



The Aberdeen Police Department Policies & Procedures Manual Chapter Contents



Chapter 34 Domestic Incidents

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Chapter 34 Domestic Incidents
Section 01 Domestic Violence

GO 17-028, 11/09/2017
Supersedes GO 15-082

A. Policy

1. The Aberdeen Police Department will treat domestic violence abuse incidents as serious criminal offenses; document all incidents as such; focus on the protective rights of domestic violence victims; and arrest domestic violence offenders.
2. Officers should arrest the assailant if there is probable cause to believe that a crime of domestic violence has been committed.

B. Arrest for a Domestic Violence Abuse without a Warrant

1. Officers should use the Domestic Violence Matrix (Appendix A) as a guide for what incidents are defined as Domestic Violence and what actions the officer should take.
2. An officer may arrest a person without a warrant for a domestic violence abuse incident if
 - a. The officer has probable cause to believe that:
 - 1) the person battered the person's spouse or other person with whom the person resides;
 - 2) there is evidence of physical injury; and
 - 3) unless the person is immediately arrested:
 - a) the person may not be apprehended;
 - b) the person may cause physical injury or property damage to another or;
 - c) the person may tamper with, dispose of, or destroy evidence; and
 - b. If a report to the police was made within 48 hours of the alleged incident.
 - c. If there is evidence of a domestic assault, but the warrantless arrest rules do not apply, or the suspect is not located, the officer will complete an application for statement of charges by the end of his/her tour of duty.
 - 1) The officer shall document in the Incident Report the completion of this application.

C. Arrest for Domestic Violence

1. When evidence of injury to the victim exists, an officer may make an arrest without a warrant regardless of the victim's interest in the aggressor being arrested.
2. When probable cause exists to affect an arrest and no on-scene arrest is made, the officer will document the circumstances and facts in the Incident Report and explain why the aggressor was not arrested.
3. The officer should not arrest persons who acted in self-defense.
4. If two people committed acts of domestic violence against each other, and neither acted in self-defense, the officer may consider arresting both persons.

D. Assisting the Victim

1. Officers responding to domestic violence calls, including attempts or threats to commit domestic violence, and domestic stand-by, will provide the victim with a copy of the brochure entitled "CRIME VICTIMS AND WITNESSES: Your Rights and Services."
 - a. Officers will refer the victim to the Records Section who will advise the victim about when the initial report might be available.



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- b. Officers will inform the victim that the initial report will be available to the victim for \$5.00 dollars.
- c. Officers will review with victims their rights, including obtaining (see Appendix C Summaries of Maryland Protective and Peace Orders)
 - 1) An Interim, Temporary, and Final Protective Orders
 - 2) An Interim, Temporary, and Final Peace Orders
2. Officers, when requested by the victim, will assist victims in obtaining transportation to the court to obtain an order and assist in filing an order or criminal charges.
3. Officers will document in the Incident Report that the victim was given written information on victims' rights and available assistance, and all other assistance offered. (55.2.1a)
4. Officers will inquire if the victim wants to leave the residence on a temporary or permanent basis and assist the victim in contacting the local domestic violence service provider who can provide 24 hour assistance.

E. Domestic Stand-by, Assistance to Victim

1. Officers responding to the request for assistance to a victim who believes there is a danger of serious and immediate personal harm shall:
 - a. Protect the person from harm when responding to the request; and
 - b. Accompany the person to the family home so that the complainant may remove only the following items, regardless of who paid for the items:
 - 1) the personal clothing of the person and of any child in the care of the person, and;
 - 2) the personal effects, including medicine or medical devices, of the person and of any child in the care of the person that the person or child needs immediately.
2. If the victim is denied access to the family residence, the officer will:
 - a. Suggest that the victim contact the local domestic service provider for assistance and support in filing for a protective/peace order, if the complainant is eligible to petition the court for a peace/protective order.
 - b. Refer the victim to the local domestic service provider and/or recommend that the complainant seek the advice of an attorney.

F. Prohibition

1. Officers shall not close a domestic violence complaint solely on an event.

G. Documentation

1. The officer shall complete an Incident Report and a Harford County Domestic Violence Form/Lethality Assessment for all domestic violence cases involving physical injury, assault or alleged assault, regardless of whether an arrest is made. (55.2.4e)
2. The officer shall document in the Incident Report an explanation for all domestic violence cases where no arrest is made. (See Appendix A, Domestic Violence Matrix.)
3. When a firearm is seized, the officer will explain to the victim that if a Temporary Protective Order, a Final Protective Order or if criminal charges are not filed, the owner of the firearm



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may retake possession of the firearm if the owner is eligible to possess a firearm. (See Appendix B, Victim Firearm Return Notice)

H. Investigation and Evidence Collection

1. Identify and seize weapons and/or objects used as weapons.
 - a. The officer may remove a firearm from the scene if there is probable cause to believe that an act of domestic violence has occurred and the firearm was observed on the scene during the response.
2. Photograph evidence of violence and/or make sketches of the condition of the crime scene, e.g., room in disarray, damage to walls, doors, windows, broken dishes and furniture.
3. Take photographs, seize documents, and/or make sketches, illustrating the distance and/or area a victim may have had to travel in order to escape.
4. Mark and label as evidence, all photographs and/or sketches made.
5. Recover and seize torn clothing.
6. Seize any notes or writings made by respondent.
7. Document “excited utterances” made in the presence of an officer.
8. Interview all witnesses including children.
9. If necessary, accompany victim to hospital to recover clothing which may be evidence, or to take a statement.
10. Request that the victim write and sign a witness statement.
11. Retrieve the 911 recordings.
12. Arrange for, or take additional photographs of the injuries of all of the victims 2 to 3 days after incident, when bruises may have developed.
13. When applicable, and after conferring with a prosecutor, request hospital/medical reports.

I. Child Custody

1. The officer should refer to the Department of Social Services and the judicial system, all child custody issues (except those involving child safety), and all cases involving Protective Orders.
2. When child safety is an issue, the officer will ensure the child is moved to a protected environment.
3. The officer should advise the petitioner that she/he may file a petition for contempt with the court that issued the protective order if a child or visitation situation constitutes a violation of a protective order.

J. Violation of Interim/Temporary/Final Peace/Protective Order

1. When serving a Peace/Protective Order that orders the respondent to vacate the residence, the officer will ensure that the respondent vacates and takes only those personal belongings he/she may need to live and work during the period before the hearing.
 - a. If the respondent refuses to vacate after being served, the officer will arrest the respondent for “Violation of Temporary Peace/Protective Order.”



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2. If conflicting vacate orders have been issued by different courts, the officer will first attempt to reconcile the conflicting orders before service.
 - a. If unable to reconcile the conflicting orders, the officer will serve both orders, and enforce them as necessary.
 - b. After service, the officer will refer both parties to the issuing court for resolution.
 - c. The officer will notify both courts of the conflict.

K. Respondent “Invited” Back by the Petitioner

1. Where a respondent has been “invited” back into the residence by the petitioner, the officer
 - a. Will not arrest the petitioner;
 - b. Will arrest the respondent, if the respondent is in violation of an arrestable condition; or
 - c. Will inform the respondent that he/she is in violation of the civil Protective Order, if the violation is of a non-arrestable condition, and that the court can find the respondent in contempt.
2. Officers will inform both parties that:
 - a. The two parties cannot mutually consent to changing the conditions of the civil protective order.
 - b. Only the issuing court can modify or rescind a Peace/Protective Order, and;
 - c. If the victim/petitioner wants to change the conditions of the civil protective order, he/she should go to the issuing court and seek a modification or rescission of the order.

L. Supervisor’s Role and Responsibilities

1. Supervisors will monitor response to domestic violence cases to ensure compliance with the policies and procedures.
2. Supervisors will observe and note the officer’s problem solving techniques, dual arrests, report-writing and what actions officers initiated regarding the safety of victims or potential victims.



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APPENDIX A Domestic Violence Matrix

INTIMATE PARTNERS - LIVING TOGETHER					
	FBR Report	SO100 DV Checklist and Witness Statement	SO100 Lethality Portion	Warrantless Arrest	Charging Options
Verbal Only	No	No	No	No	No Charges
Alleged Assault	Yes	Yes	Yes	No	Obtain a warrant/summons for serious offenses; refer charges on lesser
Assault with evidence of Injury	Yes	Yes	Yes	Yes*	If unable to arrest on scene, obtain a warrant/summons by end of tour of duty
SEPARATED BUT STILL LEGALLY MARRIED – LIVING TOGETHER or NOT					
	FBR Report	SO100 DV Checklist and Witness Statement	SO100 Lethality Portion	Warrantless Arrest	Charging Options
Verbal Only	No	No	No	No	No Charges
Alleged Assault	Yes	Yes	Yes	No	Obtain a warrant/summons for serious offenses; refer charges on lesser
Assault with evidence of Injury	Yes	Yes	Yes	Yes*	If unable to arrest on scene, obtain a warrant/summons by end of tour of duty
NON-INTIMATE PARTNERS – LIVING TOGETHER Parent-Child and relatives (by marriage, blood or adoption); Roommates; Divorced etc.					
	FBR Report	SO100 DV Checklist and Witness Statement	SO100 Lethality Portion	Warrantless Arrest	Charging Options
Verbal Only	No	No	No	No	No Charges
Alleged Assault	Yes	Yes	No	No	Refer Charges
Assault with evidence of Injury	Yes	Yes	No	Yes*	If unable to arrest on scene, obtain a warrant/summons by end of tour of duty If juvenile suspect, charge appropriately using Juvenile Charging Procedures.

*Officer shall make an arrest only if the assault qualifies using this matrix *and* if the assault occurred within 48 hours.

*This Matrix is intended only as a guide for Domestic Assault and does not take into consideration other possible criminal acts which may affect an officer's action.



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APPENDIX A Domestic Violence Matrix (continued)

INTIMATE PARTNERS – NOT LIVING TOGETHER					
					Intimate at any time within the last 12 months
	FBR Report	SO100 DV Checklist and Witness Statement	SO100 Lethality Portion	Warrantless Arrest	Charging Options
Verbal Only	No	No	No	No	No Charges
Alleged Assault	Yes	Yes	Yes	No	Refer Charges
Assault with evidence of Injury	Yes	Yes	Yes	No	Obtain a warrant/summons for serious offenses; refer charges on lesser If juvenile suspect, charge appropriately using Juvenile Charging Procedures.
NON-INTIMATE PARTNERS – NOT LIVING TOGETHER					
					Parent-Child and relatives (by marriage, blood or adoption); Roommates; Divorced etc.
	FBR Report	SO100 DV Checklist and Witness Statement	SO100 Lethality Portion	Warrantless Arrest	Charging Options
Verbal Only	No	No	No	No	No Charges
Alleged Assault	Yes	Yes	No	No	Refer Charges
Assault with evidence of Injury	Yes	Yes	No	No	Obtain a warrant/summons for serious offenses; refer charges on lesser. If juvenile suspect, charge appropriately using Juvenile Charging Procedures.
CHILD IN COMMON – NOT LIVING TOGETHER (pregnancy does not qualify)					
	FBR Report	SO100 DV Checklist and Witness Statement	SO100 Lethality Portion	Warrantless Arrest	Charging Options
Verbal Only	No	No	No	No	No Charges
Alleged Assault	Yes	Yes	Yes	No	Refer Charges
Assault with evidence of Injury	Yes	Yes	Yes	No	Obtain a warrant/summons for serious offenses; refer charges on lesser.

*Officer shall make an arrest only if the assault qualifies using this matrix *and* if the assault occurred within 48 hours.

*This Matrix is intended only as a guide for Domestic Assault and does not take into consideration other possible criminal acts which may affect an officer's action.



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APPENDIX B Victim Firearm Return Notice



Aberdeen Police Department Victim Firearm Return Notice

Under Maryland law, Maryland Police Officers may remove firearms from domestic violence scenes if they:

1. Have probable cause to believe that an act of domestic violence has occurred; and
2. Observe firearms in plain view at the scene.

30 days after a domestic violence incident, the owner of the firearm may retake possession of the firearm that was removed from a domestic violence scene if:

1. A victim does not obtain a Protective Order; or
2. Criminal charges are not filed against the gun owner and the gun owner is still eligible to possess a firearm.

If a victim obtains a Protective Order, the Aberdeen Police Department will keep any firearms that were removed from domestic violence scene for as long as the Order is in effect.

If you plan to get an Order or press charges, please contact the officer who gave you this notice.



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Original Policy

Section 02 Enforcement of *Ex-Parte*, Protective, and Peace Orders

A. Enforcement of Interim, Temporary and Final Peace or Protective Orders

1. Officers may, depending on the language used in an Interim, Temporary, or Final Peace or Protective Order issued by the court, arrest without a warrant for violation of the order.
2. Officers who respond to a request regarding domestic violence shall provide the victim with written notice that informs the victim that they may file a petition in the District or Circuit Court.
 - a. When the office or the Clerk of the Court is not available, the victim may file with a District Court Commissioner for relief under *Family Law Article §4-502*.

B. Verifying Validity of an Order

1. Officers responding to a scene and presented by the victim with an Interim, Temporary, Final Peace or Protective Order will verify the validity of the order and take whatever action is required by the remedies ordered by the judge, as prescribed by law, under the *Annotated Code of Maryland Family Law Article §4-509* and *Courts & Judicial Proceedings Article §3-1508*.

C. Person Claims the Existence of a Peace or Protective Order

1. When officers are told of the existence of an Interim, Temporary, or Final Peace or Protective Order but no document is present, they will query NCIC and METERS and verify with the originating law enforcement agency or court whether a civil Peace or Protective Order has been served, and if verified, what the conditions of the order are.
2. If verified, an arrest will be made for violations of arrestable conditions.
3. If not verified, the officer may not take enforcement action based on the possibility of a civil Peace or Protective Order. However, the officer may take enforcement action on any relevant violation of Maryland Law. The officer should advise:
 - a. The alleged respondent of the possible consequences if a civil Peace or Protective Order is outstanding; and
 - b. The alleged petitioner to seek safety, confirm the existence of a civil Peace or Protective Order, and refer the complainant to the appropriate court to initiate contempt proceedings for any violations of non-arrestable conditions.
4. Officers should accomplish service of a civil Peace or Protective Order before taking enforcement actions.

D. Enforcement of Out-of-State Protective Orders in Maryland

1. A Protective Order issued by a court of another state or an Indian tribe shall be accorded full faith and credit by a court of this State and shall be enforced only to the extent that the order affords relief that is permitted under *Family Law Article §4-506(d)*.
2. A law enforcement officer shall arrest with or without a warrant and take into custody a person whom the officer has probable cause to believe is in violation of a protective order issued by a court of another state or an Indian tribe and is in effect at the time of the violation if the condition is an arrestable violation in Maryland.
3. If the condition is a civil violation in Maryland, even if it is a criminal violation in the other state, the officer may not arrest.



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- a. Refer the petitioner to a Maryland court where the petitioner may petition for contempt.
4. An officer may enforce an out-of-state final order for protection for as long as the order is effective in the other state.
5. An out-of-state temporary protective order may only be enforced to the extent that relief is permitted under *Family Law §4-505*.
 - a. The out-of-state temporary protective order could be fully enforced by a law enforcement officer for not more than 7 days after service of the order.
 - b. Excluding the length of time exception, the temporary protective order would be enforceable just as a Maryland protective order.
6. An Interim Protective Order issued in another state cannot be enforced in Maryland.
7. A Peace Order issued in another state cannot be enforced in Maryland.

E. Procedures for Validating an Out-of-State Protection Order

1. The officer shall examine the order for protection to determine whether it “appears valid on its face.”
2. The officer shall effect an arrest if the order appears valid on its face and the out-of-state violation is a misdemeanor violation under *Family Law Article §4-505* and *§4-506(d) (1)-(5)*.
3. The following items should be looked at to determine if the order appears valid on its face:
 - a. Names of the parties;
 - b. Date of issuance;
 - c. Date of expirations (some states have non-expiring orders for protection. Read the order to determine its duration);
 - d. Terms and conditions against the abuser;
 - e. Name of the issuing court; and
 - f. Signature of the judicial officer.
4. Officers can further validate the validity of an out-of-state order of protection by contacting the law enforcement agency in the issuing state or the issuing court before affecting an arrest.
5. When the petitioner does not possess a copy of the out-of-state order for protection, the officer can make an arrest when one of the following requirements are met when the condition is an arrestable violation in Maryland:
 - a. Confirmation of the order for protection is confirmed through METERS; or
 - b. Verification is made with the Maryland District or Circuit court in which the person seeks assistance that the order is on file.
6. Officers unable to verify that an out-of-state order of protection was filed in a Maryland court and no copy is available for verification, the officer should:
 - a. Discuss safety planning with the victim;
 - b. Arrest the respondent for any other offenses that the respondent has committed;
 - c. Instruct victim to file charges with



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Section 02 Enforcement of *Ex-Parte*, Protective, and Peace Orders

- d. Advise the victim how to file charges; and
- e. Refer the victim to the local domestic violence service provider for assistance in obtaining a Maryland order for protection and/or additional safety planning.

F. Immunity

- 1. A law enforcement officer acting in accordance with the requirements of the Family Law Article shall be immune from civil liability if the law enforcement officer acts in good faith and in a reasonable manner, without malice or gross negligence.

G. Military Base Residents

- 1. Operations Captain will coordinate with the Provost Marshal of a military base regarding all aspects of serving and enforcing Peace and Protective Orders for persons who reside or work on a military base.

H. Matrix - Possible Court-Ordered Actions for Peace/Protective Orders

Court Ordered Actions Possible	Interim Protective Order	Interim Peace Order	Temp. Protective Order	Temp. Peace Order	Final Protective Order	Final Peace Order	Arrestable Offense
Order the respondent to refrain from further abuse or threats of abuse	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Order the respondent to refrain from contacting or attempting to contact or harass the victim	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Order the respondent to refrain from entering the victim's residence	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Order the respondent to stay away from the victim's place of employment, school, or temporary residence	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Grant temporary possession of the residence to the victim or an adult family member, under certain circumstances	Yes	No	Yes	No	Yes	No	Yes
Award temporary custody of minor children	Yes	No	Yes	No	Yes	No	No
Establish temporary visitation and conditions	No	No	Yes	No	Yes	No	No
Award emergency family maintenance	No	No	No	No	Yes	No	No
Award temporary use and possession of jointly owned vehicle	No	No	No	No	Yes	No	No
Order counseling	No	No	No	No	Yes	Yes	No
Order respondent to pay court costs	No	No	No	No	Yes	Yes	No
Order the respondent to remain away from the victim's child care provider	No	No	Yes	No	Yes	No	No
Order the respondent to surrender firearms	No	No	No	No	Yes	No	Yes
Order respondent to vacate the residence immediately	Yes	No	Yes	No	Yes	No	Yes



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Chapter 34 Domestic Incidents
Section 03 Mutual Battery

Original Policy
Supersedes None

A. Dual Arrest

1. Dual Arrest refers to the arrest of two parties involved in a domestic violence situation and occurs when both parties commit a crime, most often a battery, against each other. In such cases, dual arrest is appropriate.
2. Dual arrest is not appropriate when a victim strikes an aggressor in self-defense.
3. Under the Annotated Code of Maryland, Criminal Procedure Article, §2-204 Domestic Abuse generally:

“If the police officer has probable cause to believe that a mutual battery occurred and arrest is necessary under subsection (a) of this section, the police officer shall consider whether one of the persons acted in self-defense when determining whether to arrest the person whom the police officer believes to be the primary aggressor.”
4. APD recognizes the dynamics of domestic violence and because Maryland law seeks to hold the primary aggressor accountable, cases of dual arrest should not be a frequent occurrence.

B. Investigation and Evaluations of Injuries

When a mutual battery has occurred, the responding officer will:

1. Investigate and interview the parties as in any domestic violence case;
2. While investigating, consider any history of violence, including any previous or current Peace/Protective Order;
3. A determination as to who the primary aggressor is should not necessarily include who started a verbal argument, since verbal provocation is not cause for combative behavior;
4. Evaluate injuries sustained by the parties considering:
 - a. the degree, appearance and type of injury, determining whether injuries are offensive or defensive;
 - b. the relative strength, size and capability to inflict injury of each person; and
 - c. the relative fear displayed by each of the parties;
5. Consider whether one of the parties acted in self-defense; and
6. Determine whether one of the parties was the primary aggressor.

C. Self-defense Consideration

1. Maryland law requires that the officer “considers whether one of the parties acted in self-defense.” In Maryland, a person may act in self-defense when:
 - a. person actually believed that he/she was in immediate and imminent danger of bodily harm;
 - b. The person’s belief was reasonable; and
 - c. The person used no more force than was reasonably necessary to defend himself/herself considering the threatened or actual harm.



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2. In cases where a person's injuries are severe enough to demonstrate an intent to do great bodily harm and the officer has probable cause to believe the suspect committed the offense, the officer should consider that the extent of the victim's injuries do not substantiate the suspect's claim of self-defense.
3. The investigating officer will always consider the self-defense factors and decide whether one of the parties' actions constituted an act of self-defense.

D. Arrests in Cases of Mutual Battery

1. Officers should avoid dual arrest whenever the investigation reveals that a person acted in self-defense.
2. If one person was the primary aggressor, that person should be arrested. Persons who defend themselves from a battery should not be arrested.
3. If two person committed domestic offenses, and neither was acting in self-defense, both persons may be arrested.



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Chapter 34 Domestic Incidents
Section 04 Firearms Related to Domestic Violence

Original
Supersedes None

A. Firearms Present Inquiry

1. For reasons of officer safety, officers should inquire if firearms are present at a domestic violence scene.

B. Removing Firearms from Scene Under Family Law Article, § 4-511

1. Officers will remove a firearm from a domestic violence scene if:
 - a. probable cause exists to believe that an act of domestic violence has occurred; and
 - b. they have observed the firearm on the scene during the response.

C. Restriction on Possession of Regulated Firearms

1. Under the Annotated Code of Maryland, Public Safety Article, § 5-134 (b), a dealer or person may not sell, rent, or transfer a regulated firearm to a purchaser, lessee, or transferee who the dealer or other person knows or has reasonable cause to believe is a respondent against whom a current Protective Order has been entered under § 4-506 of the Family Law Article.

D. Firearms Removed from Domestic Violence Scene

1. Officers will:
 - a. When responding to the scene of an alleged act of domestic violence, the officer may remove a firearm from the scene if there is probable cause to believe that an act of domestic violence has occurred and the firearm was observed on the scene during the response. The officer will explain to the victim that at the conclusion of a proceeding on the alleged act of domestic violence, the owner may retake possession of the firearm after 30 days unless ordered to surrender the firearm under § 4-506, Family Law Article. The victim will be provided a written document of this statement. Officers will document on the IR that this information was explained to the victim and that the victim was given a written notice of this fact;
 - b. provide the owner of the firearm information pertinent in retaking the seized firearm.
 - c. provide for the safe storage of the firearm pending any related domestic violence proceedings;
 - d. complete an Incident/Domestic Violence Report and a Property Sheet.
2. The Criminal Section Supervisor will ensure that a complete trace on the weapon is concluded.
3. The seized firearm will be held in accordance with APD property held procedures for forwarding to the MSP Forensic Sciences Division to conduct test firing or other requested or required tests.

E. Prohibition against Possession of a Firearm by a Responder

1. A respondent subject to a protective order is prohibited from possessing a regulated firearm and is guilty of a misdemeanor under the Public Safety Article § 5-133 of the Annotated Code of Maryland.
2. Possession of a rifle under the same circumstances is not a violation of Public Safety Article § 5-133. Possession would be a non-arrestable contempt violation of the civil order if the judge checked the block for the respondent to surrender any firearm in the respondent's possession for the duration of the protective order.



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3. Possession of any firearm including a regulated firearm and rifle is a misdemeanor defined under 18 U.S.C. § 922 (g) (8).
4. At the expiration of a Temporary or Final Protective Order, the owner of a firearm may retake possession of the firearm unless:
 - a. the respondent is no longer eligible to possess a firearm.
 - b. criminal charges have been filed against the respondent as a result of the domestic violence incident.
5. For those instances where no civil order (Temporary or Final Protective Order) has been filed and no criminal charges have been filed; the investigating officer will:
 - a. 15 days after the occurrence of the incident, contact the victim by telephone, or in person if necessary, and inquire if the victim intends to file for a Civil Protective Order or criminal charges related to the domestic violence incident. The contact will be documented on a Form
 - 1) If the victim indicated that a Civil Order has not been obtained or criminal charges have not been filed, the investigating officer will inform the victim that after 30 days of the conclusion of a proceeding on the alleged act of domestic violence, the owner of the firearm may apply to retake any firearm seized.
 - 2) If the victim indicates that no criminal charges or a civil Protective Order will be filed, the investigating officer will inform the victim that any firearm seized from the aggressor as a result of a domestic violence incident may be retaken by the owner if he is eligible to possess a firearm. The investigating officer will document this on a Form 92.
 - b. 30 days after the incident has occurred, if the victim has not indicated their intention, again inquire if the victim intends to file charges or file for a protective order and document the contact on the Form 92.
 - 1) If the victim indicates that he/she will file criminal charges or file for a Protective Order, APD will continue to retain any seized firearm. The investigating officer will ensure the victim knows how to file charges or obtain a Protective Order and will make follow up contact with the victim every 30 days until the time for the victim to file charges has expired or charges have been filed. All such contacts with the victim will continue to be documented on a Form 92.
 - 2) If the victim has decided not to file criminal charges, or file with the court to obtain a civil Protective Order, 30 days after the conclusion of a proceeding on the alleged act of domestic violence, the owner of any firearm seized at the domestic violence, the owner of any firearm seized at the domestic violence scene, may apply to retake the seized firearm providing that the owner meets the criteria for possessing a firearm. The investigating officer will document this information on a Form 92.
6. Mailed notice to victim
 - a. For instances where a firearm has been seized and no civil order (Temporary or Final Protective Order) has been filed and no criminal charges have been filed, criminal



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section supervisor will ensure that 15 days after an incident that a certified letter, with return receipt requested, is mailed to the victim.

- b. The letter will inform the victim that if he/she does not file charges or file for a Protective Order, firearms seized at the scene of a domestic violence incident, may be retaken by the firearms owner 30 days after the conclusion of a proceeding on the alleged act of domestic violence.
- c. A copy of the “CRIME VICTIMS AND WITNESSES: Your Rights and Services” brochure will be included with the letter.

F. Aggressors who are Law Enforcement Officers

1. When a law enforcement officer is an aggressor in a domestic violence incident and any firearm, including a service weapon, is observed on the scene during the response and the officer has probable cause to arrest that officer for domestic violence abuse, the officer will remove the firearm.
2. The APD Duty Officer will immediately notify the agency for which the respondent is employed:
 - a. to inform that agency of the officer’s arrest.
 - b. to arrange for that agency to take possession of that agency’s service weapon, if one was seized as a result of a domestic violence incident.
 - c. document the notification on Form 92.
3. When an aggressor is an APD officer and there is probable cause to make an arrest:
 - a. All APD firearms belonging to or under the control of the officer will be removed;
 - b. The shift supervisor will immediately notify the Chief or Operations Captain;
 - c. Internal Affairs Unit will be notified of the incident;
 - d. document the notifications on Form 92.
4. When an aggressor is an APD officer and there is not probable cause to affect an arrest, the Operations Captain will be notified.



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Chapter 34 Domestic Incidents
Section 05 Protective Orders and Peace Orders

GO 21-006, 05/19/2021
Supersedes GO 21-002

QUESTION	PROTECTIVE ORDER	PEACE ORDER
1. What is a Protective Order? What is a Peace Order?	A protective order is a form of relief given to individuals against whom another person is committing acts that are specified in the law.	A peace order is a form of relief available to individuals against whom another person is committing acts that are specified in the law.
2. Are there different kinds of protective orders and peace orders?	Yes. There are three different kinds: an interim protective order, a temporary protective order, and a final protective order.	Yes. There are three different kinds: an interim peace order, a temporary peace order and a final peace order.
3. What are the differences between interim, temporary, and final orders?	An interim order of protection is issued by a District Court Commissioner only when the courts are closed. Temporary and final orders are issued by a judge when the courts are open.	An interim peace order is issued by a District Court Commissioner only when the District Court is closed. Only the District Court issues this type of order. Temporary and final orders are issued by a judge when the courts are open.
4. What kind of relief is available in an interim order?	A District Court Commissioner may order the other person to: <ul style="list-style-type: none"> - Stop abusing, threatening, or harassing the victim. - Have no contact with the victim. - Stay away from the victim's home, work, or school. - Leave the victim's home (if married, or the victim's name is on the lease or deed). 	A District Court Commissioner may order the other person to: <ul style="list-style-type: none"> - Stop abusing, threatening, or harassing the victim. - Have no contact with the victim. - Stay away from the victim's home, work, or school.
5. What kind of relief is available in a temporary order?	This order is issued by a Circuit or District Court Judge who may order the other person to: <ul style="list-style-type: none"> - Stop abusing, threatening, or harassing the victim. - Have no contact with the victim. - Stay away from the victim's home, work, or school. - Leave the victim's home (if married, or the victim's name is on the lease or deed). 	A District Court Commissioner may order the other person to: <ul style="list-style-type: none"> - Stop abusing, threatening, or harassing the victim. - Have no contact with the victim. - Stay away from the victim's home, work, or school.
6. What kind of relief is available in a final order?	A Circuit or District Court judge may grant the same provisions as an interim or temporary protective order, plus the following additional provisions: <ul style="list-style-type: none"> - Use and possession of a jointly owned vehicle (victim's name must be on the title). - Counseling for domestic violence or substance abuse. - A temporary child access or visitation schedule. - Emergency family maintenance or financial support. The victim qualifies if they are married to the other person, or if they have custody of children. 	A District Court judge may grant the same provisions as an interim or temporary order, plus the following additional provisions: <ul style="list-style-type: none"> - Counseling. - Mediation. - Fees and court costs paid for by the respondent.



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QUESTION	PROTECTIVE ORDER	PEACE ORDER
7. Who is eligible for relief with this order?	<p>Qualifying relationships include:</p> <ul style="list-style-type: none"> - Married, divorced, or currently separated. - Related by marriage, blood, or adoption (this includes stepparents and stepchildren if they have lived together for at least 90 days in the past year). - Lived together in a sexual relationship for at least 90 days in the past year. - The parents of a child together. - Have had a sexual relationship with each other in the past year. - Vulnerable adults. - Victim of a rape or sexual assault by the other person (including attempts) in the past six months. 	Any relationship that does not qualify for a protective order is eligible for a peace order.
8. What acts must occur in order for someone to file?	<ul style="list-style-type: none"> - Assault - An act that places a person in fear of imminent serious bodily harm. - An act that causes serious bodily harm - Rape or sexual offense (includes attempts). - Stalking. - False imprisonment. - Revenge Porn. 	<p>Any act listed for a Protective Order, or one of the following additional acts:</p> <ul style="list-style-type: none"> - Criminal Harassment - Criminal Trespassing - Malicious destruction of property - Misuse of telephone or electronic communication. - Visual surveillance.
9. Where do I file to get an order?	District Court House or Circuit Courthouse when they are open (M-F 8:30 a.m. to 4:30 p.m.). If courts are closed, an order can be filed at the District Court Commissioner's Office.	District Courthouse when it is open (M-F 8:30 a.m. to 4:30 p.m.). If courts are closed, an order can be filed at the District Court Commissioner's Office.
10. Can civil and criminal action be pursued against the respondent at the same time?	Yes	Yes
11. How much does it cost to file an order?	The court and law enforcement agencies charge no fees or costs to petitioners; however, a respondent may be ordered by the court to pay fees or costs associated with the proceeding	Court charges no fees or costs to the petitioner if the petitioner is a victim of domestic violence, sexual assault, or stalking. All other petitioners pay \$20.00 which may be waived by the court; and a \$30.00 service fee to the law enforcement agency
12. Who serves the respondent with the interim order?	After the District Court Commissioner immediately forwards the petition and interim order to the appropriate law enforcement agency, the local law enforcement agency serves it on the respondent.	After the District Court Commissioner immediately forwards the petition and interim order to the appropriate law enforcement agency, the local law enforcement agency serves it on the respondent.



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QUESTION	PROTECTIVE ORDER	PEACE ORDER
13. How does the court know when the interim order has been served?	A law enforcement agency makes “a return of service” to the District Court Commissioner’s office. If the office of the District Court is open for business, to the clerk.	A law enforcement agency makes “a return of service” to the District Court Commissioner’s office. If the office of the District Court is open for business, to the clerk.
14. Is there a time limit to file?	No	Yes. The act must have occurred within 30 days of filing the petition
15. Does the petitioner have to take an oath when filing for an order?	Yes. Petition does not include misdemeanor penalty for knowingly providing false information. Petitioner may be subject to perjury	Yes. In addition to perjury, there is a misdemeanor penalty for knowingly providing false information.
16. What happens if the order is violated?	Violation of an order may result in a finding of contempt, mandatory arrest, criminal prosecution, imprisonment, or fine.	Violation of an order may result in a finding of contempt, mandatory arrest, criminal prosecution, imprisonment, or fine.
17. Do I need to file for an interim order or temporary order before getting a final order?	A temporary order must be filed before getting a final order. A temporary protective order is issued during the court’s business hours and the judge finds reasonable grounds to believe that the respondent committed an act described in Question #8 above. A petitioner does not have to file for an interim order to get a final order.	A temporary peace order must be filed before getting a final order. A temporary order is issued during the court’s business hours and the judge finds reasonable grounds to believe that the respondent committed an act described in Question #8 above. A petitioner does not have to file for an interim order to get a final order.
18. How long does the interim order last?	Until the temporary protective order hearing or the end of the second business day the office of the clerk of the District Court is open after the interim order was issued, whichever is sooner (between 24-48 hours) Note: The judge may proceed with the final protective order hearing instead of the temporary if the respondent appears for the hearing; the respondent has been served with the interim order, or the court otherwise has personal jurisdiction over the respondent; and the petitioner and the respondent expressly agree to bypass the temporary hearing and go straight to the final hearing	Until the temporary peace order hearing or the end of the second business day the office of the clerk of the District Court is open after the interim order was issued, whichever is sooner. Note: The judge may proceed with the final protective order hearing instead of the temporary if the respondent appears for the hearing; the respondent has been served with the interim order, or the court otherwise has personal jurisdiction over the respondent; and the petitioner and the respondent expressly agree to bypass the temporary hearing and go straight to the final hearing
19. How long does the temporary order last?	Not more than 7 days after service of the order. The judge may extend the temporary protective order for up to 30 days for law enforcement officer to serve the respondent with the order or for other good cause.	Not more than 7 days after service of the order. The judge may extend the temporary protective order for up to 30 days for law enforcement officer to serve the respondent with the order or for other good cause.



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QUESTION	PROTECTIVE ORDER	PEACE ORDER
20. How long does the final order last?	<p>As long as one (1) year. The petitioner can request an extension for an additional six months after a further hearing.</p> <p>For as long as two (2) years if:</p> <ul style="list-style-type: none"> - The same person eligible for relief previously obtained a Final Protective Order against the same respondent AND - The prior order lasted for at least six (6) months AND - within one (1) year of the expiration of the order the respondent commits and act of abuse against the person eligible for relief OR the respondent consents to the order. 	Up to 6 months with no extension
21. When does a judge grant a final order?	<p>Under 3 circumstances:</p> <ul style="list-style-type: none"> - If the respondent does not attend the final hearing. - If the judge finds a preponderance of the evidence that the respondent committed the alleged act against the petitioner, as defined under the law. - The respondent consents to the entry of the final order. 	<p>Under 3 circumstances:</p> <ul style="list-style-type: none"> - If the respondent does not attend the final hearing. - If the judge finds a preponderance of the evidence that the respondent committed the alleged act against the petitioner, as defined under the law and is likely to do so again. - The respondent consents to the entry of the final order.
22. How do I know when the hearing will occur?	Temporary hearing date, time and location appear on the interim protective order along with a tentative date, time, and location for a final protective order hearing. The respondent can contact the court for the final hearing	Temporary hearing date, time and location appear on the interim peace order along with a tentative date, time, and location for a final peace order hearing. The respondent can contact the court for the final hearing.
23. What happens if the respondent fails to appear for the temporary or final hearing after the respondent has been served?	The respondent may be served by first class mail at his/her last known address with the final protective order and any notices concerning the final protective order.	The respondent may be served by first class mail at his/her last known address with the final peace order and any notices concerning the final peace order
24. Can the judge issue mutual orders	Yes, if both parties filed a petition and the judge determines that both parties acted aggressively rather than in self-defense and the judge finds by clear and convincing evidence that mutual abuse occurred.	Yes, if both parties filed a petition and the judge finds by clear and convincing evidence that each party has committed, and is likely to commit an act in the future as described in Question #8 above.
25. Is the respondent required to surrender firearm(s) to law enforcement authorities?	Yes, the respondent must surrender any firearm(s) in the respondent's possession for the duration of the protective order	No
26. Where in the law can these orders be located?	Family Law Article, §4-501 <i>et.seq.</i>	Courts & Judicial Proceedings Article, §2-607 <i>et.seq.</i> and §3-1501 <i>et.seq.</i>



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Chapter 34 Domestic Incidents
Section 06 Workplace

Original Policy
Supersedes None

A. Policy

1. The State of Maryland is dedicated to the prevention and elimination of domestic violence.
2. The State of Maryland seeks to create a supportive workplace environment in which employees feel comfortable discussing domestic violence concerns.
3. The State of Maryland has a zero tolerance policy for domestic violence at the workplace and will take appropriate disciplinary action and/or criminal prosecution against any employee or non-employee who threatens to commit, attempts to commit, or commits an act of domestic violence in state offices, facilities, work sites, vehicles, or while conducting any state business.

B. Legal Authority

1. Executive Order 01.01.1998.25, Domestic Violence and the Workplace
2. Maryland State Personnel and Pensions Article, Title 11
3. Code of Maryland Annotated Regulations (COMAR 17.04.04).
4. Annotated Code of Maryland, Public Safety Article, Title 2, Department of State Police

C. Definitions

1. Domestic Violence - physical or emotional injury, or the threat of such injury, perpetrated by one intimate partner against the other partner. One person intends to establish and maintain power and control over a person with whom he or she has, or has had, a significant personal relationship. Power and control are exerted through physical, sexual, psychological and/or economic means. Examples of domestic violence include, but are not limited to:
 - a. Intimidation;
 - b. threats to cause harm;
 - c. verbal harassment;
 - d. disorderly conduct;
 - e. crimes against property;
 - f. violation of a Peace or Protective Order;
 - g. display or discussion of weapons;
 - h. homicide;
 - i. assault and battery;
 - j. rape;
 - k. stalking; or
 - l. other acts so committed that they may be criminally or civilly construed to constitute domestic violence.
2. Perpetrator means an individual who commits an act of domestic violence.
3. Victim means an individual who is subject to an act of domestic violence.

D. Confidentiality



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Original Policy
Supersedes None

1. In order to ensure the safety of all employees and to comply with the law (including the Public Information Act), any information related to domestic violence or the State's response to domestic violence will only be disclosed on a need to know basis.

E. Work Environment

1. All employees should be sensitive and nonjudgmental when supporting victims of domestic violence.
2. An employee shall not be disciplined or penalized in the workplace for being a victim of domestic violence.
3. When an employee subject to discipline confides that the job performance or conduct problems is caused by domestic violence, the employee shall be referred to the FPO (Fair Practices Officer) and the City's Employee Assistance Program.
4. The employee's participation in the City's Employee Assistance Program is voluntary.

F. Disciplinary Procedures for Employees Who Commit Acts of Domestic Violence

1. An employee who is found to commit an act of domestic violence in the workplace may be subject to disciplinary action, up to and including termination.
2. An employee who is found using any State resources such as work time, workplace phones, facsimile machines, mail, electronic mail, or other means to commit an act of domestic violence may be subject to disciplinary action up to and including termination.
3. Assigning an employee who is the subject of a domestic violence internal investigation, to administrative duties, will be determined on a case-by-case basis after the employee's supervisor reviews the case with the supervisor of Internal Affairs Section and the Chief of Police.

G. Employees Responsibilities

1. All employees will:
 - a. attend Domestic Violence and the Workplace Training, and
 - b. immediately report to their supervisor any threats or acts of domestic violence in the workplace that may be experienced or witnessed.
2. Supervisors who have knowledge of an employee (victim or perpetrator) associated with domestic violence will immediately inform their captain/director of such information.
 - a. The captain/director will immediately notify a Family Violence Team Member when circumstances meet the established department guidelines of the information received and when applicable, the director of the employee associated with domestic violence.

H. Victim Responsibilities and Assistance Options

1. Employees who are victims of domestic violence are encouraged to:
 - a. notify their supervisor of the possible need to be absent and discuss possible leave options;
 - b. discuss with their supervisor plans to return to work and the appropriate reporting procedures;
 - c. if necessary and available, make secondary arrangements to receive a paycheck; and



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Original Policy
Supersedes None

- d. work with the supervisor to ensure adequate safety measures are in place.
2. Employees who are victims of domestic violence may:
 - a. speak to the Fair Practice Officer about available assistance;
 - b. contact their local service provider (e.g., advocacy group, crisis center, family protection provider which are identified in the manual titled State of Maryland Policy and Curriculum on Domestic Violence and the Workplace), or the Maryland Network Against Domestic Violence Help Line;
 - c. call police if in immediate danger;
 - d. work with the local service provider to create a safety plan; and
 - e. contact the State's Employee Assistance Program for confidential consultation and resources.

I. Perpetrator Responsibilities

Employees who are perpetrators of domestic violence will:

1. Contact the City's Employee Assistance Program office for confidential consultation and resources;
2. Contact an abuser's intervention program; and
3. Be held accountable under APD Rules and Regulations for complying with 1. and 2. above.

J. Employer Responsibilities

1. Supervisors will:
 - a. ensure that each employee is provided with a copy of the Domestic Violence and the Workplace policy;
 - b. participate in Domestic Violence and the Workplace Training;
 - c. immediately refer any employee, known to be the victim or the perpetrator of domestic violence, to the FPO and the Employee's Assistance Program;
 - d. maintain the confidentiality of all information related to an employee's involvement in a situation relating to domestic violence; and
 - e. post educational materials on domestic violence as required.
2. The posting of materials may include, but is not limited to the following: locker rooms, bulletin boards, rest rooms, inserts in paycheck stubs, inter-office memos, and newsletters. Educational materials may take the form of posters brochures, informational cards and flyers, etc.

K. Office of Fair Practice Responsibilities

The Fair Practices Sections will:

1. participate in Domestic Violence and the Workplace Training
2. maintain up-to-date referral resources on domestic violence hotlines, advocacy groups, shelters, counseling services, and legal services (pro bono legal assistance and domestic violence/family court information);
3. maintain up-to-date resources for perpetrators, including abusers' intervention programs; and



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4. maintain the confidentiality of all information related to an employee's involvement in a situation relating to domestic violence.
5. use the same procedures for documenting domestic violence cases as used for harassment cases since in many cases the conduct of domestic violence will be the equivalent of harassment.

L. Safety

1. APD shall make reasonable efforts to maximize the safety of all employees.
2. These efforts may include, but are not limited to: escort services, improved lighting, working closely with appropriate law enforcement agencies, relocation of employee's work station, installation for security cameras or silent alarms, strict enforcement of current security procedures and voluntary transfer.

M. Telephone Numbers

1. APD Fair Practices Section: 410-272-2121
2. City Employee Assistance Program Coordinator: 410-272-1600.



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Chapter 34 Domestic Incidents
Section 07 Lethality Assessment

Original Policy
Supersedes None

A. General Purpose

1. The Aberdeen Police Department will comply with the Domestic Violence Lethality Assessment Protocol as developed by the Maryland Network against Domestic Violence.

B. Definition

1. Domestic Violence Lethality Screen - the eleven-question form utilized by officers to assist in determining the potential for lethality in certain domestic violence situations.
2. Intimate Relationship - is one in which heterosexual or homosexual partners have, or have had, a sexual or emotional relationship.
3. Intimate Partners - persons involved in an intimate relationship are partners who:
 - a. Are married, separated, or divorced;
 - b. Live or have lived together;
 - c. Have children in common; or
 - d. Date or have dated, but do not live or never have lived together.
4. SARC - the Sexual Assault/Spouse Abuse Resource Center, Inc. an agency whose mission is to work to end domestic and sexual violence, to aid it's victims, and to create a society free from abuse and fear.

C. Procedure

1. In the following situations officer will initiate a Lethality Assessment:
 - a. There is reason to believe that an assault or an act that constitutes domestic violence has occurred, whether there is an arrest; or
 - b. There is a belief of sense on the part of the first responder that once the victim is no longer in the care of presence of the first responder, the potential for assault or danger is high;
 - c. Repeat calls for service; or
 - d. The first responder believes one should be conducted.
2. The first responder will use the form entitled "Domestic Violence Lethality Screen for First Responders" to ask the victim the lethality assessment questions.
 - a. The first responder should the victim that he/she will ask the victim a short series of questions to help the responder determine how much immediate danger the victim is in.
3. The questions will be asked in the order they are listed on the form.
4. Ask all questions on the form even if the victim responds positively to Questions #1 through #3.
 - a. The more questions to which the victim responds positively, the clearer and more immediate is in danger.

D. Assessing the Responses

1. **Yes to Q. #1, #2 or #3 = Referral.** A "yes" or positive response by the victim to any of Questions #1, 2 or 3 reflects a high danger situation and automatically triggers the protocol referral process.



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2. **Yes to Four of Questions, #4-#11 = Referral.** If the victim gives negative responses to questions #1-#3, but positive responses to at least four of questions #4-#11, that reflects a high danger situation and triggers a protocol referral.
3. “No” negative responses to all the assessment questions, or positive responses to no more than three of questions #4-#11, may still trigger the protocol referral if the first responder believes it is appropriate.
4. A first responder may trigger the protocol whenever he/she believes the victim is in a potentially lethal situation. (55.2.3)
5. Whenever the victim has responded negatively to all questions or given positive responses to no more than three of questions #4-#11, the first responder should ask the victim the following question:
 - a. Is there anything else that worries you about your safety?
 - b. (If “yes”) What worries you?”
 - c. The response to the question may help the first responder better determine whether the protocol referral should be triggered.

E. Protocol Referral Not Triggered or Victim Does Not Complete the Screen

1. If the protocol referral is not triggered or the victim does not complete the lethality screen, the first responder will:
 - a. Advise the victim that domestic violence is dangerous and sometimes fatal;
 - b. Inform the victim to watch for signs listed in the screen because they may convey to her that she is at increased level of danger;
 - c. Refer the victim to a domestic violence service provider; and
 - d. Provide the victim with the first responder’s contact information or contact information of others who may be available during times when the first responder is not, in case the victim wants to talk further or needs help.
 - e. Prepare a report to include the details of the incident and screening process.

F. High Danger Assessment-Implementation of the Protocol Referral Response of Law Enforcement.

1. Response of law enforcement
 - a. If a high danger assessment is made or the first responder believes it is appropriate, the first responder will implement a protocol referral as follows:
2. Advise the victim that the first responder has conducted an assessment of the victim’s situation that has shown that the victim is at an increased level of danger, and that people in the victim’s situation have been killed.
3. The first responder will then tell the victim that he/she would like to call the domestic violence hotline to have the victim speak with a counselor.
4. The first responder will call the hotline and advise the counselor that he/she has made a high danger assessment, or believes that the victim is in danger, and would like the counselor to speak with the victim.



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Supersedes None

- a. If the victim initially declines to speak with the counselor, the first responder will:
 - 1) Tell the victim that the first responder will contact the hotline to receive guidance on how to proceed with the situation;
 - 2) Tell the victim that he/she would like the victim to reconsider speaking with the hotline counselor; and
 - 3) After the first responder concludes the conversation with the counselor, ask the victim if she/he has reconsidered and would now like to speak with the counselor.
- b. If the victim continues to decline to speak with the counselor, the first responder will reiterate his/her assessment that the victim is in a dangerous situation and advise the victim to watch out for signs listed in the assessment because they may convey an increased level of danger.
 - 1) Strongly encourage the victim to contact the domestic violence service provider and provide referral information.
 - a) The first responder should advise the victim of contact numbers i.e., police station and 911 centers.
 - 2) Review with the victim some basic safety steps.
 - a) Suggest the victim consider filing for a protective/peace order;
 - b) Advise the victim to consider staying at another location if the abuser has been arrested, because the abuser will usually be released from custody in a matter of hours;
- c. If the victim wishes to leave the home, advise them to take necessary documents, medical records, medication, keys, etc.
 - 1) The first responder may either arrange for or provide transportation.
 - 2) The domestic violence program can provide shelter counseling and referral services.
- d. The victim should be informed that the first responder or other law enforcement officers might have follow-up contacts.
 - 1) The shift supervisor will be notified where the assessment indicates a high probability of danger.
 - 2) With the permission of the victim and within the responder's capability an immediate safety plan should be developed.
- e. If the victim has agreed to speak with a counselor the first responder will call the domestic violence hotline and advise the counselor that he/she has made a high danger assessment, or believes that the victim is in danger, would like the counselor to speak with the victim.
 - 1) After speaking with the victim, the counselor will speak with the first responder.
 - 2) The first responder will be guided by their discussion with the counselor.
- f. When contacting the hotline never use the victim's cell phone or land lines that record call history.



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- 1) In most phones calling a familiar number after the hotline call will clear the previous hotline call.

G. Use of the Lethality Screen in Cases of Mutual Battery

1. In mutual battery cases, usually one of the parties has acted in self-defense.
 - a. Administering the Lethality Screen to an abuser would enable the abuser to manipulate the protocol referral process and possibly have dangerous repercussions for the real victim.
 - b. Maryland Law expects officers to investigate mutual battery cases with a view toward identifying the primary aggressor.
 - c. Administering the Lethality Screen challenges officers to properly investigate cases of mutual battery.
 - d. The Model Domestic Violence Policy for the Maryland Law Enforcement Community advises, "... Cases of dual arrest should not be frequent occurrences."
 - e. It is highly unlikely that both parties would exhibit the dangerous and controlling factors that comprise the Lethality Screen.
 - f. Assess the situation very carefully. Be wary of administering Lethality Screens to both parties.
2. Practical consideration must be given in administering the screen.
 - a. The first responder must consider the immediate circumstances in determining whether to initiate the screen and if it will be feasible to employ all aspects of the protocol referral process.
 - b. Such consideration may sometimes occur when the abuser is present, the victim is intoxicated, the victim goes to the hospital, or there is no phone present.
 - c. So not initiate the screen if circumstances do not permit or the first responder believes that the initiation of the screen may place the victim in immediate danger.
 - d. The first responder should contact the hotline to discuss cases that are not screened to assist in determining the best course of action.
 - e. A full report will be prepared to document the incident.