



# **Domestic Violence Unit**

## **STANDARD OPERATING PROCEDURE DOMESTIC VIOLENCE ORDER SERVICE**

### **POLICY STATEMENT:**

It is the policy of the Baltimore City Sheriff's Office to serve or attempt to serve all Peace and Protective Orders in a lawful and expeditious manner.

### **PURPOSE**

This Operational Order establishes procedures to be followed in the service of Peace and Protective Orders issued pursuant to the Family Law Volume of the Annotated Code of Maryland.

### **THIS ORDER CONSISTS OF THE FOLLOWING SECTIONS:**

1. DEFINITIONS—page 2
2. PROTECTIVE ORDERS / PEACE ORDERS—page 4
3. OFFICE PROCEDURES—page 7
4. SERVICE OF ORDER AND PETITION—page 9
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## SECTION 1: DEFINITIONS

**Interim Protective Order:** When courts are closed, District Court commissioners may issue an Interim Protective Order to last until a judge holds a temporary hearing usually overnight or during the weekend. An interim order goes into effect once the respondent is served by a law enforcement officer.

**Temporary Protective Order:** An order of protection from abuse issued by a judge which may last as long as 30 days.

**Final Protective Order:** An order of protection from abuse issued by a judge which may last as long as one year and thereafter be extended for another six months.

**Petitioner:** The person requesting the court's help.

**Respondent:** The alleged abuser.

**Victim:** The individual who needs protection from abuse (i.e.: mother filing for a child).

**Abuse:**

- a) An act that causes serious bodily harm or places an individual in fear of imminent serious bodily harm.
- b) An assault in any degree
- c) Rape or sexual offense or attempted rape or sexual offense
- d) False imprisonment (keeping an individual in a place against his/her will)
- e) Child abuse
- f) Vulnerable adult abuse

**Cohabitant:** An individual who has had sexual relations with the respondent at any time and lived with the respondent, in the home, for a total of at least 90 days within the past year.



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**Interim Peace Order:** When courts are closed, District Court commissioners may issue an Interim Peace Order to last until a judge holds a temporary hearing. An interim order goes into effect once the respondent is served by a law enforcement officer.

**Temporary Peace Order:** A special order issued by a District Court Judge that provides emergency protection that lasts up to 7 days. The protection applies to relationships not covered under a Protective Order. This order may be extended up to 30 days.

**Final Peace Order:** Official decision issued by the Court granting protection after a hearing on the alleged abuse. Order of protection may last up to six (6) months.



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## SECTION 2: PROTECTIVE ORDERS/ PEACE ORDERS

### **Subsection A.** General

Peace and Protective Orders are civil orders issued by a judge to prevent one person from committing certain acts against others. The personal relationship between the “respondent” (person alleged to commit the prohibited act) and the victim (person to be protected) determines which kind of petition would be filed. Protective orders generally apply to people in domestic relationships. Peace orders apply to other relationships (dating, neighbors, co-workers, acquaintances, and strangers). You cannot qualify for both.

1. An **Interim Protective Order** and **Interim Peace Orders** will only be issued by District Court Commissioner during hours when the courts are closed. The orders last up to 48 hours until the courts reopen. The orders can be issued by the District Court Commissioner at night, holidays, and during weekends only. The petitioner must appear in District Court for a Temporary Peace Order or Temporary Protective Order.
2. **Primary responsibility for service of, “Interim Protective and Peace Orders, along with 911 calls for service will remain with the Baltimore City Police Department.**
3. **Temporary Peace Orders** will only be issued by District Court. The order lasts up to 7 days and may be extended up to 30 days. You must appear in District Court for a Final Peace Order hearing to extend the protection. In order to qualify for a Peace Order protection the petitioner must prove the following acts occurred within the last 30 days:
  - An act that has caused serious bodily harm
  - An act that placed the petitioner in fear of imminent bodily harm
  - Assault in any degree
  - Rape or sexual offense
  - Attempted rape or sexual offense



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- False imprisonment
  - Harassment
  - Stalking
  - Trespassing
  - Malicious destruction of property
4. **Temporary Protective Orders (TPO's)** are issued in both the District and Circuit Courts lasting usually 7 days but may be extended up to 30 days. A TPO offers protection temporarily until a Final Protective Order hearing can be scheduled and held. In order to qualify for a Protective order the petitioner must:
    - be the current or former spouse of the respondent
    - have had an intimate relationship with the respondent
    - be related to the respondent by blood, marriage, adoption, be the parent, stepparent, child, or stepchild of the respondent
    - have a child with the respondent
  5. **Final Peace Order** Official decision issued by the Court after a hearing regarding the alleged abuse. Peace Orders may be awarded with the consent of the respondent or after a hearing. Peace orders can be issued up to 6 months.
  6. **Final Protective Order** Official decision issued by the Court after a hearing regarding the alleged abuse. Protective Orders may be awarded with the consent of the respondent or after a hearing. Protective Orders can be issued for up to one year. The Final Protective Order can require a respondent not to abuse, threaten or contact the petitioner. These orders also can also cover custody, visitation, emergency family maintenance, use and possession of a home and/or vehicle, counseling, and surrender of firearms.



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## **Subsection B.** Specific Relief

Whether temporary or final, Protective Orders and Peace Orders may contain any or all of the following orders:

1. That the respondent refrain from further abuse or threats of abuse;
2. That the respondent refrain from contacting, attempting to contact, or harassing any person eligible for relief;
3. That the respondent refrain from entering the residence of the person eligible for relief;
4. That the respondent vacate the home immediately and aware temporary use of the home to the person eligible for relief;
5. That the respondent remain away from the place of employment, school, or temporary residence of a person eligible for relief or homes of other family members;
6. That temporary custody of a minor child be awarded to a person eligible for relief.

## **Subsection C.** Effective Length of Temporary Protective and Peace Orders

1. The **Temporary Protective or Peace Order** shall be effective for not more than seven (7) days after service of the order.
2. The court may extend the order up to thirty (30) days to effectuate service of this order.

## **Subsection D.** Effective Length of Final Protective and Peace Orders

1. The **Final Protective Order** shall be effective for up to 1 year with the possibility of a six month extension that must be petitioned through the courts.
2. The **Final Peace Order** shall be effective for up to 6 months unless extended by the court.





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## SECTION 3: OFFICE PROCEDURES

### **Subsection A.** Interview of Petitioner

1. Whenever possible an interview of the petitioner shall be conducted by Deputies or clerk advocates assigned to the Baltimore City Sheriff's Office Domestic Violence Unit or the Supervisor responsible for service.
2. Members conducting interviews shall be responsible for ensuring that the Information Sheet (Addendum) has been completed, and shall:
  - a) Obtain as much information as possible about the respondent and his/her whereabouts;
  - b) Ensure that any and all information pertinent to Deputy safety is recorded on the Respondent Information and petitioner interview sheet/packet.
  - c) The interviewing deputy will ensure that the petitioner is aware of the VINE (Victim Information Notification Everyday) Protective Order program and is briefed on access and use.

### **Subsection B.** Copy of Protective Order Given to Petitioner

1. A copy of the Protective Order and Petition will be given to the petitioner if they have not already received a copy from the court.
2. The petitioner will be provided instructions and guidance in what action may be taken prior to and after service of the order.
3. If a violation of the order occurs and it is of an emergency nature (e.g., respondent back at home attempting to break in or causing any further physical harm to the petitioner), the petitioner will be instructed to telephone "911" and request immediate assistance.
4. If presented for service, it is the responsibility of the Deputy to duly serve the order.



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## **Subsection C.** Protective Orders To Be Entered on MILES

1. Upon receipt, Protective Orders are to be entered into the Baltimore City Sheriff's Office Domestic Violence Database.
2. The supervisor shall ensure that each Temporary and Final Protective Order is entered on MILES by the Domestic Violence Clerk. All orders must be entered As Soon As Possible from time of receipt.
3. Protective Order entries shall remain on MILES until the expiration of the order.
4. Following expiration of the order, the Domestic Violence Clerk/Advocate is responsible for its prompt removal from MILES.





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## SECTION 4: SERVICE OF ORDER AND PETITION

### GENERAL

1. Deputies assigned orders and petitions for service will ensure the Respondent Information Sheet (Addendum) is as complete as possible.
2. Service shall be attempted as soon as possible.
3. All service attempts will be recorded by the Deputies making the attempts. Included will be date and time of attempt, place attempted, contacts made and disposition and the deputies' I.D. number who attempted the order. Any additional information not able to be entered on the front of the return will be annotated on the return addendum and attached to the order.

**NOTE: Upon attempts of actual service of the order, Deputies should note any information pertinent to Deputy safety and to the order that they learn while attempting service.**

4. Upon completing service, Deputies shall ensure that the Return of Service is completed and returned to the clerk/advocate for proper processing.
5. Upon service of Protective Orders the serving deputy will contact the D.V. clerk/advocate or MILES dispatcher via radio or telephone to inform them of the service and to assure the proper update of service in the VINE (Victim Information Notification Everyday) Protective Order system. VINE notification is required by law by the serving Agency within two (2) hours of service.
6. Completed returns shall be submitted to the Domestic Violence Clerk as soon as possible after service.
7. No authority exists for forcible entry. **(Unless court ordered by a judge)**



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8. The Deputy will make a reasonable effort to explain the order to the respondent and serve him/her a copy of the order and petition. In event the respondent does not speak English effectively enough to understand what is being communicated, the deputy will first seek an interpreter. In the case none is available the deputy will utilize 911 call center for access to the city Interpretation Call Center. Once service is accomplished the deputy will notify the Domestic Violence clerk/advocate of the need to inform the court of the need for interpretation service for the hearing. The Clerk/Advocate will notify the court via written and verbal means and obtain a name, date and time of court officer notified to be annotated on the Sheriff's office return copy.
9. If the order directs that the respondent to vacate the home, the Deputies will allow the respondent a reasonable amount of time to gather only such personal belongings that are necessary. If respondent fails to vacate he has violated the order and appropriate enforcement actions will be taken.
10. If the order requires that dependent children be taken from the home, unit members will use *minimal* force to take and deliver them to the custodian designated by the court in accordance with Baltimore City Sheriff's Office rules and regulations. If ordered by the courts to take a minor child to be delivered to the custodial parent where the parent is not at the seizure site and the child is of age and size requiring a car safety seat, the deputy will secure a seat from one of the already issued seats first. If not available then the deputy will secure a seat from the office.
11. If the order is served at a location other than the home, the Deputy will inform the respondent that it is a violation of the law to return to the home without the proper escort of police personnel for the retrieval of personal **necessities** for the duration of the order without permission from the issuing court.



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## **SECTION 5: ISSUANCE OF ORDERS**

### **ISSUANCE OF PROTECTIVE ORDERS/PEACE ORDERS**

1. As a result of a hearing scheduled on a Temporary Protective Order or Temporary Peace Order, the court may issue a Final Order in each instance.
2. The relief granted under these orders may be extended 6 months.



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## SECTION 6: SANCTIONS FOR VIOLATING ORDER

### GENERAL

1. If the respondent fails to comply with the following relief granted in a Protective Order, he/she may be guilty of a misdemeanor and may be placed under arrest and charged with violating Section 4505 or 4506 of the Annotated Code of Maryland. Orders may contain any or all of the following relief:
  - a) Order the respondent to refrain from abusing or threatening to abuse any person eligible for relief;
  - b) Order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief;
  - c) Order the respondent to refrain from entering the residence of any person eligible for relief;
  - d) Where the person eligible for relief and the respondent are residing together at the time of the abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or, in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a non spouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has shared the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;
  - e) Order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;



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- f) Order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the care of the child care provider;
- g) Award temporary custody of a minor child of the respondent and a person eligible for relief;
- h) Establish temporary visitation with a minor child of the respondent and a person eligible for relief on a basis which gives primary consideration to the welfare of the minor child and the safety of any other person eligible for relief. If the court finds that the safety of a person eligible for relief will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of any person eligible for relief;
- i) Award emergency family maintenance as necessary to support any person eligible for relief to whom the respondent has a duty of support under this article, including an immediate and continuing withholding order on all earnings of the respondent in the amount of the ordered emergency family maintenance in accordance with the procedures specified in Title 10, Subtitle 1, Part III of this article;
- j) Award temporary use and possession of a vehicle jointly owned by the respondent and a person eligible for relief to the person eligible for relief if necessary for the employment of the person eligible for relief or for the care of a minor child of the respondent or a person eligible for relief;
- k) Direct the respondent or any or all of the persons eligible for relief to participate in professionally supervised counseling or a domestic violence program;
- l) Order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession for the duration of the protective order; or
- m) Order the respondent to pay filing fees and costs of a proceeding under this subtitle.



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2. The violation of a Protective/Peace Order may result in a finding of contempt and/or criminal prosecution.
3. Deputies will not enforce relief granted concerning child custody, visitation, emergency family maintenance, use and possession of a vehicle, supervised counseling and costs. (This is a contempt of court situation and Deputies will refer the petitioner to the issuing court.)





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## SECTION 7: FIREARMS SEIZURE

### **Subsection A.** Protective Orders

1. All firearms will be confiscated from respondents upon service of Protective Orders under Federal Law, Title 18 USC, Section 922(g)(8) and Maryland Law, Public Safety Article, Section 5-133(b).
2. Deputies will submit all confiscated firearms directly to Baltimore City Police Department's Evidence Control Unit (ECU).



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## **SECTION 8: SERVICE TO LAW ENFORCEMENT PROFESSIONALS**

### **GENERAL**

Notification to supervision must be made prior to service of law enforcement personnel. All attempts for service should be affected by a Sheriff's Office supervisor, coordinated with the assistance of the individual's supervisor. In the event the department wishes to effect the service it shall be done through coordination with sheriff's office supervision and by a police department permanent rank supervisor. The sheriff's supervisor will ensure that a return is obtained from the department along with a statement of firearms seizure in the case of service of a protective order. Normal departmental protocol shall be implemented as it applies.



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## **SECTION 9: SERVICE RESPONSIBILITY**

Effective June 2014, the Sheriff's Office of Baltimore City assumed service of Protective Orders for the nine Baltimore City Police Department Patrol Districts, by order of the Honorable Sheriff John W. Anderson.

The Baltimore City Police Department will continue to maintain primary responsibility for the service of Interim Protective/Peace Orders issued out of the court commissioner's office and 911 calls for service related to Protective and Peace Orders. These orders are issued by the court commissioner during hours when courts are closed, (after 4:30 p.m. until 8:30 a.m. and during weekends and holidays). Additionally, all 911 calls for service related to issues concerning in-progress matters dealing with protective/peace orders must continue to be handled by on duty uniformed patrol officers.

All petitioners are issued two copies of their protective/peace orders, one to maintain and one to be given to police for service in the event that the respondent is seen by the petitioner prior to being served by police or sheriff's office.

Upon serving an interim protective or peace order the VINE notification and return of service is to be handled per original departmental protocol. In the event of the service of any other Protective/Peace order issued out of the District or Circuit courts, returns of service must be completed and faxed back to the Sheriff's Office Domestic Violence unit during the hours of 0800-2200 or to the Sheriff's communication dispatcher during the hours of 2200-0800, for entry into the VINE notification system. The Domestic Violence office contact number is 410-396-7201, Fax number 410-244-0850. The contact number for the Sheriff's Office 24 hours dispatch is 410-396-1155, Fax number 410-727-3507. All notifications and returns **MUST** be completed and sent to the Sheriff's office within one hour of service to allow sufficient time for entry into the VINE system, which is required by law.

### **COMMUNICATION OF POLICY**

Supervisors shall be responsible for communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

***By Order of John W. Anderson, Sheriff of Baltimore City***