



## DOMESTIC VIOLENCE

**Directive: 15-103**

Date of Issue: July 2013    Amends/Cancel: 14-102

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### I. PURPOSE

The purpose of this Directive is to establish guidelines for handling cases which involve violence among domestic partners.

### II. POLICY

- A. The DGS-MCP is committed to providing a safe and secure environment for employees and visitors by taking a pro-active posture in seeking to reduce incidents of crime, including domestic violence.
- B. The Department acknowledges the severity of domestic violence and has adopted a “preferred arrest” policy for those cases. Criminal suspects will be arrested and charged whenever authorized by law. Officers will take all reasonable measures necessary to assist and protect victims, and refer them for counseling and other available services as needed.

### III. BACKGROUND

- A. One out of every three women experiences at least one physical assault by a partner, according to a 1996 study by the American Psychological Association. A recent *New York Victim Service Report* revealed that abusive husbands and intimate partners harass 74 percent of employed battered women at work, either in person or over the telephone. In addition to the injuries and deaths suffered by the victims, domestic violence costs employers \$3 to \$5 billion annually because of the worker absenteeism, increased health care costs, higher turnover, and lower productivity. However, the murder rate of intimate partners and the rate of intimate partner violence have been going down as law enforcement adopt a proactive, “zero tolerance” approach to this type of criminal activity.

### IV. DEFINITIONS

- A. Probable Cause: A conclusion based upon information known to the officer at the time which leads to the reasonable belief that a crime has been, is being, or is about to be committed by a particular individual.
- B. Domestic Violence (Also, Domestic Assault or Domestic Abuse): Any act of violence between two people who are either married or living within the same resident including but not limited to:
  - 1. The current or former spouse of the complainant;
  - 2. A cohabitant of the complainant;

3. A person related to the complainant by blood, marriage, or adoption;
4. A parent, stepparent, child, or stepchild of the complainant or the person eligible for relief who resides or resided with the complainant or person eligible for relief for at least 90 days within one year before the filing of the petition;
5. A vulnerable adult; or
6. An individual who has a child in common with the complainant.

## V. PROCEDURES

- A. Calls for service regarding domestic violence will be handled as a crime without regard for the relationship between the victim and the offender or the probability of prosecution by the victim.
- B. DGS-MCP will dispatch at least two officers, when available, to each case involving allegations of domestic violence. The officer who is first to respond will be the primary officer to handle the case until relieved of this duty by a supervising officer.
- C. When dispatched to a reported case of domestic violence, officers will act in a pro-active fashion with an emphasis towards arresting domestic abuse offenders and protecting victims. Officers will arrest domestic abuse offenders without warrants when there is probable cause to believe the following, as set forth in the *Annotated Code of Maryland. Criminal Procedures Article, §2-204*:
  1. The battered person is the offender's spouse, or the abuser and the victim share a residence, and;
  2. There is evidence of physical injury, and;
  3. Unless immediately arrested, the abuser will elude apprehension, cause physical injury or property damage, or will tamper with, dispose of, or destroy evidence, and;
  4. A report to the police was made within 48 hours of the alleged incident.
- D. Officers should determine that an incident of domestic violence actually occurred based on the preliminary investigation, and not rely on the nature of the call for service broadcast by the PCO.
- E. When officers have determined that an assault has occurred, the health and safety of the victim should be should be assessed immediately, and if appropriate, medical assistance provided. Subsequent to this, priority should be given to the following:
  1. Arrest the assailant if it is possible to do so in accordance with Section II.C of this Directive.
  2. Secure the crime scene and preserve any available evidence.
  3. Request a crime lab technician to respond to the scene of the crime.
  4. Interview any witnesses.

- F. Before leaving the scene of a domestic assault, the officers should provide information to the victim indicating the availability of local support services.
- G. Officers who respond to cases involving domestic abuse should complete a written incident report before the end of their shift.