

Office of the Sheriff  
Somerset County, Maryland

General Order: 01-14-29

Effective Date: September 1, 2014

Revised Date: October 1, 2013

Chapter 29

Section 1

Domestic Violence

1. Purpose

- A. To establish protocol and implement the use of a domestic violence lethality assessment at domestic violence calls for service.

2. Policy

- A. It is the policy of the Somerset County Sheriff's Office to attempt to identify victims of domestic violence in potentially lethal situations, and place those victims in immediate and direct contact with a domestic violence program counselor. The Domestic Violence Lethality Assessment shall be used at the scene of a domestic violence incident to assist Deputies in identifying high risk situations and follow the established criteria to place the victim in direct contact with a domestic violence program counselor at the scene. Deputies conducting a Lethality Assessment will ask the victim the Lethality Screening Questions included in the Domestic Violence Supplement Report, and when a victim is assessed as being in danger, contact the Life Crisis Center at 410-749-4357/fax number 410-548-9496. The fax will only be used when the victim's situation meets the protocol.

### 3. Initiating a Lethality Assessment

- A. In addition to the investigative procedures outlined in this Chapter, the investigating Deputy will complete the “Lethality Screening Section” in the Domestic Violence Supplement, EPD Form 13 when the Deputy responds to a domestic complaint involving intimate partners or incident and one or more of the following conditions exist:
  - 1) There is reason to believe an assault or an act that constitutes domestic violence has occurred, whether or not there is an arrest;
  - 2) There is a belief on the part of the investigating Deputy that once the victim is no longer in the care or presence of the responding Deputy the potential for assault or danger is high;
  - 3) There have been repeated calls for domestic complaints at the same location or involving the same parties; and or
  - 4) The investigating Deputy believes one should be conducted based on the Deputy’s training and experience.

### 4. Lethality Screening Questions

- A. Are found in block #14 of the EPD-13, Domestic Violence Supplement Report.
- B. The investigating Deputy should:
  - 1) Advise the victim that he/she will be asked a series of questions to help the Deputy determine the immediate potential for danger to the victim;
  - 2) Ask the questions in the order they are listed on the form; and
  - 3) Ask all the questions in assessing the victim. The more questions the victim responds to positively, the clearer and more immediate the potential for danger is to the victim.

### 5. Assessing the Responses to the Lethality Questions

- A. After the responding Deputy asks the questions on the Lethality Screening, he/she will handle the information as follows:
  - 1) A single “yes” or positive response by the victim to questions #1, 2 or 3 reflects a high danger situation and automatically triggers the protocol referral;

- 2) If the victim gives negative responses to questions 1 thru 3, but positive responses to four or more of questions 4 thru 11, this reflects a high danger situation and triggers the protocol referral;
- 3) “No” or negative responses, to all of the assessment questions, or positive responses to less than four of questions 4 thru 11, may still trigger the referral if the investigating Deputy believes it is appropriate. The Deputy should ask the victim the following question, “Is there anything else that worries you about your safety?” If yes, “what worries you?” The response to the question may aid in your decision; or
- 4) Trust your instincts. Use of the domestic violence lethality screen takes into account the “gut factor”. If the victim’s responses don’t trigger the referral, but the Deputy’s “read” of the situation indicates high danger, the Deputy should make the referral.

#### 6. Referral – Not Indicated

- A. If the referral is not triggered by the assessment or victim does not answer the screening questions, the Deputy will:
  - 1) Advise the victim that domestic violence is dangerous and sometimes fatal;
  - 2) Inform the victim to watch for the signs listed in the assessment because they may convey to the victim that she/he is at an increased level of danger;
  - 3) Refer the victim to the Life Crisis Center; and
  - 4) Provide the victim with the agency’s telephone number, the case number and the Deputy’s contact information, in case the victim wants to talk further or needs help.

#### 7. Referral – Indicated

- A. If a high danger assessment is made or the Deputy believes it is appropriate, the referral will be implemented as follows:
  - 1) Advise the victim that his/her situation has shown that the victim is at an increased level of danger, and that people in the victim’s situation have been killed or seriously injured.
  - 2) Advise the victim that you would like to call the Life Crisis Center and have the victim speak with a counselor;

- a) If the victim initially declines to speak with the counselor, the first responder will:
    - i. Tell the victim that the officer will contact the domestic violence hotline to receive guidance on how to proceed with the situation;
    - ii. Tell the victim that he/she would like the victim to reconsider speaking with the hotline counselor; and
    - iii. After the Deputy concludes the conversation with the counselor, ask the victim if they have reconsidered and would now like to speak with the counselor.
  - b) If the victim continues to decline to speak with the counselor, the Deputy should do the same thing he/she would do for a victim who did not trigger the referral, including conveying information that the counselor has suggested and going over some safety tips when the victim does not want to leave the scene or residence.
  - c) If the victim agrees to speak with a counselor, the Deputy will advise the counselor that the Deputy has made a high danger assessment, or believes that the victim is in danger, and would like the counselor to speak with the victim.
- 3) Deputies will not provide the name of the victim to the counselor without the consent of the victim;
  - 4) At the appropriate time during the conversation between the victim and counselor, the counselor will ask the victim to speak with the Deputy about the situation; and
  - 5) The Deputy will then be guided by the discussion with the counselor for further assistance. Deputies will provide reasonable assistance to the victim if the victim wants to leave the residence.

8. Records Reporting

- A. The SCSO will prepare and forward reports to the Maryland Network Against Domestic Violence by the 15th of January, April, July and October.
- B. The reports shall contain the following information:
  - 1) How many lethality screens were attempted?
  - 2) How many victims were screened in high danger?
  - 3) How many victims were not screened in high danger?
  - 4) How many did not respond to the screening questions?
  - 5) How many screened spoke to a counselor?

Office of the Sheriff  
Somerset County, Maryland

General Order: 01-14-29

Effective Date: September 1, 2014

Revised Date: October 1, 2013

Chapter 29

Section 2

Protective Orders and Firearms

1. Purpose
  - A. To establish protocol and implement the use of Protective Orders and the seizure of firearms.
2. Policy
  - A. It is the policy of the Somerset County Sheriff's Office to serve Protective Orders and Temporary Protective Orders.
  - B. To successfully removal and storage of firearms; and
  - C. To maintain firearms until returned to the owner.
3. Initiating the Service of a Protective Order and Removal of Firearms.
  - A. Service of a Protective Order will be done without delay, surrender and maintenance of firearms and return of firearms will be followed in accordance within the guidelines of law as defined in Family Law Article, §4-506.
  - B. All respondents are required to:
    - 1) Surrender all firearms in their possession to the Somerset County Sheriff's Office.
    - 2) Refrain from possessing all firearms while the Protective order is in effect.
  - C. The surrender provision is automatic and applies to all final Protective Orders and is completed when Box 12 of the Protective Order is pre-checked by order of the court.
  - D. The Judge is required to order the surrender of all firearms.

- E. A Judge may also order the surrender of all firearms under a Temporary Protective Order.
- F. Return of a child to the custodial parent will now be done in Interim and Temporary Protective Orders. District Court Commissioners may also direct the return of a child.
- G. Reasonable force may be used when serving Protective Orders and seizing of firearms as outlined in Sheriff's Office procedures and the opinions of the Office of the Attorney General for the State of Maryland.

4. Service of Order as Required

- A. The service of an Interim Protective Order and Temporary Protective Order shall be done as soon as possible after the Order is issued.
- B. When a Deputy receives a final Peace Order or Protective Order, the petitioner must be served before the respondent.
- C. To avoid any unnecessary contact, the Deputy will allow sufficient time for the petitioner to leave the court before serving the respondent.
- D. The served orders shall be returned and entered into METERS/NCIC (Maryland Electronic Tele Communications Resource System and the National Crime Information Center) to meet the 2 hour electronic notification of service to the DPSCS (Department of Public Safety and Correctional Services)
  - 1) NOTE: DPSCS is required to notify the petitioner 1 hour after it has knowledge of the service.

5. Firearms and Protective Orders

- A. Firearms are defined in Public Safety Article., § 5-101, (h) 1 & 2.
- B. All firearms must be surrendered without exceptions.
- C. No firearms shall be possessed with no exceptions during the term of the Protective Order.
- D. Law enforcement officers are not exempt from the protective order. All firearms provisions from the protective order, including service weapons, shall be surrendered for the term of the protective order. Service weapons will not be kept by the Somerset County Sheriff's Office (unless an SCSO deputy is the respondent) and will be returned to the law enforcement officer's agency.
- E. Exceptions: The surrender of firearms may also be ordered on a Temporary Protective order if box #7 is checked.
- F. The Somerset County Sheriff's Office must give notice to the respondent of the procedures necessary to retake possession of his/her firearms. This will be accomplished with a service packet provided by the Court.
- G. Somerset County Sheriff's Office Deputies will ask the respondent in applicable orders if he/she has any firearms.
  - 1) Deputies will complete a check through MILES to determine if the respondent has firearms registered to him/her.

- 2) If during service of the order the petitioner claims the respondent has firearms, the Deputy will:
  - a) After investigation, obtain an arrest warrant for the respondent.
  - b) For a respondent who is possessing and refuses to surrender firearm(s), the Deputy shall make an on scene arrest and may obtain a search warrant.

#### 6. Transportation of Firearms

- A. Family Law Article, § 4-506.1 (a) provides that a law enforcement officer shall transport and store the firearm in a protective case if one is available or requested by the respondent.
- B. The Deputy does not have to suggest the use of a protective case and may transport the firearm safely and carefully if no case is available.
- C. Deputy(s) will transport all firearms to the Somerset County Sheriff's Office.
- D. Respondents shall not bring firearms to the Somerset County Sheriff's Office.
- E. The Deputy will complete a Somerset County Sheriff's Office Property Record and Chain of Custody on the firearm.
- F. The Property Record and Chain of Custody will be affixed to the firearm and a copy of the Property Record will be placed in the Domestic Order Case File.
- G. The Somerset County Sheriff's Office Armorer will clean, photograph and log the firearm into the database for surrendered firearms.
- H. The Somerset County Sheriff's Office Armorer will maintain the integrity of the seized firearm.
- I. The seizing Deputy must complete an inventory of surrendered or seized firearms and return the documentation to the court.
- J. No firearms will be transferred to another person.

#### 7. Retaking Possession of Firearms

- A. The respondent in a Temporary or Final Protective Order may retake possession of a firearm upon the expiration of the Order.
- B. The respondent will obtain an Application for Return of Firearms from the Somerset County Sheriff's Office.
- C. The application will be forwarded to the Detective Sergeant to determine if the respondent is legally entitled to own or possess the firearm.
- D. It shall not be the responsibility of the Somerset County Sheriff's Office to notify the respondent of the expiration of the Order's.
- E. Upon the return of the firearm, the respondent shall sign the Property Record and Chain of Custody. A copy of the Property Record will be placed in the Domestic Order case file.

8. Chapter Revisions

- A. General Order 01-10-14 "Protective Orders and Firearms" has been revised.
- B. General Order 01-14-29 supersedes General Order 01-10-14.

Robert N. Jones

Sheriff

Somerset County, Maryland