



Jeffrey R. Gahler,  
Sheriff

# HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY

## Domestic Violence

<b>Distribution:</b>	<b>All Employees</b>	<b>Index:</b>	<b>OPS 1801</b>
<b>Responsible Unit:</b>	<b>Domestic Violence Unit</b>	<b>Rescinds:</b>	<i>OPS 1801 dated 1/1/18</i>
		<b>MD Code:</b>	<b>See references</b>

<b>Issued:</b>	<b>12/23/21</b>	<b>Reviewed</b>	<b>11/15/21</b>	<b>Next Review:</b>	<b>11/15/24</b>
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### 1. Purpose

To provide guidance to law enforcement deputies who respond to domestic incidents.

### 2. Policy

Deputies responding to domestic incidents will arrest offenders when the law permits, document the incident, and assist victims to the maximum extent possible.

### 3. Definitions

**ABUSE:** an act that causes, or places a person in fear of, serious bodily harm; assault in any degree; rape or sexual offense or an attempted rape of sexual offense; false imprisonment; or stalking.

**COHABITANT:** a person who has had a sexual relationship with the suspect (primary aggressor) and resided with them in the home for a period of at least 90 days within one year of the complaint.

**DOMESTIC INCIDENT:** 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.

**DOMESTIC VIOLENCE:** occurs when a person commits, or attempts to commit, an act that causes physical injury, an act that places one in fear of physical injury to self or others, a sexual assault, or a violation of a protective order, against a current spouse or a person with whom he has had an intimate (sexual) relationship, or a person related to the respondent by blood, marriage or adoption, or cohabitants or a person with whom they reside.

**EVIDENCE OF INJURY:** articulable evidence that an injury occurred which can be relayed by victim's comments, victim's actions, or by evidence observed on scene.

**FAMILY VIOLENCE:** occurs when one family member inflicts or attempts to inflict physical injury against another family member, with whom no intimate relationship exists (i.e. parent/child, siblings, etc.).

**INTIMATE RELATIONSHIP:** a relationship between partners, sexual or emotional, heterosexual or homosexual, who are married, separated, or divorced, live or have lived together, have children

in common; or date or have dated, but do not live or have never lived together. Dating does not require sexual intimacy.

**LETHALITY ASSESSMENT:** a way of identifying and assessing the potential for a domestic violence victim involved in an intimate relationship of being killed.

**PRE/POST TRIAL RELEASE VIOLATION:** a person who is prohibited from violating a condition of pretrial or post trial release, which prohibits them from contacting, harassing, or abusing the alleged victim or going in or near the alleged victim's residence or place of employment, which is a crime. The specific conditions can be found on Maryland Secure Case Search. Reference Section 5-101 of the Maryland Public Safety Article and Section 5-213.1 of the Maryland Criminal Procedures Article.

#### 4. References

Maryland Code Annotated, CRIM PROC § 2-204  
Maryland Code Annotated, CRIM PROC § 6-233  
Maryland Code Annotated, FAM LAW § 4-501  
Maryland Public Safety Article §5-101  
Maryland Criminal Procedures Article §5-213.1

#### 5. Procedures

- A. Patrol supervisors will make every effort to respond to each domestic incident.
- B. Deputies responding to a domestic will:
  1. Initiate an investigation into the incident to determine if a crime has been committed and make personal contact with the victim;
  2. Attempt to determine the location of the suspect(s) if not at scene;
  3. Review Protective/Peace Order rights with the victim;
  4. Inquire if the victim wants to leave the residence and assist the victim with making the necessary arrangements;
  5. Provide the victim and any witnesses with a "Crime Victims and Witnesses: Your Rights and Services" pamphlet and explain, as required by Maryland Code Annotated, Family Law Article, §4-503, to the victim of domestic violence and domestic stand-by cases that the victim may:
    - a. Request that a District Court Commissioner file a criminal charging document against the alleged abuser;
    - b. If the commissioner declines to charge the alleged abuser, request that the State's Attorney file a criminal charging document against the alleged abuser; or
    - c. File a petition in the District Court or Circuit Court when open; or

- d. File a petition with a commissioner when neither the office of the clerk of the Circuit Court nor the office of the District Court clerk is open.
6. Write the incident report number on the "Crime Victims and Witnesses: Your Rights and Services," pamphlet, explain the pamphlet, and provide the victim with the Harford County Sheriff's Office (HCSO) Domestic Violence Information Card to include the deputy's name, incident report number, and date of incident;
7. Advise the victim that a copy of the incident report will be provided at no cost and that it will be available at Law Enforcement Records within five business days, absent extenuating circumstances;
8. When requested, assist the victim in obtaining transportation to the court and aid with filing for a Protective/Peace Order;
9. Not, under any circumstances, close a domestic violence/domestic incident by code;
10. Not use a Request to Suspend Investigation (S0-054) on any domestic incident.

## 6. Report Writing

- A. Complete an incident report prior to the end of the deputy's tour of duty documenting all domestic incidents involving intimate partners; even when there is no evidence that a physical injury or assault occurred, or there are no criminal elements involved and no arrest can be made, to include the disposition of the incident.
  1. When writing a report for a domestic incident only (no assault or no indication of physical violence), the deputy will determine a primary aggressor in the report and may list that person as a suspect.
  2. If, due to extenuating circumstances, a primary aggressor absolutely cannot be determined, the deputy must document in the incident report the specific reason(s) he could not determine a primary aggressor for the incident.
- B. Complete an incident report for non-intimate partners (Parent-child, roommates, siblings, etc.) when there is an alleged assault or an assault with evidence of injury.
- C. Include in the incident report, in addition to other required information, the following in the narrative section of the incident report:
  1. If the incident took place in the presence of a child;
  2. Observations of the victim's physical injuries, as well as complaints of non-visual injuries;
  3. Observations and descriptions of the presence of, threat of use, or use of weapons;
  4. Demeanor of all participants to include the use of alcohol and or drugs;
  5. What assistance was offered to the victim;

6. If the victim was given, and had explained, a "Crime Victims and Witnesses: Your Rights and Services" pamphlet;
  7. Whether the victim was given the HCSO Domestic Violence Information Card;
  8. Whether a Domestic Violence Checklist and Lethality Screen, ([SO-100](#)) was completed in its entirety;
  9. If the required telephone call to a SARC Help Line representative was made;
  10. If an arrest was not made, an explanation of why the aggressor was not arrested; and
  11. All other assistance offered.
  12. If there were any pre/post trial release conditions that were violated and if an arrest or charges were made for that violation.
- D. If there is a doubt that the incident/assault falls under the domestic violence definition it should be documented on an incident report as a domestic incident, and the copy of the report forwarded to the DVU.

## 7. Investigation and Evidence Collection

- A. Deputies responding to a domestic violence incident will:
1. Have their issued body-worn camera activated during the call for service.
  2. Identify and seize weapons and/or evidence;
  3. Document "excited utterances" made in his presence;
  4. Interview all witnesses, including children;
  5. If a body-worn camera is unavailable or damaged, then obtain a signed written statement from the victim, witnesses, and suspect. Refusals to provide a recorded oral or signed written statement should be noted in the narrative of the incident report;
  6. Photograph evidence (e.g., injuries, absence of injuries, torn clothing, damaged property); and
  7. If necessary, accompany victim to the hospital to seize evidence or to obtain a recorded oral or signed written statement.
  8. Ask both parties involved if they were arrested for a domestically related crime within the last six months.
    - a. If either party answers "yes" the investigating deputy must contact the precinct duty officer to run a query on Maryland Secure Case Search.

- i. The precinct duty officer will query secure case search for any pre/post trial release conditions and determine if there are any violations such as no contact orders that have been put in place.
  - ii. The precinct duty officer will report back to the investigating deputy with the findings.
- b. If a violation is found, then the investigating deputy will make an on-view arrest or complete an application for statement of charges if the suspect cannot be located.

## 8. Lethality Screening

### A. Deputies conducting lethality screenings will:

1. Use Domestic Violence Checklist and Lethality Screen ([S0-100](#)) for the screening;
2. Advise the victim if the responses meet the threshold for referral as indicated in the Domestic Violence Checklist and Lethality Screen ([S0-100](#)),
3. Not jeopardize the victim's safety or the safety of others in order to complete a lethality screening or to call a counselor;
4. Provide full assistance to the victim and document if the victim chooses to not speak with the counselor;
5. Conduct a Domestic Violence Checklist and Lethality Screen ([S0-100](#)) with victims in incidents or assaults involved in an intimate relationship;
6. Not utilize the lethality assessment questionnaire for incidents involving siblings, parents and children, roommates, or other persons that are simply living together that do not share an intimate relationship;
7. Not conduct a lethality screening with both parties in a domestic incident;
8. Only conduct a screening with the victim and not the primary aggressor identified in the incident; and
9. If, due to extenuating circumstances, deputies cannot determine a primary aggressor, he will not complete a lethality screen for the incident and will document in the incident report the specific reason(s) no lethality was completed and why no primary aggressor was determined.

### B. If the victim's answers to the screening questions trigger the protocol, the deputy must contact the domestic violence hotline and encourage the victim to speak with a Sexual Assault/Spousal Abuse Resource Center (SARC) Help Line representative.

1. The investigating deputy will document the counselor's name as well as the time that the call was placed within the appropriate area of the form.

2. The investigating deputy will also indicate if the victim spoke with the Help Line counselor by checking the appropriate box on the form.

## 9. Arrests

- A. When the law permits under the warrantless arrest exception, Maryland Code Annotated, Criminal Procedure Article §2-204, deputies will arrest domestic violence suspects, regardless of whether the victim wants the suspect arrested.
- B. A deputy will arrest a suspect without a warrant if a report to the Sheriff's Office was made within 48 hours of the alleged incident and the deputy has probable cause to believe that:
  1. The suspect abused his spouse or another person with whom he resides;
  2. There is evidence of physical injury; and
  3. Unless the suspect is immediately arrested, he may:
    - a. Not be apprehended;
    - b. Cause physical injury or property damage to another; or
    - c. Tamper with, dispose of or destroy evidence.
  4. If there is probable cause of a domestic assault (which may include 3<sup>rd</sup> party witnesses or surveillance video), but the warrantless arrest rules do not apply, or the suspect is not located, the deputy will complete an application for statement of charges by the end of his tour of duty.

## 10. Mutual Assault/Dual Arrest

- A. If a deputy has probable cause to believe a mutual assault occurred, he will attempt to identify the primary aggressor before making any decision to arrest.
- B. Maryland statute seeks to hold the primary aggressor accountable; therefore, if one person was the primary aggressor, that person should be arrested.
- C. In order to identify the primary aggressor, deputies will:
  1. Interview all parties involved;
  2. Consider any history of violence (e.g., Incident Reports, Protective Orders);
  3. Evaluate any injuries sustained by the parties while considering the:
    - a. Degree, appearance, and type of injury;
    - b. Strength, size, and capability of each person to inflict injury; and
    - c. Fear displayed by each of the parties.

- D. The law requires deputies to consider whether one of the parties acted in self-defense. A person can act in self-defense when:
  - 1. He believed he was in immediate danger of bodily harm;
  - 2. His belief was reasonable; and
  - 3. He used no more force than was reasonably necessary to defend himself in light of the threatened or actual harm.
- E. If two people assaulted each other and neither acted in self-defense, the deputy may arrest both, but cases of dual arrest should not occur frequently.
- F. Dual arrest is not appropriate when the investigation reveals a person struck an aggressor in self-defense.

#### **11. Domestic Escorts or Domestic Stand-By**

- A. A person who alleges to have been a victim of abuse and who believes there is a danger of harm may request the assistance of the Sheriff's Office for a domestic stand-by.
- B. Deputies responding to domestic escorts or a domestic stand-by will:
  - 1. Protect the person from harm and attempt to coordinate with both parties, if time permits, a mutually agreeable time for the escort; and
  - 2. Accompany the person to the home so he may remove the following items belonging to the person or a child in the care of the person, regardless of who paid for the items:
    - a. Clothing; and
    - b. Personal effects, including medicine or medical devices, that the person or child needs immediately.

#### **12. Domestic Violence Involving Agency Members**

- A. Domestic violence incidents involving deputies and agency members will be investigated and reported the same as other domestic incidents, being mindful that a weapon may be involved.
- B. Arrests will be made if permitted by law.
- C. Response to domestic violence incidents involving HCSO employees:
  - 1. A supervisor of at least equal rank to the victim/suspect will respond to the scene and assume the role of the investigating deputy.
  - 2. The investigating member will complete and submit the incident report prior to the end of shift.

3. The Shift Commander will be responsible for making immediate notification to the Precinct Commander, Bureau Chief, and Chief Deputy.
4. The on-duty Shift Commander will forward a copy of the initial incident report to the office of Professional Standards (OPS) and the involved member's Commander and Bureau Chief.
5. In the event probable cause exists to support the arrest of a deputy, or when a deputy is arrested, a Lieutenant or above will respond to the scene and meet with the deputy. The Officer will:
  - a. After consultation with the Division Commander or involved employee's commander, suspend the involved deputies law enforcement or correctional powers;
  - b. Seize the involved deputy's badge, agency identification card, Maryland Police and Correctional Training Commission card, issued firearm(s), authorized off-duty firearm(s), agency ammunition, body armor, and HCSO vehicle (if applicable); and
  - c. Encourage the member to surrender all personal firearms;
- D. A deputy that is listed as the respondent in a protective order will notify his Bureau Chief immediately by way of the Chain of Command. The deputy's law enforcement or correctional powers will be suspended pending a timely review by the OPS.
- E. The HCSO encourages employees to seek early intervention if they are in a domestic violence situation.
- F. The HCSO will provide support and assistance to employees who are victims of domestic violence which may include confidential means for coming forward for help, resource and referral information, additional security at the workplace, and other appropriate assistance as needed, based on individual circumstances.
- G. In all responses to domestic violence, the HCSO will respect the confidentiality of the victim.

**13. Domestic Incident Involving Other Law Enforcement Personnel**

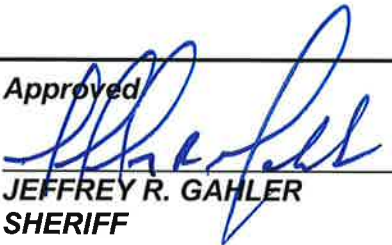
- A. A supervisor will respond to the scene to supervise the investigation.
- B. The investigating deputy will ensure that he completes an incident report prior to the end of the shift.
- C. The Shift Supervisor will be responsible for forwarding a copy of the completed report(s) to the Chief Deputy and the OPS by way of the Chain of Command.
- D. In the event probable cause exists to support an arrest the Shift Commander will contact a commander of the respective agency immediately.
- E. If a protective order has been served or needs to be served on an officer from another jurisdiction, the Shift Commander will make notification to a commander of the respective agency immediately upon service.



- F. If the criminal provisions of a protective order need to be enforced against an officer from another jurisdiction, the Watch Commander will make notification to a commander of the respective agency immediately.

**14. Responsibilities of Supervisors and Commanders**

- A. Ensure response by HCSO personnel in following the procedures outlined in this Policy.
- B. Division Commanders, or his designee, are responsible for running the "CFS With No Incident" report in Denali each week to ensure that reports are written as outlined in this policy.

Approved  
  
JEFFREY R. GAHLER  
SHERIFF  
DATE 12.22.2021

**APPENDIX A  
DOMESTIC VIOLENCE MATRIX**

<b>INTIMATE PARTNERS - LIVING TOGETHER (Married, dating, etc.)</b>					
	<b>INCIDENT Report</b>	<b>SO100 DV Checklist and Witness Statement</b>	<b>SO100 Lethality Portion</b>	<b>Warrantless Arrest</b>	<b>Charging Options</b>
Verbal Only	Yes	Yes	Yes	No	No Charges
Alleged Assault	Yes	Yes	Yes	No	Refer charges
Assault with evidence of Injury and/or PC	Yes	Yes	Yes	Yes*	If unable to arrest on scene, obtain a warrant/summons by end of tour of duty
<b>SEPARATED BUT STILL LEGALLY MARRIED – LIVING TOGETHER or NOT</b>					
	<b>INCIDENT Report</b>	<b>SO100 DV Checklist and Witness Statement</b>	<b>SO100 Lethality Portion</b>	<b>Warrantless Arrest</b>	<b>Charging Options</b>
Verbal Only	Yes	Yes	Yes	No	No Charges
Alleged Assault	Yes	Yes	Yes	No	Refer Charges
Assault with evidence of Injury and/or PC	Yes	Yes	Yes	Yes*	If unable to arrest on scene, obtain a warrant/summons by end of tour of duty
<b>NON-INTIMATE PARTNERS – LIVING TOGETHER</b> Parent-Child and relatives (by marriage, blood or adoption); Roommates; Family Violence etc.					
	<b>INCIDENT Report</b>	<b>SO100 DV Checklist and Witness Statement</b>	<b>SO100 Lethality Portion</b>	<b>Warrantless Arrest</b>	<b>Charging Options</b>
Verbal Only	No	No	No	No	No Charges
Alleged Assault	Yes	Yes	No	No	Refer Charges. Juvenile contact for Juvenile offenders
Assault with evidence of Injury and/or PC	Yes	Yes	No	Yes*	Obtain a warrant/summons for offenses by end of tour of duty. Juvenile contact for Juvenile offenders

\*Officer will make an arrest only if the assault qualifies using this matrix *and* if the assault occurred within 48 hours. If there is evidence of injury and past 48 hours obtain a warrant/summons for the offenses.

\*This Matrix is intended only as a guide for Domestic Assault and does not take into consideration other possible criminal acts which may affect an officer's action.

**DOMESTIC VIOLENCE MATRIX CONTINUED**

<b>INTIMATE PARTNERS – NOT LIVING TOGETHER</b>					
				Dating, ex-dating, divorced	
	<b>INCIDENT Report</b>	<b>SO100 DV Checklist and Witness Statement</b>	<b>SO100 Lethality Portion</b>	<b>Warrantless Arrest</b>	<b>Charging Options</b>
Verbal Only	Yes	Yes	Yes	No	No Charges
Alleged Assault	Yes	Yes	Yes	No	Refer Charges
Assault with evidence of Injury and/or PC	Yes	Yes	Yes	No	Obtain a warrant/summons for offenses by end of tour of duty.
<b>NON-INTIMATE PARTNERS – NOT LIVING TOGETHER</b>					
				Parent-Child and relatives (by marriage, blood or adoption); etc. Family Violence	
	<b>INCIDENT Report</b>	<b>SO100 DV Checklist and Witness Statement</b>	<b>SO100 Lethality Portion</b>	<b>Warrantless Arrest</b>	<b>Charging Options</b>
Verbal Only	No	No	No	No	No Charges
Alleged Assault	Yes	Yes	No	No	Refer Charges. Juvenile contact for all juvenile offenders.
Assault with evidence of Injury and/or PC	Yes	Yes	No	No	Obtain a warrant/summons for offenses by end of tour of duty. Juvenile contact for all juvenile offenders.
<b>CHILD IN COMMON – NOT LIVING TOGETHER</b>					
	<b>INCIDENT Report</b>	<b>SO100 DV Checklist and Witness Statement</b>	<b>SO100 Lethality Portion</b>	<b>Warrantless Arrest</b>	<b>Charging Options</b>
Verbal Only	Yes	Yes	Yes	No	No Charges
Alleged Assault	Yes	Yes	Yes	No	Refer Charges
Assault with evidence of Injury and/or PC	Yes	Yes	Yes	No	Obtain a warrant/summons for offenses by end of tour of duty.

\*Officer will make an arrest only if the assault qualifies using this matrix *and* if the assault occurred within 48 hours. If there is evidence of injury and past 48 hours obtain a warrant/summons for the offenses. \*This Matrix is intended only as a guide for Domestic Assault and does not take into consideration other possible criminal acts which may affect an officer's action.