



# Protective Orders

Section: 2.447  
Effective Date: May 17, 2012  
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## **2.447 PROTECTIVE ORDERS**

### **2.447.02 Protective Orders**

- A. *Courts and Judicial Proceedings* (CJ) 3-1501, establishes and authorizes the issuance and enforcement of Protective Orders, also known as “Peace Orders.”
- B. A Protective Order is an order issued by a judge after a hearing to protect a person or persons eligible for relief from a respondent. A temporary order is effective for 7 days but can be extended by a judge, but not to exceed 30 days.
  - 1. A final Protective (Peace) Order is effective for the period stated in the order but not to exceed 6 months.
  - 2. For good cause shown, a judge may extend the term of a peace order for 6 months beyond the period originally specified.

### **2.447.04 Persons Eligible for Relief**

- A. Persons eligible for relief from abuse can file for a “*Petition for Protection from Domestic Violence*”, between 0830 and 1630 hours on weekdays (excluding holidays) with the District Court of Maryland – Civil Division, 501 E. Fayette Street.
  - 1. When the Office of the District Court Clerk is not open, a petition under this section can be filed with a court commissioner.

### **2.447.06 Service of the Order**

- A. Temporary and Final Protective Orders MUST BE served before enforcement actions can be taken.
- B. The service of Protective Orders in Baltimore City rests with the Baltimore City Sheriff’s Department and/or the Baltimore Police Department.
- C. Although extremely rare, a UB Police Officer may occasionally be called to assist with or stand by while a protective order is served AND the respondent is a University of Baltimore faculty, staff or student.
- D. If a Protective Order is received by a University Police Officer, all attempts will be made to serve it as expeditiously as possible and the “return of service” faxed or hand delivered to the District Court of Maryland within 2 hours of service.

### **2.447.08 Firearms Possession by Respondent**

- A. The UB Police Officer serving the final protective order is to ask the respondent if he/she possesses any firearms and advise them:

- a. it is illegal to possess any firearm;
  - b. Any firearms in his/her possession must be immediately surrendered;
  - c. Failure to surrender firearms is a violation of the law; and
  - d. Transfer of firearms to another is a violation of the law
- B. If the respondent alleges he/she has no firearms and METERS indicates he/she does have firearms or the petitioner claims the respondent possesses firearms, an arrest warrant should be sought.
- C. If the respondent acknowledges possession of firearms, the serving officer should seek their surrender immediately.
- D. If the officer determines there is probable cause to believe the respondent possesses firearms and is refusing to surrender them, the officer shall affect an on-scene arrest and pursue a search warrant to recover the weapons. There is no discretion or alternative to arrest if the firearm surrender and possession condition is violated and the respondent is present. In cases where the respondent is not present, the officer should seek an arrest warrant.

**2.447.10 Transportation of Firearms.**

- A. If the respondent requests that the firearms be transported in a protective case and makes one available, the officer shall transport them (all that fit) in the case to the Baltimore Police Department's Evidence Room.
- 1. The officer is not required to suggest the use of a protective case but shall attempt to prevent damage to the firearm during the time the protective order is in effect. It is the agency's responsibility to maintain the integrity of stored firearms.

**2.447.12 General Protective Order Information**

- A. If unable to serve protective orders after reasonable attempts have been made, the order is to be returned, noting service could not be made. The return is to be within 2 hours after the last unsuccessful attempt.
- B. If orders have been filed, but not served, and subjects named in the orders are present, the Sheriff's Office and/or Baltimore Police Department will be contacted and requested to fax orders to this agency to facilitate service. Additionally, if petitioners' copies are available, officers may serve those copies on respondents. Officers will not detain persons who decline to wait for service of the orders.
- C. Officers are required to arrest, with or without warrants, respondents who violate the relief granted in temporary Protective Orders or Protective Orders.
- D. When complainants inform officers that orders exist, but no corroborating documents are presented, officers will ensure respective MD Sheriff's Offices are contacted to verify the existence of current orders and their conditions before taking any enforcement actions. If the existence of Protective Orders is verified, then officers must make arrests for any violations of arrestable conditions.
- E. The terms and conditions of orders can only be modified or rescinded by the issuing courts.
- F. Investigating officers will ensure complainants requesting relief by Protective Orders are presented and explained their rights as contained in **Crime Victim and Witnesses: Your Rights and Services** brochures and any other supplemental listing of local victim / witness resources.

- G. Officers will take reasonable actions with the intent of ensuring the peace, protecting and assisting the parties, and providing information about services that are available to people involved in non-criminal disputes.
- H. Officers will, as necessary and proper:
  - 1. Take process service or enforcement actions as necessary;
  - 2. Assist complainants in contacting local service providers;
  - 3. Inform complainants of the peace order process, including office locations for the Clerk of the Court;
  - 4. Review procedures with complainants intended to assist in ensuring their immediate safety;
  - 5. Ensure complainants are safe when officers leave and know how to call police if suspects return; and/or
  - 6. Provide transportation to safe locations or locations where they can obtain assistance when:
    - a. Officers believe complainants will be best served by providing this service; and
    - b. Complainants have no reasonable means of transportation.
- I. Officers will complete agency reports for all incidents that meet the criteria for obtaining Protective Orders. Information to be included in these reports includes, but is not limited to:
  - 1. Any injuries;
  - 2. Locations of suspects;
  - 3. The names and other pertinent information for all parties involved;
  - 4. Use and locations of weapons;
  - 5. Nature of threats or disturbances;
  - 6. Other persons at the scenes;
  - 7. Presence, use, or involvement of drugs, alcohol, or presence of mental illness;
  - 8. History of past police responses to locations or involvement of individuals;
  - 9. Explanations as to why arrests were or were not made; and
  - 10. Descriptions of the specific actions taken to ensure the safety of victims.
- J. In some cases of temporary protective orders, respondents are required to surrender all firearms in their possession to a law enforcement agency and refrain from possessing firearms.
- K. In all final protective order cases, respondents are required to surrender all firearms in their possession to a law enforcement agency and refrain from possessing all firearms.
- L. The service weapons or any authorized off-duty firearms of law enforcement officers who have jurisdiction in Maryland and who are respondents to protective orders will be removed from the officers during time periods protective orders are in effect.
- M. For additional information regarding firearm surrender, see the Appendix titled GOVERNOR'S FAMILY VIOLENCE COUNCIL FIREARM SURRENDER TASK FORCE on the following pages.

**2.447.14 Information Regarding Protective Orders Obtained by Faculty Staff and/or Students**

- A. On occasion the UBPD receives information a faculty, staff or student has petitioned for and received a protective order.
- B. Officers receiving such information are to approach the member and request a copy be provided in the event the respondent should come onto campus.

- C. A brief incident report is to be prepared and a copy of the protective orders placed in the “PEACE ORDER FILE” binder retained at the Communication Center’s desk.
- D. The Captain and Lieutenant are to be sent an e-mail with the pertinent information and Central Complaint number of the report which was written.
  - 1. The Captain will determine what, if any, information regarding the peace order will be provided other staff.