



DOMESTIC VIOLENCE

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Contents:

- I. Definitions
- II. Policy
- III. Warrantless Arrest Criteria
- IV. Application for Charges by Investigating Officer
- V. Responsibilities
- VI. Lethality Assessment
- VII. Reporting Requirements
- VIII. Duties of the District Domestic Violence Officer
- IX. Proponent Unit
- X. Cancellation

I. DEFINITIONS

A. Domestic Violence

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

(Refer to Index Code 1605)

Occurs when one family member inflicts or attempts to inflict physical injury against another family member, with whom no intimate relationship exists. This includes abuse and assault of any degree, stalking and false imprisonment.

- 1. Sibling (brother or sister)
- 2. Niece, Nephew, Aunt, Uncle or Cousin
- 3. Grandchild or Grandparent
- 4. Child (son or daughter) or Stepchild
- 5. Parent or Stepparent
- 6. Vulnerable Adult
*abuse/assault committed by caregiver

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 in an intimate or romantic relationship;
 - c. Have children in common; or
 - d. Date or have dated, but do not live or have never lived together.

D. Other Relationships (Roommates/Housemates)

Persons not involved in an intimate relationship, but within the meaning of the definition for the warrantless arrest criteria under Section III. This includes individuals living together in a platonic living situation such as a dormitory or rooming arrangement.

E. 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. Ensure that officers complete an application for charges as soon as practical when probable cause exists that an assault occurred but the criteria for warrantless arrest have not been met.
- H. 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.

* "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.

B. Reported Within 48 Hours

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

IV. APPLICATION FOR CHARGES BY INVESTIGATING OFFICER

A. Applying for Charges

In situations that the above Warrantless Arrest Criteria are not met, but there is probable cause to believe that an assault did occur, then officers **shall** apply for charges through the Court Commissioner as soon as is practical.

B. Delays in Application Process

Any delay in this process must be approved by a supervisor. Such delays should be the exception, and must only be approved when necessary to accomplish department goals based upon the exigencies of police service. In no case should the delay extend past the end of the investigating officer's 8.5 hour shift.

C. Burden of Ensuring the Application Process is Complete

Because victims of domestic violence frequently are intimidated into refusing to apply for charges, it shall be the sole responsibility of the investigating officer to follow through with the application process. No officer shall seek to have the victim apply for charges in these instances, but will complete the process him/herself. This section does not impact the officer's ability to encourage victims to seek protective orders through the Commissioner's Office or the Court itself or to transport victims to facilitate this process.

D. Follow Up

After an application has been delivered to the Commissioner's Office, supervisors will ensure that periodic communication is made to find the status of the application. The fact that the application has been dropped off at the Commissioner's Office will be communicated to oncoming shifts via the Commander's Report until charges are issued. Once charges are issued, the on-duty supervisor will have attempts made at serving the warrant/summons until successful.

If a suspect (batterer) is arrested, the arresting officer will give the suspect a Domestic Violence YWCA Referral Form (PD 1603A) and upload a copy into ARS.

V. 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 notify the hospital staff that the injuries are the result of domestic violence.

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. Officers will pay particular attention to the notes/allegations provided as the call is dispatched when determining courses of action.

C. Crime Scene Processing

1. Ensure that the crime scene is processed in accordance with departmental procedures, including color photographs. The photographs should include an overall photo of the victim (front and back), any areas of potential injuries, and any visible injury to the victim. Contact ECU (410-222-8810) if a camera is not available at the time of the incident.

2. Any officer who has taken photographs at a domestic violence scene and/or of victim injuries with a digital camera will promptly upload those photographs into the records management system as attachments to the Offense/Incident Report before the end of his/her tour of duty.

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. It is the department's stance that victims of domestic violence should not incur further trauma at the hands of an aggressor/suspect of domestic violence. Domestic Stand-bys for the aggressor must have a supervisor's approval.
2. Supervisors must remember that exceptions CAN NOT be made if there is a standing court order preventing the aggressor from returning to the residence. Court orders can be found on Maryland Jportal.

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 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).

- c. When adding firearms recovered under these circumstances to the records management system, select “SAFEKEEPING – Domestic Violence (Release pending review) from the “Reason for Police Custody” drop down list. NOTE: If the firearm was used to commit an offense, the appropriate “EVIDENCE” attribute should be selected.

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.

VI. 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 victim gives a positive response to question #9 (“Has he/she ever tried to kill himself/herself?”), the officer will attempt to obtain further information about the prior incident/incidents from the victim. All pertinent information regarding a prior suicide attempt will be communicated to the Booking Officer if an arrest is made, per Index Code 2004.

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. The Lethality Assessment documentation will be scanned and added to the Offense/Incident Report as a PDF attachment, *as well as emailed directly to the YWCA at hotlinevoicemail@ywcaaac.org.*

VII. REPORTING REQUIREMENTS

A. Any call dispatched with an allegation of domestic violence, including attempts or threats to commit domestic violence, require an Offense/Incident Report to be submitted. If the determination is made by the investigating officer that an actual/attempted assault or threat to commit an assault did not occur, the officer will brief a supervisor of their findings. The supervisor will ultimately determine if a report is necessary. If a supervisor determines that a report is not necessary, the supervisor will clear out the call with Communications. All reports must articulate the facts of the case and contain as much information as possible under the circumstances concerning what occurred, to include: descriptions of physical evidence, emotional state of victim and suspect, names of witnesses, the age, race, sex, household status, whether or not alcohol/CDS was involved, the relationship of the parties, methods and contributing circumstances of the incident, and any police action taken. Images of any text message or email of evidentiary value, obtained by consent, between the suspect and victim must be uploaded into the records management system.

1. Officers must realize that many domestic calls for service may not meet the Warrantless Arrest Criteria, but WILL meet the above department reporting requirements.

2. In an effort to be as clear as possible in determining which category a specific case falls under, officers should clearly and simply ask the victim if he/she is injured and to describe the injury(s) in detail. This information

must be clearly documented in the report whether officers are making a warrantless arrest, applying for charges or documenting a threat.

3. If the information being reported involves a criminal offense or offenses (assault, threats, destruction of property, etc.), those offenses will be documented on the Offense/Incident Card in the records management system. If the information being reported is assessed to not involve a criminal offense, but is still being reported for the purposes of engaging support services for those involved, the incident will be documented on the Offense/Incident Card using the "Miscellaneous/Non-Criminal Incident" Incident Type. In either case, the "Domestic/Family Incident" Stat Reporting box (and all other relevant Stat Reporting boxes) will be checked on the Event Information Card.

B. The Domestic Violence Report forms (PD 1603) will be used in all "domestic violence" related offenses, including attempts or threats to commit domestic violence. These forms in are addition to the Offense/Incident Report and used as tools to aid in collecting information from victim. The reporting officer is responsible for completing both pages of the Domestic Violence 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 Domestic Violence Form (Page #1 and #2) will be scanned into the records management system as an attachment.

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 Offense/Incident report.

D. The Domestic Violence Lethality Screen for First Responders (page 3 of the Domestic Violence Report form, PD 1603) will be scanned into the reporting management system as an attachment. 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.

E. The original copy of all applicable Domestic Violence Report Forms will sent to Central Records, after they are scanned into the records management system, for retention purposes.

F. The investigating officer will check the "Domestic/Family Incident" Stat Reporting box on the Event Information Card of the Offense/Incident Report.

G. MD Code Family Law, Sec. 4-503 requires that a copy of any Offense/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 Offense/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.

VIII. 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. Provide case enhancement and collection of additional evidence for District officers, including but not limited to obtaining a recording of the 911 call from Central Records, and any Alternate Light Source (ALS) photography that is needed. Each DVO has an assigned ALS photography kit.

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

- E. 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.
- F. Maintain Domestic Violence Log sheets and keep District statistics regarding domestic violence.
- G. Maintain Lethality Assessment district statistics and forward them to the MNADV.
- IX. PROPONENT UNIT:** Training Division.
- X. CANCELLATION:** This directive cancels Index Code 1603, dated *11-15-21*.