POLICY

Consistent with Maryland law, violence between current or former spouses or intimate partners is a crime. Baltimore Police Department (BPD) members are required to treat domestic violence incidents in the same professional manner as all other requests for police service and will provide immediate, effective assistance and protection for victims and witnesses. BPD is committed to conducting investigations free from gender bias and other stereotypes.

DEFINITIONS

Domestic Violence — Any crime, committed by a suspect (respondent) against a person eligible for relief, as defined in § 4-501 of the Family Law Article or who had a sexual relationship with the suspect within 12 months before the commission of the crime.

Persons eligible for relief under § 4-501 of the Family Law Article, includes:

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 days within one year before the filing of the petition;
5. A vulnerable adult; or
6. An individual who has a child in common with the respondent.

Domestic Incident — Any occurrence, criminal or non-criminal, involving a current or former spouse, a current or former cohabitant, or a person with whom the individual has or had a sexual or non-sexual intimate relationship.

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 of the reported incident.

Stalking — A malicious, persistent course of conduct that includes approaching or pursuing another person with the intent to place that person in reasonable fear of serious bodily injury or death to themselves or a third person.
ARREST POLICY

BPD follows a preferred arrest response. If there is probable cause to believe that a person has committed a crime of domestic violence, the preferred response of the officer is the arrest of the offender. Although BPD does not have a mandatory arrest provision, officers are required to use all reasonable means to prevent further abuse, exploitation, or neglect, including the arrest of the offender when probable cause exists. Officers should not base their decision to arrest on whether they believe the case will be prosecuted. Dual arrests are discouraged.

For relationships other than that of a spouse or intimate partner, if the offense is a misdemeanor and occurred outside an officer’s presence, a warrant should be obtained before an arrest is made. When there is evidence of injury and/or probable cause exists, arrests shall be made consistent with Policy 1106, Warrantless Arrest Procedures and Probable Cause Standard.

RESPONDING OFFICER DUTIES

When responding to a domestic violence incident, a member shall:

1. Take appropriate measures at the scene, including but not limited to, rendering and obtaining medical attention, arresting the suspect, or obtaining a warrant.

2. Apprehend the suspect as soon as possible. Follow the arrest guidelines outlined above.

3. Notify their supervisor of the situation.

4. Visit the location where the incident occurred, and document observations on the Domestic Incident Report, Form 323. (See Appendix A.) Preliminary investigations shall include, but are not limited to:

   4.1. Conducting a thorough on-scene preliminary investigation to determine the primary aggressor.

   4.2. Processing the crime scene and taking color photographs of:

       4.2.1. Any visible injuries to the victim and/or defendant;

       4.2.2. The victim, whenever an assault is alleged;

       4.2.3. Any property damage; and

       4.2.4. Any evidence of a struggle.

NOTE: Photographs should be taken by a Mobile Crime Lab Technician or with the camera function of the departmental mobile phone. The number of photographs taken should be documented on the Domestic Incident Report, Form 323 and the Crime Incident Report, Form 008. Photographs must be forwarded to the State’s Attorney’s Office, via e-mail to DV@baltimorepolice.org, listing the suspect’s name and the complaint number. Members must maintain copies of photographs taken on a departmental mobile phone until notified by the State’s Attorney’s Office that photographs were received and a printed copy of the photographs are in the case folder.
5. Conduct a warrant check of the suspect. Document the results in all reports.

6. When a criminal offense has occurred or has been alleged, and the suspect is not in custody, obtain a warrant/criminal summons by:
   
   6.1. Offering transportation to the victim to the Office of the Court Commissioner located at 500 N. Calvert St. and assisting the victim with acquiring an arrest warrant or criminal summons. All assistance provided and/or refused is to be documented in the Domestic Incident Report; or
   
   6.2. Obtain the warrant/criminal summons when probable cause exists. (See Policy 1104, Arrest Warrants); or
   
   6.3. Assist in obtaining a Protective Order when appropriate.

7. Provide the victim with information regarding resources available from the criminal justice system and community.

NOTE: Members may provide information about available services but are prohibited from counseling victims or complainants in personal or legal matters.

8. If the victim requests her/his personal clothing and effects (items required for immediate, overnight, and/or work obligations) or those of children under her/his care, accompany the victim to retrieve the personal effects, regardless of who paid for the items.

NOTE: If the victim’s name is not on the lease or deed, both the member and the victim can be denied access by the lessee or the owner, and attempts to enter the premises could be considered trespassing.

   8.1. If the member and/or the victim are denied access, protect the victim from harm and help the victim obtain a court order to assist in the retrieval of personal clothing and effects.

9. Remain alert for any signs of abuse to all children and animals encountered. (See Policy 1204, Safeguarding Children of Arrested Parents). If children are present, a member shall:

   9.1. Document in the Crime Incident Report the name, sex, relationship, age, and condition of all children on the scene of the domestic incident.

   9.2. Interview children present, if appropriate.

   9.3. Request that a forensic interview be conducted by the State’s Attorney’s Office via the Family Crimes Unit when a child witnesses an incident of felony domestic violence.

   9.4. Take required action when the member believes physical or sexual child abuse or child neglect has occurred (See Policy 1201, Child Abuse Investigations).

DOMESTIC VIOLENCE INVOLVING FIREARMS

1. According to federal law, when a person, including a police officer, has been convicted in any court of a misdemeanor crime of domestic violence, he/she may not ship, transport, or possess any firearm(s) or ammunition. If a member finds a domestic violence suspect with a past
conviction in possession of firearms or ammunition, the member shall seize the firearm and ammunition.

1.1. If the suspect is a law enforcement officer, the member must immediately notify the officer’s out of jurisdiction agency and BPD Office of Professional Responsibility (OPR).

1.2. If the suspect is a law enforcement officer, the Commanding Officer of OPR must immediately follow up with written notification directed to the affected person’s Chief of Police.

2. A member shall seize firearms from the scene of a domestic violence incident if:

2.1. Probable cause exists that domestic violence has occurred; or

2.2. A firearm is in plain view; or

2.3. Inquiry of a person at the scene leads to a firearm (Members must ask all residents of the premise if there are firearms within the residence); or

2.4. The surrender of firearms is articulated as a condition of a Final Protective Order, or a Temporary Order.

NOTE: Members may not conduct a search without a Search and Seizure Warrant (See Policy 1007, Search and Seizure Warrants).

3. If a firearm is removed from the scene, the member must:

3.1. Advise its owner of the process of regaining possession of the firearm; and

3.2. Submit the firearm to the Evidence Control Unit for safe storage; and

3.3. Notify the Gun Trace Task Force.

NOTE: At the conclusion of a domestic violence proceeding, the owner of the firearm may regain possession of the firearm unless ordered to surrender the firearm under Sections 4-506, 4-511 of the Maryland Family Law Code.

STALKING

1. Members may arrest a person for stalking if either of the following is met:

1.1. The member has probable cause, supported by credible evidence apart from the victim’s statements, to believe the person has engaged in stalking under 3-802 of the Criminal Law Article; or

1.2. The member has reason to believe the alleged victim or another person is in danger of imminent bodily harm or death.

THE FAMILY CRIMES UNIT

1. A member shall contact the Family Crimes Unit immediately for:
1.1. Any incident involving a firearm;

1.2. Attempted murder by any means including stabbing, suffocation, and attempt to set on fire;

1.3. Serious physical injury involving:
   1.3.1. A substantial risk of death;
   1.3.2. A disfigurement; or
   1.3.3. A permanent or prolonged loss of the function of a human organ including vision loss, coma, skull fracture, broken bones, scarring, and burning.

1.4. Assault by vehicle (an intentional hitting, running over, or dragging causing serious injury);

1.5. Kidnapping, when a victim was released by the suspect;

1.6. Aggravated assault of a pregnant woman;

1.7. Felony burglary (breaking and entering into another's home with the intent to commit a crime);

1.8. Strangulation with loss of consciousness, urination, defecation, or petechial hemorrhage (i.e., red or purple spots on the skin);

1.9. Choking with or without loss of consciousness; and

1.10. Any police-involved domestic incident.

2. Members who contact Family Crimes must still document all preliminary investigative efforts within the Crime Incident Report, Form 08 and complete other necessary reporting.

NOTE: During off duty hours, members shall contact the Communications Unit for the on-call Family Crimes Unit detective.

REPORTING

1. If the call is a Domestic Incident a member shall:

   1.1. Obtain a Central Complaint number (CC#) and Computer Aided Dispatch (CAD) number from the Communications Unit;

   1.2. Have the victim complete and sign the narrative section of a Domestic Incident Report, Form 323;

   1.3. Complete the Domestic Incident Report;

   1.4. Provide the pink copy of the Domestic Incident Report to the victim, and
1.5. Submit the white and yellow copies of the Domestic Incident Report to your supervisor.

2. If the call is a Domestic Incident and a criminal offense has occurred or was alleged:

2.1. Obtain a CC# and CAD number from the Communications Unit and advise Communications that the incident is domestic related;

2.1.1. Take the appropriate enforcement action.

2.2. Have the victim complete and sign the narrative section of a Domestic Incident Report;

2.3. Complete the Domestic Incident Report, including the back;

2.4. Provide and explain the pink copy of the Domestic Incident Report to the victim and check the box for “Dear Complainant”;

2.5. Complete the appropriate Crime Incident Report and submit it to your supervisor; and

2.6. Submit the white and yellow copies of the Domestic Incident Report to your supervisor.

2.7. Complete the Lethality Screen for First Responders (Appendix B) for all crime related domestic violence incidents and scan/email the report to: policereports@hruthmd.org or fax the report to 410-261-3039.

3. If the investigation establishes that no domestic incident occurred or was attempted, and the call is unfounded, orally code the call.

4. Immediately upon completion, submit all domestic violence arrest case folders, as well as any domestic incident related reporting to your supervisor.

PROTECTIVE ORDERS

1. A member must arrest, upon probable cause and with or without a warrant, a person who is in violation of an interim, temporary, or final Protective Order in effect at the time of the violation. An arrest can be made without a warrant for an incident of domestic violence, which did not occur in the officer’s presence, under the Maryland Code Criminal Procedure, Section 2-204, or if the parties involved are currently in or previously had an intimate relationship.

2. An officer must arrest and charge under the Maryland Annotated Code Family Law Article, Section 4-509 a person when there is probable cause to believe that he or she committed a violation of a provision of a Protective and Peace Order including those to:

2.1. Refrain from further abuse of, or threats of abuse, directed toward a person eligible for relief;

2.2. Refrain from contacting, attempting to contact, or harassing a person eligible for relief;

2.3. Refrain from entering the residence of a person eligible for relief;

2.4. Stay away from the place of employment, school or temporary residence of a person eligible for relief.
3. A member must arrest, upon probable cause and with or without a warrant, a person who is in violation of a Protective Order, which was issued by a court of another state, or a Native American tribe, and is in effect at the time of the violation, if:

3.1. The person seeking assistance has filed a copy of the Protective Order with the District Court or Circuit Court in Baltimore City; or

3.2. The person seeking assistance displays or presents a copy of the Protective Order that appears valid on its face; and

3.3. The defendant has violated any of the four provisions as listed above in 2.1. to 2.4. See Maryland Annotated Code Family Law Article, Section 4-508.1 (2002).

4. Upon receipt of an Interim Protective Order a member must:

4.1. Immediately attempt service on the respondent named in the Order;

4.2. Staple a Domestic Incident Report to the Protective Order and complete the pertinent information; and

4.3. Document every attempt at service in the narrative section of the Domestic Incident Report.

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

5. Upon service of an Interim Protective Order, a member shall:

5.1. Promptly return the Interim Protective Order to the Court Commissioner’s Office or, if the Office of the District Court Clerk is open for business, the document is to be returned to the Clerk;

5.2. Complete a Crime Incident Report naming the victim as the complainant.

6. After service, or the expiration of a Protective Order, a member shall submit all related reporting to your supervisor.

NOTE: When a person is the subject of a Final Protective Order, or 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 member must seize any firearms found in the possession of any person who is the subject of a Protective Order.

DUTIES OF SUPERVISORS, COMMANDERS, AND SPECIALIZED UNITS

Supervisor

1. Ensure all members under your command follow the procedures outlined in this policy.

2. Assist in determining on a case-by-case basis whether incidents are domestic related.
3. Review all Protective Orders prior to assigning them for service.

4. Ensure a record check is completed for firearms registration for any Final Order of Protection or Temporary Order of Protection where firearms surrender is a condition.

5. Ensure a photograph of the respondent, if available, is obtained and placed with a Protective Order for service.

**NOTE:** All case folders involving domestic violence misdemeanor arrests will be maintained by the district of occurrence. All case folders involving domestic violence felony arrests will be maintained by the Family Crimes Unit.

**Shift Commander**

1. Ensure all members under your command follow the procedures outlined in this policy.

2. Ensure Protective Orders received from the Records Management Section are logged into the Protective Order Logbook immediately and disseminated for service.

3. Ensure distributed orders are logged out by the Sector Supervisor and logged back in if not served.

**Commanding Officer**

1. Ensure supervisors and subordinates within your Command follow the procedures outlined in this policy.

2. Maintain a Protective 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.

**Family Crimes Unit Detective**

1. Adhere to the responsibilities outlined in this policy.

2. Respond to domestic crime scenes when appropriate.

3. Conduct videotaped or audiotaped interviews of victims.

4. Contact the Special Victims Unit of the State’s Attorney’s Office in the early stages of an investigation.

**Supervisor, Family Crimes Unit**

1. Review case folders.

2. Ensure compliance with this policy.

3. Respond to service of Search and Seizure Warrants and police-involved domestic incidents.
Dispatcher, Communications Unit

1. Notify responding members when calls for service are domestic related.

2. Advise responding members of any Hazard File information pertaining to the location of the call for service.

Commanding Officer, Information Services

Ensure the prompt distribution of Interim Protective and Peace Orders.

Analytical Intelligence Section

Prepare and forward to the Maryland State Police a monthly report, indicating the number of reported domestic violence crimes as directed by the Domestic Violence Coordinator, Family Crimes Unit.

APPENDICES

A. Domestic Incident Report, Form 323
B. Lethality Screen for First Responders (English)

ASSOCIATED POLICIES

Policy 822, Required Notifications – Gun Trace Task Force
Policy 1110, Ex Parte Order and Protective Order
Policy 1201, Child Abuse Investigations
Policy 1206, Investigations Involving Children Who Have Witnessed a Domestic Violence-Related Parental Homicide

RESCISSION

Remove and destroy/recycle Policy 711, Domestic Violence, dated 2 June 2015.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Commanders are responsible for informing their subordinates of this policy and to ensuring compliance.
APPENDIX A

Domestic Incident Report, Form (Front)
APPENDIX A

Domestic Incident Report, Form (Back)

Dear Complainant,

The suspect listed on the other side of this report is now being charged with a domestic violence crime. You MUST contact the Special Victims Unit, State’s Attorney’s Office, within 48 hours to discuss your input and needs as they relate to this case.

CALL 410-396-7444 OR COME TO THE EASTSIDE COURTHOUSE, ROOM 204, 8:30 AM TO 4:30 PM.

DOMESTIC VIOLENCE IS A CRIME!

The Family Crimes Unit’s telephone number is 443 984-7030.

The Police Can Help You
- Get to a safe place away from the violence.
- Get information on how the court can help protect you against the violence.
- Get medical care for injuries you or your children might have.
- Get necessary belongings from your home for you and your children.
- Get information on obtaining copies of police information about violence.
- File a complaint in criminal court, and tell you where your local Criminal, Civil and Family Courts are located.

The Courts Can Help You
- If the person who harmed or threatened you is a family member or someone you’ve had a child with, then you have the right to take your case to the Criminal Court, Civil or the Family Court.
- If you and the abuser aren’t related, weren’t ever married or don’t have a child in common, then your case can be heard in the Criminal Court or Civil Court.
- The forms you need are available at 500 N. Calvert Street, and 501 E. Fayette Street.
- The courts can decide to provide a temporary order of protection for you, and your children.
- The Family Court may order temporary child support and temporary custody of your children.

Getting Help: Filing Criminal Charges  Get a report number from the police. Go to 500 N. Calvert Street to see a Court Commissioner to get a warrant for the arrest of the abuser, or a summons to appear in court. If the Court Commissioner will not issue a warrant or summons, request that the State’s Attorney’s Office file criminal charges against the alleged abuser. You can call the State’s Attorney’s Domestic Special Victims Unit and they will explain the process and answer all of your questions.

To obtain a “Temporary” Protective and Peace Order  Go to the Civil District Court at 501 E. Fayette Street, or the Circuit Court of Baltimore at 111 N. Calvert Street, Mon. - Fri., 8:30 am - 4:30 pm, file a petition and appear before the Judge.

To obtain a “24-7” Interim Protective and Peace Order  After normal court hours, and on the weekends, you may go to a Court Commissioner at 500 N. Calvert Street to seek an Interim Protective and Peace Order. The Interim Protective and Peace Order will remain in effect until the hearing or until the end of the second court business day after issuance of the order, whichever occurs first. This Order can temporarily remove the respondent from the home and order the abuser to stop the abuse, refrain from contacting you, and give temporary custody of the children.

Interim Protective and Peace Order
An Interim Protective and Peace Order is available to persons who are the current or former spouse of the respondent; a cohabitant of the respondent; a person related by blood, marriage or adoption; or a parent, stepparent, child or stepchild of the respondent or the adult person eligible for relief; or an individual who has a child in common with the respondent. The respondent is the person committing the abuse.

Court Commissioner
500 N. Calvert St. 501 E. Fayette St.
410 767-5774 410 678-8900

Civil Court 410 396-7444

Special Victims Unit

Get Help Now — Get Safe — Stay Safe

CALL 410 889-RUTH (7884)

Shelter — Counseling

House of Ruth 410 889-7884
Marian House, Inc. 410 467-4121
Chase – Brexton 410 837-2050
Turnaround, Inc.
HOTLINE: 410 826-6390
City Office: 410 837-7000
## BALTIMORE POLICE DEPARTMENT
### LETHALITY SCREEN FOR FIRST RESPONDERS

<table>
<thead>
<tr>
<th>Officer:</th>
<th>Date:</th>
<th>CCP:</th>
<th>Incident:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victim:</td>
<td>Address:</td>
<td>Safe to Call Number:</td>
<td></td>
</tr>
<tr>
<td>Offender:</td>
<td>Relationship to Offender:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Has he/she ever used or threatened you with a weapon?  
   - Yes  
   - No  
   - Not Ans.
2. Has he/she ever threatened to kill you or your children?  
   - Yes  
   - No  
   - Not Ans.
3. Does he/she have access to a gun?  
   - Yes  
   - No  
   - Not Ans.
4. Do you think he/she may try to kill you?  
   - Yes  
   - No  
   - Not Ans.
5. Has he/she ever tried to choke you or put hands around your neck?  
   - Yes  
   - No  
   - Not Ans.
6. Is he/she violently or constantly jealous or does he/she control most or all of your daily activities?  
   - Yes  
   - No  
   - Not Ans.
7. Have you left him/her or separated after living together or being married in the last year?  
   - Yes  
   - No  
   - Not Ans.
8. Is he/she unemployed?  
   - Yes  
   - No  
   - Not Ans.
9. Has he/she talked about or tried to commit suicide?  
   - Yes  
   - No  
   - Not Ans.
10. Do you have a child that he/she knows is not his/her?  
    - Yes  
    - No  
    - Not Ans.
11. Does he/she follow or spy on you or leave threatening messages?  
    - Yes  
    - No  
    - Not Ans.
12. Do you have any additional concerns for your safety?  
    (If “Yes”) Explain  
    - Yes  
    - No  
    - Not Ans.
13. Were any of these questions unclear to you?  
    (If “Yes”) which ones?  
    - Yes  
    - No  
    - Not Ans.

**VICTIMS SHOULD BE ENCOURAGED TO CONTACT THE HOUSE OF RUTH AT 410.889.1176**

(Fax Forms to 410.261.3839)