

Bowie State University Police Department

General Order



<i>Subject:: DOMESTIC VIOLENCE</i>	<i>Number: 17</i>
<i>Effective Date: May 15, 1996</i>	<i>Rescinds:</i>
<i>Approved: Capt. B.S. Biscoe</i>	

This article contains the following sections:

- 17.0 Purpose***
- 17.1 Policy***
- 17.2 Dispatcher Responsibilities***
- 17.3 Definitions***
- 17.4 Pro-Arrest and Warrantless Arrest***
- 17.5 Ex Parte Orders***
- 17.6 Assessing the Scene***
- 17.7 Effective Intervention***
- 17.8 Supervisor's Responsibility***
- 17.9 Reporting Procedure***
- 17.10 Support Service***

- 17.0 Purpose: To provide guidance so as to ensure appropriate pro-arrest response to domestic violence cases.
- 17.1 Policy: The Department will ensure that officers receive appropriate training on intervention and criminal law in the area of domestic violence. This will lead to an enlightened and proactive response, including educating victims as to available support services.
- 17.2 Dispatcher Responsibilities will be to record all available information including, but not limited to, information in the Department's Communications Manual. Complaints of domestic violence or spousal abuse will be taken seriously, even when clear evidence of abuse/assault is lacking.

If the assailant is on the premises, the dispatcher should comply with the victim's wishes to meet with officers at another location. Dispatchers will record all available information on the police blotter and the type of call should be entered as a "Domestic." Two officers will be dispatched to all domestics.

17.3 Definitions:

- A. The law defines a "spouse" as:
- ∅ A person legally married to another
 - ∅ A married person estranged from his/her spouse
 - ∅ An unmarried person living with another unmarried person and having a common minor child
 - ∅ A cohabitant, someone who has lived with the abuser as a sexual partner in the same home for at least 90 days during the past year.
- B. The law defines a "resident" as:
- ∅ A person related to the abuser by blood/marriage, step-parent, child or step-child who has lived with the abuser for 90 days within the past year.
 - ∅ A vulnerable adult who lacks the physical or mental capacity to provide his/her needs.

17.4 Pro-Arrest and Warrantless Arrest: The Department's response to domestic violence is pro-arrest. Studies have shown that such a response in many cases has resulted in lessening of repeat calls, because assailants have little doubt about the criminality and consequences of their actions. The pro-arrest response is in accord with Article 27, Section 594B(d) of the Annotated Code of Maryland. This sections provides the authority to arrest if probably cause exists to believe that:

- A. The person battered is the person's spouse (as defined on 17.4) or is a person who resides with the battered person an,
- B. There is evidence of physical injury, and
- C. Unless the person is immediately arrested;
1. He/she may be apprehended
 2. He/she may cause injury to the person or damage to the property of one or more other persons or,
 3. He/she may tamper with, dispose of or destroy evidence, and
 4. A report has been made with 48 hours of the incident.
- D. In cases where the above criteria exist, a warrantless arrest will be made. The only exception to this policy is where, in the professional judgement of the officer, an arrest would be counterproductive.
- E. Officers must give the domestic violence victim written notice of services available in the community, including shelter, counseling and their legal options in Maryland's Civil and Criminal Courts. The Victim/Witness Assistance pamphlet contains this information, as well as information regarding the Ex Parte Order process.

17.5 Ex Parte Orders and Civil Orders of Protection: Officers are required to arrest any person found in violation of an Ex Parte Order. These violations include phone contract, or going to the victim's place of work.

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- A. Ex Parte Orders are entered into MILES so that judges and police officers can verify their existence.
 - B. While on the scene of domestic violence incidents, officers will initiate a check via MILES to determine if warrants and/or Ex Parte Orders are on file. If an Ex Parte Order is on file and not service, the officer will serve the order. If an order is on file and the subject is in violation, the officer will make an arrest.

** Note: Failure to check via MILES for an Ex Partes Order may subject the responding officers to civil charges for failure to protect.

- C. After service is effected, the officer will order the subject of the order to vacate the home/premises, advising him/her that to disregard the order is a misdemeanor, subjecting him/her to arrest (Family Law Article, Sect 4, subsection 510).
- D. Persons refusing to comply with an order will be criminally charged. A citation in lieu of arrest may be issued, at the discretion of the shift supervisor. Persons refusing to cooperate in the citation process will be arrested and processed according to procedures for other criminal arrests.

17.6 Assessing the Scene: If possible, officers should await back-up when responding to domestic violence incidents.

- A. Officer should make every effort to interview the alleged victim of an assault to ascertain if he/she is injured. Officers will use reasoned judgement to determine whether forcible entry should be made.
- B. Forcible entry may be made if exigent circumstances exist, and, to terminated a violent altercation or remove children believed to be in immediate danger. Forcible entry is also permitted if a third party reports the sound of screams and/or an assault.

17.7 Effective Intervention: There are five states in effective intervention:

- A. Safety: After establishing a safe environment and regaining control of the situation, (including separation of the parties by sight and sound) an officer should determine if there are injuries, and if medical care is required. The Officer can then defuse the situation.
- B. Diffusion: This occurs when the participants have calmed and are no longer engaging in verbal or physical combat.

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- C. Verbal and Non-verbal Communications: These skills may be used by an officer to elicit information and determine causes of the problem. Officers should maintain a neutral, non-judgmental attitude.
 - D. Victim Assistance and Resolution. An officer will provide the victim protection against further injury, including but not limited to, the arrest of the assailant or seizure of firearms or other weapons when there are indications they might be used. An officer may transport a victim away from the scene, to a destination within 25 miles, when no other means of travel is available. An officer will assist in removing children from the home in which a spouse opposes such removal, only where it is believe the children are in imminent danger.
 - E. Information & Referral: The officer will provide the victim or injured person with the Department's Victim Assistance brochure.

17.8 Supervisor's Responsibility: In domestic stand-by situations, a supervisor will determine the level of police response. If available, the supervisor will respond to assist the officer, and will ensure that assistance is limited to removing essential items including a change of clothing, personal effects or medical items needed for the victim or his/her children.

17.9 Reporting Procedure

- A. When spousal assault is alleged, and the victim exhibits an injury, a crime report will be taken. "Spousal Assault" will be written in the offense block and a copy of the report will be forwarded to the Victim/Witness coordinator. The call will be cleared.
- B. In every case officers will advise the dispatcher of the following information, which will be entered on the police blotter:
 - * Whether weapons were in the house, and what type and,
 - * Whether drugs or alcohol were a factor.

17.10 Support Services

The Support Services for the Victim/Witness/Assistance Program will review and assign cases of multiple incidents for appropriate investigative follow-up, and ensure that the Victim/Witness will:

- A. Contact the victim by phone or form letter to advise of available assistance and to make referrals as appropriate.
- B. Notify the appropriate Department of Social Services and/or other agencies, as necessary.

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- C. Review unusual spousal assault cases in order to make plans to neutralize potentially violent situations.