

**2.427 PEACE ORDERS** (74.1.2)

A. **Courts and Judicial Proceedings (CJ) § 3-1501** and following, establishes and authorizes the issuance and enforcement of peace orders.

1. Only adults can apply for peace orders.
2. Alleged acts must have occurred within 30 days before the filing of peace order petitions. Crimes for which adults can apply for peace orders are:
  - a. Acts that cause serious bodily harm;
  - b. Acts that place petitioners in fear of imminent serious bodily harm;
  - c. Assault in any degree;
  - d. Rape or sexual offense under **Criminal Law (CR) § 3-303 through 3-308** or attempted rape or sexual offense in any degree;
  - e. False imprisonment;
  - f. Harassment under **CR § 3-803**;
  - g. Stalking under **CR § 3-802**;
  - h. Trespass under **CR Title 6, Subtitle 4**; or
  - i. Malicious destruction of property under **CR § 6-301**.
3. Persons who are eligible to file for civil protective orders cannot obtain peace orders.
  - a. Current or former spouses or current or former cohabitants as defined by **Family Law (FL) § 4-501** may file for protective orders.
  - b. See also **2.412 Domestic Violence**.

B. Complainants can apply for peace orders:

1. At offices of the Clerk of the Court, Monday through Friday, during normal business hours, excepting holidays; and
2. At District Court Commissioners when the office of the Clerk of the Court is not open.

C. Interim peace orders:

1. May be issued by District Court Commissioners without prior judicial review; and
2. Must undergo District Court judicial review within a maximum of two days when courts are in session, unless the court continues the proceedings. Judges may then issue temporary peace orders.

- D. Temporary peace orders remain in effect no more than seven days after the order has been served. The issuing court may extend the effect of the temporary peace order not to exceed 30 days to facilitate service or for other good cause.
- E. After temporary peace orders are issued and peace order hearings are held, then the courts may order peace orders to be issued and to be effective for a maximum of six months.
- F. Interim peace orders, temporary peace orders, and peace orders must be served before enforcement actions can be taken.
- G. The service of temporary peace orders and peace orders in Baltimore County is the primary responsibility of Baltimore County Police Department (BCPD), but may otherwise be assigned to and/or served by other law enforcement officers.
- H. If orders have been filed, but not served, and subjects named in the orders are present, the respective allied agency 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, and will inform allied agencies of the related non-service.
- J. Officers are **required to arrest**, with or without warrants, respondents who violate the relief granted in interim, temporary, or permanent peace orders.
- J. When complainants inform officers that orders exist, but no corroborating documents are presented, officers will ensure respective allied police agencies or sheriff's offices are contacted to verify the existence of current orders and their conditions before taking any enforcement actions. If the existence of peace orders is verified, then officers **must make arrests** for any violations of conditions specified in peace orders.
- K. The terms and conditions of orders can only be modified or rescinded by the issuing courts.

- L. Officers will:
1. Ensure each complainant receives a **Crime Victim and Witnesses: Your Rights and Services** brochure;
  2. Take reasonable and prudent actions to ensure the peace, assist and protect the involved parties, and provide information about the services that are available to people involved in non-criminal disputes;
  3. Serve peace orders consistent with **2.421 Legal Processes** or take enforcement actions as necessary;
  4. Assist complainants in contacting local service providers;
  5. Inform complainants of the peace order process, including office locations for the Clerk of the Court and District Court Commissioners;
  6. Review with complainants procedures that are intended to ensure their immediate safety;
  7. Ensure complainants are in apparently safe environments when officers leave and know how to contact police if suspects return; and/or
8. Arrange for transportation to safe 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.
  9. Complete reports containing information that includes, but is not limited to:
    - a. Any injuries;
    - b. Locations of suspects;
    - c. The names and other pertinent information for all parties involved;
    - d. Use and locations of weapons;
    - e. Nature of threats or disturbances;
    - f. Other persons at the scenes;
    - g. Presence, use, or involvement of drugs, alcohol, or presence of mental illness;
    - h. History of past police responses to locations or involvement of individuals;
    - i. Explanations as to why arrests were or were not made; and
    - j. Descriptions of the specific actions taken to ensure the safety of victims.