

Extreme Risk Protective Orders

343.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning for and serving extreme risk protective orders and accounting for firearms and ammunition obtained pursuant to those orders.

343.1.1 DEFINITIONS

Definitions related to this policy include:

Extreme risk protective order - An order prohibiting a named person from having in his/her custody or control or purchasing a firearm or ammunition, as applicable (Md. Code PS § 5-601 et seq.).

343.2 POLICY

It is the policy of the University of Maryland, Baltimore Police Department to assist, when requested and upon having the resources, the Baltimore Police Department (BPD) with serving extreme risk protective orders in compliance with state law.

343.3 EXTREME RISK PROTECTIVE ORDER LIAISON

The probability or likelihood of the Department serving extreme protective orders is very low. Due to being the major law enforcement agency within the municipality of Baltimore, the service of extreme high risk protective orders are generally assigned by the courts to BPD. To assist BPD with serving extreme protective orders, the Operations Bureau Commander or authorized designee will serve as the Extreme Risk Protective Order Liaison with BPD when assisting them serve extreme risk protective orders in the Department's jurisdiction. The responsibilities of BPD for extreme risk protective orders include:

- (a) Developing and maintaining procedures for the filing of a petition for an extreme risk protective order (Md. Code PS § 5-601; Md. Code PS § 5-602).
- (b) Developing and maintaining procedures for the receipt and service of extreme risk protective orders consistent with the requirements of Md. Code PS § 5-603, Md. Code PS § 5-604, Md. Code PS § 5-607, and Md. Code PS § 5-608. Procedures should include:
 1. Acceptance of voluntarily surrendered firearms and ammunition from a person who is the subject of the protective order.
 2. Assessing a protective order prior to service to determine whether the order should be served.
 3. Preparing or obtaining a search warrant prior to attempting service of the extreme risk protective order.
 4. Service of the extreme risk protective order as soon as possible, return of service to the clerk, and notification to the Department of Public Safety and Correctional Services.
 5. Storage and return or disposition of surrendered and seized firearms.

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6. Criteria for assessing mental health risks and the appropriateness for emergency evaluations.
- (c) Reviewing each petition and service for an extreme risk protective order to ensure compliance with this policy, department procedures, and state law.

343.4 EXTREME RISK PROTECTIVE ORDERS

An officer who reasonably believes that an extreme risk protective order is appropriate should obtain approval from the Operations Bureau Commander or authorized designee prior to seeking an order.

343.4.1 STANDARDS

Extreme risk protective orders may be appropriate if a person poses an immediate and present danger of causing personal injury to him/herself or another by having a firearm (Md. Code PS § 5-603).

343.4.2 REQUIREMENTS OF PETITION

An application for an extreme risk protective order should be prepared consistent with state law (Md. Code PS § 5-602).

343.5 SERVICE

UMBPD, upon the approval of the Operations Bureau Commander or designee, will assist BPD with serving extreme risk protective orders. BPD will be responsible for serving a copy of the extreme risk protective order, along with the accompanying notice of hearing and petition, if applicable, on the person named in the order as soon as possible and make the proper return. Service of risk protection orders takes precedence over the service of other orders, except for orders of a similar emergency nature (Md. Code PS § 5-603; Md. Code PS § 5-604).

Within two hours after service of an extreme risk protective order, BPD will be responsible for electronically notifying the Department of Public Safety and Correctional Services (Md. Code PS § 5-603; Md. Code PS § 5-604).

343.5.1 SAFETY CONSIDERATIONS

The Operations Bureau Commander or authorized designee shall evaluate the circumstances when considering assisting BPD with serving extreme protective orders. The Operations Bureau Commander or authorized designee will also determine the resources to be provided to BPD.

343.5.2 SURRENDER OF FIREARMS AND AMMUNITION

BPD will request that the person who is the subject of the order immediately surrender all firearms and ammunition in his/her custody, control, or possession. BPD will take custody of any firearms or ammunition. BPD will issue a receipt identifying all surrendered items and the process for reclaiming the items (Md. Code PS § 5-608).

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343.5.3 SEARCH WARRANTS

BPD should consider whether to seek a search warrant if the person subject to the extreme risk protective order refuses to surrender all firearms and ammunition or if the BPD officer serving an extreme risk protective order reasonably believes there are firearms or ammunition in the person's custody, control, or possession that have not been surrendered (Md. Code CP § 1–203; Md. Code PS § 5–607).

343.6 COURT-ORDERED SURRENDER OF FIREARMS AND AMMUNITION

BPD shall accept firearms and ammunition from any person who is the subject of an extreme risk protective order. BPD will be responsible for issuing a receipt identifying all surrendered items (Md. Code PS § 5–608).

343.6.1 STATE-SPECIFIC REQUIREMENTS

The receipt identifying all surrendered items shall contain information concerning make, model, and serial number, as applicable, and a copy shall be given to the person (Md. Code PS § 5–608).

BPD will also be responsible for ensuring the person who is the subject of the order is provided with information on the process for reclaiming the firearms and/or ammunition upon the expiration or termination of the order (Md. Code PS § 5–608).

All firearms received in relation to an extreme risk protective order should be stored and transported by BPD (Md. Code PS § 5–608).