

PS COMMITTEE #2  
February 25, 2019  
**Briefing**

**MEMORANDUM**

February 21, 2019

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst *SJF*

SUBJECT: **Briefing: Domestic Violence with Montgomery County Police Department and the Sheriff's Office**

PURPOSE: Briefing on Domestic Violence

Today, the Committee will receive a briefing from the Sheriff's Office and the Montgomery County Police Department (MCPD) about domestic violence. Representatives from the Department of Health and Human Services (HHS) will also be available to answer questions. The briefing will provide updates on the following aspects of how domestic violence incidents are handled in the County:

- Red Flag laws and current experience serving these types of extreme risk protective orders;
- An update on the Family Justice Center (FJC) and departmental roles at the FJC; and
- Data on the number of Domestic Violence-related arrests over the past three years, and an overview of how the Police Department investigates them.

Those expected to attend are:

Sheriff Darren Popkin  
Assistant Chief Marcus Jones, Investigations Bureau, MCPD  
Tom Manion, Director, Family Justice Center  
Dr. Raymond Crowel, Chief, Behavior Health and Crisis Services, HHS  
Captain Sean Gagen, Special Victims Investigations Division, MCPD

**OVERVIEW**

Many agencies in Montgomery County assist with domestic violence incidents, including MCPD, the Sheriff's Office, and HHS. In 2018, the MCPD had 222 total reported domestic violence investigations, although many more are never reported. The number of Domestic Violence investigations has decreased over the past three years. There were 326 in 2016, and 220 in 2017. Domestic violence-related homicides, however, have increased over the same time period, from two in 2016 and seven in 2017, to 11 in 2018.

## **EXTREME RISK PROTECTIVE ORDERS**

In 2018, the General Assembly enacted a law creating an Extreme Risk Protective Order. These types of laws are also known as Red Flag Laws, and in certain circumstances, they permit the confiscation of firearms from individuals deemed an imminent danger to self or others (see ©10-19 for more information).

## **FAMILY JUSTICE CENTER**

The County's FJC has been open for 10 years, providing domestic violence services through a range of public and private entities. Services include protective orders, legal services, counseling for both victims and their children, assisting with emergency needs like housing and transportation, and criminal investigations (see ©20-22 for more information).

## **DISCUSSION QUESTIONS**

1. In November 2018, two Anne Arundel County Police Officers served an EPRO on an individual, who subsequently became irate and hostile. One Police Officer ended up fatally shooting the individual. What has the experience been here in the County? Are individuals generally compliant, or have they become hostile or violent? What is the general approach of Deputies and Police Officers when serving EPROs? Is there a benefit to dispatching the Crisis Intervention Team to assist with service?
2. How are MCPD, the Sheriff, the FJC, and other entities educating the public about the existence of EPROs? Are most referrals coming through the FJC, the Police, or the courts?
3. What happens if an individual violates the EPRO? Has that happened in the County?
4. What is the current annual volume of individuals served by the FJC?
5. Domestic violence-related homicides spiked to 11 in 2018. Is there any pattern to the homicides? Were most committed using firearms?
6. Media reports indicate that about half of EPROs are approved. If an EPRO is not approved, what is the next step for an individual who feels a partner is still an extreme risk? Do victims generally request regular protective orders at the same time?

### **This packet contains**

MCPD PowerPoint	© 1-9
Extreme Risk Protective Order Overview	10-19
Family Justice Center Overview	20-22
<i>"Anne Arundel Police Chief: Shooting Was Evidence that Month-Old Red Flag Law Is Needed"</i> <b>Capital Gazette</b> (November 6, 2018)	23-25



# DOMESTIC VIOLENCE INVESTIGATIONS

- **MCP Policy and DV/Elder Abuse Unit Overview**
- Montgomery County Department of Police policy requires that patrol officers immediately notify a mandatory response for detectives assigned to the Domestic Violence/Elder Abuse Unit for the following:
  - All domestic violence incidents where the victim has sustained serious injury and/or hospital admittance is likely
  - All reports for domestic violence where a police officer, regardless of the agency of affiliation, is the suspect
  - All incidents of elder/institutional abuse that result in either an arrest or the transport of the victim to a hospital

# DOMESTIC VIOLENCE INVESTIGATIONS

- The Domestic Violence/Elder Abuse Unit (DV/EA Unit) is currently co-located within the Family Justice Center (FJC). The other criminal investigative unit from SVID that is also co-located at the FJC is the Adult Sex Assault Unit (SAU). The Domestic Violence/Elder Abuse Unit is staffed by one Sergeant, five detectives and two civilian employees.
- Space at the FJC is extremely limited at the FJC. All of our partners at the FJC have added additional personnel in an attempt to meet the public's demands and improve the quality of services that are being provided to the members of the community.

# DOMESTIC VIOLENCE INVESTIGATIONS

## **How we get cases?**

- MCPD, Rockville City or Gaithersburg City Police calls for service
- Walk-ins at the Family Justice Center
  - Referred to us by Commissioners, Sheriffs Office, Police Officers, outreach programs.
  - The women's shelter
  - Abused Persons Program
  - Shady Grove Adventist Hospital (Forensic Medical Unit)

# DOMESTIC VIOLENCE INVESTIGATIONS

## Typical Domestic Violence Investigations:

We strive to conduct victim centered investigations in order to give the power back to the victim. Interviews are conducted with empathy utilizing the Trauma-Informed interview approach. The direction of the investigation is both evidence based and victim centered. Only when there is a public safety component or high-level risk to victim's safety will we pursue an investigation without the full support of the victim.

- Preliminary Investigation
  - Review and analyze reports, documents, and previously reported incidents.
  - Conduct background checks on the suspect.
- Interview
  - Conduct additional interviews or re-interview victims, complainants, witnesses, police officers, probation officers, etc.
  - Refer victim to the Family Justice Center (FJC) for additional resources.
    - FJC Resources:
      - Abused Persons Program – Short term individual and group counseling for domestic violence victims
      - House of Ruth and Catholic Charities of the Archdiocese of Washington, DC – assistance with legal matters and explain the Federal Violence Against Women Act (VAWA) provisions.
      - Safe Start and Treehouse – provide therapy for children between the ages of 3-18 who are exposed to violence in their homes.
      - Emergency Services – Health and Human Services Emergency Services can assist with shelter and food.
      - Protection Order – FJC can assist victims with obtaining protection orders from the safety and comfort of the FJC via video-conferencing between the FJC and the courts. Montgomery County Sheriff's Office is at the FJC for immediate service.

# DOMESTIC VIOLENCE INVESTIGATIONS

## Case Status Information

2016- 326 Total DV cases  
2017- 220 Total DV cases  
2018- 222 Total DV cases

YEAR	Open	Arrest	Exception	Unfounded
2016	52	136	131	7
2017	46	75	95	4
2018	61	83	73	5



# DOMESTIC VIOLENCE INVESTIGATIONS

## EXTREME RISK PROTECTION ORDERS- DV CASES

- Domestic Violence related ERPOs handled by SVID:
- Since the Red Flag laws inception (October 2018), SVID has handled or been involved with three ERPO services. Two of the three cases were directly handled by the Domestic Violence/Elder Abuse Unit and they assisted the Montgomery County Sheriff's Office and MCPD Firearm's Investigations Unit (FIU) with the third ERPO.
- One of the ERPOs directly handled by the Domestic Violence/Elder Abuse Unit was not served because the respondent fled to the District of Columbia where the ERPO is not a legal document because it is outside the state of Maryland.

# DOMESTIC VIOLENCE INVESTIGATIONS

- HOMICIDES- DOMESTIC RELATED IN PAST 3 YEARS
  - 2016- 2
  - 2017- 7
  - 2018- 11 (out of 20)

# DOMESTIC VIOLENCE INVESTIGATIONS

- ASSISTANT CHIEF MARCUS JONES, CHIEF

INVESTIGATIVE SERVICES BUREAU

- CAPTAIN SEAN GAGEN, DIRECTOR

SPECIAL VICTIMS INVESTIGATIONS DIVISION

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## District Court of Maryland

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# Extreme Risk Protective Orders

Maryland's Extreme Risk Protective Order (ERPO) took effect on October 1, 2018.  
HB1302, Ch. 250 of the 2018 Legislative Session

What is an Extreme Risk Protective Order, and what **CAN** it do?

What an Extreme Risk Protective Order **CANNOT** do

Who can file an Extreme Risk Protective Order?

Who is an Extreme Risk Protective Order filed against?

How to apply for an Extreme Risk Protective Order

Where do I file the Petition for Extreme Risk Protective Order?

What are the fees/costs associated with Extreme Risk Protective Order filings?

Do I need an attorney?

How long does an order last?

What if either side disagrees with the judge's decision? Can an appeal be filed?

Can an Extreme Risk Protective Order be modified, rescinded, or extended?

What happens if the respondent violates the order?

What does the respondent need to do if ordered to surrender firearms and ammunition?

How and when does a respondent regain possession of firearms and ammunition?

Are court records relating to an Extreme Risk Protective Order confidential?

How do I request an emergency evaluation against an individual who is believed to have a mental disorder and presents a danger to the life or safety to self or others?

## **What is an Extreme Risk Protective Order, and what CAN it do?**

An Extreme Risk Protective Order (ERPO) is a court-issued civil order temporarily requiring a person to:

- surrender any firearms or ammunition to law enforcement; and

- not purchase or possess firearms or ammunition.

With reasonable belief that a person meets the requirements, an ERPO allows the court to refer someone for an emergency evaluation due to mental disorder.

## What an Extreme Risk Protective Order CANNOT do

An ERPO cannot order a person to:

- stop threatening or committing abuse;
- stay away from your home, place of employment, or school;
- have no contact with you or others.

There are other legal remedies to obtain these protections.

If you need protection for yourself or a family member, see the "How to File for a Peace or Protective Order" Brochure (CC-DC-DV-PO-001BR).

An ERPO is a civil order and not a criminal charge. See a District Court commissioner or a State's Attorney to file criminal charges.

## Who can file an Extreme Risk Protective Order?

The person requesting an ERPO is the **petitioner**. A petition may be filed by a:

- spouse;
- cohabitant;

- relative by blood, marriage, or adoption;
- person with child(ren) in common;
- current dating or intimate partner;
- current or former legal guardian;
- law enforcement officer; or
- medical professional who has examined the respondent (this includes a physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage or family therapist, or health officer or designee of a health officer who has examined the individual).

## Who is an Extreme Risk Protective Order filed against?

A person who poses an immediate and present danger of causing personal injury to self or others by having firearms. The person who is alleged to be a danger is called the **respondent**.

Factors demonstrating possible risk include:

- alarming behavior and statements;
- unlawful firearm possession;
- reckless or negligent firearm use;
- violence or threats of violence to self or others;
- violating peace or protective orders;
- drug and/or alcohol abuse; and/or
- information contained in health records.

An Extreme Risk Protective Order can be filed against a minor.

## How to Apply for an Extreme Risk Protective Order

### Step 1: Complete the petition and addendum forms

- Obtain a Petition for Extreme Risk Protective Order (DC-ERPO-001) and both addendum forms (Description of Respondent DC-ERPO-001A and Summary of Respondent's Behavior & Mental Health History DC-ERPO-001B) from a District Court clerk or commissioner, or online at: [mdcourts.gov/district/forms](http://mdcourts.gov/district/forms).
- State specifically how the respondent presents an immediate and present danger of hurting himself/herself, you, or others if he/she has a firearm.
- Describe the respondent's behaviors and any statements made about hurting himself/herself or others.
- State that the respondent possesses firearms; provide a description and the location for each firearm.
- Sign the petition. By signing, you are stating under the penalties of perjury the information is true.
- A petitioner who, in good faith, files a Petition for Extreme Risk Protective Order is not civilly or criminally liable for filing the petition.

### Step 2: File the petition

- File the Petition for Extreme Risk Protective Order and addendum forms in District Court.
- When the clerk's office is open, file the petition with a District Court clerk.
- If the clerk's office is closed, file with a District Court commissioner.

Visit [mdcourts.gov/district/directories/commissionermap](http://mdcourts.gov/district/directories/commissionermap) for commissioner locations and [mdcourts.gov/district/directories/courtmap](http://mdcourts.gov/district/directories/courtmap) for court locations.



### Step 3: Appear for a temporary hearing

- The judge may issue a temporary order if he/she reasonably believes the respondent, by having firearms, poses an immediate and present danger of causing injury to himself/herself, you, or others.
- The judge may hold a final hearing instead of a temporary hearing if:
  - (a) the respondent appears at the hearing; (b) the respondent has been served with an interim extreme risk protective order; or (c) the court otherwise has personal jurisdiction over the respondent; and
  - the petitioner and the respondent expressly consent to waive the temporary extreme risk protective order hearing.
- If court is closed unexpectedly, hearing will be held on the next day on which the court is open.

### Step 4: Appear for a final hearing

- Usually, the court will schedule a hearing within seven (7) days after the respondent is served the Temporary ERPO.
- The judge may hold the final hearing with or without the respondent being present if the respondent has been served. A final hearing may not be held without service on the respondent.
- The Final ERPO period can be as long as one (1) year.
- The court can extend the Final ERPO for an additional six (6) months (for good cause) after notifying the parties and holding a subsequent hearing.
- If the court is closed unexpectedly, the hearing will be held on the second day on which the court is open.

## What are the fees/costs associated with Extreme Risk Protective Order filings?

- There are no filing fees or service fees for Extreme Risk Protective Orders. Additionally, there is no fee to file an appeal.

## Do I need an attorney?

It is your decision. If you decide to consult/hire an attorney, make contact as soon as possible to allow the attorney enough preparation time to assist you.

## How long does an order last?

- An Interim ERPO usually lasts until the Temporary ERPO hearing, but not beyond the second business day after issued unless the court is unexpectedly closed.
- A Temporary ERPO lasts until the Final ERPO hearing, but not beyond six (6) months.
- A Final ERPO may remain in effect for as long as one (1) year. The court for good cause may extend the term of the order for an additional six (6) months after a subsequent hearing.

## What if either side disagrees with the judge's decision? Can an appeal be filed?

- Either party may appeal a District Court judge's decision to either grant or deny an ERPO.
- File an appeal with the District Court in the county where the petition was decided.
- The District Court judgment remains in effect until superseded by a judgment of the Circuit Court.

## Can an Extreme Risk Protective Order be modified, rescinded, or extended?

- Yes, a judge may modify, rescind, or extend an Extreme Risk Protective Order after a hearing on a Petition to Modify/Rescind/Extend Extreme Risk Protective Order (CC-DC-ERPO-006).

## What happens if the respondent violates the order?

Violating an order is a crime that may result in a finding of contempt, arrest, criminal prosecution, imprisonment, and/or fine. The respondent can be arrested with or without a warrant if a law enforcement officer has probable cause.

## What does the respondent need to do if ordered to surrender firearms and ammunition?

- If a law enforcement officer serves the respondent personally with the Extreme Risk Protective Order, the respondent must **immediately** surrender all firearms to the officer.
- If the respondent receives the Extreme Risk Protective Order by mail, the respondent must contact the law enforcement agency designated in the order and arrange for the **immediate** surrender of all firearms and ammunition in their possession. The following steps must be followed to transport a firearm to surrender it:
  - Notify the law enforcement unit, barracks, or station that the firearm is being transported in accordance with the Extreme Risk Protective Order;
  - Make sure the firearm is unloaded;
  - Transport the firearm directly to the law enforcement unit, barracks, or station; and

- Carry a copy of the Extreme Risk Protective Order that requires the surrender of any firearm when transporting the firearm to the appropriate authorities.

The respondent must comply with the law enforcement agency's delivery instructions. Each firearm and ammunition must be surrendered **IMMEDIATELY** to the designated law enforcement agency for the county or city where the Extreme Risk Protective Order was issued. Contact information for the designated law enforcement agency will be included with the order.

## **How and when does a respondent regain possession of firearms and ammunition?**

When the ERPO terminates or expires, the custodial law enforcement agency:

- notifies the respondent that he/she may request return of firearms/ammunition;
- verifies the respondent is not otherwise prohibited from possessing firearms/ammunition if the respondent submits a request for the return of the firearms/ammunition; and
- returns the respondent's firearms/ammunition no later than:
  - 14 days after the expiration of an Interim or Temporary ERPO;
  - 14 days after a court terminates a Final ERPO; or
  - 48 hours after the expiration of a Final ERPO.

## **Are court records relating to an Extreme Risk Protective Order confidential?**

- All court records relating to an Extreme Risk Protective Order are confidential and the contents may not be divulged, by subpoena or otherwise, except by order of the court on good cause. A reference to the court

record will not be included on the Judiciary's Case Search.

- However, the following parties do have access:
  - personnel of the court;
  - the respondent or counsel for the respondent;
  - authorized personnel of the Maryland Department of Health;
  - authorized personnel of a local core service agency or local behavioral health authority;
  - law enforcement agencies; or
  - a person authorized by a court order for good cause shown.

## **How do I request an emergency evaluation against an individual who is believed to have a mental disorder and presents a danger to the life or safety to self or others?**

- Under the provisions of the Extreme Risk Protective Order law, the court can also refer the individual for an emergency evaluation based on the Petition for Extreme Risk Protective Order (DC-ERPO-001) and Addendum to Petition for Extreme Risk Protective Order - Summary of Respondent's Behavior & Mental Health History (DC-ERPO-001B).
- If a commissioner finds probable cause for an emergency evaluation based on the ERPO petition and addendum, they are required to refer the respondent to law enforcement for a determination.
- If a judge finds probable cause for an emergency evaluation based on the ERPO petition and addendum, they are required to refer the respondent for an emergency evaluation under a temporary extreme risk protective order and authorized to refer the respondent for an emergency evaluation under a final extreme risk protective order.

# Family Justice Center

## Services

- Needs Assessment:
- Initial Protective Order Services:
- Legal Services:
- Counseling Services:
- Safe Start:
- Emergency Services:
- Investigative Services:
- Child Support Enforcement:



To access FJC service information in Spanish, French, Korean and Chinese please read our language card.

### Needs Assessment:

Staff at the FJC will work with you on an individualized, comprehensive safety plan, and review the services at the FJC to help you determine your special needs and provide appropriate resources on-site to assist you and your family.

### Initial Protective Order Services:

An advocate from the FJC can assist you with filing your petition for protection at the FJC. Clients at the FJC are able to obtain temporary protective orders with the use of special video-conferencing links between the FJC and the courts. This use of technology permits you to obtain the order without having to leave the safety and comfort of the FJC. The FJC staff will assist you in finding legal representation or court companionship for your Final

Protective Order hearing in court. The Montgomery County Sheriff's Office is responsible for service of Peace Orders and Protective Orders in Montgomery County .

## Legal Services:

FJC partners including the House of Ruth, Maryland and Immigration Legal Services of Catholic Charities of the Archdiocese of Washington, DC can assist you with legal matters. The House of Ruth has a staff of civil attorneys to represent you at a Protective Order hearing at no charge. Catholic Charities provides assistance for those who have immigration questions. One of their attorneys can meet with you in a confidential setting to explain the the Federal Violence Against Women Act (VAWA) provisions to protect battered immigrant women.

## Counseling Services:

You can meet with a counselor and make arrangements for further individual or group counseling services. The Montgomery County Abused Persons Program provides short term individual and group counseling to domestic violence victims. House of Ruth, Maryland can provide long term counseling services for adults and children.

## Safe Start:

Children who are exposed to violence in their homes are at risk of psychological, social, behavioral and learning problems. In order to address these problems the FJC has counseling options for your children depending upon their age and needs. The Safe Start Kids Group is available for children between the ages of 3-18. We also have a licensed play therapist for younger children. A staff member will assist you in completing the forms.

Download the Safe Start Services for Children Exposed to Domestic Violence brochure. En español

## Emergency Services:

Members of the FJC staff can assist you with your emergency needs. You can receive transportation assistance. You and your family may be offered the option of confidential shelter so that you and your family have a safe and comfortable place to live. If your pet needs shelter, you can receive information on how the Humane Society can help. The FJC provides snacks and refreshments to domestic violence victims and their families who are receiving services and can provide food vouchers for emergency food needs. You will also have access to the Montgomery County Department of

Health and Human Services Emergency Services for additional needs. Montgomery County Child Welfare Services staff will also be available to you if you have concerns for your children's well-being, whether they have been victims of abuse and/or neglect or not. You can also be referred to the Child Advocacy Center - the Treehouse for services for your children who have been hurt by or have witnessed domestic violence.

### Investigative Services:

You can meet with a detective about possible criminal charges against your abuser. They are available on-site to speak with you. You can also meet with someone from the Montgomery County State's Attorney's Office to discuss the details of the criminal case. They have a full staff on-site to assist you and to answer any of your questions

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# Anne Arundel police chief: Shooting was evidence that month-old 'red flag' law is needed



Two Anne Arundel County police officers serving one of the new "red flag" protective orders to remove guns from a house killed a Ferndale man after he refused to give up his gun and a struggle ensued early Monday morning, police said.



By **Phil Davis**  
pdavis@capgaznews.com

NOVEMBER 6, 2018, 9:40 AM

**T**he Anne Arundel County police chief defended Maryland's new "red flag" protective law Monday, just hours after a 61-year-old man was shot and killed while officers were trying to serve a court order requiring him to surrender his guns.

Chief Timothy Altomare said the fatal shooting in Ferndale was a sign that the law, which went into effect Oct. 1, is needed. There have been 19 protective orders sought in the county since then, tying Harford County for the most in Maryland, according to a report on the first month. Statewide, about half of the 114 orders sought have

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“If you look at this morning’s outcome, it’s tough for us to say ‘Well, what did we prevent?’ ” he said. “Because we don’t know what we prevented or could’ve prevented. What would’ve happened if we didn’t go there at 5 a.m.?”

Altomare said the two investigating officers, who he did not identify Monday, “did the best they could with the situation they had.” One of them fatally shot Gary J. Willis at his Linwood Avenue home.

Tuesday morning, police identified two five-year veterans of the department — Cpl. Jessica Hooper and PFC Gary Zawodny — as the officers involved. Both were assigned to the bureau of patrol and have been placed on administrative leave per departmental policy, according to a news release.

Police said Willis answered the door at 5:17 a.m. with a gun in his hand and initially put it down next to the door as he first spoke with the officers.

## Protective orders by county

*There have been 19 protective orders sought in Anne Arundel County since the “red flag” law went into effect Oct. 1. This map shows the number of protective orders that have been sought by the rest of Maryland’s municipalities in that time.*

Police said he “became irate” when officers tried to serve him with the emergency risk protective order and picked it up again.

As he struggled with the officers over the gun, it went off but didn’t strike anyone. One of the two officers then fatally shot Willis with his department-issued firearm, a police spokeswoman said.

Maryland legislators passed the law last year authorizing “extreme risk protective orders,” also known as a red flag law. It allows family members, law enforcement and others to seek a court order to temporarily prohibit people’s access to firearms when they show red flags that they are a danger to themselves or others.

It is considered the strongest in the nation, giving a wider range of people who can petition for an order.

One of Willis’ nieces said another family member requested the protective order to temporarily remove his guns after an incident at the house Sunday.

Altomare said the two officers have been placed on administrative leave, as per procedure following an officer-involved shooting, but said nothing indicates the officers did anything wrong.

“My heart goes out to the family for their loss,” he said, adding no one was at the home other than the officers and Willis.

According to a report by the Montgomery County Sheriff's Office, Anne Arundel County had 19 such petitions sought against individuals in October, tied with Harford County for the most in the state. There have been 114 statewide, a rate the sheriff's office project would lead to 1,342 in the first year.

Altomare said of the protective orders the granted in the county, his officers have handled nine and seized "around 33 guns" in the process.

The chief said while he is "cautiously optimistic" the rate of protective orders won't increase too rapidly, the department is building a storage facility specifically to accommodate the increase in seized firearms.

He remains convinced that the law is working.

"Of course it causes me concern that officers might be put into a position where they're confronting a person who's exhibited evidence of non-clear thought with weapons," he said.

But he said he rather have a trained officer confronting someone in that situation than a civilian.

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## Corrections

NOV. 6, 2018, 9:55 AM

Gary J. Willis was 61, according to an update from Anne Arundel County police.

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PS COMMITTEE #2  
February 25, 2019  
**Briefing**  
**ADDENDUM**

**MEMORANDUM**

February 25, 2019

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst *SJA*

SUBJECT: **ADDENDUM: Briefing: Domestic Violence with Montgomery County Police Department and the Sheriff's Office**

PURPOSE: Briefing on Domestic Violence

This addendum includes information on Extreme Risk Protective Orders, including data specific to Montgomery County (©1-4), Choose Respect flyers in Spanish and English (©5-8), a Family Justice Center Update (©9), and information from the Montgomery County Domestic Violence Fatality Review Team (DVFRT) (©10).

Those expected to attend are:

Sheriff Darren Popkin

Assistant Chief Marcus Jones, Investigations Bureau, MCPD

Debbie Feinstein, Chief, Special Victim's Division, State's Attorney's Office

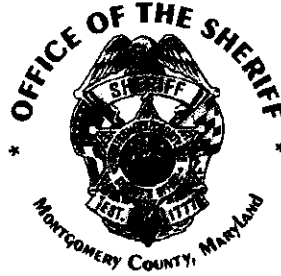
Tom Manion, Director, Family Justice Center

Dr. Raymond Crowel, Chief, Behavior Health and Crisis Services, HHS

Captain Sean Gagen, Special Victims Investigations Division, MCPD



Maryland's First  
Nationally Accredited  
Sheriff's Office



50 Maryland Avenue  
Rockville, Md. 20850  
240-777-7000  
240-777-7148 Fax

## **SHERIFF DARREN M. POPKIN**

### **HB 1302 (Chapter 250) Summary Extreme Risk Protective Orders (ERPO) Effective October 1, 2018**

1. Provides exemption from certain professional privileges if necessary to obtain relief in an ERPO.
2. Petitioner includes health care professionals; law enforcement; spouse; cohabitant; relatives; intimate partners; and legal guardians.
3. Petition must be signed and sworn under penalty of perjury;
4. Petition may be filed only with the District Court or with District Court Commissioner if court is closed.
5. Court records related to ERPO petition are confidential and may not be divulged by subpoena or otherwise except by court order.
6. Civil and Criminal immunity for good faith petitioner.
7. Interim ERPO issued upon finding by commissioner of reasonable grounds to believe that there is an immediate and present danger of personal injury to respondent, petitioner or another by possessing a firearm.
8. Interim ERPO orders respondent to surrender firearms and ammunition in respondent's possession; prohibits purchase or possession of firearms or ammunition.
9. Commissioner forwards a copy of the petition and interim ERPO to appropriate law enforcement agency for service.
10. Law enforcement officer shall immediately serve interim ERPO on respondent; make return to court; within 2 hours after service electronically notify Dept. of Public Safety and Correctional Services (DPSCS).
11. District Court may issue temporary ERPO on the same grounds and with the same service provisions.
12. After a hearing District Court may enter a final ERPO prohibiting respondent from possessing firearms if the judge finds by clear and convincing evidence that respondent poses danger of causing personal injury to respondent, petitioner, or another by possessing a firearm.
13. Final ERPO orders respondent to surrender firearms and ammunition in possession to law enforcement, prohibits purchase and possession for up to one year, subject to possible 6 months extension.
14. Court may refer respondent for emergency evaluation under Health General Article.
15. De Novo appeal taken to Circuit Court and heard within 60 days.
16. States Attorney or law enforcement officer may apply for a search warrant to search for firearms and ammunition if probable cause to believe respondent failed to surrender firearms in compliance with ERPO.

**HB 1302 Summary**  
**Extreme Risk Protective Orders (ERPO)**  
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17. Return of firearms upon request from respondent, within stated 48 hour/ 14 day period after expiration of ERPO, provided LE verifies that respondent is not prohibited from possessing firearm or ammunition.
18. Authorizes transfer of firearm to Licensed firearms dealer or another person not living at same address.
19. Failure to comply with ERPO is a misdemeanor 90 days/ 1 year
20. Law Enforcement shall arrest with or without a warrant and take into custody a person who officer has probable cause is in violation of interim, temporary or final ERPO.



Maryland's First  
Nationally Accredited  
Sheriff's Office



50 Maryland Avenue  
Rockville, Md. 20850  
240-777-7000  
240-777-7148 Fax

**SHERIFF DARREN M. POPKIN**

## Montgomery County Sheriff's Office - Estimates of

Extreme Risk Protective Orders - Md. Code, Public Safety Article §5-601 - 610

**\*\*Cumulative ERPO Statistics - Oct. 1, 2018 to**      10/31/2018    11/30/2018    12/31/2018    1/31/2019    2/19/2019

1. ERPO Petitions initiated state wide by:						
a. Interim (Commissioner)		70	119	163	205	
b. Temporary (District Court)		44	97	139	165	
<b>TOTAL</b>		<b>114</b>	<b>216</b>	<b>302</b>	<b>370</b>	
2. Of the petitioners (estimated):						
a. Health Professional		1	1	1	2	
b. LEO		44	92	133	164	
c. Other -estimated (Spouse, Cohabitant, Related, Children, Dating, Intimate, Guardian)		69	123	168	204	
<b>Total</b>		<b>114</b>	<b>216</b>	<b>302</b>	<b>370</b>	<b>422</b>
3. County		Census*				
a. Allegany	71,615	1	6	11	13	15
b. Anne Arundel	573,235	19	33	47	52	60
c. Baltimore	832,468	14	29	41	52	58
d. Baltimore City	611,648	5	8	11	12	13
e. Calvert	91,502	0	1	3	5	5
f. Caroline	33,193	0	0	0	0	0
g. Carroll	167,781	2	8	11	12	13
h. Cecil	102,746	0	3	6	8	11
i. Charles	159,700	8	13	15	19	21
j. Dorchester	32,162	1	1	2	2	2
k. Frederick	252,022	8	12	16	20	26
l. Garrett	29,233	3	8	10	11	11
m. Harford	252,160	19	28	33	44	52
n. Howard	321,113	4	6	7	8	11
o. Kent	19,384	0	0	0	0	0
p. Montgomery	1,058,810	7	16	20	25	29
q. Prince George's	912,756	9	18	33	40	42
r. Queen Anne's	49,770	0	1	2	2	2
s. St. Mary's	25,918	4	10	11	13	14

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t. Somerset	112,667	1	2	3	7	8
u. Talbot	37,103	0	0	0	0	0
v. Washington	150,578	2	4	7	8	10
w. Wicomico	102,923	4	6	9	11	14
x. Worcester	51,690	3	3	4	4	5
<b>TOTAL</b>	<b>6,052,177</b>	<b>114</b>	<b>216</b>	<b>302</b>	<b>368</b>	<b>422</b>
<b>5. Current Status by Disposition</b>						
a. Granted		60	106	148	175	203
b. Denied		30	60	84	110	125
c. Dismissed (FTA)		24	48	67	79	88
d. Appealed			2	2	5	5
e. Rescinded				1	1	
f. Transferred						1
<b>TOTAL</b>		<b>114</b>	<b>216</b>	<b>302</b>	<b>370</b>	<b>422</b>

Bruce P. Sherman

\* <https://data.maryland.gov/Demographic/Choose-Maryland-Compare-Counties-Demographics/pa7d-u6hs>

Choose Maryland: Compare Counties - Demographics

Population profile - total, rate of change, age, and density

\*\* Maryland Courts Portal

Secure Case Search





(Elige Respeto)

## Conferencia sobre el Noviazgo Saludable y PSA Competencia de Video

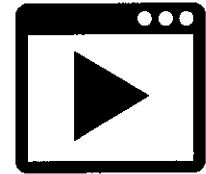
### CONFERENCIA:

- **¿Cuándo?** – 7 de abril 2019, desde 12:30 - 4:30
- **¿Dónde?** - Richard Montgomery High School
- **¿Para quién?** – Estudiantes y Padres de High School y Middle School
- **¿Que?** – Día interactivo de aprendizaje sobre relaciones saludables



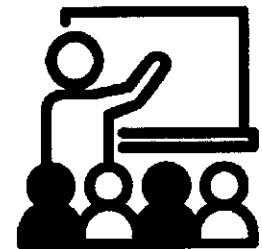
### COMPETENCIA de PSA:

- Los estudiantes crean un video de 60 segundos sobre violencia en el noviazgo
- Los mejores 5 videos ganan premios en dinero o tarjetas de regalo (¡El primer premio gana \$1,000!)
- Los ganadores serán anunciados en la Conferencia sobre el Noviazgo Saludable



## Espera Respeto Presentaciones

- Presentaciones interactivas de 45 minutos gratuitas
- Para clases de escuela o para grupos después de la escuela
- Para jóvenes entre las edades de 13 a 18
- Aprobado por las Escuelas Públicas de Montgomery County (MCPS)
- Los jóvenes aprenden sobre violencia en el noviazgo, signos de alerta, y como ayudar a un amigo/a.
- Los jóvenes escuchan acerca de recursos disponibles para conseguir ayuda.
- Disponible en inglés y en español.



Para más información, contacta a Smita Varia a: [smita.varia@montgomerycountymd.gov](mailto:smita.varia@montgomerycountymd.gov)

[www.montgomerycountymd.gov/fjc/chooserespect](http://www.montgomerycountymd.gov/fjc/chooserespect)

Choose Respect Montgomery (Elige Respeto) es un iniciativa de Montgomery County Domestic Violence Coordinating Council

## **El abuso en citas entre adolescentes es un patrón de comportamiento físico, sexual, verbal y/o emocional abusivo y controlador en una relación de pareja.**

### **Señales de advertencia de que alguien podría estar experimentando abuso:**<sup>o</sup>

- \* Su pareja lo/la insulta o lo/la menosprecia en frente de otros.
- \* Su pareja se pone muy celoso/a cuando hable con otras personas.
- \* Se disculpa por el comportamiento de su pareja e inventa excusas por ese comportamiento.
- \* Con frecuencia cancela planes a último momento por motivos que suenan falsos o renuncia a cosas que antes disfrutaba.
- \* Su pareja siempre está controlando, llamando o enviando textos y exige saber con quién está y adónde estuvo.
- \* Está constantemente preocupado/a por no enfadar a su pareja o provocar su ira.
- \* Su peso, apariencia o calificaciones escolares han cambiado drásticamente.
- \* Tiene lesiones que no puede explicar o las explicaciones que da no hacen sentido.

### **Señales de advertencia de que alguien podría ser un abusador/a:**<sup>oo</sup>

- \* Revisa sin permiso el teléfono celular, los correos electrónicos y las redes sociales de su pareja.
- \* Es extremadamente celoso/a o inseguro/a, y tiene arranques de ira.
- \* Constantemente menosprecia a su pareja.
- \* Tiene un temperamento explosivo y constantemente hace acusaciones falsas.
- \* Separa a su pareja de su familia y de sus amigos.
- \* Es físicamente violento/a.
- \* Es posesivo/a.
- \* Presiona a su pareja a tener sexo.

<sup>o</sup> loveisrespect.org

<sup>oo</sup> breakthecycle.org

### **¿Cómo puedo ayudar a mi amigo/a?**<sup>oo</sup>

- 1) Comience la conversación diciendo: "Esto no es tu culpa". "Tú no te mereces esto".
- 2) Bríndele su apoyo. Dígame: "Me alegra que me lo hayas contado". "¿Qué necesitas?"
- 3) Mantenga abiertas las vías de comunicación diciéndole: "Estoy aquí para lo que sea".
- 4) Obtenga apoyo.

### **Recursos en la Comunidad**

#### **Centro de Justicia Familiar del Condado de Montgomery (Montgomery County Family Justice Center)**

**240 773-0444**

600 Jefferson Plaza, Suite 500, Rockville, MD 20852

Atiende los días hábiles entre las 8:30 a.m. y las 5:00 p.m.

\* Se necesita ir acompañado/a por padre/madre/guardián si es menor de 18 años.

#### **Coalición Judía contra el Abuso Doméstico (Jewish Coalition Against Domestic Abuse- JCADA):**

**1-877-88-JCADA (52232)**

Atiende los días hábiles entre las 9:00 a.m. y las 5:00 p.m.

Rockville, MD

\* Atiende a cualquier residente del área metropolitana de Washington desde los 14 años en adelante.

#### **Centro de Crisis del Condado de Montgomery (Montgomery County Crisis Center)**

**240-777-4000**

1301 Piccard Drive, 1er Piso, Rockville, Maryland 20850

Abierto las 24 horas, los 7 días de la semana.

• Se necesita ir acompañado/a por padre/madre/guardián si es menor de 16 años.

#### **Línea de Emergencia para Casos de Violencia en Citas (National Dating Violence Hotline)**

**1-866-331-9474**

Charle en línea en [loveisrespect.org](http://loveisrespect.org)

**Choose  
Respect**  
Montgomery

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# Choose Respect Montgomery

## Healthy Teen Dating Conference & PSA Video Contest

### CONFERENCE:

- **When?** - April 7, 2019, from 12:30 - 4:30 p.m.
- **Where?** - Richard Montgomery High School
- **For Who?** - High School and Middle School Students and Parents
- **What?** – Interactive day of learning about healthy relationships



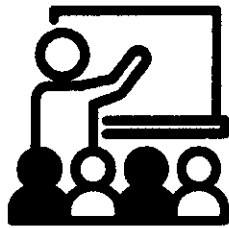
### PSA CONTEST:

- Students create a 60-second video about dating violence prevention
- The top five videos win cash prizes or gift cards (1st prize gets \$1,000)
- Winners will be announced at the Healthy Teen Dating Conference



## Expect Respect Presentations

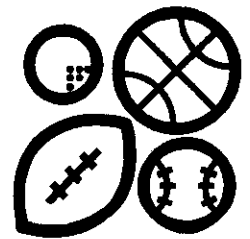
- Free 45-minute interactive presentations
- For school classes or afterschool groups
- For youth ages 13 - 18
- Approved by MCPS
- Youth learn about dating violence, warning signs, and how to help a friend
- Youth hear about the resources available to get help
- Available in English and Spanish



For more information, contact Smita Varia at [smita.varia@montgomerycountymd.gov](mailto:smita.varia@montgomerycountymd.gov)

## Coaching Boys Into Men/ Athletes As Leaders

- **Coaching Boys Into Men:** Equips coaches to teach athletes that violence never equals strength. Provides strategies, scenarios, and resources.
- **Athletes as Leaders:** Empowers female athletes to take an active role in promoting healthy relationships and ending sexual violence.



For more information, contact Smita Varia at [smita.varia@montgomerycountymd.gov](mailto:smita.varia@montgomerycountymd.gov)

[www.montgomerycountymd.gov/fjc/chooserespect](http://www.montgomerycountymd.gov/fjc/chooserespect)

Choose Respect Montgomery is an initiative of the Montgomery County Domestic Violence Coordinating Council



**Teen dating abuse is a pattern of physically, sexually, verbally, and/or emotionally abusive or controlling behavior in a dating relationship.**

**Warning signs someone may be experiencing abuse:**<sup>o</sup>

- \* Their partner calls them names or puts them down in front of others.
- \* Their partner gets extremely jealous when they talk to other people.
- \* They apologize for their partner's behavior and make excuses for it.
- \* They frequently cancel plans at the last minute for reasons that sound untrue or they give up things they used to enjoy doing.
- \* Their partner is always checking up, calling or texting and demanding to know who they're with and where they've been.
- \* They're constantly worried about upsetting their partner or making them angry.
- \* Their weight, appearance or grades have changed dramatically.
- \* They have injuries they can't explain or the explanations they give don't make sense.

**Warning signs from someone who may be an abuser:**<sup>oo</sup>

- \* They check their partner's cell phones, emails or social networks without permission.
- \* They are extremely jealous or insecure, and have mood swings.
- \* They constantly put their partner down.
- \* They have an explosive temper and constantly make false accusations.
- \* They isolate partner from family and friends.
- \* They are physically violent.
- \* They are possessive.
- \* They pressure partner to have sex.

**How can I help my friend?**<sup>oo</sup>

- 1) Start the Conversation - "It's not your fault." "You don't deserve this."
- 2) Be Supportive - "I am glad you told me." "What do you need?"
- 3) Keep Your Communication Door Open - "I am here for you."
- 4) Get Support.

**Resources in the Community**

**Montgomery County Family Justice Center**

**240-773-0444**

600 Jefferson Plaza Suite 500 Rockville, MD 20852

Open Weekdays from 8:30 a.m.-5:00 p.m.

\* Parental accompaniment needed if under age 18.

**JCADA, Jewish Coalition Against Domestic Abuse:**

**1-877-88-JCADA (52232)**

Open Weekdays from 9:00 a.m.- 5:00 p.m.

Rockville, MD

\* Serve any residents of Greater Washington ages 14 and up.

**Montgomery County Crisis Center**

**240-777-4000**

1301 Piccard Drive, 1st Floor Rockville, Maryland 20850

Open 24 hours a day 7 days a week.

\* Parental accompaniment needed if under age 16.

**National Dating Violence Hotline**

1-866-331-9474

Text: loveis to 22522

Chat online at [loveisrespect.org](http://loveisrespect.org)

<sup>o</sup> [loveisrespect.org](http://loveisrespect.org)

<sup>oo</sup> [breakthecycle.org](http://breakthecycle.org)



**Montgomery County Sheriff's Office  
Family Justice Center Update**

**Montgomery County Council – Public Safety Committee  
Monday, February 25, 2019**

I. During the 2018 Fiscal Year, the Family Justice Center (FJC) provided services to 1,547 victims of intimate partner violence. Previously, an average of 1,100 – 1,200 clients were served each year since the FJC opened, so the 2018 figures represent a 33% increase in caseload. The Sheriff's Office attributes this increase to a variety of factors including new and innovative outreach campaigns from the Montgomery County Domestic Violence Coordinating Council, and the place that domestic violence and sexual assault have taken at the forefront of the public consciousness due to recent high-profile incidents. When people are more comfortable talking about these issues, victims can become more empowered to seek help and information.

Additional Data Points:

1,547 Clients served

- Age range 14-80, average age 35
- Services provided in 15 different languages
  - 68% - English
  - 20% - Spanish
  - 1% each – Amharic, French, Portuguese
  - <1% each – American Sign Language, Armenian, Burmese, Creole, Farsi, Mandarin Chinese, Russian, Tigrinya, Urdu, Vietnamese

*Note: Three FJC Client Assistants during FY2018 were fluent in Spanish. For all other languages, a Language Line interpretation service was used.*

II. During the 2018 Fiscal year, 150 Ex-Parte Temporary Protective Order hearings were held via video conference from the safety and security of the FJC.

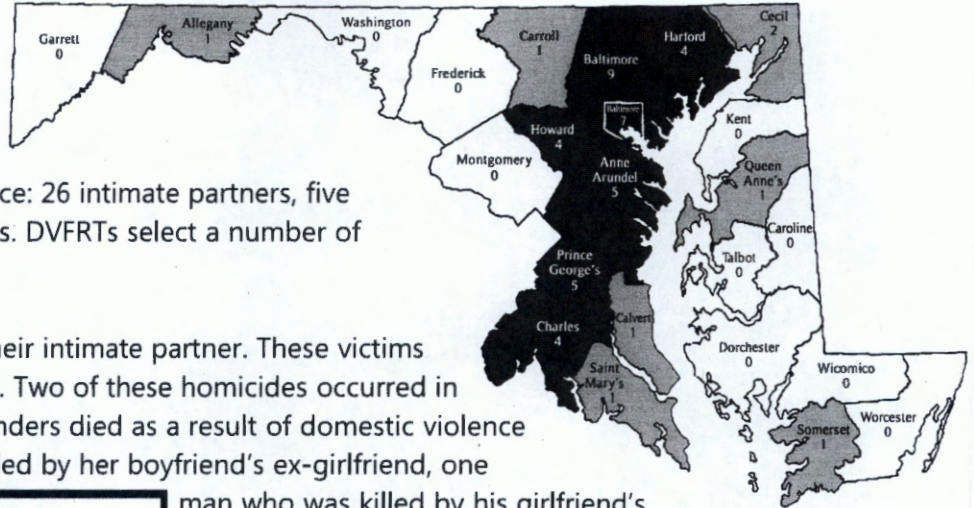
III. Both of the domestic violence-related multi-disciplinary teams continue to meet and collaborate regularly.

- The Assessment of Lethality and Emergency Response Team (ALERT) collaborates electronically in real-time on cases that have been identified as having an elevated lethality risk. In 2018, 53 cases were flagged for the ALERT.
- The Domestic Violence Fatality Review Team (DVFRT) meets monthly to review domestic violence-related fatalities and near-fatalities that occurred in Montgomery County and make findings and recommendations to prevent such deaths in the future.

IV. The 10<sup>th</sup> Annual Choose Respect Conference will be held on Sunday, April 7, 2019 at Richard Montgomery High School from 12:30pm – 5:00pm. This conference brings together students, parents, teachers, and professionals who work with youth to educate and raise awareness about dating abuse among teens and start a conversation about healthy relationship behaviors and community resources that are available. The conference is historically attended by more than 500 people and this year, more workshops are being offered than ever before on a variety of topics including dating violence, consent, and how to help a friend. The conference is part of the larger, year-round Choose Respect Initiative on teen dating violence, spearheaded by the Montgomery County Domestic Violence Coordinating Council. Please see the enclosed flyer for more information about the full initiative.

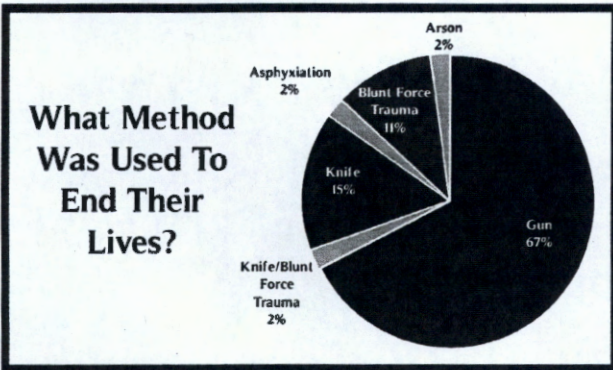
# THE MOTIVATION FOR DVFRTS

DVFRTs honor the Marylanders lost as a result of intimate partner violence. From July 2016 to June 2017, 46 Marylanders lost their lives due to intimate partner violence: 26 intimate partners, five bystanders, and 15 abusive partners. DVFRTs select a number of these cases for their review.



Twenty-six victims were killed by their intimate partner. These victims included 23 women and three men. Two of these homicides occurred in a same-sex relationship. Five bystanders died as a result of domestic violence situations: one woman who was killed by her boyfriend's ex-girlfriend, one

man who was killed by his girlfriend's estranged husband, and three children ages 19, 17, and 4 were killed by their father.



As is common in intimate partner violence homicides in Maryland and across the country, 67% of the fatalities involved the use of a gun. As a result of these tragedies, at least 22 children were left behind.

Of the 15 abusive partners who lost their lives, 11 men completed murder-suicide or attempted murder-suicide; two men died during police response to the incident; one man was killed by his victim's son; and one man completed suicide after assaulting his girlfriend.

Each of the 31 intimate partners and bystanders who died were someone's loved one. Their lives were ended prematurely through no fault of their own. These statistics compiled yearly by the MNADV illuminate several trends in intimate partner homicide that provide opportunities for intervention. These cases are the motivation for agencies to review their practices and consistently strive to improve their response to intimate partner violence.

### 26 Intimate Partners Died

11 women were killed by their current or ex-boyfriend.

11 women were killed by their current or ex-husband.

2 men were killed by their girlfriend.

1 man was killed by his boyfriend.

1 woman was killed by her girlfriend.

### 5 Bystanders Died

1 woman was killed by her boyfriend's ex-girlfriend.

1 man was killed by his girlfriend's estranged husband.

3 individuals were killed by their father, ages 19, 17 and 4.

### 15 Abusive Partners Died

11 men committed murder-suicide or attempted murder-suicide.

2 men died during police response to the incident.

1 man was killed by his victim's son.

1 man died by suicide after assaulting his girlfriend.

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