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Sheriff

HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY

Firearms Related to Domestic Violence

Distribution:	All Employees	Index:	OPS 1803
Responsible Unit:	Domestic Violence Unit	Rescinds:	MAN 2300C
		MD Code:	See references

Issued:	8-16-21	Reviewed:		Next Review:	8-16-24
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1. Purpose

To provide guidance to law enforcement deputies handling firearms related to domestic violence incidents.

2. Policy

Deputies will handle firearms related to domestic violence in accordance with this policy.

3. Definitions

AMMUNITION: a cartridge, shell, or any other device containing explosive or incendiary material designed and intended for use in a firearm.

COHABITANT: a person who has had a sexual relationship with the suspect (primary aggressor) and resided with them in the home for a period of at least 90 days within one year of the complaint.

DOMESTIC VIOLENCE: occurs when a person commits, or attempts to commit, an act that causes physical injury, an act that places one in fear of physical injury to self or others, a sexual assault, or a violation of a protective order, against a current spouse or a person with whom he has had an intimate (sexual) relationship, or a person related to the respondent by blood, marriage or adoption, or cohabitants or a person with whom they reside.

FIREARM: any weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or the frame or receiver of such a weapon. It includes but may not be limited to a handgun, a rifle, a shotgun, a starter gun, and black powder guns.

INTIMATE RELATIONSHIP: a relationship between partners, sexual or emotional, heterosexual or homosexual, who are married, separated, or divorced, live or have lived together, have children in common; or date or have dated, but do not live or have never lived together. Dating does not require sexual intimacy.

LETHALITY ASSESSMENT: a way of identifying and assessing the potential for a domestic violence victim involved in an intimate relationship of being killed.

RESPONDENT: the person alleged to have committed abuse.

4. References

Maryland Code, Family Law § 4-501
Maryland Code, Criminal Procedure § 2-204
Maryland Code, Criminal Procedure § 6-233

5. Procedures

A. Seizure and Disposition of Firearms/Ammunition

1. When a deputy responds to a domestic violence incident and determines through probable cause that an act of domestic violence has occurred and the deputy observes firearm(s)/ammunition on the premises, the deputy will seize and submit into property the observed firearm(s)/ammunition from the premises.
 - a. Deputies seizing firearm(s)/ammunition will submit the firearms in accordance with agency policy and will not transfer the firearms to any other parties.
2. For safety reasons, deputies will inquire if firearms are present at all domestic violence scenes.
3. A deputy may not search a home for firearms without a search warrant unless one of the recognized exceptions to the warrant requirement exists. Consistent with this policy, a deputy may remove any firearm(s)/ammunition the deputy observes in plain view.
4. The owner of the firearm(s) will be identified, the type of firearm(s), how many firearm(s), and the whereabouts if not in the residence will be documented on the Domestic Violence Checklist, Lethality Screen, and Witness Statement (S0-100).
5. If firearm(s)/ammunition are removed from the premises as permitted in 4.A. the deputy will:
 - a. Non-Arrest Situation
 - i. Inform the owner that the firearm(s)/ammunition may be released to him/her after 30 days, if there have not been any further domestic incidents during the 30 days following the original incident unless ordered to surrender the firearm by a final protective order or otherwise prohibited by law from possessing the firearm.
 - ii. Inform the person from whom the firearms were seized that he/she must contact the Harford County Sheriff's Office (HCSO) Domestic Violence Unit (DVU) to arrange for the release of the firearms.
 - b. Arrest Situation
 - i. If firearm(s)/ammunition are seized in an arrest situation, whether as evidence or not, the firearm(s)/ammunition will not be released until the case has been adjudicated.
 - ii. Advise the person from whom the firearm(s)/ammunition was seized that he/she must contact the HCSO DVU after the case is adjudicated, to make arrangements for the release of the firearm(s)/ammunition.

iii. When firearm(s)/ammunition are seized, in addition to an incident report in the Law Enforcement Records Management System (RMS), photograph all firearm(s)/ammunition to include serial number, make/model and any existing damage to the property. a Property Evidence Record (SO-258F) will also be completed and forwarded with the firearm(s)/ammunition to the Property Management Unit.

6. A member of the DVU will provide a letter informing the firearm(s)/ammunition owner of the conditions listed above.

B. Firearm Possession and Protective Orders

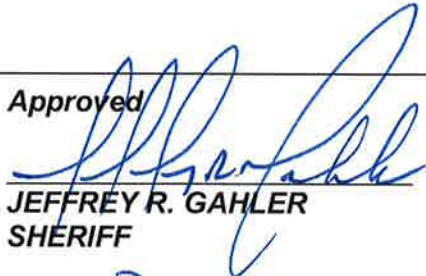
1. The Respondent to a Temporary Protective Order may be prohibited from possessing firearm(s)/ammunition. The serving Deputy must refer to the specific language in the Temporary Protective Order. A Respondent of a Final Protective Order is prohibited from possessing firearms and ammunition in accordance with applicable Maryland and Federal Law. A Respondent of an Extreme Risk Protective Order (ERPO) is prohibited from possessing firearms and ammunition in accordance with applicable Maryland Law.

C. Aggressors Who Are Law Enforcement Officers

1. When a law enforcement officer is an aggressor in a domestic violence incident and any firearm (including the officer's service weapon) is observed on the scene and the deputy has probable cause to arrest the officer for domestic violence, the deputy will remove the firearm.

2. The duty officer will:

- a. Immediately notify the officer's agency; and
- b. Inform the agency of the officer's arrest; and
- c. Arrange for the agency to take possession of the service weapon if one was seized.

Approved

JEFFREY R. GAHLER
SHERIFF
DATE 7.16.2021