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I. Purpose

This Directive establishes procedures for handling matters of actual or alleged domestic violence and abuse involving Division police officers. This includes procedures for verifying compliance with the Lautenberg Amendment, effective September 30, 1996, to the Federal Gun Control Act of 1968. This Directive will provide Command Staff, supervisors, and officers guidance for handling incidents where one (or more) party to a possible domestic violence disturbance is a police officer of any rank.

II. Policy

The Division's policy delineates a position of absolute intolerance, i.e., zero-tolerance, by the Division regarding domestic violence. The Division will adhere to this policy towards police officer involved domestic violence and violations of this policy will not be tolerated. All Division personnel are required to notify their supervisor of any knowledge they have of Division police officers who may be or have engaged in domestic violence.

Where incidents of domestic violence are alleged to have occurred, the Division will act quickly to protect the victim, arrest the perpetrator and conduct both administrative and criminal investigations. In those incidents that occur in other jurisdictions, the Division policy will be to provide full and immediate cooperation in any criminal investigation while initiating administrative action. Once implemented, the policy will apply to past, existing and subsequent police officer involved domestic violence incidents.

III. Definitions

- A. Domestic Violence, for the purpose of this policy, refers to any act of violence (threat of or actual) including but not limited to:
 - 1. Bodily injury or threat of imminent bodily injury
 - 2. Threatened use of a deadly weapon
 - 3. Physical force or attempted use of physical force
 - 4. Sexual battery
 - 5. Property crime directed at the victim
 - 6. Violation of a court order of protection, or similar injunction
 - 7. Death; and
- B. Committed by a Division police officer (on or off duty) who:
 - 1. Is a current or former spouse, parent, or guardian of the victim
 - 2. Shares a child in common with the victim
 - 3. Is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian
 - 4. Is or has been a person similarly situated to a spouse, parent, or guardian of the victim
 - 5. Is specified as such by state or federal law

- C. Conviction, for the purpose of this policy, will meet the standards of federal law.

IV. Procedures

A. Supervisor Responsibilities

1. Demonstration of aggressive behaviors while conducting police business will be documented for consideration by supervisors. These include: stalking and surveillance activities, unusually high incidences of fights, injuries, or disputes.
 - a. Supervisors will maintain close supervision with officers whose behavior is inconsistent with acceptable standards for on-duty problem resolution.
 - b. Supervisors will pro-actively inquire about all on or off duty officer injuries.
 - c. Supervisors will monitor frequent tardiness and absences.
2. Supervisors will be cognizant of behaviors where officers may be exhibiting signs of possible domestic violence related problems, which may include increased use of force during arrests, alcohol and/or drug abuse, increase in controlling behaviors, stalking activity, aggression toward animals, citizen and fellow officer complaints of unwarranted aggression and verbal abuse.
 - a. Supervisors will notify their respective branch/section commander of any and all such warning signs.
 - b. The Chief, Park Police Division, will be informed of all such circumstances or concerns within 24 hours.
 - c. Supervisors will prepare requests for evaluating an officer's mental and physical well-being by suitable professionals when behaviors or circumstances deem it appropriate.
3. In order to provide non-punitive avenues of assistance to officers, their spouses, partners and other family members before an act of domestic violence occurs, the Division will utilize the procedure for making confidential referrals to confidential counseling services either through the Employee Assistance Program (E.A.P.) or in collaboration with existing community services that have specific expertise in domestic violence.

B. Police Officer Responsibilities

In order to avoid the escalation of the problem to the point where it is considered domestic violence as prescribed by this Directive and state law, police officers are entitled and encouraged to seek assistance in all matters involving personnel and familial conflict.

1. Officers will be knowledgeable about and adhere to the Division's drug, alcohol, and mental health policies, recognizing their relationship to domestic violence.

2. Officers with knowledge of abuse and/or violence involving fellow officers who fail to report such information to their supervisor will be subject to investigation and disciplinary action.
 3. Officers who engage in threatening, harassing, stalking, surveillance or other such behavior designed to interfere with cases against fellow officers or intimidate witnesses will be subject to investigation, disciplinary action and possible criminal charges.
 4. Officers who fail to cooperate with the investigation of police officer involved domestic violence cases will be subject to investigation, disciplinary action, and possible criminal charges.
 5. Any officer who falsely reports that a victim of police officer involved domestic violence is a suspect in any crime, abuse or neglect charge will be subject to investigation, disciplinary action, and possible criminal charges.
- C. Incident Response Protocols
1. Division-wide Response
 - a. The Division will accept all calls or reports, including those made anonymously, involving information about possible police officer involved domestic violence as “on the record.”
 - b. Records of all calls/reports implicating officers in domestic violence will be maintained and preserved in accordance with prescribed retention schedules. Written documentation will include date, time, location, circumstances, names (if known), officials notified, and action(s) taken.
 - c. Reports of all such accepted and recorded calls alleged to have occurred on park property will receive careful follow-up investigation by an officer designated by the Division. Reports alleged to have occurred in other jurisdictions will be referred to the appropriate authorities for investigation with the full cooperation of the Division. Reports alleged to have occurred in other jurisdictions, involving Division personnel, will receive a follow-up investigation by an officer designated by the Division for possible administrative action.
 - d. All reports of possible criminal activity implicating police officers in domestic violence on park property will be in accordance with the policies governing the handling of any citizen’s report of domestic violence, i.e., a crime incident report written complete with case number and then filed. Reports of possible activity occurring in other jurisdictions will be documented on a Commander’s Report.
 2. Communications Response
 - a. Communications personnel will document all domestic violence calls received that involve, or appear to involve, a police officer. Notifications for incidents occurring in other jurisdictions will be made to the appropriate authorities immediately.

- b. Communications personnel will notify the on duty supervisor/Watch Commander of any domestic violence calls that involve, or appear to involve, a police officer.
 - c. Communications personnel will prepare documentation of the facts and circumstances of the call.
 - d. Communications personnel will take immediate steps to preserve the tape of the emergency call, regardless of the outcome of the call.
 - e. All documentation will be preserved for use in potential criminal or administrative investigations.
3. Patrol Response
- a. In addition to the primary patrol unit, the on duty supervisor/Watch Commander will respond to the scene of all domestic violence incidents on park property involving police officers, regardless of the involved officer's jurisdiction.
 - b. In the event that the reported incident involves the Chief, Park Police Division, the on duty supervisor/Watch Commander will notify the individual in government who has direct oversight for the Chief, i.e., the Director of Parks and Planning.
 - c. The on duty supervisor/Watch Commander will assume command, ensure that the crime scene is secure and that all evidence is thoroughly collected, including color photographs. Video documentation of the victim and scene will be recorded where such resources are available.
 - d. In cases where probable cause exists, the on duty supervisor/Watch Commander will ensure an arrest is made.
 - e. Whenever an arrest is made, the on duty supervisor/Watch Commander will relieve the accused officer of his/her service weapon. As required by Maryland state law all other firearms owned or at the disposal of the accused officer will be removed to ensure victim safety.
 - f. If the offender has left the scene, the responding officer will:
 - (1) Search the area.
 - (2) Obtain information from the victim, his/her family, and witnesses as to where the offender might have gone.
 - (3) Seek an arrest warrant.
 - g. Whenever a police officer involved domestic violence call results in a non-arrest, the on duty supervisor will submit a report explaining any and all reasons for the action.

2. Working with community resources and advocacy agencies, the Division will make available all necessary and appropriate services to each victim.
 - a. Supervisors will ensure victims are provided with information on community resources and domestic violence programs available to assist them.
 - b. Supervisors will keep the whereabouts of all victims confidential, whether they seek safety in shelters, safe houses, or private locations.
3. Following the reported incident, the Division will designate one officer to act as a principal contact for each victim. The assigned officer will keep the victim apprized of the case throughout the adjudication process.
4. All officers will be cognizant of the increased danger to victims when the victim leaves an abusive relationship, and the designated officer will caution the victim to be aware of stalking activities on the abuser.
5. All officers will be cognizant of possible witness or victim intimidation/coercion. Whenever suspicion arises that this is occurring, a written report will be prepared and immediately delivered to the investigator in charge of the case through the proper chain of command. In order to ensure coercion is not being attempted, the investigator in charge will seek out secondary sources of information, for example, victim advocates assisting in the case, if they have the victim's consent.
6. On-scene and follow-up investigators will pro-actively seek out information on existing civil or temporary protective orders and, if found, will enforce them as with any other restraining order issued by the court.
7. Arrest warrants and civil protective orders charging police officers with domestic assault issued at a later time than the on-scene investigation will be served by no less than two officers with at least one being of senior rank to the officer being served.
8. The Division will ensure that the multiple police officers involved (responding, supervising, investigating, commanding, and so on) share information only on a need-to-know basis and have a clear delineation of assignments in order to assist victims in a coordinated and consistent manner.
9. The Division will notify victims of confidentiality policies and their limitations, and ensure that confidentiality is maintained throughout the handling of the case.

E. Post-Incident Administrative and Prosecutorial Actions

Alleged incidents of police officer involved domestic violence, occurring on park property, will be investigated criminally and, for Division personnel, administratively by the Division. The Division will cooperate fully with other jurisdictions in investigating alleged incidents, by Division personnel, that occur off park property.

The Division will take administrative action, where the facts deem necessary, independent of and in advance of criminal proceedings to ensure that, regardless of the outcome of the criminal case, the Division adheres to all positions and policies. This does not preclude the Division from delaying any administrative action that would interfere with another jurisdiction's criminal investigation of the incident.

The Division will adhere to and observe all necessary protocols to insure that (if parallel) administrative/criminal investigations of an accused officer are conducted such that the officer's Divisional/legal rights are upheld.

1. Administrative Decisions and Investigation

Responsibility to complete the administrative investigation of a police officer involved domestic violence incident will rest with the Division's Office of Professional Standards, upon assignment by the Chief, Park Police Division.

- a. Incidents of police officer involved domestic violence warrant immediate intervention on the part of the Division to ensure victim safety. Where sufficient information exists, the Division will take immediate administrative action to intervene which can include: removal of badge, removal of weapon, reassignment or suspension with or without pay.
- b. Where an arrest was not made, but sufficient concern exists about the incident, the Division will initiate an independent administrative investigation and make decisions about the officer's status based on the outcome of the investigation.

2. Criminal Investigation

Responsibility to complete a criminal investigation of an incident of police officer involved domestic violence will rest with the Division's Criminal Investigations Unit.

- a. The investigating official will conduct criminal investigations as she/he would any other criminal violation. Witnesses will be contacted, statements recorded, evidence collected, photographs of the scene and injuries taken, medical records accessed, and all information fully documented.
- b. The investigating official or Division will conduct sufficient interviews (taped) to support criminal or administrative charges, to include friends, neighbors, colleagues, or others who may have information.
- c. Even though an initial report may already exist concerning a police officer, if the victim reports any subsequent or additional criminal activity, each incident will be documented in an incident report, assigned a case number and investigated thoroughly.
- d. The Division will complete investigation of the charges and seek prosecution even if the victim recants the charges.

- e. The Division will establish a liaison to work with the prosecuting attorney for each such case. The Division's liaison officer will present the information to the State's Attorney's Office for proper action in a timely fashion and request that the prosecuting attorney in turn make timely decisions about the adjudication of the case.
- f. Filing of court papers/complaints will be requested as with any other case by the investigating officer for criminal prosecution.
- g. The accused officer will notify his/her supervisor within the Division of all court dates, times, appearances, and proceedings in a timely manner to ensure Division awareness of and representation at all proceedings.
- h. The accused officer will notify his/her supervisor of any civil or temporary protective orders and provide a copy to his/her supervisor.
- i. Federal law prohibits officers convicted of misdemeanor domestic violence assaults from carrying firearms. The Division will ensure compliance with federal law.
- j. A police officer convicted of misdemeanor/felony domestic violence will have all his/her police powers revoked by the Division.

V. Verifications

It is the intent of the Division to comply fully with the provisions of the Lautenberg Amendment to the Federal Gun Control Act of 1968. To meet these provisions the following actions will be taken:

- A. *The Professional Standards Section will complete a National Crime Information Center (NCIC) And Maryland Interagency Law Enforcement System (MILES) check on all officers of this Division. This check will be targeted specifically at, and limited to, those convictions that involve, or could involve, incidents of domestic violence. This check will be completed annually no later than June 1.*
- B. *The Investigative Services Section will be responsible for domestic violence criminal history checks on all police applicants.*
- C. These criminal history checks will be retained, in a secure file, until the next annual check is made. At that time the old records will be destroyed by shredding.

**Approved Park Police Document
Signed Original on File**

End of Directive