

Civil Disputes

433.1 PURPOSE AND SCOPE

- (a) This policy provides members of the St. Mary's County Sheriff's Office with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.
- (b) The Domestic Violence Policy addresses specific legal mandates related to domestic violence court orders. References in this policy to "court orders" apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Maryland law.

433.2 POLICY

- (a) The St. Mary's County Sheriff's Office recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this office will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace.
- (b) When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

433.3 GENERAL CONSIDERATIONS

- (a) When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.
- (b) While not intended to be an exhaustive list, members should give consideration to the following when handling civil disputes:
 - 1. Civil disputes tend to be confrontational, and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
 - 2. Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
 - 3. Members shall not provide legal advice; however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
 - 4. Members are reminded that they shall not enter a residence or other non-public location without legal authority.

Civil Disputes

5. Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

433.4 COURT ORDERS

- (a) Disputes involving court orders can be complex. Where no mandate exists for a deputy to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating deputy should consult a supervisor prior to making any arrest.
- (b) If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating deputy should document the following:
 1. The person's knowledge of the court order or whether proof of service exists.
 2. Any specific reason or rationale the person involved offers for not complying with the terms of the order.
- (c) A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor.

433.4.1 STANDBY REQUESTS

- (a) Deputies responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.
- (b) If the person requesting standby assistance is the Respondent in a protective order, peace order, restraining order, or other applicable court order, deputies shall review the terms of the order before facilitating the standby. Deputies may facilitate a standby when expressly authorized by the court order and shall ensure that the standby is conducted in accordance with any limitations or conditions specified in the order. Deputies shall not facilitate the Respondent's presence at a location, contact with another person, or other conduct that is prohibited by the order and not otherwise expressly authorized by its terms.
- (c) If the order prohibits the Respondent from entering or being present at the location and does not expressly authorize the Respondent to return, accompanied by a law enforcement officer, to retrieve clothing, personal necessities, or other authorized property, deputies shall not facilitate the Respondent's return to the location. The Respondent should be advised to contact the appropriate court to seek a modification of the order or other appropriate relief before requesting law enforcement assistance with a standby.
- (d) Deputies should accompany the person to the location of the property. Deputies should ask if the other party will allow removal of the property or whether the other party would remove the property. If the other party is uncooperative, the person requesting

Civil Disputes

standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items.

- (e) Deputies shall take enforcement action when required by law.
- (f) If the other party is not present at the location, the deputy will not allow entry into the location or the removal of property from the location.

433.5 VEHICLES AND PERSONAL PROPERTY

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

433.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

433.7 CIVIL PROCESS UNIT

- (a) Deputy sheriffs and civilian process servers assigned to the Judicial Section are responsible for service of all civil process, including but not limited to subpoenas, summonses, evictions, juvenile court papers, garnishment of wages/property, paternity papers, warrants of restitution, writ of execution, writ of replevin and the seizure and sale of all personal properties as required by court order.
- (b) Deputy sheriffs assigned to the CPU are responsible for all civil process assigned to them. They will ensure the process is properly served and returned prior to the expiration date. They may at any time be required to assist in other sections of the St. Mary's County Sheriff's Office.

For procedures related to Civil Process Unit, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Civil Process Service](#)