



BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 13-22 SECTION N-1

DOMESTIC VIOLENCE Revisions Approved: June 12, 2018

This General Order contains the following numbered sections:

- I. Directive
- II. Purpose
- III. Policy
- IV. Definitions
- V. General Responsibilities
- VI. Required Action
- VII. Protective Orders
- VIII. Investigating a Domestic Violence Incident
- IX. Investigating a Domestic Violence Incident Involving Employees of the BCSPF
- X. Out of Jurisdiction Domestic Violence Investigations Involving Employees of the BCSPF
- XI. Out of Jurisdiction Domestic Violence Investigations Involving Employees of BCSPF
- XII. Arrest Criteria (Domestic Violence Incidents)
- XIII. Firearms (Domestic Violence Incidents)
- XIV. Stalking
- XV. Communication of Policy
- XVI. Effective Date

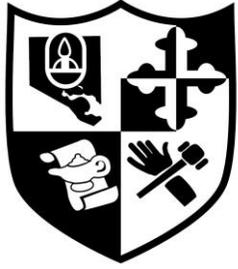
I. DIRECTIVE

The Baltimore City School Police Force, as part of its commitment to reducing the incidence and severity of domestic violence incidents in Baltimore City, may, at its discretion:

1. Educate domestic violence victims they encounter as to their options to pursue legal charges or protective orders;
2. Provide domestic violence victims with resources available to them;
3. Encourage victims to contact legal and social assistance networks for legal advice and/or social assistance;
4. Train school police officers to be prepared to effectively respond to and deal with domestic violence calls for service.

II. PURPOSE

This General Order establishes departmental policy and procedures relating to investigations,



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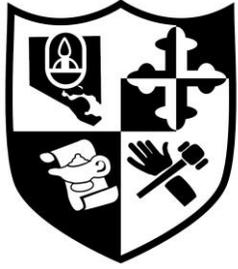
arrests and referrals in all incidents of domestic violence and other types of domestic related disputes.

III. POLICY

The Baltimore City School Police Force recognizes that domestic violence is a criminal act no different from any other crime and will vigorously enforce the laws relating to domestic violence as it does any other criminal offense. Officers will effectuate arrests in accordance with the laws of arrest. Officers are permitted to provide persons identified as domestic violence victims with information relating to assistance and family counseling.

IV. DEFINITIONS

- A. **Cohabitant-** A person who has had a sexual relationship with the victim and resided with the victim for a period of at least 990 days within one year of the reported incident.
- B. **Consent Order-** A court order, the terms of which have been agreed to by the parties, signed by a judge setting forth the conditions and terms of contact between the two parties. This order can be criminally enforceable if either party is in violation of the terms which constitute a misdemeanor (similar to any category of Protective Order). Out of state consent orders are enforceable to the same extent as an order issued in Maryland.
- C. **Domestic Incident-** A term used to describe any occurrence, criminal or non-criminal, involving a current or former spouse, a current or former cohabitant, or a person with whom the individual has or has had, a sexual or non-sexual intimate relationship.
- D. **Domestic Violence-** Maryland Law defines a “Victim of Domestic Violence” as an individual who has received deliberate, severe and demonstrable physical injury, or is in fear of imminent deliberate, severe and demonstrable physical injury, from a current or former spouse, or a current or former cohabitant, as defined in Article –Family Law, Section 4-501 (Annex A, “Legal Reference”). The BCSPF definition of Domestic Violence broadens that definition to also include incidents where a person commits or attempts to commit at least one of



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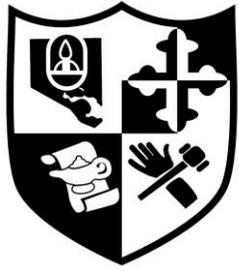
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the following types of offenses against a current or former spouse, or current or former cohabitant, or a person with whom the individual has, or has had, a sexual or non-sexual intimate relationship:

1. An act that causes any injury.
2. An act that places on in fear of physical injury to self or others.
3. Sexual assault.
4. Property crimes.
5. Trespassing.
6. Arson.
7. Stalking.
8. Harassment.
9. Violation of a Protective Order.
10. False imprisonment.

- E. **Final Protective Order-** An order issued upon the same findings as a Temporary Protective Order and that may contain the same restrictions upon the conduct of the respondent, and additionally may contain provisions related to visitation with minor children, the award of family maintenance, the award of use and possession of a jointly owned vehicle, and may require participation in counseling or a domestic violence program. The Protective Order can last up to, but not exceed, one (1) year, or under limited circumstances two (2) years, except that a Final Protective Order shall be permanent if the respondent was previously the subject of a Final Protective Order, has previously been sentenced to a five year prison term for acts of abuse and is issued after a final hearing before the court. A Protective Order is granted by a judge after a hearing to be held within seven (7) days of a Temporary Protective Order, unless the hearing is continued for good cause. If the respondent consents, or if the judge determines that abuse occurred, whether the respondent is present or not, the judge will issue a Final Protective Order. The court can issue mutual Protective Orders, if both parties have filed petitions for Protective Orders, and the judge finds that both have been abusive.
- F. **Interim Protective Order-** An order by the court, based upon “reasonable grounds” to believe that a person eligible for relief has been abused by a respondent. For the protection of a person eligible for relief, the court may order the respondent to refrain from further abuse or threats and to refrain from contact with the petitioner and may award use and possession of the parties’ residence



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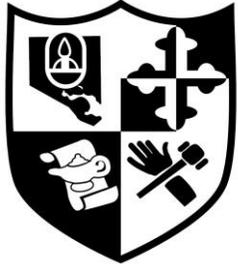
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and custody of children and pets to the petitioner. The order may be issued ex parte. An Interim Protective Order may not remain in effect for more than two (2) days after the date of issue, during which period a hearing to determine whether a Temporary Protective Order is warranted will be conducted, or until a Temporary Protective Order, if any is issued, is served upon the respondent, whichever is earlier.

- G. **Peace Order-** A protective order available to individuals who have been the subject of harassment, stalking, trespassing, violence, including sexual violence, or abuse by another person, including someone in a dating relationship, a neighbor, or a stranger, within 30 (thirty) days preceding the application. A Temporary Peace Order may be issued by a District Court judge or by a Commissioner when the District Court Clerk's office is not open. Like a protective order, a Final Peace Order is preceded by Interim and Temporary Peace Orders, the duration of which are equivalent to their Protective Order counterparts, except that the extension period for service of the Temporary Order is thirty (30) rather than six months and the final peace order may last no longer than six months. The Peace Order may direct the respondent to refrain from committing or threatening to commit an act against the petitioner; order the respondent to refrain from contacting, attempting to contact, or harassing the petitioner; order the respondent to refrain from entering the residence of the petitioner; order the respondent to remain away from the place of employment, school, or temporary residence of the petitioner; direct the respondent or petitioner to participate in professionally supervised counseling or, if the parties are amenable, mediation; and order either party to pay filing fees and costs of a proceeding under this subtitle.
- H. **Physical Abuse-** A physical act that causes or may cause bodily harm to another person; an act that places one in fear of imminent serious bodily harm to self or others, and assault in any degree; rape, sexual assault, or illegal sexual contact, or attempted rape or sexual assault; and/or a detention of another person without consent and without legal justification.
- I. **Respondent-** The person alleged to have committed the abuse.
- J. **Stalking-** a malicious course of conduct that includes approaching or pursuing



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another where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear: (i) of serious bodily injury; (ii) of an assault in any degree; (iii) of rape or sexual offense as defined by Maryland Annotated Code (iv) of false imprisonment; or (v) death; or (vi) that a third person likely will suffer any of the acts listed above.

- K. **Strangulation-** as to create a risk of or cause great bodily harm by applying pressure on the throat or neck of the other person or by blocking the nose or mouth of the other person; causing loss of consciousness for any period of time; and substantially impedes normal breathing or circulation of blood.
- L. **Temporary Protective Order-** An order issued upon the same findings as an Interim Protective Order and that may contain the same restrictions upon the conduct of the respondent, and additionally may order the respondent to surrender their firearms under certain circumstances. A Temporary Protective Order may not remain in effect for more than seven (7) days after the date of issue, except that it can be extended by the judge for up to six months to effect service where necessary to provide protection or for other good cause. This Order may be issued ex parte and becomes effective when it is served by a law enforcement officer. The Order includes notice of hearing (typically the last day the order is in effect), during which the court will determine if a Protective Order is needed.

V. GENERAL RESPONSIBILITIES

Violence between current or former spouses and/or domestic partners is a criminal offense. A police officer has the legal authority to exercise their discretion to effectuate an arrest in a domestic situation; and any such arrests shall be made consistent with General Order 10-32 as well as policies and procedures of the BCSPF and pursuant to the Criminal Procedure Article of the Annotated Code of Maryland.

VI. REQUIRED ACTION

A. Officer

1. Take appropriate measures at the scene, including but not limited to: rendering or obtaining medical attention, affect arrest and/or obtaining a warrant.



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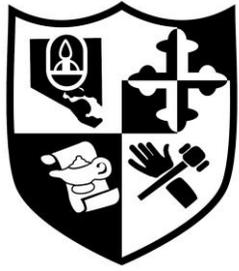
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2. Visit the location where the incident occurred, and document observations on the Domestic Incident Report, Form 323 (Annex B). Preliminary investigations shall include but not be limited to the following:
 - a. Conducting a thorough on-scene preliminary investigation to determine the primary aggressor. Members are discouraged from making dual arrests (refer to the “Arrest Criteria” in this Order).
 - b. Process the crime scene in keeping with departmental procedures.
 - c. Take color photographs of:
 - i. Any visible injuries to the victim and/or defendant.
 - ii. The victim, whenever an assault is alleged.
 - iii. In those incidents where there is serious injury to the victim and/or suspect, request the assistance of a BPD Mobile Crime Lab Technician for photographing the injuries.
 - d. Photograph any property damage.
 - e. Maintain all photographs in the case folder.
 - f. Conduct a warrant check of the suspect. Document the results of the check on the Offense Report and the Domestic Incident Report as appropriate.
 - g. When a criminal offense has occurred or been alleged, and the suspect is not in custody, obtain a warrant by:
 - i. Offering transportation to the victim and assisting the victim in personally acquiring the warrant. All assistance provided and/or refused is to be documented in the Domestic Incident Report; or
 - ii. Officer obtains the warrant on their own.

NOTE: Members shall be guided by General Order 13-11, E-3

- h. Make a comprehensive effort to apprehend the suspect(s) as quickly as possible.



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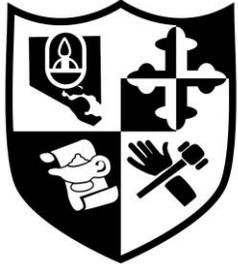
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- i. Assist in obtaining a Protective Order, when relevant, by offering transportation to the victim. Document all assistance provided and/or refused on the Domestic Incident Report.
- j. Provide the victim with information regarding resources available in both the criminal justice system and within the community.

NOTE: Members may provide information about available services but are prohibited from counseling victims/complainants in person or legal matters.

- k. If requested, accompany the victim to the residence in order that the victim may remove personal clothing and effects, and the personal clothing and effects of any children that may be in the victim's care. The personal effects to be removed shall be those necessary for immediate needs regardless of who paid for the items.
- l. Even if the victim's name is not on the leases or deed, both the officer and the victim may be permitted access by the lessee or the owner, if the victim is a resident and/or regularly resides at the home (e.g. tenant).
- m. If the officer and/or the victim are denied access and the victim is a resident, tenant, and/or person that regularly resides at the property, the officer should inform the person denying access that victim should be permitted on the property to retrieve personal clothing and effects; and that the denial of such access could be deemed a wrongful eviction.
- n. Officers should remain alert for any signs of abuse to all children that are encountered during domestic-related calls for service. Officers should be sure to include in the incident report the name, sex, relationship, age, and condition of all children at the scene of the domestic incident. Officers may interview children present if in



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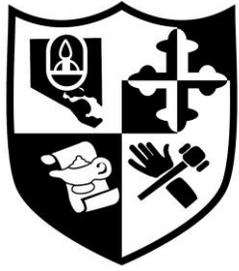
the officer's discretion, such action is appropriate based upon the facts and circumstances.

- o. Officers shall take required action when an allegation leads an officer to believe that physical or sexual child abuse or child neglect has occurred.
- p. Officers shall seize firearms from the scene of a domestic violence incident if:
 - i. Probable cause exists that domestic violence has occurred.
 - ii. Firearm is in plain view.
 - iii. Inquiry of a person/party at the scene leads to firearms. All residents of a premise **MUST** be asked if there are firearms within the residence.
 - iv. The surrender of firearms is a condition of a Protective Order.

NOTE: Officers should not conduct a search without a Search and Seizure warrant unless there is valid consent. The law does not grant law enforcement the authority to conduct premises searches without a Search and Seizure warrant when there is no consent for the location to which they are called. Firearms in plain view, however, may be seized when there is legal justification for doing so. Additionally, a resident of the premise can lead an officer to the location of other firearms and then, with the resident's consent would have the authority to seize such firearms if legally permissible.

- q. If a firearm is removed from the scene, the officer shall:
 - i. Advise the owner of the firearm, if present at the scene, the process of regaining possession of the firearm.
 - ii. Submit the firearm to the Evidence Control Unit for safe storage.

NOTE: At the conclusion of a proceeding on the alleged act of domestic violence, the owner of the firearm may regain possession of the firearm unless ordered to surrender the firearm under Section 4-506 of the



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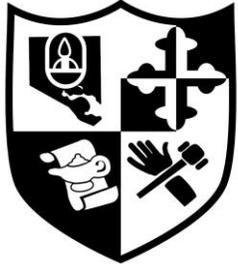
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Maryland Family Law Code, Annotated, Section 4-511.

- r. In instances of a felony domestic violence arrest:
- i. If assistance is required in interviewing child witnesses, request the aid of an on-call social worker by calling 410-361-2235
 - ii. For assistance in determining felony charges, contact the Felony Family Violence Division of the State's Attorney's Office directly, or via the Communications' Section Supervisor if after normal business hours, for a felony arrest that falls within the following criteria:
 - I. Gun cases: non-fatal shootings where the bullet did not enter the victim.
 - II. Attempted murder by any means (except a shooting where the bullet enters the victim), including but not limited to: stabbing strangulation, suffocation, and attempt to set on fire.
 - III. Serious physical injury involving:
 - a. A substantial risk of death;
 - b. A disfigurement; or
 - c. A permanent or protracted loss of the function of a bodily member or organ includes:
 1. Vision loss, coma, skull fracture, broken bones, scarring, burning, stabbing with significant blood loss or to vital organ.
 - IV. Assault by vehicle: Intentional hit with serious injury, running over, or dragging with serious injury.
 - V. Kidnapping or carjacking.
 - VI. Causing or attempting to cause the miscarriage of a pregnant woman.
 - VII. Felony burglary: breaking and entering another's home with the intent to commit a crime.



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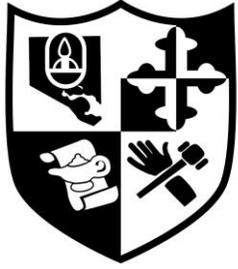
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s. Officers shall document all preliminary investigative efforts within the incident reports and complete all other necessary reporting.

NOTE: A Domestic Incident Report is required for ALL domestic related calls for service.

VII. REPORTING

- A.** If a call is a Domestic Incident, and NO criminal offense has occurred or been alleged, the Officer(s) shall:
1. Obtain a Central Complaint Number (CC#) and Computer Aided Dispatch (CAD) number from Communications.
 2. Have one of the involved parties complete the narrative section of and sign a Domestic Incident Report.
 3. Complete the Domestic Incident Report.
 4. Provide the pink copy of the Domestic Incident Report to one of the involved parties, making certain the back of the report is completed, including the correct District Domestic Violence Unit contact information.
 5. Submit the white and yellow copies of the Domestic Incident Report to your supervisor.
- B.** If the call is a Domestic Incident, and a criminal offense has occurred or been alleged, the Officer(s):
1. Obtain a Central Complaint Number (CC#) and Computer Aided Dispatch (CAD) number from Communications.
 2. Have a victim complete the narrative section of and sign a Domestic Incident Report.
 3. Complete the Domestic Incident Report.
 4. Provide the pink copy of the Domestic Incident Report to victim, making certain the back of the report is completed, including the correct District Domestic Violence Unit contact information.
 - a. Check the box in the “Dear Complainant” section and explain this section to the victim.
 - b. Provide the correct District Violence Unit contact information.
 5. Complete the appropriate Offense Report and submit to the officer(s)



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- supervisor.
6. Submit the white and yellow copies of the Domestic Incident Report to your supervisor.
- C. If an officer's investigation clearly establishes that NO domestic incident actually occurred or was attempted, and call is deemed unfounded, then the officer should follow the below instructions:
1. Orally code the call
 2. Do not obtain a CC#
 3. Do not complete a Domestic Incident Report
 4. Do not complete an Unfounded Offense Report
 5. Always contact the family crimes unit.

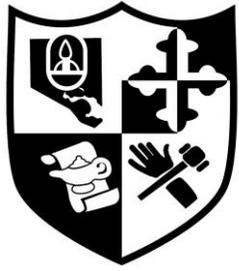
NOTE: When in doubt, the officer should complete a Domestic Incident Report.

- D. Immediately upon completion and in all cases before the end of an officer's tour of duty, the officer shall submit all domestic violence arrest case folders, as well as any Domestic Incident related reporting, to the officer's supervisor.

NOTE: When any Domestic Incident Reports and/or Domestic related Offense Reports are completed, appropriate copies MUST be submitted to the Domestic Violence Unit by the end of the shift. Therefore, all appropriate sections of all reports must be completed and submitted to the officer's supervisor before the end of your tour of duty.

VIII. PROTECTIVE ORDERS

- A. Officers should arrest a person if the officer has probable cause to believe committed a violation of an arrestable provision of a Protective and Peace Order, and charge that person under the Maryland Annotated Code Family Law Article, Section 4-509. The arrestable provisions are:
1. Refrain from further abuse of, or threats of abuse directed toward a person eligible for relief.
 2. Refrain from contacting, attempting to contact, or harassing a person eligible for relief.
 3. Refrain from contacting, attempting to contact, or harassing a person eligible



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- for relief.
4. Refrain from entering the residence of a person eligible for relief.
 5. Stay away from the place of employment, or school, or temporary residence of a person eligible for relief.
- B. Officer should arrest with or without a warrant, and take into custody a person who the officer has probable cause to believe is in violation of an interim, temporary or final Protective Order in effect at the time of the violation.
- C. Officers should arrest with or without a warrant and take into custody a person when the officer has probable cause to believe a violation of a Protective Order that was issued by a court of another state, or a Native American tribe, and is in effect at the time of the violation if:
1. The person seeking assistance has filed a copy of the Protective Order with the District Court or Circuit Court for the jurisdiction in which the person seeks assistance; or
 2. The person seeking assistance displays or presents a copy of the Protective Order that appears valid on its face; and
 3. The defendant has violated any of the four arrestable provisions listed above (See Maryland Annotated Code Family Law Article, Section 4-508.1 (2002)).
- D. Upon receipt of an Interim Protective Order (temporary or final):
1. Immediately attempt service on the respondent named in that Order.
 2. Staple a Domestic Incident Report to the Protective Order and complete the pertinent information.
 3. Document every attempt at service in the narrative section of the Domestic Incident Report.
- NOTE: Continued attempts to serve a Protective Order will be made by each shift until that Order's expiration date.
- E. Upon service of an Interim Protective Order (temporary or final):
1. Immediately return the Protective Order to the Court Commissioner's Office or, if the Office of the District Court Clerk is open for business, to the Clerk.
 2. Complete a Miscellaneous Incident Report naming the victim as the complainant.



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- F. After service of or after the expiration of a Protective Order, submit all related reporting to ones supervisory.

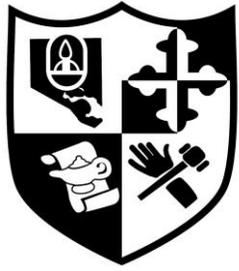
NOTE: When a person is the subject of a Protective Order, that person may not possess firearms. Knowingly violating this law is a Federal crime as well as a violation of Maryland law. Possession of a firearm in violation of a Protective Order as set forth in the Family Law Article, Section 4-506, is a violation of Maryland law (misdemeanor). You must seize any firearms found in the possession of any person who is the subject of a Protective Order.

IX. INVESTIGATING A DOMESTIC VIOLENCE INCIDENT

A. Officers

1. Officers should complete a thorough investigation and document all pertinent facts and circumstances within the required police reports.
2. Officers should request the assistance of a supervisor as needed and appropriate.
3. Officers should contact the BPD Family Crimes Unit for assistance, guidance, and their response to any incident of domestic violence with significant injuries and/or the likelihood of death.
4. Handle domestic incidents involving law enforcement officers the same way as any other domestic incidents, being mindful that firearms/weapons may be involved. If there is evidence of injury and probable cause exists, arrests should be made consistent with Warrantless Arrest criteria. Process crime scenes in keeping with departmental procedures.
5. For any domestic incident call for service involving a law enforcement officer, or any employee of the BCSPF, when a color camera is not available for immediate use, request the assistance of a BPD Mobile Crime Laboratory Technician.
6. When law enforcement officers and/or departmental civilian employees are victims and/or suspects in domestic incident calls for service, request the response of a permanent rank supervisor.

NOTE: Whenever possible the responding permanent rank supervisor should



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be at least one rank above the suspect member.

7. Notify the Internal Affairs Unit immediately upon notification that a member of the BCSPF is involved in a domestic incident.

B. Supervisors

Supervisors should:

1. Ensure that all officers under their command follow the procedures outlined in this General Order.
2. Provide assistance and guidance to officers involving domestic violence and if needed respond to the scene for assistance.
3. Assist in determining on a case-by-case basis whether incidents are domestic related.
4. After the supervisor's review and approval, supervisors shall distribute all domestic related reporting as follows:
 - a. Domestic Violence: If a crime has been committed or alleged, and the Domestic Incident Report is accompanied by an offense report:
 - i. Forward the white copies of the Domestic Incident Report, Offense Report(s) and any related Supplement Reports to the Central Records Section via established channels.
 - ii. Deliver the yellow copy of the Domestic Incident Report, and photocopies of the Offense Report(s) as well as any related Supplement Reports, directly to the Domestic Violence Unit.
 - b. Domestic Incidents: If no crime has been committed, and only a Domestic Incident Report has been completed:
 - i. Forward the white copy of the Domestic Incident Report to the Central Records Section via established channels.
 - ii. Deliver the yellow copy of the Domestic Incident Report directly to the BPD Family Crimes Unit.
5. Review for completion and deliver all domestic violence arrest case folders, as well as the appropriate copies of all other domestic related reporting, directly to the BPD Family Crimes Unit before the conclusion of your tour of duty.

NOTE: All case folders involving domestic violence arrests will be maintained by the BPD Family Crimes Unit.



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6. Notify the Internal Investigations Division immediately upon being advised that a member of the BCSPF has been involved in a domestic incident.

C. Commanding Officer

Commanding Officers shall ensure that supervisors and subordinates within their command follow the procedures outlined in this General Order.

D. Dispatcher, Communications Section

Dispatchers and/or persons working in the communications sections should:

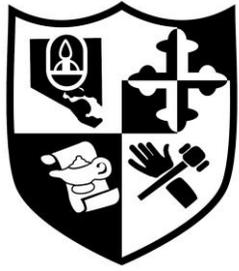
1. Notify responding members when calls for service are domestic related.
2. Advise responding members of any Hazard File information pertaining to the location of the call for service.
3. Assign sufficient units to domestic incident calls for service to provide for the safety of responding members and citizens.
4. Notify designated Internal Affairs Unit personnel immediately upon notification that a member of the Baltimore City School Police is involved in a domestic incident.
5. Assign a permanent rank supervisor to respond to any domestic related call for service involving:
 - a. A law enforcement officer; or
 - b. Any employee of the BCSPF

X. INVESTIGATING A DOMESTIC VIOLENCE INCIDENT INVOLVING EMPLOYEES OF THE BCSPF

A. Supervisor

Supervisors should:

1. In cases involving sworn and/or civilian employees of the BCSPF as suspects and/or victims, immediately notify the:
 - a. Internal Affairs Unit
 - b. Involved departmental member's senior command
2. In cases involving an out of jurisdiction law enforcement employee, notify that person's agency and permanent rank supervisor. Ensure the names of persons notified are recorded in the incident report.
3. In cases involving law enforcement officers or employees as victims, provide all



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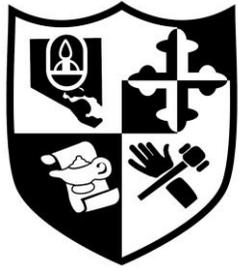
necessary assistance as outlined in this General Order. Notify the victim's senior command or jurisdiction.

4. If the accused is a sworn member of the BCSPF, suspend their police powers immediately. Remove and secure all departmental firearms, ammunition, badge, identification card, Maryland Police and Correctional Training Commissions (MPCTC) card and soft body armor. Submit all recovered departmental property to the armory in keeping with departmental policy. Encourage the member to surrender all personal firearms. Be mindful of authority under the law.
5. In cases involving out of jurisdiction law enforcement officers, remove the accused officer's departmental firearm. If the departmental firearm is not evidence in a crime, the firearm may be turned over to the out of jurisdiction supervisor if one is on the scene. In all other cases, submit the firearm to the BPD Evidence Control Section following current departmental procedure.
6. When on the scene of an alleged act of domestic violence, officers may remove personal firearms from the scene if:
 - a. There is probable cause to believe that an act of domestic violence has occurred.
 - b. Firearms have been observed on the scene during the response.

NOTE: This law does not grant law enforcement the authority to conduct premise searches without a search and seizure warrant for the location to which they are called. Firearms in plain view may be seized. Additionally, a resident of the premises can lead an officer to the location of other firearms and then the officer would have the authority to seize such firearms.

7. Officers may seize any firearm on the scene of an act of domestic violence regardless of whether the firearm is owned by any of the parties involved in the act.
8. Ensure that all necessary reports are prepared and submitted in keeping with departmental policy. Forward copies to the Internal Affairs Unit, and the member's senior command or the out of jurisdiction law enforcement officer's agency, if applicable.
9. Ensure that subordinates follow the procedures outlined in this General Order.

NOTE: Permanent rank supervisors must respond to the scene for cases of all domestic incidents involving law enforcement employees as suspects and/or victims from the BCSPF and/or any jurisdiction to ensure the domestic incident is handled consistent with the directive.



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B. Internal Affairs Unit

Members of the Internal Affairs Unit should:

1. Attend criminal proceedings and be responsible for administrative follow-up investigations of all domestic incidents in which the suspect is a member of the BCSPF.
2. Upon notification, respond to the scene of domestic violence calls for service involving BCSPF employees.
3. Forward to the Family Crimes Unit copies of any offense reports and Domestic Incident Reports.
 - a. If a member of the BCSPF is charged with a domestic violence crime, notify the State's Attorney's Office.

C. Commanding Officer

Commanding Officers should:

1. Ensure that all members and supervisors under their command fully investigate incidents of domestic violence involving departmental members and out of jurisdiction law enforcement employee's domestic incident calls for service consistent with this General Order.
2. Ensure that the proper notification of the out of jurisdiction law enforcement employee's agency is made consistent with the Maryland Chiefs of Police Association's Reciprocal Reporting Policy of Cooperation Agreement.
3. Ensure that a permanent rank supervisor responds to the scene in the case of all domestic incidents involving law enforcement employees as suspects and victims from this or any other jurisdiction to ensure it is addressed consistent with this General Order.

XI. OUT OF JURISDICTION DOMESTIC VIOLENCE INVESTIGATIONS INVOLVING BCSPF EMPLOYEES

A. Supervisor

Supervisors should:

1. Notify the Internal Affairs Unit immediately. If after business hours, request that Communications Section notify the on-call Internal Affairs Unit investigator.



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2. Notify the accused member's senior command.
3. In cases involving victims who are sworn members and/or civilian employees, provide all necessary assistance as outlined in this General Order.
4. Notify the victim member's/employee's senior command.
5. If the accused is a sworn member of the BCSPF immediately suspend their police powers. If the departmental weapon is not evidence in a crime in the foreign jurisdiction, remove from the scene and secure all departmental firearms, ammunition, badge, identification card, MPCTC card and soft body armor, and submit the same to the armory in keeping with departmental policy. Encourage the member to surrender all personal firearms. Be mindful of authority under the law.
6. Assist the foreign jurisdiction in their investigation.

NOTE: The law does not grant a law enforcement officer the authority to conduct a premise search without a warrant for the location to which they are called.

B. Internal Affairs Unit

The Internal Affairs Unit shall:

1. Be responsible for the criminal and administrative follow-up investigations of all domestic incidents in which the suspect is a member of the BCSPF.
2. Upon notification, respond to the scene of domestic violence calls for service involving BCSPF employees.

C. Commanding Officers

Ensure that all members and supervisors under Command address departmental domestic incident calls for service consistent with this General Order.

XII. ARREST CRITERIA (DOMESTIC VIOLENCE INCIDENTS)

Member

1. It is the policy of the BCSPF to have a preferred arrest response to domestic violence. Preferred arrest means: an arrest is the preferable action when probable cause exists involving a spouse or present or former intimate partner.
2. Departmental policy is an expansion of Article- Criminal Procedure, Section 2-204, which follows. Non-arrest measures are the exception,

EXCEPTION: For relationships other than that of a spouse or present or former intimate



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partner, a warrant should be obtained before an arrest is made if the offense is a misdemeanor and occurred outside the officer's presence.

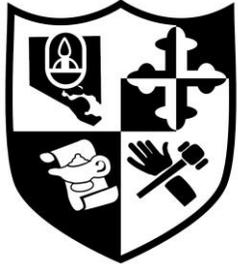
3. If the officer has probable cause to believe that mutual battery occurred and arrest is necessary, they shall consider whether one of the parties acted in self-defense when making the determination whether to arrest the person whom they believe to be the primary aggressor. Under Article- Criminal Procedure, Section 2-204.
4. The officer may arrest a person without a warrant for an incident of domestic abuse that did not occur in their presence under Article- Criminal Procedure, Section 2-204; or if the parties involved are currently in or previously had an intimate relationship.

XIII. FIREARMS (DOMESTIC VIOLENCE INCIDENTS)

- A. According to Federal Law, when a person, including a police officer, has been convicted in any court of a misdemeanor crime of domestic violence, they may not ship, transport or possess any firearms or ammunition. The officer shall seize the firearm and ammunition, and immediately notify the person's out of jurisdiction agency or internal command, and their Internal Affairs Unit. Immediately follow up with written notification directed to the Chief of School Police.
- B. Under Maryland Law, a dealer or person may not sell, rent, or transfer a regulated firearm to any person whom they know or has reasonable cause to believe has been convicted of a crime of violence including misdemeanor assault, Maryland felony, conspiracy to commit a Maryland felony, and Maryland misdemeanor that carries a statutory penalty of more than two (2) years, or any common law offense where the person received a term of imprisonment of more than two (2) years, not may such a person including a police officer, possess a regulated firearm. Violators will be subject to prosecution under Federal law. Such regulated firearm is subject to seizure under Maryland law.
- C. Persons who have been convicted of a misdemeanor crime of domestic violence are prohibited from possessing firearms or ammunition. If such person refuses to relinquish the firearm or ammunition, and the officer is without legal authority to retain or seize the firearm or ammunition, the officer should contact the local Bureau of Alcohol, Tobacco, and Firearms office.

XIV. STALKING

An officer may arrest a person if: (1) there is probable cause to believe the person has



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engaged in stalking under 3-802 of the Criminal Law Article: (2) there is credible evidence other than the statements of the alleged stalking victim to support the probable cause under 1 of this section; and (3) the officer has reason to believe that the alleged stalking victim or another person is in danger of imminent bodily harm or death.

XV. COMMUNICATION OF POLICY

Supervisors shall be responsible for communication of this General Order to their subordinates and to ensure compliance.

XVI. EFFECTIVE DATE

This Order shall be effective on the date of publication.

I certify that I have read and fully understand this Order.

Signature _____

Date _____