

Domestic Violence

310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of the St. Mary's County Sheriff's Office to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic violence (Md. Code FL § 4-514).

Saint Mary's County Sheriff's Office LE Procedures Manual: [Ex-Parte/Protective Orders: Service and Tracking](#)

310.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Domestic violence - Abuse occurring between current or former spouses or cohabitants, persons who have a child in common, or persons currently or formerly involved in a dating relationship (Md. Code FL § 4-701(c)).

"**Abuse**" means any of the following acts:

- (a) an act that causes serious bodily harm;
- (b) an act that places a person eligible for relief in fear of imminent serious bodily harm;
- (c) assault in any degree;
- (d) rape or sexual offense under § 3-303, § 3-304, § 3-307, or § 3-308 of the Criminal Law Article or attempted rape or sexual offense in any degree;
- (e) false imprisonment;
- (f) stalking under § 3-802 of the Criminal Law Article;
- (g) revenge porn under § 3-809 of the Criminal Law Article.

310.2 POLICY

The St. Mary's County Sheriff's Office's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this office to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

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310.3 OFFICER SAFETY

The investigation of domestic violence cases often places deputies in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all deputies to exercise due caution and reasonable care in providing for the safety of any deputies and parties involved.

310.4 INVESTIGATIONS

The following guidelines shall be followed by deputies when investigating domestic violence cases to protect the victim from harm (Md. Code FL § 4-502(a)(2)):

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, deputies should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
 - 1. Handle With Care (HWC) will be dispatched to CAD cards when children who attend school have experienced a traumatic event.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries shall be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Domestic Violence Coordinator in the event the injuries later become visible.
- (f) Deputies should request the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) (Md. Code FL § 4-511)
 - 1. When responding to the scene of an alleged act of domestic violence, as described in this subtitle, a law enforcement officer may remove a firearm from the scene if:
 - (a) the law enforcement officer has probable cause to believe that an act of domestic violence has occurred; and
 - (b) the law enforcement officer has observed the firearm on the scene during the response.

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2. If a firearm is removed from the scene, the law enforcement officer shall:
 - (a) provide to the owner of the firearm information on the process for retaking possession of the firearm; and
 - (b) provide for the safe storage of the firearm during the pendency of any proceeding related to the alleged act of domestic violence.
3. At the conclusion of a proceeding on the alleged act of domestic violence, the owner of the firearm may retake possession of the firearm unless ordered to surrender the firearm under § 4-506 of this subtitle.
 - (i) When completing an incident or arrest report for violation of a court order, deputies shall include specific information that establishes that the offender has been served, including the date the offender was served, how the offender was served, the name of the officer and agency that served the order, the name of the court which issued the order, the name of the judge who signed the order and the provision of the order that the subject is alleged to have violated.
 - (j) Deputies shall take appropriate enforcement action when there is probable cause to believe an offense has occurred.
 - (k) Factors that should not be used as sole justification for declining to take enforcement action include:
 1. Whether the suspect lives on the premises with the victim.
 2. Claims by the suspect that the victim provoked or perpetuated the violence or abuse.
 3. The potential financial or child custody consequences of arrest.
 4. The physical or emotional state of either party.
 5. Use of drugs or alcohol by either party.
 6. Denial that the violence or abuse occurred where evidence indicates otherwise.
 7. A request by the victim not to arrest the suspect.
 8. Location of the incident (public/private).
 9. Speculation that the complainant may not follow through with the prosecution.
 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
 11. The social status, community status, or professional position of the victim or suspect.

Saint Mary's County Sheriff's Office LE Procedures Manual: [Responding Officer](#) and [Report Writing](#)

310.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

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- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Explain to the victim that notification will be made through VINE.
- (c) Advise the victim on how to obtain a protective order.

310.4.2 NO ARREST IS MADE

If no arrest is made, the deputy should:

- (a) Advise the parties of any options, including but not limited to:
 - 1. Voluntary separation of the parties.
 - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness assistance).
- (b) Document the resolution in a report if a criminal act is alleged. Document the resolution in CAD notes if no criminal act is alleged.

310.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, deputies should be aware that a victim's behavior and actions may be affected.

- (a) Any person who alleges to have been a victim of abuse and who believes there is a danger of serious and immediate personal harm shall be provided with the Crime Victims and Witnesses: Your Rights and Services Handbook. On the front of the pamphlet the officer will write his/her name, the name of their immediate supervisor, the complaint control number, and the agency telephone number to report additional information or find status of case investigation.
- (b) Victims should be alerted to any available victim advocates, shelters, and community resources.
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, deputies shall accompany the person to the family home and stand by while personal clothing and effects are removed (Md. Code FL § 4-502(a)(2)(ii)).
- (d) If the victim has sustained injury or complains of pain, deputies shall seek medical assistance for the victim as soon as practicable.
- (e) Deputies should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a safety concern or if the deputy determines that a need exists.
- (f) Deputies should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, deputies should seek or assist the victim in obtaining an interim protective order.
- (h) Use the substitute address if the victim is registered in the state Address Confidentiality Program (Md. Code SG § 4-7-302).

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- (i) Prepare a Lethality Assessment Form and advise the victim accordingly.
 - 1. The Lethality Assessment and Domestic Violence Supplemental Form (SMCSO Form #235) should be completed for the following:
 - (a) the current or former spouse of the respondent
 - (b) an individual who has a child in common with the respondent
 - (c) an individual who has had a sexual relationship with respondent within 1 year before the filing of the petition

310.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

310.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by deputies as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state (Md. Code FL § 4-508.1(b)).

310.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Deputies should document in an appropriate report or CAD entry their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

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310.8.1 COURT-ORDERED SURRENDERED FIREARMS

If a respondent surrenders a firearm to the Office under a temporary or final court order, the deputy shall provide the respondent information on the process for retaking possession of the firearm. The deputy shall transport and store the firearm in a protective case, if one is available, and in a manner intended to prevent damage to the firearm during the time the protective order is in effect (Md. Code FL § 4-506.1).

If a defendant in a criminal case who is ordered to surrender firearms pursuant to Md. Code CP § 6-234 transfers a firearm to the Office, the deputy receiving the firearm shall issue the person transferring the firearm a written proof of transfer, via SMCSO Form #60, Property Record containing:

- (a) The name of the person transferring the firearm.
- (b) The date the firearm was transferred.
- (c) The serial number (or identifying marks if the firearm was manufactured before 1968), make, and model of the firearm.
- (d) Any other information required by state or federal law.

The receiving deputy will ensure the remaining copies of the Property Record are attached to or submitted with the firearm(s). The Sheriff may develop additional procedures pertaining to the storage and disposal of any surrendered firearms.

310.9 STANDARDS FOR ARRESTS

Deputies investigating a domestic violence report:

- (a) May arrest a person without a warrant if the report to law enforcement was made within 48 hours of the alleged incident and the deputy has probable cause to believe that (Md. Code CP § 2-204):
 1. The person battered his/her spouse or another person with whom the person resides.
 2. There is evidence of physical injury.
 3. Unless the person is arrested immediately, the person:
 - (a) May not be apprehended.
 - (b) May cause physical injury or property damage to another.
 - (c) May tamper with, dispose of, or destroy evidence.
- (b) Shall arrest with or without a warrant and take into custody a person who the deputy has probable cause to believe is in violation of an interim, temporary, or final protective order in effect at the time of the violation (Md. Code FL § 4-509(b)).
- (c) Shall arrest, with or without a warrant, and take into custody a person the deputy has probable cause to believe is in violation of an order for protection that was issued by a court of another state or a Native American tribe, and that is in effect at the time of the violation if the person seeking the assistance (Md. Code FL § 4-508.1(c)):

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1. Has filed a copy of the order with the District Court or Circuit Court for the jurisdiction in which the person seeks assistance.
2. Displays or presents to the deputy a copy of the order that appears valid on its face.

Saint Mary's County Sheriff's Office LE Procedures Manual: [Dual Arrest Investigative Guidelines](#)

310.9.1 MUTUAL BATTERY

If a deputy has probable cause to believe that mutual battery occurred and arrest is necessary, the deputy shall consider whether one of the persons acted in self-defense to determine who was the primary aggressor (Md. Code CP § 2-204(b)).

310.10 REPORTS AND RECORDS

The Records Section shall provide a copy of the domestic violence report to the victim upon request (Md. Code FL § 4-503.1).

310.11 SERVICE OF COURT ORDERS

310.11.1 INTERIM PROTECTIVE ORDER

As soon as available, the deputy shall serve a petition and interim protective order on the respondent named in the order. Immediately after service, the deputy shall submit the documents to the Station Clerk, who will make a return of service to the commissioner's office or, if the Office of the District Court Clerk (Clerk) is open for business, to the Clerk; and within two hours after service of the order, electronically notify the Department of Public Safety and Correctional Services (DPSCS) of the service (Md. Code FL § 4-504.1(g)).

310.11.2 TEMPORARY PROTECTIVE ORDER

As soon as available, the deputy shall serve the temporary protective order on the alleged abuser. Immediately after service the deputy shall submit the documents to the station clerk, who will within two hours after service of the order on the respondent, electronically notify the DPSCS (Md. Code FL § 4-505(b)).

310.12 DOMESTIC STANDBYS

Deputies will conduct Domestic Standbys in accordance with Family Law FL 4-502. Any person who alleges to have been a victim of abuse and who believes there is a danger of serious and immediate injury to himself or herself may request the assistance of a local law enforcement agency.

Saint Mary's County Sheriff's Office LE Procedures Manual: [Domestic Standbys](#)

310.13 DOMESTIC VIOLENCE UNIT

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310.13.1 RESPONSIBILITIES

The Domestic Violence Unit (DVU) is responsible for follow-up investigations on all domestic-related crimes involving intimate partners and stalking cases. The DVU will provide assistance to the victims of domestic violence by coordinating domestic violence investigations among allied agencies and providing domestic violence information and resources to the public. At the direction of the Division Commander, priorities can and will be altered to address the needs of the agency and the unit. Responsibilities include, but are not limited to:

- (a) Arranging meetings with the public for domestic violence lectures.
- (b) Assisting, as needed, with the service of domestic-related paperwork. When serving ex-parte/protective orders, it will be the policy of the DVU to require two (2) officers when serving an order that requires the respondent to vacate the residence. The officers will stand by until all necessary personal items have been removed from the residence and the respondent has left, within a reasonable time frame.
- (c) Communicating with other agencies regarding domestic violence issues, service, etc.
- (d) Reviewing all domestic-related crimes, conducting follow-ups when necessary.
- (e) Maintaining monthly/yearly domestic violence statistics.
- (f) Maintaining various files of the DVU.
- (g) Coordinating additional domestic violence training for agency personnel.
- (h) When feasible, photographing victims/suspects' injuries within 48 hours of the initial call for service.
- (i) Following up on cases from District Court and Circuit Court which require additional investigation for trial purposes.
- (j) Contacting all victims in person or over the phone that can be located and providing them with additional information on services available to them in the community.
- (k) Assisting and providing moral support to victims wishing to obtain ex-parte/protective order paperwork.
- (l) In cases where the victim is unable to transport themselves to court to obtain paperwork, the DVU may assist in making arrangements to provide transportation for the victim.
- (m) Working closely with allied agencies to assure that victims are receiving proper information and moral support needed to sustain them during the time it takes for their case to come to court for disposition.
- (n) Reviewing all daily shift briefs for cases involving intimate partners such as burglaries, property destruction, ex-parte violations, etc., and determine whether a follow-up is necessary.
- (o) Conducting follow-ups on all domestic assaults involving intimate partners and attempt to contact all victims in those cases.
- (p) Working varying shifts to assist deputies in calls for service involving domestic-related issues. This may include evenings and weekend scheduling. DVU personnel

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responding to these types of calls will complete the necessary reports and complete arrests of suspects, if appropriate.

- (q) Submitting a copy of all completed Domestic Violence Lethality Screens for Law Enforcement by either fax or agency email to the Southern Maryland Center for Family Advocacy upon receipt from the Records Division.

310.13.2 REPORTING PROCEDURES

If a member of the DVU completes an initial offense report for a domestic violence assault, the report will be submitted to a CID supervisor prior to the officer securing from their tour of duty. All paperwork generated by the DVU will be turned in to a CID supervisor.

All domestic violence follow-ups completed by the Domestic Violence Coordinator will be documented on SMCSO Form #413. Once the form is completed by the Domestic Violence Coordinator, it will be submitted to a CID supervisor for approval before being scanned under the case number for the original incident in Filebound. If any new information pertinent to the criminal investigation is gathered or additional investigation (additional photographs being taken, medical records being subpoenaed, etc.), is completed, a supplement to the original report will be completed by the Domestic Violence Coordinator. If a separate and unreported case is reported to the Domestic Violence Coordinator, a new investigation will be initiated under a new case number and an original offense report will be completed.

[See attachment: 413 Domestic Violence Follow up \(1-23\).pdf](#)

310.13.3 TRAINING

Required training for members of the DVU include:

- (a) A course in Basic Investigator Skills consisting of not less than 24 hours.
- (b) A course in interview and interrogation consisting of not less than 24 hours (e.g., the John E. Reid course on interview and interrogation.)
- (c) Attend and successfully complete other specific training in domestic violence, stalking, or harassment and its effect on the family unit as available through allied agencies.

310.13.4 MONTHLY ACTIVITY REPORT

The DVU will complete and forward through their chain of command a monthly activity report. At a minimum, the report will contain the following:

- (a) Number of follow-ups completed to include how many were done in person and how many through telephone contact or other correspondence.
- (b) Number of cases and ex-parte orders reviewed.
- (c) Number of court orders served.
- (d) Number of initial cases handled.
- (e) Any pertinent information regarding the Sheriff's Office's involvement in Domestic Violence Task Forces and support groups, to include meetings, assistance provided or received, and training.

Attachments

413 Domestic Violence Follow up (1-23).pdf

St. Mary's County Sheriff's Office Domestic Violence Follow-Up

CCN _____ Completed By _____

Victim _____ Suspect _____

Contact by (Phone/In Person/Other) _____

Date and time of contact _____

1) Are you still together? Yes No Other _____

2) How long have you been/were you in a relationship _____

3) Do you have children in common Yes No Names and Ages _____

4) Were any children present during the assault? Yes No

• If **Yes**, Who? _____

5) Has there been any unreported incidents of Domestic Violence Yes No

• If **YES**, are there any you wish to report today Yes No

• If **YES**, what is the new CCN? _____

6) Did the Officer provide you with a victim rights pamphlet Yes No

• If **NO**, was one provided and how _____

7) Were you informed how to get a protective order?

Yes – Do you intend to get one? Yes No Not Sure

No – Was it explained to them? Yes No Other _____

8) Did you receive medical treatment Yes No

• If **YES**, where was treatment received and what type of treatment: _____

9) Did officers take photographs of your injuries? Yes No

10) What was the disposition of the case? On-View Arrest Officer Applied No Charges

• If **No Charges**, was it explained how to apply for charges? Yes No

• If **YES**, did you apply for charges? Yes No

• If **NO**, after being explained the process do they intend on charging? Yes No

11) Have you spoken with the Southern Maryland Center for Family Advocacy Center (SMCFA)?

Yes No

• If **NO**, would you like contact? Yes, by phone Yes, by email No

• Phone number/Email for contact _____

12) Would you like to be provided a list of domestic violence resources?

Yes, by mail Yes, by email No/Refused

*If **YES**, what email or address? _____

*Date resources were sent: _____

Officer Signature/ID _____

Approving Supervisor _____