

7. CRIMINAL CHARGES, CIVIL ORDERS, & DOMESTIC VIOLENCE INVOLVING EMPLOYEES

(December 2005)

I. POLICY

Federal law prohibits officers convicted of misdemeanor domestic violence assaults from carrying firearms.

It is the policy of the Prince George's County Police Department to ensure compliance with State and Federal laws and to ensure that employees who are charged criminally or civilly are afforded their rights under the law. Officers convicted of an act involving domestic violence shall have their police powers revoked.

Officers are encouraged and entitled to seek confidential assistance through the Department's Psychological Services Division (PSD) or the County's Employee Assistance Program (EAP) to prevent a problem from escalating to the level of criminal misconduct against an intimate partner.

II. CHECKLIST (N/A)

III. DEFINITIONS

Law Enforcement Officers' Bill of Rights (LEOBR): Maryland Law that provides certain rights to law enforcement officers who are facing an internal investigation.

IV. FORMS

- ❑ Commander's Information Report (PGC Form #1545)
- ❑ Maryland Uniform Complaint and Citation (Form #DR-49)

V. PROCEDURES

1. Officers to Report Abuse

Officers with definitive knowledge of abuse and/or violence involving a fellow officer shall report such information immediately to their supervisor. Failure to do so will subject the officer to investigation, disciplinary action, and possible sanction and/or criminal charges.

Any police officer convicted of a domestic violence crime shall have their police powers revoked. ***See: VOLUME II, CHAPTER 20. DOMESTIC VIOLENCE, STALKING, & HARRASSMENT.***

2. Domestic Incidents Involving Law Enforcement Personnel

All officers should be aware of the possibility of victim or witness intimidation. If an officer suspects that this is occurring, the officer will notify a supervisor (sergeant or above). The supervisor will prepare a Commander's Information Report and immediately notify the Director, Office of Professional Responsibility (OPR).

Officers who attempt to interfere with cases against fellow officers by threatening, harassing, stalking, or otherwise engaging involved parties will be subject to investigation, disciplinary action and/or criminal charges.

Domestic Disputes Involving Departmental Employees

Officers responding to a domestic dispute involving Departmental employees that does not involve an allegation or evidence of physical assault shall request the presence of

a supervisor and complete an Incident Report by the conclusion of the shift. Notification to the Special Investigative Response Team (SIRT) is not necessary.

A supervisor the rank of sergeant or above will respond to the scene. The supervisor shall notify the affected employee's Commander and complete a confidential Commander's Information Report (CIR). This report shall be forwarded to the involved employee's Commander as well as the Commander of the District in which the incident occurred.

Domestic Disputes Involving Sworn Members of Other Agencies

Officers responding to a domestic dispute involving sworn members from other law enforcement agencies that does not involve an allegation or evidence of physical abuse shall request the presence of a supervisor and complete an Incident Report by the conclusion of the shift. Notification to SIRT is not necessary.

A supervisor the rank of sergeant or above will respond to the scene. The supervisor shall notify the sworn member's Commander and complete a confidential CIR. This report shall be forwarded to the Commander of the District in which the incident occurred.

Domestic Violence Involving Departmental Employees

(Lautenberg Law)

Officers responding to a domestic violence call involving Departmental employees shall determine if there are allegations or evidence of physical assault. If so, the officer shall:

- ❑ Request the presence of a supervisor
- ❑ Secure any Departmental firearms
- ❑ Make an arrest, if probable cause exists, and remove any privately owned firearms observed on the scene
- ❑ Complete an Incident Report by the conclusion of the shift

Upon arrival, supervisors shall:

- ❑ Ensure that the officer's responsibilities have been completed
- ❑ If the employee is an officer, contact SIRT personnel, who will evaluate the need to respond to the scene
- ❑ Contact the commander of the accused employee
- ❑ Complete a confidential Commander's Information Report (CIR)

All officers should be aware of possible witness or victim intimidation/coercion. Whenever an officer suspects this is occurring, they will notify a supervisor the rank of sergeant or above. The supervisor will prepare a written report and immediately notify the Director, OPR.

Officers who attempt to interfere with cases against fellow officers by threatening, harassing, stalking, or likewise engaging involved parties will be subject to investigation, disciplinary action and/or criminal charges.

Domestic Violence Involving Sworn Members of Other Agencies

Officers responding for a report of domestic violence or a violation of a Protective Order involving sworn members of other law enforcement agencies shall determine if there are allegations or evidence of physical assault. If so, the officer shall:

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- ❑ Request the presence of a supervisor
- ❑ Make an arrest, if probable cause exists, and remove any privately owned firearms observed on the scene
- ❑ Complete an Incident Report by the conclusion of the shift

A supervisor the rank of sergeant or above and the Shift Commander will respond to the scene and do the following:

- ❑ The sergeant will ensure that the officer's responsibilities have been completed
- ❑ The sergeant will initiate a premise history through the communications supervisor for at least 90 days
- ❑ The Shift Commander will notify the affected officer's on-duty Commander
- ❑ The Shift Commander shall prepare a CIR, documenting the name of the Commander notified within the other agency, the other agency's response, and all notifications made within this Department.

3. Issuance of Court Criminal/Civil Orders Against Employees

An employee shall immediately notify their Commander/Director when they have been:

- ❑ Arrested
- ❑ Charged with a crime on a statement of charges, criminal information, or indictment
- ❑ Charged with any traffic violation mandating a court appearance
- ❑ Served with a warrant, criminal summons, or protective order

These provisions apply if the employee is charged or served in connection with a similar offense alleged to have occurred outside the State of Maryland.

This notification is also required of an employee who is aware that a warrant, criminal summons, or protective order is on file but not yet served. On receipt of such notification, the Commander/Director shall notify the Director, OPR, who shall in turn notify the Chief of Police through the chain of command.

Response to Violations of Protective Orders

A PGPD officer that is served with a Protective Order will notify their Commander. The Commander shall immediately notify SIRT so that a determination regarding the suspension of police powers consistent with Federal and State law can be made. The Commander shall direct the involved employee to schedule and attend an appointment with the PSD and ensure attendance within five days of the incident.

Officers responding for a report of a violation of a Protective Order involving employees of another law enforcement agency shall:

- ❑ Confirm that the employee is in violation of the Protective Order
- ❑ If the employee is in violation of the Protective Order the officer shall make a full custody arrest and notify the shift supervisor

For officer safety, officers shall pay particular attention to section 7, which may list firearms owned by the employee and section 8, which reads, "To turn over firearms to a law enforcement agency."

Supervisors responding to the scene shall follow the procedures detailed in the section

Domestic Violence Involving Sworn Members of Other Agencies.

4. Employees Driving Under the Influence

Any employee found driving a Departmental vehicle in violation of Maryland Vehicle Law, Section 21-902, shall be charged with the violation on a Maryland Complaint and Citation in accordance with existing procedures. If the operator is a civilian employee, they shall be charged using the same procedures as for non-employees.

The investigator shall be a Sergeant (or above) from the affected CSA. If unavailable, a Sergeant (or above) from another Section/CSA shall be assigned the investigation. The investigator shall comply with the directives contained in **VOLUME II, CHAPTER 21. DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.**

The employee shall be afforded the same rights as non-employees regarding chemical tests and related procedures, including the two-hour time limit for administering a chemical test.

The provisions of the LEOBR do not apply during the criminal phase of the investigation for officer operators.

The investigator shall conduct a separate, independent internal investigation regarding violations of Departmental written directives immediately after the employee has been processed criminally for the traffic violation.

If the operator is an officer ranking above the investigator, the investigator shall notify the officer's supervisor. If that supervisor is not available, the on-duty CSA or District/Division Commander shall be

notified. That Commander shall issue a direct order to the involved officer to submit a statement, answer questions, and comply with all requests of the investigating supervisor relating specifically to the investigation.

The internal investigation shall be conducted according to the applicable provisions of this chapter, the OPR Internal Investigations Guide, and the LEOBR.

If the involved employee refuses to submit to a chemical test for alcohol during the criminal phase of the investigation, they shall be ordered to submit to a chemical test during the internal phase of the investigation. Failure to obey the order is insubordination and will likely result in additional administrative charges.

Information obtained from the involved employee during the internal investigation shall not be used in criminal proceedings.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- Commission of Accreditation for Law Enforcement Agencies, Standard 11.3.1, 22.2.10, 26.1.1, 26.1.5, 52.1.1, 52.1.3, 52.1.7, 52.1.8, 61.1.11, 81.2.5, 81.2.6

Governing Legislation:

- Law Enforcement Officers' Bill of Rights
- Maryland Vehicle Law, Section 21-902
- Lautenberg Law

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References:

- Office of Professional Responsibility,
Internal Investigations Guide