

In this PowerPoint we will discuss the following topics pertaining to Protective Orders:

PROTECTIVE ORDERS 101: Eligibility / Terminology

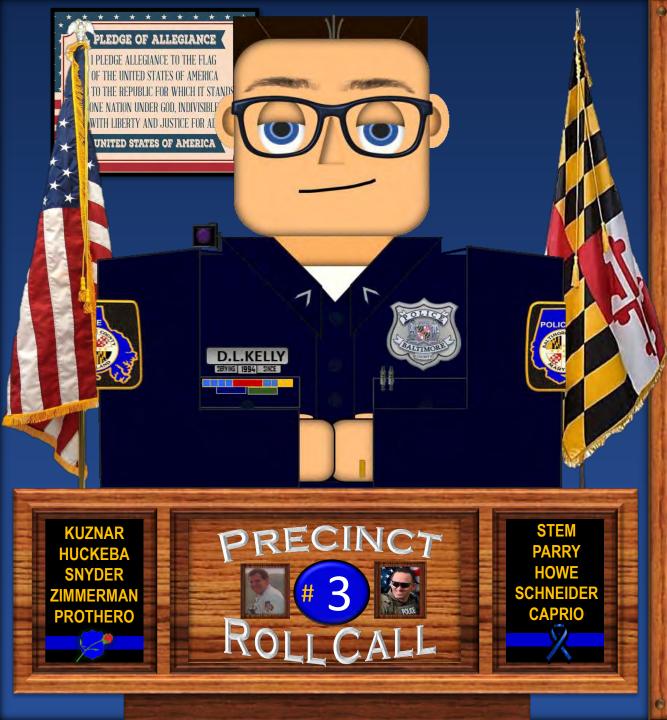
**PROTECTIVE ORDER SERVICE** Child(ren) / Firearm(s) / V.I.N.E.

LEGAL REPRESENTATION AT P.O. HEARINGS P.O.A.R.P. / DOVE / CHAMA

PROTECTIVE ORDER VIOLATIONS Arrestable Offenses



#### 2023 DOMESTIC ABUSE STATS -Domestic Abuse Reports: 3.02-Domestic Incident Reports: 5.7'MESTIC ABUSE BREAKDOWN BY PRECINCT: WILKENS / PC-01..... FRANKLIN / PC-03. 285 PIKESVILLE / PC-04 193 TOWSON / PC-06. 249 COCKEYSVILLE / PC-07 175 PARKVILLE / PC-08..... 189 WHITE MARSH / PC-09..... 285 ESSEX / PC-11 519 NORTH POINT / PC-12 485







## OFFICER KELLY'S BIO:

Started with BCoPD January 15, 1994, and upon graduation was assigned to PC03 / Garrison (Now Franklin). I have been the DVC since the fall of 2000.

## **ROLE OF THE DOMESTIC VIOLENCE COORDINATOR**

The Domestic Violence Coordinator (DVC) assist victims of domestic violence, a resource for patrol officers, and other specialized units. Daily duties include;

- Follow-up on every Domestic Abuse report. -High Dangers - Arrest - Home Visits
   Review / Follow-up on Protective Orders: -Violations - Firearm(s); compliance / release
   DV Case Enhancement
  - Education on new DV MD law changes
  - DV Partnerships (SAO, DV Advocates)



## What is a Protective Order?

A domestic violence protective order is a civil order that protects: a victim of domestic abuse; a victim of recent sexual assault or attempted sexual assault committed by anyone; a vulnerable adult from abuse by any person regardless of their relationship; or a child who is sexually abused by anyone or physically or mentally in jured by a parent, family/household member, caretaker, or others.

Who is Eligible for a Protective Order? married, divorced, or currently separated have lived together in a sexual relationship for at least 90 days in the past year have had a sexual relationship with each other in the past year were raped or sexually assaulted by the other person (including attempts) in the past six months are the parents of a child together are related by marriage, blood, or adoption (this includes stepparents and stepchildren if they have lived with you for at least 90 days in the past year) are a vulnerable adult.

## What is an Abusive Act?

Before the court can grant a final protective order, petitioner must prove that the respondent committed an act of abuse. Acts of abuse include:

assault (Misdemeanor and/or Felony)

an act that places a person in fear of imminent serious bodily harm

an act that causes serious bodily harm

rape or sexual offense, or attempted rape or sexual offense

stalking

E false imprisonment

revenge porn

# **Petitioner:** the one who has asked the court for relief against the abuser. The protected person in the order.

NOTE: the Petitioner can NOT be charged with violating the order.

# Perpendent: 1). the defendant; one who has alleged to have abused the petitioner. 2). The one who the court has ordered from further actions against the petitioner.

<u>NOTE</u>: the Respondent MUST BE served first, then if a violation occurs by Respondent they can be charged criminally or held in contempt..

# PHASES OF THE PROTECTIVE ORDER

## INTERIM PROTECTIVE ORDER

An order of protection from abuse issued by a District Court Commissioner when the court is closed which lasts no longer than the end of the second business day after it is issued.

## TEMPORARY PROTECTIVE ORDER

An order of protection from abuse issued by a judge and may last as long as six months for service. A Temporary Protective Order may be based on the petitioner's application alone or, if the respondent appears at the Temporary Protective Order hearing, on testimony from both the petitioner and the respondent.

## FINAL PROTECTIVE ORDER

A final protective order can be issued only after both sides have the opportunity to present their evidence and testimony at a full court hearing. If the judge believes that the abuse has occurred, or if the abuser agrees to you getting the protective order, the judge may grant a final protective order. A final protective order will generally last up to one year, unless otherwise stated.



## WHAT FORMS DOES PETITIONER NEED TO COMPLETE?

The Petitioner will complete a petition for Protection from Domestic Violence Form and an Addendum (Description of Respondent Form). The Petitioner may then respond to the District Court house and submit the completed petition.

Case No. D-08-FM-24-00000

Imm.	Duncing Located at 40	EBosley Avenue Towson, MD 21204 Court Address		Telephor	City/County ne_410-887-2601
				Case No. D-	08-FM-24-000000
Offutt     Fettioner       rson(s) I want protected now lives, or has lived, with the st year:	further harm, further abu If you need additional p Fill in the following, che Cassandra Offutt Petitioner 5401 Old Court Road Address RAndallstown, MD 211 City, State, Zip	33 410 - 496-7555		Shelter. If this the case check Imma Dern Jerkface Respondent 606 Nicodernus Road Address Reisterstown, MD 21136 City, State, Zip	6
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ra Offutt

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NOT to go to the school(s) at\_

NOT to go to the child care provider(s). NOT to go to the work place(s) at \_\_\_\_\_

CC-DC-DV-001 (Rev. 10/2022)

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began t	o strangle me - I couldnt bro	eath, started to pass out. He si	id he kill me.	
	ictim is a child or vulnerable erable adult whose name is		I am asking for protection for a 🔲 child	-
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		a relative an adult livin include yourself if you are a Birthdate		
Cassie (	Offin	07/04/1982	Spouse	
F	orm C	C-DC-I	DV-001	_
CC-DC-DV	-001 (Rev. 10/2022)	Page 1 of 3	PE	TPR

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## WHAT FORMS DOES PETITIONER NEED TO COMPLETE?

# Petitioner may request to keep address private.

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			Case No. D-08-FM-24-000000
Cassandra Offut	II.	-	Imma Dern Jerkface
Petitioner		VS.	Respondent
☑ 1. I am the p	etitioner in the above captione	d Domestic '	tions Under Family Law § 4-504(b)(2
Z 2. Disclosing	g my address would place me i	in risk of furt	her harm because:
Moving out o	f marital residence into another la	ocation. He ha	s threatened to kill me if I ever left.
⊠ 3. I request t	hat my address be stricken fro	m the netitio	n or withheld / omitted from all related do
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filed with the co 4. So that the person, who has	ommissioner or court. e other party is able to serve m	e with pleadi	ings and documents, I designate the follow
filed with the co 4. So that the person, who has	ommissioner or court. e other party is able to serve m	e with pleadi	ings and documents, I designate the follow
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House Bill 296 / Senate Bill 280 Protective Orders - Electronic Filing and Video Conferencing Hearings

Authorizes a petitioner to file electronically a petition for a temporary protective order with a court from:

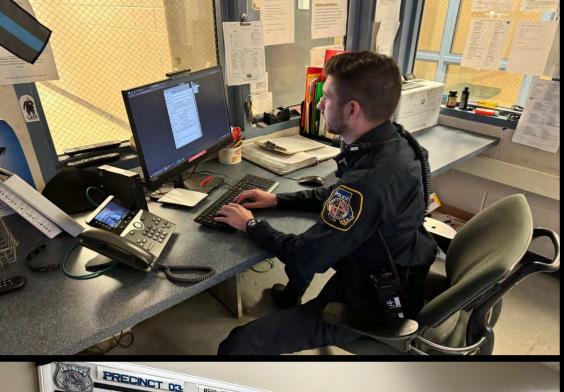
domestic violence prevention/assistance program
 sexual assault prevention/assistance program
 human trafficking prevention/ assistance program
 child advocacy center
 vulnerable adult program

hospital where the petitioner is receiving medical treatment

Another location approved by the court

Effective 10.01.2022

A court that receives a petition filed electronically shall hold a hearing through the use of video conferencing on either the same business day if the petition is filed during regular court hours and the court is open or the next business day the court is open if the petition is not filed during regular court hours.



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Rules & Regulations Removal of Firearms

Removal of Firearms & Police Assistance Request

## INTERIM AND TEMPORARY PROTECTIVE ORDER SERVICE

 If the order requires the respondent to surrender a firearm and he or she refuses, an immediate arrest will be made.

**<u>NOTE</u>**: If the respondent refuses to surrender a firearm, the assigned officer will apply for a Search and Seizure Warrant per current Department policy or obtain a valid consent to search if probable cause exists to believe the respondent possesses firearms.

- When firearms are surrendered, the investigating officer will:
  - 1. Provide a copy of a Form 15, Property Sheet, and a Firearms Surrender and Retake Instruction letter to the respondent.
  - 2. Ensure that a stolen property inquiry through NCIC is completed for all firearms and the subsequent result is documented in the report.

#### Assistance request by respondent:

- When an officer receives an assistance request call by the respondent to retrieve personal items from the residence, the responding officer will;
  - 1) Make sure the respondent presents a copy of the protective order signed by the judge / commissioner of the protective order. If the respondent does not have a copy of the protective order and a copy cannot be obtained by the officer, the respondent will not be allowed in the residence.
  - 2) Review the protective order to make certain that the respondent is allowed to go into the residence as designated by the issuing court. If the protective order does not state that the respondent is allowed back in, do not allow the respondent into the residence. The officer will instruct the respondent to return to the issuing court and attempt to obtain an amendment to the protective order directing the respondent to enter the residence to retrieve personal items with the assistance of law enforcement.
  - 3) If the respondent has the proper paper work as designated by the court, he/she will retrieve personal clothing, hygiene products, items needed for employment and medication only.
- The investigating officer will complete Premier One "Domestic Incident" for all assistance request calls for services. The investigating officer will document the actions taken, generalization of the items taken by respondent, the protective order case number and the issuing court in the narrative.

## 4-8.2.2 CIRCUIT COURT TEMPORARY PROTECTIVE ORDERS

- Temporary Protective Orders originating in the Circuit Court for Baltimore County will be served by the Baltimore County Sheriff's Office.
- Any subsequent calls for service relating to a Temporary Protective Order will be handled by this Department, regardless of who served the order. When the Court orders firearms to be surrendered in a Temporary Protective Order that is being served by the Baltimore County Sheriff's Office, a Baltimore County Police Officer will be called to the scene to collect and package all firearms.
- The responding police officer will prepare an incident report using the offense codes "Protective Order Service" and "Weapon Other" and the Situation Found Code "B-20, Protective Order Service." Surrendered firearms will be listed in the *Property* tab of the incident report, using "K-Safekeeping" in the *Status* field.
- When firearms are surrendered, the Baltimore County Police Officer will:
  - 1. Provide a copy of a Form 15, Property Sheet, and a Firearms Surrender and Retake Instruction letter to the respondent.
  - 2. Ensure that a stolen property inquiry through NCIC is completed for all firearms and the subsequent result is documented in the report.

## Baltimore County Police Department

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Rules & Regulations Removal of Children

## **INTERIM AND TEMPORARY PROTECTIVE ORDERS -** Removal of Child(ren):

- The assigned officer will review the order to determine if it includes an order for officers to remove and return any minor children to the petitioner.
  - **NOTE:** While the order may stipulate that a child will be removed from the home, the order does not authorize officers to use force to enter any dwelling.
  - **NOTE:** Prior to the service of any out of state protective order authorizing the removal of children from the respondent, the Legal Section will be contacted.
- If the Order requires the respondent to consent to the removal of a child and he/she refuses, the assigned officer will:
  - 1). Complete an Incident Report prior to the end of his/her tour of duty.
  - 2). Ensure that the offense code "Protective Order Violation" is selected in the incident report.
  - 3). Distribute a copy of the report to the Precinct DVC.

<u>NOTE:</u> Officers may only enter the dwelling without a search warrant if there is reason to believe that a <u>child is imminent danger</u>, and that forcible entry is necessary for his/her protection. The information supporting this decision must be articulated in the Incident Report.

## <u>INTERIM AND TEMPORARY PROTECTIVE ORDERS -</u> Removal of Child(ren):

#### Supervisors:

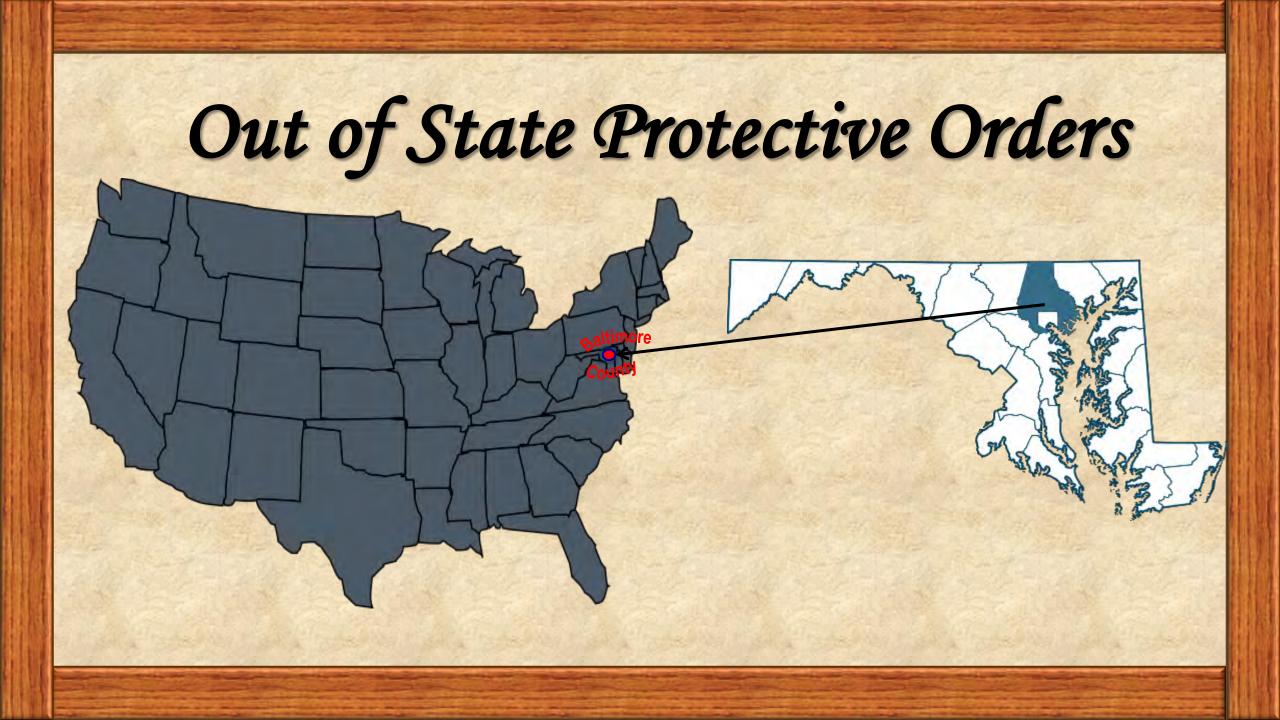
- If the order requires returning a child to the petitioner, a supervisor will be requested to respond to the scene prior to its service.
- Notify Shift Commander if an order requires the return of a child to the petitioner, the child could not be returned to the petitioner, and there is reason to believe the child is in danger.
- **NOTE:** In these situations, the supervisors will ensure that the case remains "Open" until:
  - 1). The child is returned to the petitioner, and/or
  - 2). The Judge issues a Violation of Court Order for the respondent, and the order is served.

#### **Shift Commanders:**

• Ensure that unserved court orders are returned to the issuing court as soon as possible, but no later than the next business day.







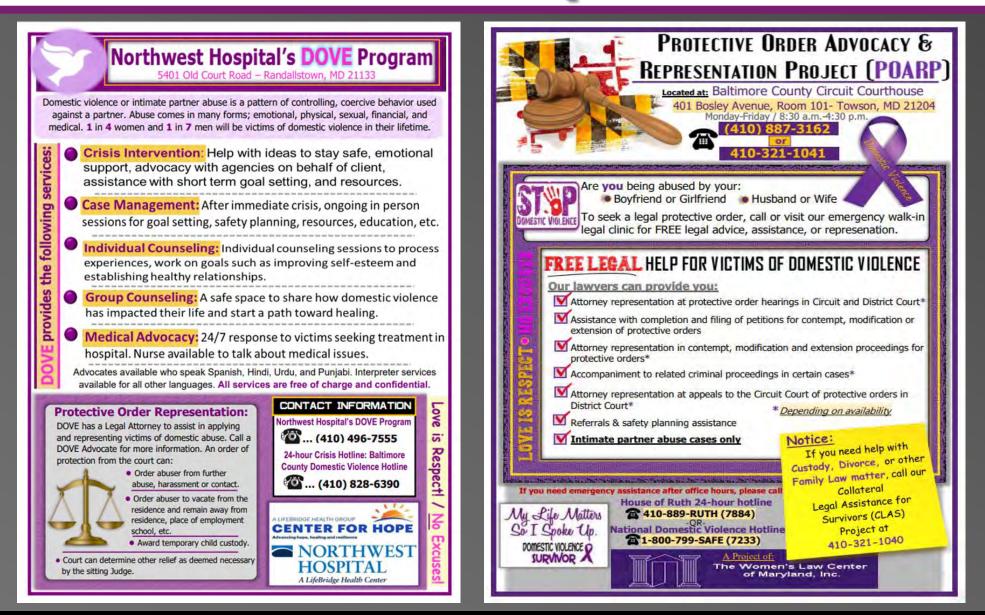




An out-of-state final protective order would be effective the same as a Maryland State protective order would be.

If the condition of the out-of-state is an arrestable violation in Maryland, the law enforcement officer is required to arrest.

If the condition of the out-of-state is a civil violation in Maryland, even if the violation is an arrestable criminal violation in the issuing state, the officer will refer petitioner to Maryland Court for contempt. **PROTECTIVE ORDER REPRESENTATION** 



# Violations of Protective Order



Marrantless Arrest A police officer shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of a protective order as described in § 4-508.1(c) or § 4-509(b) of the Family Law Article.

The following court ordered restrictions are the only arrestable offenses in a protective order that the respondent will be arrested for Abusing or threatening the petitioner. Contacting / attempting to contact or harassing the petitioner. Refusing to vacate the residence (when required in the Protective Order). Entering the petitioner's residence. Failing to stay away from the petitioners' or other family member's place of employment, school, or temporary residence. Failure of the respondent to surrender firearms.

If the respondent violates any other provisions not previous listed, they are civil infractions for which the investigating officer can take no enforcement action. In those instances, the officer shall still write a "Wiolation of Protective Order" report. The Officer will refer the petitioner back to the issuing court, whereby they may file a petition for contempt.

It is mandatory for an officer to arrest, with or without a warrant; a person whom the officer has probable cause to believe is in violation of the arrestable conditions on the protective order, even if the violation occurs with the petitioner's consent.

A PETITIONER GAN NOT VIOLATE HIS OR HER ORDER AND GANNOT BE CHARGED Baltimore County Police Department



## **Rules & Regulations** Protective Order Violations



### **4-8.2.4** VIOLATIONS OF INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDERS

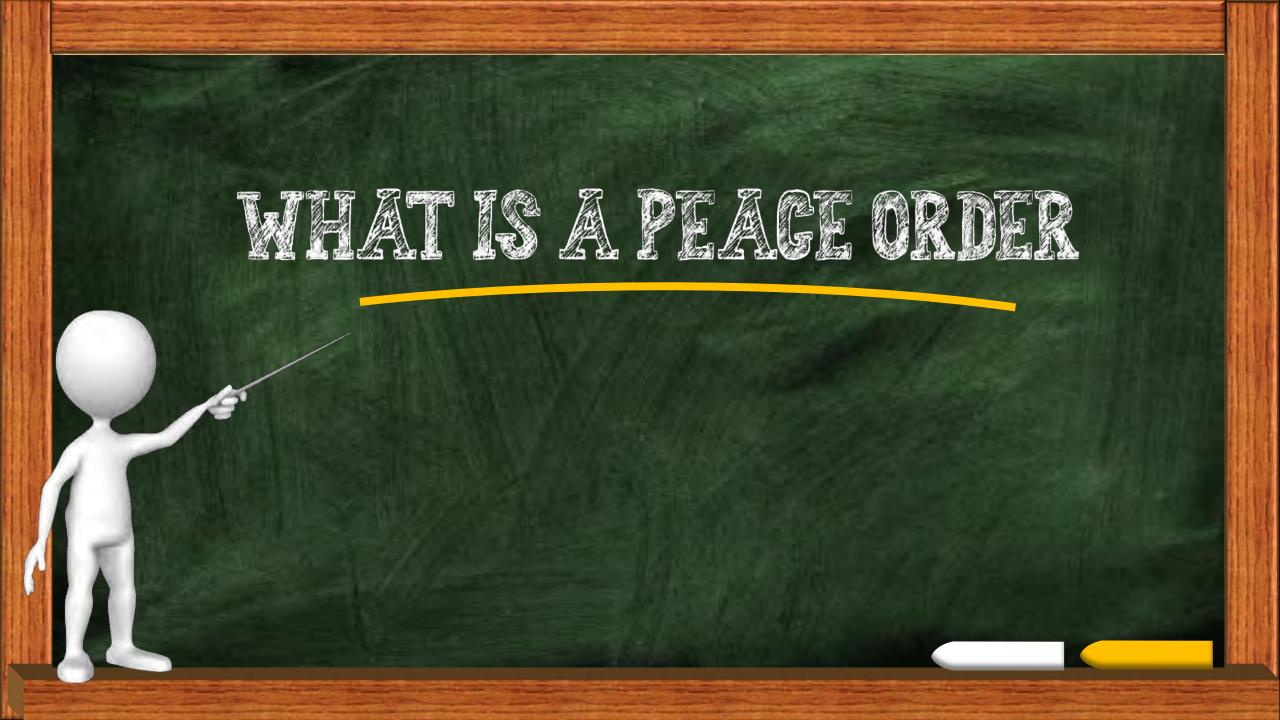
## **INVESTIGATING OFFICERS**

- Review the Protective Order prior to formulating a response to the complainant and to determine if an arrest can be made.
- Contact the Information and Records Management Unit to verify the Protective Order if a copy is not available.
- If the Protective Order <u>cannot</u> be verified:
  - 1. Review safety planning with the victim.
  - Complete Premier-One the offense code "Protective Order Violation" and the UCR disposition code of "Unfounded," explaining all attempts to verify the order in the Narrative Tab.
     Refer the complainant to the appropriate court.

### **4-8.2.4** VIOLATIONS OF INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDERS

## **INVESTIGATING OFFICERS**

- If the Protective Order has been verified as active and the Respondent who violated the order is no longer at the location, the investigating officer will apply for a warrant/summons for the violation.
- If making an arrest, complete a Statement of Charges for Violation of a Protective Order.
- It is a federal violation for a person subject to a Protective Order to ship, transport, receive, or possess firearms. During the duration of the order, the Respondent is a "Prohibited Person." The Respondent may not possess or attempt to possess any firearm.



PEACE ORDERS are civil orders issued by a judge that order one person to refrain from committing certain acts against others. Only District Court has jurisdiction concerning Peace Orders.

WHO IS FLIGIBLE TO OBTAIN A PEACE ORDER? A Petitioner can only get a Peace Order against a Respondent if they are NOT eligible to get a protective order against that person (Examples For Petitioner in a Peace Order are: Neighbor, Acquaintance, Stranger, and Co-worker). Employers: An employer can file a petition for a peace order on behalf of an employee based on certain threats or acts of violence against that employee in the employer's workplace. In this situation, the employer is the petitioner, and the employee is the "on behalf of" party. The employer must notify employee before filing the petition for a peace order on their behalf. The employer cannot retaliate against employee for not providing information or not testifying at a peace order proceeding.

A peace order must be filed by the petitioner within 30-days of certain specified acts.

There is an application fee and a service fee. The court may waive the application fee.

ETED BY RESPONDENT ACAINST PETETIN 1). An act that causes serious bodily harm, 2). An act that places place petitionen in fear of imminent serious bodily harm, 3) Assault in any degree, 4). False imprisonment, 5). Harassment, 6). Stalking, 7). Trespass, or 8). Malicious Destruction of property.

Interim Peace Order

When the District Court is closed, a Petitioner may file a Petition for Peace **Order with the District Court Commissioner's office.** Commissioner offices are open and available 24 hours a day, 7 days a week around the state.

The Interim Peace Order will expire at the end of the second business day after issuance or, if the District Court is closed on that day, the next day the **District Court is open.** 



DISTRICT COURT OF MARY	(LANC	) FOR	Balt	imo	ore (	County	
Located at: <u>120 E. Chesapeak</u>	e Aveni	ue – To	wson, N	1D 2´	1286		
Telephone No. <u>: 410-512-2000</u> Case No. <b>D-08-FM-24-001371</b>							
INTERIM PEACE	_	<b>R</b> 0.B					
Scott Adcock VS	<b>.</b> 02	/29/19	982				
RESPONDENT / DEFENDANT							
Rodriguez Willis	SEX	RACE	Date of Bir		Height	Weight	
Relationship to Petitioner:   Spouse Cohabitant Child In Common Cohabitant	Male	White	10-31-19	82	6'-2"	260	
606 Nicodemus Road	Drivers	License	Number	Stat	te E	xpires	
Address Reisterstown, MD 21135	M-00	0-123-45	6-789	MD	) 10	)-31-2022	
City, State, Zip CAUTION: I Access to Firearm Other Weapon:	EMP	LOYER:	Unemp	loyed	ł		

Only the Court can change this Order. The terms of this Order shall be effective until

04/19/2024

#### NOTICE TO RESPONDENT: PENALTIES

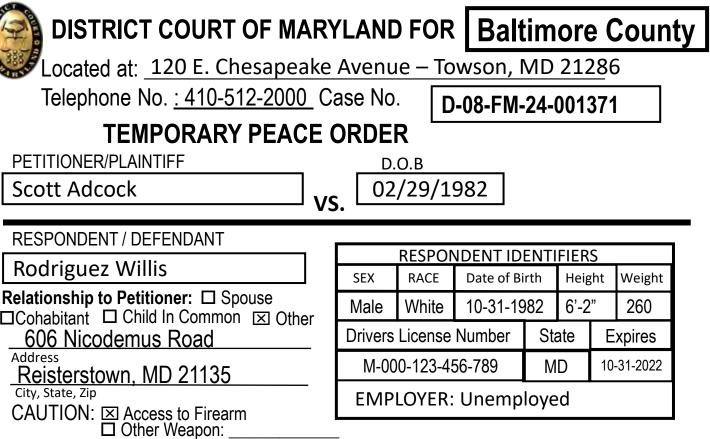
Violation of this Order may result in criminal prosecution, imprisonment and/or fine, and contempt of court. Law enforcement shall arrest a person whom the officer has probable cause to believe is in violation of this Order, as required by Maryland Code, Family Law Article, § 4-508. This Protective Order shall be recognized and enforced by the courts of any state, the District of Columbia, any U.S.Territory, tribal lands(18 U.S.C. § 2265) or Department of Defense installations. (10 U.S.C. § 1561a) Crossing state, territorial or tribal boundaries to violate this Order may result in federal imprisonment. (18 U.S.C. § 2262). Federal law provides penalties of up to \$250,000 fine and 10 years in prison for possessing, transporting, shipping or receiving any firearm or ammunition while subject to a protective order or after being convicted of a misdemeanor crime of domestic violence (18 U.S.C. § 922(g)(8)) or knowingly transferring a firearm after a conviction of a misdemeanor crime of domestic violence (18 U.S.C. § 922(g)(9)). Questions regarding this notice should be directed to your attorney, law enforcement agency, or the Maryland State Police Firearms Enforcement Section at 410-290-0050.

Normal business hours for the District **Court are Monday through Friday**, between 8:30 a.m. and 4:30 p.m.

Cemporary Peace Order

The Temporary Peace Order shall remain in effective for not more than seven (7) days after law enforcement has given the Respondent a copy of the order (i.e. service). If the court is closed on the day the order is due to expire, the order shall remain in effect until the second day on which the Court is open. The Judge may extend the order, as needed, up to thirty (30) days to serve the Respondent or for good cause.





Only the Court can change this Order. The terms of this Order shall be effective until

04/24/2024

#### NOTICE TO RESPONDENT: PENALTIES

Violation of this Order may result in criminal prosecution, imprisonment and/or fine, and contempt of court. Law enforcement shall arrest a person whom the officer has probable cause to believe is in violation of this Order, as required by Maryland Code, Family Law Article, § 4-508. This Protective Order shall be recognized and enforced by the courts of any state, the District of Columbia, any U.S.Territory, tribal lands(18 U.S.C. § 2265) or Department of Defense installations. (10 U.S.C. § 1561a) Crossing state, territorial or tribal boundaries to violate this Order may result in federal imprisonment. (18 U.S.C. § 2262). Federal law provides penalties of up to \$250,000 fine and 10 years in prison for possessing, transporting, shipping or receiving any firearm or ammunition while subject to a protective order or after being convicted of a misdemeanor crime of domestic violence (18 U.S.C. § 922(g)(8)) or knowingly transferring a firearm after a conviction of a misdemeanor crime of domestic violence (18 U.S.C. § 922(g)(9)). Questions regarding this notice should be directed to your attorney, law enforcement agency, or the Maryland State Police Firearms Enforcement Section at 410-290-0050.



The Final Peace Order shall be effective for the period stated in the order, not to exceed six (6) months.

A petitioner may request that a Peace Order be extended after a hearing and good cause shown, the Court may extend the length of a Peace Order by six (6) months.

DISTRICT COURT OF MARY	(LANC	) FOR	Balt	im	ore	Cour	nty	
Located at: <u>120 E. Chesapeake</u>			wson, l	MD	2128	36		
Telephone No. <u>: 410-512-2000</u> Ca	ase No	· D	-08-FM-	24-	00137	71		
FINAL PEACE ORDER       PETITIONER/PLAINTIFF       D.O.B       Scott Adcock       VS.								
RESPONDENT / DEFENDANT Rodriguez Willis			IDENT ID					
Relationship to Petitioner: □ Spouse □Cohabitant □ Child In Common ⊠ Other	sex Male	RACE White	Date of Bi 10-31-19		Height 6'-2"	t Weight 260	1	
606 Nicodemus Road	Drivers	License	Number	Sta	ate	Expires		
Address Reisterstown, MD 21135	M-00	0-123-45	56-789	М	D	10-31-2016		
City, State, Zip CAUTION: Access to Firearm	EMP	LOYER:	Unemp	loye	d		]	
Only the Court can change this Order. The terms of this Order shall be effective until 10/24/2024								

#### NOTICE TO RESPONDENT: PENALTIES

Violation of this Order may result in criminal prosecution, imprisonment and/or fine, and contempt of court. Law enforcement shall arrest a person whom the officer has probable cause to believe is in violation of this Order, as required by Maryland Code, Family Law Article, § 4-508. This Protective Order shall be recognized and enforced by the courts of any state, the District of Columbia, any U.S.Territory, tribal lands(18 U.S.C. § 2265) or Department of Defense installations. (10 U.S.C. § 1561a) Crossing state, territorial or tribal boundaries to violate this Order may result in federal imprisonment. (18 U.S.C. § 2262). Federal law provides penalties of up to \$250,000 fine and 10 years in prison for possessing, transporting, shipping or receiving any firearm or ammunition while subject to a protective order or after being convicted of a misdemeanor crime of domestic violence (18 U.S.C. § 922(g)(8)) or knowingly transferring a firearm after a conviction of a misdemeanor crime of domestic violence (18 U.S.C. § 922(g)(9)). Questions regarding this notice should be directed to your attorney, law enforcement agency, or the Maryland State Police Firearms Enforcement Section at 410-290-0050.

The following court ordered restrictions are the only arrestable offenses in a peace order that the respondent *will be* arrested for:

Refrain from committing or threatening to commit any of the specified acts against petitioner;

Refrain from contacting petitioner,

Refrain from entering the residence of the petitioner, and

Remain away from the place of employment, school or temporary residence of the petitioner.

If the respondent violates any other provisions not previous listed, they are civil infractions for which the investigating officer can take no enforcement action. In those instances, the officer shall still write a "Violation of Peace Order" report. The Officer will refer the petitioner back to the issuing court, whereby they may file a petition for contempt.

"Loyalty above all else except honor." dkelly@baltimorecountymd.gov (410) 887-6968