

CAMBRIDGE POLICE DEPARTMENT

Title: *DOMESTIC VIOLENCE*

Procedure: 4.035

Date Issued:

Revised: **March 1, 2009**

PURPOSE:

To provide guidelines for officers responding to incidents of domestic violence.

To inform officers of their requirements under Maryland State Law pertaining to domestic violence.

To establish guidelines, responsibilities and procedures for domestic violence intervention.

POLICY:

It shall be the policy of the Police Department to view domestic violence as a serious crime. Therefore, this department shall take a proactive response to safeguard victim's rights, provide victim assistance and use arrest as a deterrent to future violence. Officers shall familiarize themselves with the Maryland State statutes pertaining to domestic violence.

DEFINITIONS:

"Domestic violence" means physical abuse, harassment, or intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.

"Family or household members" include persons who are legally married to one another, were formally married to one another, are related by blood (consanguinity), are related by marriage, have a child in common, are living together or have lived together, have a dating relationship or have had a dating relationship.

PROCEDURES:

POLICE COMMUNICATIONS OFFICER'S RESPONSIBILITY

1. Two officers shall be dispatched on all domestic disturbance calls.

2. Because the Police Communication Officer is likely to be the first to receive the call, they are the key in determining the type of response. To assist the responding officers, the Police Communications Officer shall determine the following information, if possible:

The name of the complainant;

If the incident is in progress;

If there is a weapon involved;

If anyone has been injured and needs medical attention;

A description of the offender, his name, his location, direction and mode of travel;

If any drugs or alcohol are involved;

If there have been prior incidents;

If there are any minors in the house; and

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. The PCO will maintain telephone contact until the officers arrive to monitor the incident and provide support to the victim. Background noises may help to evaluate the situation and provide further information to the responding officers.

OFFICER'S RESPONSIBILITIES

1. Priority of response to domestic violence calls shall be no less than if the incident involved strangers.

2. Upon arrival, officers should verbally identify themselves as police officers and give an explanation for their presence.

3. Officers may enter and conduct a search of the residence if consent has been given to do so. Although a consent search eliminates the need for a search warrant and probable cause, such consent must be freely and voluntarily given. If two people have joint ownership of a place or thing, either one may give a valid consent. However, if one of them exercises sole control over part of the premises, the other cannot give valid consent to search that part.

4. When entry to a residence is refused, officers shall be persistent, explaining that a complaint was received and must be investigated. If entry is still denied, request the PCO to call the residence and establish contact with the victim. If entry is still refused, officers shall request the presence of the on duty Supervisor.

5. There may be times when sufficient probable cause exists to indicate that a crime is being committed, has been committed or that a life is in danger. In these cases, if entry has been refused, or there is no reply from the premises, forced entry may be necessary. Officers shall evaluate the following elements when considering a forced, warrantless entry:

The degree of urgency involved and the time required to secure a warrant;

The possibility of dangers to others, including police officers;

Whether the offense involves violence;

Whether the officers reasonably believe that persons may be armed.

6. Upon investigation of a domestic violence incident, the officer shall evaluate the circumstances surrounding the incident and determine if probable cause exists to make an arrest.

7. Officers will make an arrest if the officer has probable cause to believe that the person has committed or is committing any crime. Arrest is the preferred response to family violence because arrest offers the greatest potential for ending the violence. Refusal of the victim to cooperate with the investigation against the offender shall not prevent nor shall it be a consideration, in an officer's decision to arrest.

8. Under no circumstances will an officer of this department use the threat to arrest all parties involved for the purpose of discouraging the victim from signing a complaint.

9. When a domestic violence crime has occurred, ONLY with extenuating circumstances and the Supervisor's approval will an arrest not be made. In that instance, a written police report will be made articulating the specific reasons why an arrest was not made.

10. Any officer assigned to investigate an allegation of domestic violence, neglect, or exploitation incident between family or household members will make a written police report of any bona fide allegation and the disposition of such investigation even if an arrest is not made. The report will include the victim's statements as to the frequency and severity of prior incidents of domestic violence, neglect, or exploitation by the same family or household member, and the number of prior calls for police assistance to prevent such further domestic violence, neglect, or exploitation.

11. In all cases domestic violence the victim will be issued a victim rights pamphlet.

VICTIM ASSISTANCE

1. Officers will offer victims immediate and adequate information (the VICTIM'S RIGHTS PAMPHLET) appropriate which shall include a summary of the procedures and relief available to victims of domestic violence.

2. If the victim requests assistance in leaving the premises, the officer will stand by

for a reasonable amount of time to allow the victim to gather some necessary personal belongings and possessions.

3. Officers will provide the victim with a referral to the Family Shelter.

4. Officers will complete a Domestic Violence Report and take photographs of the victim for evidentiary purposes.

5. Officers will provide or arrange for transportation of the victim and, at the victim's request, any minors or dependents in the victim's care, to a medical facility for treatment of injuries or to a nearby place of shelter or safety.

EX-PARTE/PROTECTIVE ORDER

1. An Ex-Parte/Protective Order is a court order available to family or household members prohibiting the abuser from certain activities or ordering the abuser to take certain actions.

2. The officer should ask the victim if an Ex-Parte/Protective Order has been issued. The officer should also check with Communications for Ex-Parte/Protective Orders on file.

3. The officer should verify the existence of a valid Ex-Parte/Protective Order and its provisions by referring to the victim's copy.

4. Officers should closely read the Ex-Parte/Protective Order for restrictions placed on the alleged offender.

5. Offenders will be arrested for any violation of a valid Ex-Parte/Protective Order

6. An Ex-Parte/Protective Order can only be issued, extended, modified or revoked by a Judge. The victims cannot "change their minds" and allow a violation of the order of protection.

OUT OF STATE ORDERS OF PROTECTION

1. Out of state Ex-Parte/Protective Orders are enforceable in the State.

JANE DOE SEXUAL ASSAULT FORENSIC EXAM:

To facilitate compliance with Maryland's Violence Against Women Act (VAWA) regarding anonymous or Jane Doe Sexual Assault Forensic Exams, the following policy has been implemented:

1. Upon the Cambridge Police Department receiving a call from a hospital emergency room regarding a "Jane/John Doe" evidence kit, communications will assign a complaint number listing the hospital SAFE Nurse as the caller.

2. The Criminal Investigation Division will be notified and the assigned investigator will respond to the hospital to collect the forensic kit.

3. If a victim/patient reports to the Cambridge Police Department that they are the victim of a sexual assault/rape incident and wishes to remain anonymous, the victim will be reported as Jane/John Doe and an incident report with a complaint number listing the hospital SAFE Nurse as the complainant.

4. The Criminal Investigation Division will be notified and an investigator will be assigned. The victim will be transported to the Easton Memorial Hospital, where a Sexual Assault Forensic Exam will be completed by a qualified nurse using the prescribed forensic examination kit.

5. In either case, the forensic examination kit will be placed in the custody of the investigator for storage at the Cambridge Police Department, with the victim listed as Jane/John Doe.

6. If no further action is taken by the victim after the evidence holding period has expired (one year), the examination kit will address the final disposition of the evidence according to standard departmental procedures.