Court *and* to Central Records.
24. Document all attempts to serve a Protective or Peace Order, and/or the actual service of a Protective or Peace Order, in accordance with existing reporting procedures.

MEMBER REQUIRED ACTION - VIOLATION OF A PROTECTIVE ORDER

25. A member MUST make an arrest for violation of a Protective Order or Peace Order, regardless of whether the violation happened in the member's presence, where:

25.1. There is probable cause that the suspect is/was in violation of a valid interim, temporary, or final Protective Order or a valid interim, temporary, or final Peace Order in effect at the time of the violation.

25.1.1. If included in the order, provisions might require that the suspect:

- Refrain from further Abuse of, or threats of Abuse, directed toward a particular person;
- Refrain from contacting, attempting to contact, or harassing a particular person;
- Refrain from entering the residence of a particular person;
- Vacate a residence shared with a particular person;
- Stay away from the place of employment, school, or temporary residence of a particular person;
- Stay away from the residence of a family member of a particular person;
- Refrain from possession of any firearm;
- Or other provisions as listed in the order.

(Arrest requirements for: Protective Orders- [FL 4-509](#), Foreign Orders- [CP 2-204.1](#), Peace Orders- [CJP 3-1508\(c\)](#))

NOTE: See Appendix B, Enforcement Table for Violations of Protective and Peace Orders, for a quick guide on the enforcement of Protective and Peace Orders.

25.1.2. This applies as well to orders for protection issued by a court of another state or a Native American tribe where a copy of the order:

- Was filed in the District Court of Maryland for Baltimore City or Circuit Court for Baltimore City,
- OR the victim displays or presents to the law enforcement officer a copy of an order that appears valid on its face.

NOTE: An order for protection by an out-of-state court is one issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person. It does not refer to an order made for support or child custody.

Investigation of a Reported Violation of Protective or Peace Order

26. Investigate a reported violation of a Protective or Peace Order as follows:

- 26.1. Inquire through any Maryland Telecommunications Enforcement Resources System (METERS) outlet, if a Protective or Peace Order was issued;
- 26.2. Ask the victim whether they have a copy of the order and if you can see it.
 - 26.2.1. If a Protective or Peace Order does exist, review the provisions and determine to the best of your ability whether a violation occurred.

NOTE: While the expiration date listed on a Final Protective Order or Final Peace Order is generally reliable, MD law does mandates the automatic extension of a Final Protective or Peace Order if an extension is filed prior to expiration, but the extension hearing has not yet been held. In instances where the petitioner describes such a scenario, attempt to determine whether such an extension request has been made in order to determine whether the Final Protective or Peace Order remains valid. Such efforts may include a MD Judiciary Case Search or calling the Court Clerk.

- 26.3. Write an Incident Report, Form 008 with the incident as a “Violation of Protective Order or Peace Order;” and
- 26.4. Advise the Petitioner to respond to the Civil Division, District Court of Maryland, 1400 E. North Ave., and file a violation of the Protective or Peace Order.
- 26.5. Arrest as appropriate (see above section for guidance), or determine if you should apply for an arrest warrant.
- 26.6. When presented with a Final Protective or Peace Order from another jurisdiction, if investigation indicates that it has been violated, enforce the order based on the content of the restrictions within it.
- 26.7. If presented with an unserved Interim or Temporary Peace or Protective Order from another jurisdiction:
 - 26.7.1 Transport any Protective or Peace Orders issued in another jurisdiction directly to the Central Records Division for processing.
 - 26.7.2. Serve Protective or Peace Orders issued in another jurisdiction and assigned to you for service in keeping with this directive after they are processed by the Central Records Division.

NOTE: If METERS is out of service or not available, inquire if a Protective Order or Peace Order was issued by calling the Hot Desk.

27. Serve warrants issued for violation of a Protective Order or Peace Order in keeping with established departmental procedures (See Policy 1104, *Arrest Warrants*).

Protective Orders Involving Law Enforcement

28. Serve Protective or Peace Orders involving law enforcement officers in the same manner as you would serve any other Protective or Peace Order, being mindful that a weapon may be involved.

29. Request a permanent-rank supervisor to respond when the Respondent is a member of this agency or a law enforcement officer from another jurisdiction.

REQUIRED ACTION - SUPERVISORS AND NON-PATROL UNITS

Supervisor/OIC

30. Review all Protective Orders and Peace Orders prior to assigning them for service.
 - 30.1. If a member in your command retrieves an Interim Protective or Peace Order directly from the Court Commissioner's Office, ensure that the member records the order's information in a logbook at the district, and then monitor member's attempts to serve the order.
31. Ensure that orders are served immediately in a safe and efficient manner.
32. Ensure at least three attempts are made to serve Protective and Peace Orders.
 - 32.1. If a member in possession of an Interim Protective or Peace Order does not successfully serve the order during their shift, collect the unserved order from that member at the end of the shift and give it to a supervisor for the next shift for service attempts. Ensure the chain of custody is properly tracked in the logbook.
33. Ensure a record check is completed for firearms registration for any Final Protective Order or Temporary Protective Order where firearms surrender is a condition.
34. Ensure a photograph of the Respondent, if available, is obtained and placed with a Protective or Peace Order for service.
35. Ensure that members in your command have faxed "Return of Service By Law Enforcement Officer" directly to the Court Commissioner's Office and the District Court upon successfully serving a Protective or Peace Order.
36. Ensure that members have faxed expired Protective Orders and Peace Orders directly to the District Court and Central Records.
37. If the fax machine is not working, ensure that Returns of Service and expired orders are hand-delivered to the District Court at 1400 E. North Ave. once it has opened.
38. Receive and forward the copy or copies of the served or unserved Protective Orders and Peace Orders, with the completed "Return of Service by Law Enforcement Officer" and "Protective Order Worksheet" form (if attached), to the District Administrative Supervisor.
39. Respond to the scene in the case of all Protective and Peace Orders involving law enforcement officers from this or any other jurisdiction to ensure service is consistent with this directive.
40. When a sworn member of the BPD is served with a Protective Order, suspend their police powers pending an investigation and/or administrative hearing (See Policy 304, *Suspension Procedures*).

- 40.1. Remove and secure BPD weapons and, if required by the order, ask the member to surrender any and all personal weapons.
- 40.2. Immediately notify the Public Integrity Bureau (PIB) and the member's parent command. If the Respondent is from any other jurisdiction, notify that officer's command.

Shift Commander

41. Ensure Interim Protective Orders and Peace Orders received are logged into the district logbook immediately and assigned for service.
42. Ensure distributed orders are logged out by the Sector Supervisor and logged back in if not served.
43. Ensure Protective Orders and Peace Orders are served by the day of the hearing in the manner described above.

District Administrative Supervisor

44. Maintain the district logbook for Protective and Peace Orders, ensuring all of the information is up to date regarding which member is in possession of an order; whether the order has been served, is expired, or is still out for attempted service; whether fax confirmation sheets have been maintained along with completed Return of Service; etc.
45. If orders have been served or have expired and this information *has not* been faxed back to the Commissioner's Office and the District Court, ensure that this information is forwarded to the court immediately.
46. Ensure that all original Returns of Service and Protective Order Worksheets are forwarded to the Warrant Unit of the Central Records Section as soon as possible *after* the Commissioner's Office and the District Court have been notified.
47. Send the Incident Report (for Violations Protective or Peace Orders) immediately to the Central Records Section and forward a copy to the Administrative Clerk, Civil Division, District Court of Maryland.
48. If the subject of the Protective Order or Peace Order is a Police Officer, send a copy of the order to Legal Affairs and PIB.

Commanding Officer

Maintain a Protective and Peace Order Logbook in the Shift Commander's Office. If the logbook is lost, filled to capacity, or misplaced, it is the responsibility of the District Commander to obtain a replacement.

Hot Desk, Central Records Section

49. When receiving a call from a member that a Protective Order or Peace Order has been served, immediately enter the service information into METERS and MD Vine.

Warrant Unit, Central Records Section

50. Receive all Temporary and Final Peace Orders and Protective Orders that are issued by the District Court and:
 - 50.1. Attach a Protective Order Worksheet to the Protective Orders to be served and the file copies;
 - 50.2. Ensure that the Protective and Peace Orders are entered into the appropriate databases (e.g., METERS/NCIC, Lotus Notes, etc.). Update records with information received from the Protective Order Worksheet and/or District Court of Maryland. Cancel all expired orders from METERS/NCIC.
 - 50.3. Make all Temporary Orders available for daily pick up by the Sheriff's Office.
 - 50.4. Forward all returned Protective Orders (served and not served) to the District Court of Maryland, 1400 E. North Ave. Attn: DV Clerk.
 - 50.5. Maintain a copy of all active Temporary and Final Protective and Peace Orders on file and accessible. Expired orders may be maintained as space permits.

Director, Central Records Section

Ensure prompt attention is given to Protective and Peace Orders issued in Baltimore City and other jurisdictions.

APPENDICES

- A. Notification that a Respondent is a Registered Owner of, or in Possession of a Firearm
- B. Enforcement Table for Violations of Protective and Peace Orders

ASSOCIATED POLICIES

Policy 711, *Domestic Violence*
Policy 1104, *Arrest Warrants*
Policy 1106, *Warrantless Arrest Procedures and Probable Cause Standard*
Policy 1203, *Juvenile Peace Order Procedures*
Policy 1401, *Control of Property and Evidence*

RESCISSION

Remove and recycle/destroy Policy 1110, *Protective and Peace Orders*, dated 26 September 2018.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.

APPENDIX A**Notification that a Respondent is a Registered Owner of, or in Possession of, a Firearm**

1. It is against the law to purchase and/or possess a firearm if you are the Respondent in a Final Protective Order.
2. When a Temporary Protective Order expressly orders the Respondent to surrender firearms, then **state** law prohibits the purchase and/or possession of a firearm by a person named as the Respondent in a Temporary Protective Order.

REQUIRED ACTION

Upon notification from a Petitioner, a citizen, or a federal, state or local law enforcement agency that a Respondent in a Protective Order who resides in Baltimore City is a registered firearm owner, or is in possession of a firearm, the following procedure shall be initiated.

Member

1. Verify that a Protective Order hearing has taken place and that a Protective Order was granted as a result of the hearing.
2. Obtain a copy of the Protective Order and ensure it is currently active.
3. Determine if the firearm has already been surrendered by the Respondent, or otherwise submitted to the Evidence Control Unit (ECU).
4. If the firearm has not been submitted to ECU, respond with a copy of the Protective Order to the Respondent's residence, advise the Respondent of the applicable federal and state laws prohibiting the purchase and/or possession of a firearm, and request that any and all firearms, whether registered or not, be voluntarily surrendered.
5. Upon compliance with the request, the firearm should be secured and taken to ECU and submitted in accordance with established procedure.
6. Upon failure to comply with the request to surrender the firearm without a satisfactory explanation, contact the Petitioner to advise them that the Respondent failed to surrender the firearm. Consult with the Criminal Investigations Division/SIS Family Crimes Unit and the Office of the State's Attorney to determine what further action should be initiated.
7. If the Respondent provides an explanation as to why a firearm is no longer in his/her possession, an effort should be made to confirm the explanation. Notify the Maryland State Police, Firearms Registration Section, by telephone (410-653-4334) or written correspondence, if ownership of a registered firearm has changed or the firearm is reported lost or stolen.
8. If notification is received that the Respondent is the registered owner of, or in possession of a firearm, but the Petitioner in the Protective Order resides outside of Baltimore City, notify the respective jurisdiction and the Maryland State Police, Firearms Section of the action taken by this Agency. Document the notification.

9. If the Petitioner in a Protective Order is a resident of Baltimore City and notification is received that the Respondent in that order is the registered owner of, or in possession of a firearm, but resides outside of Baltimore City, directly notify the Shift Commander in the district where the Petitioner resides. Document the notification.
10. If any firearm is recovered, the Respondent may be in violation of the law. If the Protective Order requires that the Respondent surrender all firearms, then follow MEMBER REQUIRED ACTION - VIOLATION OF A PROTECTIVE ORDER (above). If a Final Protective Order does not clearly state that the Respondent is to surrender all firearms or the officer has reason to believe that the judge ordered a firearm restriction on a temporary order but due to a clerical error the order failed to note that restriction, consult with the Criminal Investigations Division /SIS Family Crimes Unit and the Office of the States Attorney to determine if further action should be initiated.

Supervisor

1. Respond with the primary officer to the location in question and assist in the seizure of the registered firearm, or any other firearm, in the Respondent's possession.
2. Ensure sufficient police presence is on the scene to provide for the safety of all personnel.

Shift Commander

If notification is received that the Petitioner in a Protective Order is living within your assigned district and the Respondent in that order is a registered owner of, or in possession of a firearm, gather all information available from the appropriate jurisdiction and assess the need for special attention.

APPENDIX BEnforcement Table for Violations of Protective and Peace Orders¹

**Police are REQUIRED to arrest with probable cause that:
a Peace or Protective Order was violated AND a crime was committed**

An "X" indicates that the Order CAN include the provision listed	Protective Order			Peace Order	Is Violation of this Provision a Crime? ²
	Interim	Temp	Final	Any	
The Court <u>may</u> order...					
Contact with VICTIM provisions:					
Do not contact, attempt to contact, or harass victim(s)	X	X	X	X	YES
Do not abuse or threaten to of abuse victim(s)	X	X	X		YES
Do not commit or threaten to commit a Specified Act ³ against victim(s)				X	YES
Stay Away from LOCATIONS provisions:					
Do not enter the residence ⁴ of victim(s)	X	X	X	X	YES
Stay away from the place of employment, school, or temporary residence of victim(s)	X	X	X	X	YES
Stay away from the residence of any family member of victim(s)	X	X	X		YES
Stay away from a child care provider caring for the victim's child		X	X		No
Disposition of HOME provisions:					
Order respondent to vacate a shared home immediately	X	X	X		YES
Award temporary use and possession of the home to the victim	X	X	X		YES ⁵
Award temporary use and possession of the home to an adult living in the home	X	X	X		YES ⁵
Disposition of FIREARMS provisions:					
Order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession		X	IN ALL FINAL ORDERS		YES
Order the respondent to refrain from possession of any firearm		X	IN ALL FINAL ORDERS		YES
Disposition of CHILDREN provisions:					
Award temporary custody of a minor child	X	X	X		No ⁶
Establish temporary visitation with a minor child			X		No
OTHER provisions:					
Award temporary possession of a pet	X	X	X		No
Award temporary use and possession of a joint vehicle			X		No
Order child support or family support			X		No
Direct participation in counseling			X	X	No
Order any other relief necessary to protect from abuse			X		No

NOTE: Violation of a Peace or Protective Order may result in punishment by a Court even if an officer cannot arrest for the violation.

¹ Out-of-State Peace and Protective orders are to be enforced to the same degree as a corresponding In-State Protective Order

² Crimes related to Violations of Peace Orders are found at [CJP 3-1508](#). Crimes related to Violations of Protective Orders are found at [FL 4-509](#).

³ Threatening or Committing any act that causes serious bodily harm or places the victim in fear of imminent serious harm. Also includes [specified crimes](#).

⁴ Residence includes the yard, grounds, outbuildings, and common areas surrounding the residence

⁵ Violation is a crime for Temporary and Final Protective orders only. This does not apply to Interim Protective Orders.

⁶ If an order awards temporary custody of a minor child, the commissioner or judge "may order a law enforcement officer to use all reasonable and necessary force to return the minor child to the custodial parent" after service of the order. While violation of the order is not a crime, a respondent who knowingly obstructs or hinders an officer in carrying out that duty may be criminally liable.