



# Ocean City Police Department

## General Order

<b>Subject:</b> Domestic Violence by Police Employees		<b>No.</b> G.O. 200 V-1	
<b>Rescinds:</b>	<b>Amends:</b>	<b>Related Directive:</b> G.O. 200 D-1 & S.O.P. – OPS 100	
<b>Approval Date:</b> 01/26/2010	<b>Effective Date:</b> 01/28/2010	<b>Distribution Date:</b> 01/27/2010	<b>Distribution Type:</b> A
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### Table of Contents

#### I. Purpose

#### II. Definitions

- A. Aggressiveness
- B. Domestic Violence
- C. Domestic Violence Related Issues
- D. Intimate Partner
- E. Order for Protection (Protection Order)
- F. Predominant Aggressor
- G. Self-Defense
- H. Victim

#### III. Policy

#### IV. Procedure

- A. Domestic Violence Prevention
- B. Early Warning and Intervention
- C. Incident Response Protocols
- D. Victim Safety and Protection
- E. Post Incident Administrative and Criminal Decisions
- F. Termination

**I. Purpose**

The manner in which the Department deals with domestic violence generally is set forth in Standard Operating Procedure SOP-OPS 100. The purpose of this policy is to establish guidelines for handling acts of domestic violence committed by or involving police employees, and for implementing prevention strategies.

**II. Definitions**

- A. **Aggressiveness:** An act or pattern which can include excessive and/or increased use of force on the job, stalking and inappropriate surveillance activities, unusually high incidences of physical altercations and verbal disputes, citizen and fellow officer complaints of unwarranted aggression and verbal abuse or On- or Off- Duty injuries.
  
- B. **Domestic Violence:** An act or pattern of violence perpetrated by an individual against a family member or intimate partner not done in the defense of self or others, including but not limited to the following:
  - 1. Bodily injury or threat of bodily injury
  - 2. Sexual abuse or assault
  - 3. Physical restraint
  - 4. Property crime directed against the victim
  - 5. Stalking
  - 6. Strangulation
  - 7. Violation of protection order
  - 8. Death threats
  
- C. **Domestic Violence Related Issues:** An act or pattern of monitoring and controlling any family member or intimate partner through such means as excessive phone calling, stalking any intimate partner or family member or discrediting and/or disparaging an intimate partner.
  
- D. **Intimate Partner:** Intimate partners include any person who:
  - 1. Is or was legally married to a Department employee.
  - 2. Has a child in common with a Department employee.
  - 3. Has or had a dating relationship with a Department employee.
  - 4. Is cohabitating or has cohabitated romantically with a Department employee.

- E. **Order for Protection (Protection Order):** As defined in Maryland Family Law Article 4-508.1, a temporary or final order or injunction that is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person; is issued by a civil court in response to a complaint of a person, or motion filed by or on behalf of a person, seeking protection or by a criminal court; but does not include a support or child custody order.
- F. **Predominant Aggressor:** The person who poses the most serious ongoing threat.
- G. **Self-Defense:** Certain legal circumstances under which persons may use a reasonable amount of force to protect themselves or another based on their actual belief that they are, or another is, in imminent danger coupled with reasonable grounds. If force has been legally used in self- defense under the law, there is an absolution of guilt or culpability.
- H. **Victim:** A person who is the subject of domestic abuse and who an officer has determined is not a predominant aggressor under the factors set out in the law.

### III. Policy

It is the Policy of the Department to take a comprehensive, pro-active approach to minimizing the risk of domestic violence by Department employees and to take a position of zero tolerance for addressing its actual occurrences.

### IV. Procedure

#### A. Domestic Violence Prevention

The Department shall establish and maintain ongoing partnerships with local community stakeholders in general as well as victim advocacy organizations in particular to develop domestic violence curricula and to provide training to officers.

#### B. Early Warning & Intervention

1. Background investigators conducting investigations of potential new employees shall use all available means to determine if the candidate has been involved in any domestic violence incidents. All candidates shall be asked if they have engaged in or been investigated for domestic violence or related crimes or have been the subject of protective orders.
2. The psychological screening of all viable candidates will focus on indicators of abusive tendencies in their background.

3. When new employees are hired, the Department shall reach out to their intimate partners/family members to introduce this policy. The Department shall also maintain referrals for local support services for partners/family members and provide a point of contact within the Department should a need arise.
4. The Department shall, either in response to observed warning signs or at the request of an employee, intimate partner, or other family member, provide non-punitive avenues of assistance before an act of domestic violence occurs. The Department shall inform employees of the procedure for seeking confidential referrals, either internally or externally, to confidential counseling services.
5. A disclosure on the part of any employee, intimate partner or family member to any employee of the Department that an officer has personally engaged in domestic violence will be treated as an admission or report of a crime and shall be investigated both administratively and criminally.
6. Supervisors shall be cognizant of and document any pattern of abusive behavior potentially indicative of domestic violence including but not limited to aggressiveness, domestic violence related issues or deteriorating work performance, to include tardiness, excessive absences and alcohol and drug abuse. When the supervisor notes a pattern of problematic behavior, the supervisor shall address the behaviors through counseling, document the sessions, and report the problem through the appropriate chain of command.
7. Officers are encouraged to take personal responsibility in seeking confidential referrals and assistance from the Department to prevent a problem from escalating to the level of criminal conduct against an intimate partner.
8. Officers who learn they are the subject of a criminal investigation, regardless of jurisdiction, are required to immediately notify their supervisors and provide notice of the court dates, times, appearances and proceedings.
9. Officers who learn they are the subject of any protective order proceeding, whether or not the order is issued and regardless of jurisdiction shall immediately notify their supervisor and provide a copy of the order, if issued. If subject to a qualifying protection order, the officer shall surrender all firearms.

C. Incident Response Protocols

1. The Department shall accept, document and preserve all calls or reports, including those made anonymously, regarding domestic violence. All reports of possible criminal activity implicating police officers in domestic violence shall be documented in accordance with the policies governing the handling of reports of domestic violence involving civilians. The on-scene supervisor shall forward a copy of the report alleging domestic violence by the officer through the chain-of-command to the Office of Professional Standards.
2. Upon arrival on the scene of a domestic violence incident involving a police officer, regardless of the involved officer's jurisdiction, the primary patrol officer shall immediately notify dispatch and request a supervisor of higher rank than the involved officer report to the scene. The responding officers shall determine if medical assistance is needed, address immediate safety issues, secure the scene and preserve evidence and note if any excited utterances, admissions and/or incriminating statements are made.
3. A supervisor of higher rank shall report to the scene of all police officer domestic violence incidents, regardless of the involved officer's jurisdiction. The on-scene supervisor shall assume responsibility of the crime scene and shall ensure that all procedures, as outlined in this Policy and S.O.P.-OPS 100 are adhered to. The procedures include, but are not limited to, the collection of evidence, the safety of witnesses and victims, the interviews and interrogations, the arrest or warrant procedures, the determination of predominant aggressor, the victim's notification of rights and advocates and the proper documentation of the incident.
4. Whenever an officer is arrested, the supervisor shall relieve the accused officer of all service weapons regardless of whether the officer is a member of the Department. Also, where allowable under federal or state law, which is outlined in PS 5-133(b), all other firearms owned or at the disposal of the accused officer shall be seized for safety reasons. Search and seizure warrants shall be obtained as necessary.
5. If the incident involves an employee from the Department, the on-duty supervisor shall determine if there are grounds for suspension from duty as outlined in General Order 200 D-1, and take the appropriate actions.
6. The on-scene supervisor shall notify the Chief of Police and the accused officer's immediate supervisor as soon as possible. In the event that the officer is from another jurisdiction, the supervisor shall ensure the accused officer's department is notified.
7. In the event that the reported incident involved the Chief of Police, the supervisor shall immediately notify the State's Attorney of Worcester County and the City Manager.

8. The Department shall conduct a follow-up investigation as soon as possible. The investigation shall include a search for prior protective orders to determine if the officer violated any portion of this General Order. If an arrest warrant is issued for a police officer, at least two officers shall serve the warrant, with at least one officer being of higher rank to the officer being served. In cases where firearms were not previously seized, firearms shall be seized if allowed by law.
9. Following a reported incident, the Department shall designate a member of the Command Staff to conduct a threat assessment of the accused officer to determine the potential for further violence and review safety measures with the victim. The Command Staff member shall act as a principal point of contact to the victim.

D. Victim Safety and Protection

1. The Department shall work with community resources and Life Crisis to connect victims and their children with appropriate services.
2. The Command Staff Officer designated as principal contact for the victim shall inform the victim of confidentiality policies and their restrictions, and ensure that confidentiality is maintained throughout the case.

E. Post Incident Administrative and Criminal Decisions

1. The Department shall conduct separate parallel administrative and criminal investigations of alleged incidents of domestic violence involving department employees in a manner that maintains the integrity of both investigations and promotes zero tolerance.
2. If the facts of the case indicate that domestic violence has occurred or any Department policies have been violated, administrative action shall be taken independent of any criminal proceedings as soon as practical.

F. Termination

1. If the Department determines termination of the involved employee is the proper course of action, the Department shall educate the employee about available support services. The Department shall also notify the victim in a timely manner to reinforce safety planning.
2. The Department will follow pre-existing guidelines for notifications set forth by the Maryland Police and Corrections Training Committee in regards to the termination of a police officer.
3. The Department shall ensure compliance with both Federal and State Laws regarding the possession and seizure of a sworn employee's firearms.