



Family Violence Policy

I. INTRODUCTION AND PURPOSE

A. Family violence is a crime. This Department views family violence as preventable crime. The goals of the Department's family violence policy are:

- A. To reduce family homicide.
- B. To reduce family assaults.
- C. To reduce police call-backs.
- D. To reduce liability risks for the Department, and injuries to Officers.
- E. To establish protocol and to implement the use of a Domestic Violence Lethality Assessment process.
- F. To establish protocol and implementation of participation in the Caroline County Domestic Violence Fatality Review Team.

B. Effective family violence crime prevention requires a team approach; the radio dispatcher must input the call with the information necessary to safeguard the lives of the Officer and victim. The responding Officers must restore order and conduct a thorough on-scene investigation. If the investigation establishes probable cause that a crime has been committed, the Officer(s) will make an arrest. In both arrest, and non-arrest situations, the Officer will do all they can to help the victim, the offender, and the children that are all trapped within the cycle of violence. The Officer must understand required procedures to conduct a Lethality Assessment and must conduct that assessment when warranted. They must encourage victims to seek immediate assistance from their abuse and speak with hotline counselors. The Officer must conduct a thorough follow-up investigation that leads to the apprehension of the offender. Supervisors must motivate, teach, and direct their personnel, so they perform their duties in a compassionate, professional manner.

II. DEFINITIONS

A. "Family/Household Member" includes persons who:

- 1. Are legally married to one another.
- 2. Were formally married to one another.
- 3. Are related by blood (consanguinity).
- 4. Are related by marriage.
- 5. Have a child in common.
- 6. Are currently living together.

General Order No 4-3 (Cont.)

B. "Domestic Violence" occurs when a person causes or attempts to cause, to another family/household member:

1. Bodily harm or fear of imminent bodily harm.
2. Sexual assaults.
3. Unlawful interference with personal liberty.
4. A property crime directed at the victim.
5. The crime of criminal trespass.
6. Any crime when the offender is intoxicated.

C. "Probable Cause" means the combination of facts which leads an Officer to believe a crime has been committed. The probable cause standard applied to domestic violence crimes is no different from the standard applied to all other crimes. The Officer should not consider the following factors when determining probable cause.

1. The marital status of the parties.
2. The existence of a protective order (except if the violation of such order would constitute a crime).
3. The disposition of previous police calls involving the same victim and offender.
4. The victim's unwillingness to prosecute the case.
5. The police officer's belief that the victim will not prosecute.
6. Verbal assurance by either party that the violence will stop.
7. Denial by either party that the violence occurred when there is evidence of domestic violence.
8. The police officer's concern about reprisals against the victim by the offender.
9. The race, ethnicity, sexual preference, social class, or occupation of the victim and/or the offender.

D. "Domestic Dispute" means any incident between family/household members where, even though no crime has occurred, the police have been called to the scene.

E. "Victim/Complainant" means any person who is the victim of domestic violence. This includes victims who are unwilling to file charges, or to prosecute the offender.

F. "Bodily Harm", an act that causes bodily harm (visible injury or pain) and/or an act that places a victim in fear of imminent serious bodily harm.

G. "Self Defense" means a person's justifiable use of physical force upon another person when the person believes such force is necessary to defend himself or a third party from what he reasonably believes to be the use, or imminent use, of unlawful physical force by such other person.

H. "Property Crime" means any violation of CR 6-301 of the Annotated Code of Maryland.

I. "Intimate Relationship" is one in which heterosexual or homosexual partners have, or have had, a sexual or emotional relationship.

General Order No. 4-3 (Cont.)

III. RESPONSIBILITY OF OFFICER RECEIVING A FAMILY VIOLENCE CALL

The employee who receives a family violence call can elicit from the caller vital information that could save the victim's and/or the Officer's life. A family violence call will be given the same priority as any other life threatening call. Whenever possible, a backup should be requested.

A. During the initial call for assistance, the employee taking the call should ask these questions:

1. Location of emergency, telephone number you are calling from.
2. What has happened? What is happening?
3. To whom am I speaking?
4. Are you the victim? A witness?
5. Has anyone been injured? Is an ambulance needed?
6. Is the suspect still at the scene? Can you describe him? What's he wearing? Do you know where he's going? Describe the vehicle he is driving.
7. Are weapons involved? What kind?
8. Is the offender under the influence of drugs or alcohol? What substance?
9. Are children present?
10. Have the police ever responded to the address before? How many times?
11. Is there currently a protective/restraining or ex parte order in effect?

B. Policy Regarding the Cancellation of a Call - If a second call is received canceling the original call, the Officer will still respond to the location to make sure the family is safe. The offender could be the person wanting to cancel the call.

IV. OFFICERS PROCEDURES

A. On-Scene Investigation: The purpose of any on-scene investigation is to establish probable cause through interviewing all parties, recording statements, preserving the crime scene and collecting evidence. When responding to a family violence call, Officers will:

1. Restore order by separating the parties and calming them down.
2. Assess the need for medical attention and call for medical assistance if warranted.
3. Interview all parties separately (victim, offender, and witnesses) using supportive interviewing techniques: (children should be interviewed in a manner appropriate to their age)
4. After the interviews have been completed, make determination as to making an arrest or taking another course of action.
5. Inform the parties that family violence is a crime that, without intervention, often increases in frequency and severity.
6. When appropriate, take photographs of injuries and property damage.
7. Collect and record evidence.
8. Prepare a Criminal Investigation Report if a crime has been committed. If no crime has been committed, the responding Deputy will complete an Incident Report to document the call.

General Order No. 4-3 (Cont.)

9. Complete a "Maryland Domestic Violence Supplemental" Form and attach same to the Criminal Investigation Report. (Guidelines attached for completion).
10. Conduct a search of the immediate area.
11. Obtain information from the victim and witnesses as to possible/probable location(s) of the offender.
12. In addition to interviewing witnesses at the scene, interview neighbors, or anyone else who could have been involved or have knowledge of the incident being investigated. This would include hospital staff or medical personnel if the situation dictates this. Written statements in some cases would be in order.
13. Conduct a Lethality Assessment as warranted and contact Mid-Shore Council on Family Violence hotline when required.
14. Provide the victim with a Victim/Witness pamphlet with emergency contact numbers attached.

B. Arrest Procedures:

1. Arrest is the preferred response to a family violence call because arrest offers the greatest potential for ending the violence. Officers will arrest when probable cause exists in all of the following criteria:
 - a. The offender battered their spouse or another person with whom the offender resides:.
 - b. There is evidence of physical injury; and
 - c. Unless the offender is arrested immediately, the person:
 - 1) May not be apprehended
 - 2) May cause physical injury or property damage to another
 - 3) May tamper with, dispose of, or destroy evidence
 - d. Is reported to the police within 48 hours of the crime.
2. A violation of a protective order - An Officer shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of an ex parte order or protective order in effect at the time of the violation.
3. When Officers respond to a family violence call and two people are injured, the Officers will follow these procedures before making and arrest:
 - a. Determine if one of the parties has acted in self-defense. If so, arrest only the other party.
 - b. If neither party had acted in self-defense and neither is more likely to re-initiate the violence, the Officer will decide if one of the parties is more likely to reinitiate the violence. If so, arrest only this party.
 - c. If neither party has acted in self-defense and neither is more likely to re-initiate the violence, the Deputy will decide if both parties should be arrested. An Officer's training and experience should allow him to determine who was the primary aggressor. Both parties should rarely be arrested as a result of the same incident.

General Order No. 4-3 (Cont.)

C. Post Arrest Procedures:

1. All persons arrested for family violence crimes will be brought before a District Court Commissioner within the requested time limit.
2. The Officer should emphasize to the victim and the offender that the criminal action is being initiated by the State, not the victim.

D. Victim Assistance/Crime Prevention:

When responding to a family call, Officers must remember that the intent of this policy is to protect victims and to enforce the law. Victims of family violence may require a variety of assistance to meet their immediate needs for safety, medical treatment and information. Arrest is the most significant assistance that Officers can provide as this removes the offender and provides immediate safety for the victim. Officers are required to provide the following assistance to victims, offenders, and their children:

1. Conduct a thorough on-scene investigation.
2. If a crime has been committed, arrest the offender.
3. Inform the parties that family violence is a crime and that help is available by contacting the Mid-Shore Council on Family Violence. Their numbers are (410) 479-1149 or 1-800-927-4673.
4. Secure medical treatment for the victim.
5. Ensure the safety of the children.
6. Remain on the scene until satisfied that no threat exists to the victim.
7. Act as a preserver of the peace should one person be attempting to remove personal property.
8. Arrange for, and/or provide transportation to a shelter or other safe place.

V. OFFICER SAFETY

An average of (90) ninety police officers are killed each year in this country. Of that number (5) five are usually killed in "family violence calls". These calls are the fifth most dangerous assignment an officer can respond to. Because of the high risk inherent in family violence calls, Deputies are to use extreme caution and proven safety procedures when responding to them.

VI. INVESTIGATION FOLLOW-UP

Because the offenders have often left the crime scene before the arrival of the Officer, it is incumbent upon the investigation to ensure the apprehension of the offender. The investigating Officer will:

1. Conduct a family violence investigation with the same diligence as any other criminal investigation.
2. Make telephone contact with the victim's house within 24 hours.
3. Make a house site visit within 48 hours of the family which has no telephone.
4. Notify victims of any court or other dates with a follow-up call on the day prior to.
5. Once a final disposition is obtained, notify the victim(s).

General Order No. 4-3 (Cont.)

VII. SUPERVISORY PROCEDURES

A supervisor has the job of motivating, teaching and directing his subordinates so they will perform their jobs in a compassionate, professional manner. The supervisor, whenever possible, will respond to all family violence calls. If the victim or the offender is a police officer, corrections officer, or parole officer, the Chief of Police will be notified immediately.

VIII. FORMS

Attached are copies of the Elements of the Domestic Violence Act of 1994 that became effective October 1, 1994. Also attached is a pamphlet that must be given to each person involved as a victim or witness in Domestic Violence. When a Deputy is assigned a family violence complaint, it will be necessary to also include in the investigative report that the above mentioned pamphlet was given to the victim.

MARYLAND DOMESTIC VIOLENCE SUPPLEMENTAL/LETHALITY ASSESSMENT COMBINED FORM

This form is required only when there is a Sexual relationship between the parties involved or when a Lethality Assessment is conducted on the Victim. See the Lethality Assessment section for completion instructions.

IX. FIREARMS

Firearms may be removed from the scene of an alleged act of domestic violence as described in Family Law, Title 4 Section 4-511 which states: (1) The law enforcement officer has probable cause to believe that an act of domestic violence has occurred; and (2) The law enforcement officer has observed the firearm on the scene during the response. The key words are "may remove", "probable cause that domestic violence act occurred" and "officer has observed firearm during this response."

X. OUT-OF-STATE PROTECTIVE ORDERS

Family Law Title 4 Section 4-508.1. Out of state protective orders may be enforced under the same authority as those issued in Maryland, however, only enforce those where you are able to view; a. The original order, b. A true test or certified copy, c. A copy that has been authenticated in accordance with an Act of Congress or statute of the issuing state. It is the opinion of the Caroline County State's Attorney that a or b should be required and that the document contain the same information as is required by statute in this state; i.e., complete names (respondent and petitioner), issue/expiration dates, all conditions, case number, issuing authority, verification of service.

General Order No. 4-3 (Cont.)

XI. INITIATING A LETHALITY ASSESSMENT

1. In addition to the investigative procedures outlined in this order, the investigating Officer will complete the “lethality screening section” in the Mid-Shore Domestic Violence Supplement, when he responds to a domestic complaint involving intimate partners or incident and one or more of the following conditions exist:
 - a. There is reason to believe an assault or an act that constitutes Domestic Violence has occurred, whether or not there is an arrest.
 - b. There is belief or sense on the part of the investigating Officer that once the victim is no longer in the care or presence of the responding Officer the potential for assault or danger is high.
 - c. Repeated calls for domestic complaints at the same location or involving the same parties.
 - d. The investigating Officer believes one should be conducted based on his experience, training and instinct.

XII. LETHALITY SCREENING QUESTIONS

1. Are found in block #14 of the Mid-Shore Domestic Violence Supplement Report (revised 09/06).
2. The investigating Officer should:
 - a. Advise the victim they will be asked a series of questions to help the officer determine the immediate potential for danger to the victim.
 - b. Ask the questions in the order they are listed on the form.
 - c. Ask all the questions in assessing the victim. The more questions the victim responds to positively, the clearer and more immediate the potential danger is to the victim.

XIII. ASSESSING THE RESPONSES TO THE LETHALITY QUESTIONS

1. After the responding Deputy asks the questions on the Lethality Screening, they will handle the information as follows:
 - a. A **single** “yes” or positive response by the victim to questions #1, 2 or 3 reflects a high danger situation and automatically triggers the protocol referral.
 - b. If the victim gives negative responses to questions #1-3, but positive responses to four or more of questions #4 thru 11, reflects a high danger situation and triggers the protocol referral.
 - c. “No” or negative responses, to all of the assessment questions, or positive responses to less than four of questions #4 thru 11, may still trigger the referral if the investigating Officer believes it is appropriate. The Officer should ask the victim the following question; “Is there anything else that worries you about your safety? If yes, what worries you”? The response to the question may aid in your decision.

General Order No. 4-3 (Cont.)

d. Trust your instincts. Use of the domestic violence lethality screen takes into account the “gut factor.” It’s flexible and it relies on the investigating officer acting on their instincts. If the victim’s responses don’t trigger the referral, but the officer’s “read” of the situation indicates high danger, the Officer should trigger the referral.

XIV. REFERRAL - NOT TRIGGERED

1. If the referral is not triggered or the victim does **not** answer the screening questions, the Officer will:

- a. Advise the victim that domestic violence is dangerous and sometimes fatal.
- b. Inform the victim to watch for the signs listed in the assessment because they may convey to the victim that they are in an increased level of danger.
- c. Refer the victim to the Mid-Shore Council on Family Violence.
- d. Provide the victim with the Department’s telephone number, the case number, the officer’s contact information, in case the victim wants to talk further or needs help.

XV. REFERRAL - TRIGGERED

1. If a high danger assessment is made or the Officer believes it is appropriate, the referral will be implemented as follows:

- a. Advise the victim that their situation has shown that the victim is at an increased level of danger, and that people in the victim’s situation have been killed or seriously injured.
- b. Advise the victim that you would like to call the Mid-Shore Council on Family Violence and have the victim speak with a counselor.

1) If the victim initially declines to speak with the counselor, the first responder will:

- a) Tell the victim that the officer will contact the domestic violence hotline to receive guidance on how to proceed with the situation;
- b) Tell the victim that they would like the victim to reconsider speaking with the hotline counselor; and
- c) After the officer concludes the conversation with the counselor, ask the victim if they have reconsidered and would now like to speak with the counselor.

General Order No. 4-3 (Cont.)

- 2) If the victim continues to decline to speak with the counselor, the Officer should do the same thing they would do for a victim who did not trigger the referral, including conveying information that the counselor has suggested and going over some safety tips when the victim does not want to leave. Advise the victim that shelter is available to them through Mid-Shore Council on Family Violence.
- 3) If the victim agrees to speak with a counselor, the Officer will advise the counselor that he has made a high danger assessment, or believes that the victim is in danger, and would like the counselor to speak with the victim.
- 4) Officers will not provide the name of the victim to the counselor without the consent of the victim.
- 5) At the appropriate time during the conversation between the victim and the counselor, the counselor will ask the victim to speak with the Officer about the situation.
- 6) The Officer will then be guided by the discussion with the counselor for further assistance. Officers will provide reasonable assistance to the victim if the victim wants to leave the residence. That assistance may include transportation to the shelter, making arrangements for transportation or transporting the victim to the department for their further contact with a counselor from Mid-Shore Council on Family Violence.

XVI. RECORDS REPORTING

1. The Department will prepare and forward reports to the Maryland Network Against Domestic Violence by the 15th of:
 - a. January
 - b. April
 - c. July
 - d. October
2. The reports shall contain the following information:
 - a. How many lethality screens were attempted?
 - b. How many victims were screened in high danger?
 - c. How many victims were not screened in high danger?
 - d. How many did not respond to the screening questions?
 - e. How many screened spoke to a counselor?
3. When a person screens in as high risk or speaks to a counselor the reviewing supervisor or liaison will fax a copy of the assessment form to the Law Enforcement Coordinator at the Mid-Shore Council on Family Violence as soon as possible after the screen is conducted.
4. In most cases XVI-1 and XVI-2 will be complied with by reporting that information to the Law Enforcement Coordinator at the Mid-Shore Council on Family Violence.

General Order No. 4-3 (Cont.)

5. Copies of all the forms will be provided to Mid-Shore Council on Family Violence who will use them for data collection purposes to track victim services and victim contact. Mid-Shore Council on Family Violence will collate that data and provide each agency with an annual report.

XVII. COMPLETING THE COMBINED MID-SHORE DOMESTIC VIOLENCE SUPPLEMENTAL REPORT AND LETHALITY FORM

1. When this form is used for Lethality Assessment the Officer will only complete those blocks that pertain, they will be blocks #1 thru 6, 14, 17 (Offender) and 18 inclusive.
2. When the form is used as a supplemental only it will be completed in its entirety with the exception of block 14 (the Lethality Assessment section).
3. When the form is used for both a supplemental and a Lethality Assessment it will be completed in its entirety.