

Chapter 23 DOMESTIC VIOLENCE

POLICY

It is the policy of the Cecil County Sheriff's Office to investigate complaints of Domestic Violence.

Definition

- Domestic violence occurs when a person commits or attempts to commit one of the following types of offenses against a current or former spouse or a person with whom he/she has, or has had, or have been in a relationship as a couple--married, living together or dating. It does not include other family members or people who live together in a dormitory arrangement.
 - a. An act that causes physical injury,
 - b. An act that places one in fear of physical injury to self or others,
 - c. Sexual assault,
 - d. Property crimes,
 - e. Violations of Temporary Ex Parte or Protective Order, or
 - f. False imprisonment.

WARRANTLESS ARREST

- As defined in the *Criminal Procedure Article Section 2 - 204* paragraph (d). An authorized member may arrest a person without a warrant if:
 - 1) The member has probable cause to believe that:
 - a) The arrestee has battered his/her spouse or any other individual with whom the person resides,
 - b) There is evidence of physical injury; and
 - c) Unless the person is immediately arrested he/she:
 - (I) Might not be apprehended;
 - (ii) May cause injury to the victim or damage the property of one or more persons, or
 - (iii) May tamper with, dispose of, or destroy evidence; and
 - 2) A report, or call for service was made to the police within 48 hours of the alleged incident.

INVESTIGATION

- Upon receiving any report of domestic violence or spouse abuse, regardless of the source, the Communications Section shall dispatch an appropriate number of agency members to the victim's location.
- The assigned member(s) shall respond to the victim's location and initiate an investigation into the incident to determine if a crime has been committed.
- The assigned member shall contact the victim personally and complete a written report, documenting the alleged abuse.
- If the responding deputy is unable to make immediate contact with the victim/complainant, a supervisor must respond to the scene.
- The investigation shall include, but is not limited to the following elements:
 - 1) A complete written report, regardless of the presence of a physical injury, with at the very least, an Incident Report.

- 2) A Maryland Domestic Violence Supplemental Report will be completed in addition to the primary report.
- 3) A victim interview and written statement conducted out of the presence of the suspect.
- 4) Identification of the suspect and relationship to the victim.
- 5) Observations of the victim's visible injuries and documentation of complaints about non-visible injuries.
- 6) Suspect interview and statements conducted out of the victim's presence.
- 7) Photographs of any injuries (victim and suspect) and property
- 8) Observations of the demeanor of all participants to include alcohol or drug use.
- 9) Crime scene observations and photographs.
- 10) The presence, threat of use or use of any weapons.
- 11) Seizure of any weapons and evidence associated with the crime.
- 12) Circumstances of any arrest or non-arrest disposition.

DISPOSITION

- When probable cause exists, the member may arrest under the warrantless arrest statute.
- When probable cause exists, but the responding deputy determines that an arrest is not appropriate, a supervisor shall respond to the scene to determine the appropriate course of action.
- In all cases, the member shall provide protection for the victim and advise the victim of the availability of domestic violence support services and emergency shelters.
- If a disposition of non-arrest results, the member shall provide the victim with information regarding the availability of a District Court Commissioner and an explanation of District Court, ex-parte procedures and victim assistance information.
- The investigating member shall make every effort to determine the identity of the primary aggressor and/or the party that might initiate further violence upon the member's departure.
- If the investigation fails to establish culpability on the part of either person involved in the violence, and probable cause exists as defined in ***Criminal Procedure Article, Section 2 - 204***, the member may arrest both parties involved in the violence.

**SEIZURE AND
DISPOSITION
FIREARMS**

When a law enforcement officer responds to a domestic violence complaint and determines through probable cause that an act of domestic violence has occurred and the officer observes a firearm on the premises, or ask the parent, household member, or other persons present if any weapons are present in the house or are on the property, then the law enforcement officer shall remove the firearm from the premises.

- If a firearm is removed from the premises pursuant to the domestic violence law, the deputy shall:
- ***Non-Arrest Situation***
 - 1) Inform the owner that the firearm may be released to him/her after thirty days, if there have not been any further domestic problems during the thirty days following the original incident.

- 2) Advise the person from whom the firearm was seized he/she must contact the Cecil County Sheriff's Office Patrol Captain or D.O.L. to make a determination for the release of the weapon(s).

- ***Arrest Situation***

- 1) If a firearm is seized in an arrest situation, whether as evidence or not, the firearm shall not be released until the case has been adjudicated.
 - 2) Advise the person from whom the firearm was seized that he/she must contact the Cecil County Sheriff's Office Domestic Violence unit after the case is adjudicated, to make arrangements for the release of the weapon(s).
- When a firearm is seized, in addition to a Incident report, A "Property/Evidence Record" form shall be completed and forwarded with the firearm(s) to the property management unit.
 - Deputies shall exercise due care to prevent any damage to seized firearms and all seized firearms shall be photographed.

**OTHER LAW
ENFORCEMENT
AGENCY PERSONNEL**

- In the event that a member of another law enforcement agency is involved in a domestic situation, whether an arrest or non-arrest situation, it shall be incumbent upon the shift supervisor to immediately notify a supervisor in the jurisdiction where the member is employed. The shift commander shall notify the Captain of Patrol or Director of Law Enforcement.

Barry A. Janney, Sr., Sheriff

Date