

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 Talbot 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).

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)).

310.2 POLICY

The Talbot 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.

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) If children are involved, Deputies will contact Child Protective Services to see if they will respond.
- (c) 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.

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- (d) 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.
- (e) When practicable and legally permitted, video or audio record all significant statements and observations.
- (f) 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 Criminal Investigation Division in the event that the injuries later become visible.
- (g) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (h) 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.
- (i) Seize and remove any firearms upon a consent search or in plain view if appropriate and legally permitted. The deputy shall provide information to the owner on the process of retaking possession of the firearm. The Office shall then provide safe storage during the pendency of any domestic violence proceeding (Md. Code FL § 4-511).
- (j) 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, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.
- (k) Deputies shall take appropriate enforcement action when there is probable cause to believe an offense has occurred. 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.

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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.

310.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

310.4.2 IF 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.

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) Victims shall be provided with the office domestic violence information handout, even if the incident may not rise to the level of a crime (Md. Code FL § 4-503).
- (b) Victims should also 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.

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- (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 § 7-302).
- (i) Prepare a Lethality Assessment Form and advise victim accordingly.

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.

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Deputies should document in an appropriate report 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.

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 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 should keep a copy of the written proof of transfer and should make appropriate entries in any required logs. The Sheriff may develop additional procedures pertaining to the storage and disposal of any surrendered firearms.

[Talbot County Sheriff's Office Procedures Manual: 308.3 Court Order](#)

[Talbot County Sheriff's Office Procedures Manual: 308.4 Defendant Responsibilities](#)

[Talbot County Sheriff's Office Procedures Manual: 308.5 Requests to Surrender Firearm\(s\)](#)

[Talbot County Sheriff's Office Procedures Manual: 308.6 Procedures](#)

[Talbot County Sheriff's Office Procedures Manual: 308.7 Investigation of Order to Surrender Firearms\(s\)](#)

[See attachment: Firearms Ammunition Surrender Receipt.pdf](#)

[See attachment: Firearms Ammunition Receipt.pdf](#)

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.

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

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 Criminal Investigation Division 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

A deputy shall immediately on receipt of a petition and interim protective order serve them on the respondent named in the order. Immediately after service, during normal business hours, the deputy shall submit the documents to the Administrative Assistant, who will make arrangements for 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)). If after normal business hours, the deputy will deliver the served document to Talbot Center, who will 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)).

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310.11.2 TEMPORARY PROTECTIVE ORDER

A deputy shall immediately serve the temporary protective order on the alleged abuser. Immediately after service the deputy shall submit the documents to the Administrative Assistant/Talbot Center which will within two hours after service of the order on the respondent, electronically notify the DPSCS (Md. Code FL § 4-505(b)).

Attachments

Firearms Ammunition Surrender Receipt.pdf

Firearms Ammunition Receipt.pdf

