

Presentation to the King County  
Board of Health  
June 15, 2017



**UPDATE ON  
FIREARMS SURRENDER  
SYSTEM REFORM  
PROJECT**

# Panel Members



- Judge Anne Levinson (ret.)
- David Martin, King County Prosecutor's Office  
Domestic Violence Unit Senior Deputy Prosecutor
- Chris Anderson, Seattle City Attorney's Office  
Domestic Violence Unit Supervisor
- Captain Deanna Nollette, SPD SA & DV Unit
- Eva Cunio, Program Supervisor, KCSO Civil Unit
- Sandra Shanahan, Protection Order Program  
Advocacy Supervisor

# Domestic Violence & Firearms



- *Each year, many of the millions of women who are battered by their partners look to the Civil Protection Order system as a way to stop the abuse. Anywhere along that complex chain, a victim can find that the promise of the Civil Protection Order system is either kept, or broken.*
- *One of the most important ways that criminal justice and civil legal systems can significantly enhance the safety of domestic violence victims is by enforcing federal, state, and tribal statutes and court orders that prohibit abusers from possessing firearms. If firearm prohibitions are consistently enforced, communities can effectively reduce the threat of lethal violence and serious injuries to victims.*
- Civil Protection Orders: A Guide for Improving Practice, National Council of Juvenile and Family Court Judges, 2010  
[http://www.ncjfcj.org/sites/default/files/cpo\\_guide.pdf](http://www.ncjfcj.org/sites/default/files/cpo_guide.pdf)
- Enforcing Domestic Violence Firearm Prohibitions *A Report on Promising Practices*, Office on Violence Against Women | National Center on Full Faith and Credit, September, 2006

# Domestic Violence & Firearms

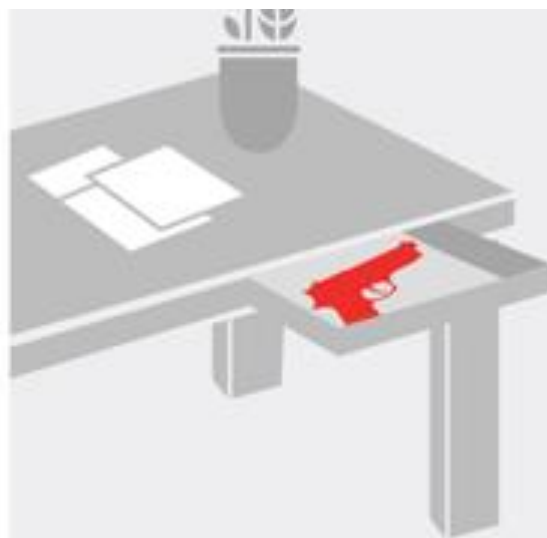


- Risk of lethality - the numbers are sobering.
- In 2013, there were 2,707 female homicide victims nationwide. In nearly half of these homicides, the victim was the wife, mother, daughter, sister, or girlfriend of the offender.
- Of all the women killed by intimate partners in the U.S. between 2001-2012, 55 percent were killed with firearms.
- An estimated 4.5 million women in the U.S. have, at one time, been threatened with a gun by an intimate partner.
- DV calls lead to more police fatalities than any other call.



**WOMEN IN THE U.S. ARE  
11 TIMES MORE LIKELY TO  
BE MURDERED WITH GUNS  
THAN WOMEN IN OTHER  
HIGH-INCOME COUNTRIES.**

Women in the US are killed at alarming rates and firearms play a key role in turning domestic abuse into murder. Over the past 25 years, more intimate partner homicides in the US have been committed with guns than with all other weapons combined.<sup>2</sup>



**WHEN A GUN IS PRESENT  
IN A DOMESTIC VIOLENCE  
SITUATION, THE WOMAN IS  
FIVE TIMES MORE LIKELY TO  
BE MURDERED.<sup>3</sup>**

People with a history of committing domestic violence are more likely to subsequently murder an intimate partner, and firearms significantly increase the risk of homicide for women.<sup>4</sup>



**55%**  
of women killed  
with guns are killed  
by intimate partners  
or family members<sup>5</sup>



**57%**  
of mass shootings  
involve domestic  
violence

**A MAJORITY OF MASS  
SHOOTINGS INVOLVE  
INCIDENTS OF DOMESTIC  
VIOLENCE.**

A Mayors Against Illegal Guns Analysis of every identifiable mass shooting between 2009 and 2014 found that in 63 of those 110 incidents (57%), the shooter killed a current or former intimate partner or other family member. In at least 20 of those shootings, the perpetrator had a prior domestic violence charge. **That's why federal law prohibits certain domestic abusers from buying guns.<sup>6</sup>**

# What Research Tells Us: Removing Firearms Swiftly Matters



- The best available research shows that the most important element in preventing fatalities is to remove the firearm from the situation.
  - *New England Journal of Medicine*
- For 16 year the Washington State Domestic Violence Fatality Review Board has recommended removal of firearms from abusers as a priority to reduce domestic violence homicide.

# What Research Tells Us: Removing Firearms Swiftly Matters



- 2014 Washington State study found that domestic violence is the single greatest predictor of future criminal acts and the single greatest predictor of future violent crime.
- In 54% of DV homicides the defendant had previously been ordered to surrender firearms.
  - *Washington State Coalition Against Domestic Violence 2013*
- According to the highly respected ODARA risk assessment, the single most important red flag to predict a lethal response - higher than prior history of domestic violence - was “recent separation”. 45% of DV homicides occur within 90 days of separation, most within the first few days.

# Research + Advocacy = Change in Law



- As with change in understanding the importance of mandatory arrest in DV incidents, change in understanding of importance of removing firearms.
- The removal of firearms from DV offenders = proactive approach to effectively reduce the risk of homicide for DV victims and families.
- This change in understanding and long-term advocacy led to new WA laws to address: HB 1840 in 2014, I-1491 in 2016, SHB 1501 in 2017.



# The Law in Washington State - HB 1840



- Gave courts and law enforcement new authority.
- Intended to reduce risk to victims and families when they come to court to request protection from harm.
- Made illegal possession of firearms and concealed pistol licenses for those subject to a protective, no contact, restraining orders.
- Recognized heightened risk at time of initial separation – requires immediate removal of firearms when temporary orders are issued, not waiting until later.
- Created new crime for failing to comply with order to surrender.

# The Law in Washington State - 1840



When entering a qualifying order the court must:

- Require the respondent to immediately surrender any firearm or other dangerous weapon and concealed pistol license;
- Prohibit the respondent from obtaining or possessing a firearm or CPL; and
- Ensure the respondent provides proof of surrender of all weapons/firearms or declaration of non-surrender (attests under oath has none to surrender) back to the court within 5 Days.

# HB 1840 Applies to Many Types of Orders



## **Civil Orders:**

- Anti-Harassment Orders
- Stalking Protection Orders
- Sexual Assault Protection Orders
- Domestic Violence Protection Orders
- Vulnerable Adult Protection Orders
- Restraining Orders
- Extreme Risk Protection Orders (new Dec. 2016)
- Petitions for Initial Involuntary Detention of a Family Member -- Joel's Law

## **Criminal Orders:**

- No Contact Orders
- Court-initiated Sexual Assault Protection Orders
- Court-initiated Stalking Protection Orders
- Harassment NCOs
- "Toothless" NCOs

**Orders to Surrender Weapons (OTSW's) are mandatory or discretionary on all of these orders except VAPO's.**

# Protection Orders & Firearms



- In King County in 2016, approximately 6,400 Civil Protection Orders were issued by the Superior and District Courts.
- More than 3,800 No Contact Orders (NCO's) were also issued by King County Superior Court, District and Municipal Courts.
- All qualifying Protection Orders and No Contact Orders must also include Orders To Surrender Weapons.

# Change in WA law Continued in 2015, 2016, 2017



- Sheena's law requires notification before firearms are returned.
- Voters approved Extreme Risk Protection Order Initiative in November 2016 allowing family members or law enforcement to petition a court to temporarily remove guns from a person who is a threat to self or to others.
- SHB 1501 requires dealers to notify law enforcement when prohibited possessor attempts to purchase firearms.

## Leaders Identify Need to Review How Laws Are Being Implemented



- March, 2016 King County Board of Health passed unanimous resolution reinforcing the need for work to achieve effective implementation of firearms laws as a public health priority.
- Judge Anne Levinson (ret.) was asked to lead review of what jurisdictions can do better in King County to implement new laws and reduce risk of firearms lethality for DV victims, including those seeking protection orders.

# Multi-stakeholder, Multi-system Review



- Convened a number of work groups, including courts, prosecutors, law enforcement, advocates, records and data staff and others.
- Analyzed obstacles to implementation at each step of the process and worked collaboratively on solutions that didn't require \$.
- Work groups met every two weeks and reviewed:
  - Court practices; enforcement of compliance; data and records systems barriers; reducing barriers for petitioners; needed forms, protocols, training, policies; inter-jurisdictional issues.
- Secured a OVW grant to examine further how Protection Orders and Orders to Surrender Weapons are handled across the region.

# Some of the Findings



- Sea change in firearms surrender laws requires multiple systems to be reformed.
- No resources were provided when laws passed to implement, provide ongoing staff capacity, address significant I.T., training and other needs.
- Added to systems already under-resourced and with many competing needs.
- Critically important roles by many different entities - courts, law enforcement, prosecutors - requires all parties to work together seamlessly but no entity or individual has responsibility to oversee.



# Some of the Findings



- Multiple law enforcement agencies, courts and municipal prosecutors in King County adds to complexity:
  - 40 jurisdictions
  - 39 law enforcement agencies (12 contract w KCSO)
  - 2 Superior Court locations
  - 8 District Courts
  - 16 Municipal Courts
- Many, many data and records systems that do not interface and each has limits on who can access.
- Many records still maintained & transmitted in paper.

# Some of the Findings



- Immediacy, access to comprehensive data and seamless implementation are all best practices but the system is not set up to do that.
- Because Protection Order hearings are civil proceedings – typically no prosecutor, law enforcement or court staff to provide record to the court or to ensure enforcement when indication of non-compliance.
- Multiple steps petitioners must go through to secure Protection Order puts burden on them.
- Petitioners put their trust in system to protect them. Lack of information, follow-up or delays can put petitioners at risk.

# Some of the Findings



- Significant percentage of protection orders & orders to surrender weapons not served or delay in service.
- Problematic orders from courts and no mechanism for law enforcement agencies to resolve so can serve.  
LEA's estimate 10%-50% of orders have problems.
- No integrated electronic database for law enforcement agencies to enter, track and enforce orders.
- Limited personnel with expertise to serve orders.  
Patrol often does in-between calls and not using best practices.
- Risk assessment tool for prioritization not used.

# Some of the Findings



- Stakeholders - judicial officers, prosecutors, law enforcement, others - do not have direct access to timely information needed to enforce the laws.
- Limitations on available information about firearms ownership = lack of certainty about all firearms in respondent's possession or control.
- CPL system requires DOL to flag, but not done, and RCW requires the law enforcement agency that issued CPL to revoke, despite court order.

# Some of the Findings



- Differing law enforcement practices regarding obtaining firearms at DV incident and at time of initial service of orders.
- Differing judicial practices about calendars, immediacy, issuance of orders.
- Courts do not routinely verify whether compliance with order to surrender or been truthful in stating has no firearms.
- Where non-compliance on civil side, often no enforcement because no personnel to do.

# Some of the Findings



- Notification practices to petitioners when surrendered firearms are being returned inconsistent across law enforcement agencies. Evidence managers often do not have access to petitioner contact information due to no access non-departmental records (e.g., no access to court's civil electronic court records).
- Petitioners may not know how to register to receive notification.
- No support for petitioners and families as to next steps if they are concerned about firearms being returned.

# Some of the Findings



- LEA's and the public have limited information about the new ERPO law.
- LEA's are required to have ERPO policies by June 2017 but none had drafted using best practices.
- Gaps in court processes + training, forms needed.
- Need protocols to integrate and coordinate among DVPO court, MHCs, ITA Courts, and help families and law enforcement understand how to access the system and use ERPO's.
- Same issues with service of orders and obtaining firearms as with other types of Protection Orders.

# Some of the Findings



- Lack of data collection and capacity for data-sharing makes it nearly impossible to determine effectiveness and how to best improve outcomes.
- While some data can be collected by hand, it is time-intensive, limited in scope and accuracy is not guaranteed.
- New court, jail and law enforcement case management systems must include needed coding.
- Limited training and protocols for law enforcement and judicial officers on firearms surrender laws and authority.



# Some of the Findings



- All LEA's report very few firearms surrendered.
- No consistency across LEA's, or within LEA's, as to whether officers are asking for weapons.
- LEA's do not keep data on number of Orders to Surrender Weapons and what results.
- Based on hand-count of all DVPO's in Superior Court for 2016:
  - 875 Respondents ordered to surrender firearms
  - 44% "Technically in compliance" (turned in unverified declaration of non-surrender saying had no weapons)
  - 56% Ignored the order
  - 52 Respondents surrendered total of only 124 firearms

# Summary of Research for One Day of Non-Compliance Court Hearing



- Piloted a new approach of a unified team to be present at a Review Hearing, using staff who volunteered:
  - Recovered 11 firearms in 6 days.
  - 11 firearms is 20% of all the firearms recovered in 2015.
  - Every respondent from whom the team recovered firearms had filed a declaration attesting under oath that they did not possess any firearms.













# How To Better Reduce Risk of Harm



**IMPLEMENT A REGIONAL SYSTEM  
FOR MORE EFFECTIVELY AND  
UNIFORMLY PROCESSING, SERVING  
AND ENFORCING CIVIL PROTECTION  
ORDERS (PO'S) AND ORDERS TO  
SURRENDER WEAPONS (OTSW'S),  
INCLUDING MORE IMMEDIATE  
REMOVAL OF FIREARMS FROM  
RESPONDENTS, TO ENHANCE THE  
SAFETY OF VICTIMS, THEIR  
FAMILIES, LAW ENFORCEMENT, AND  
COMMUNITIES.**

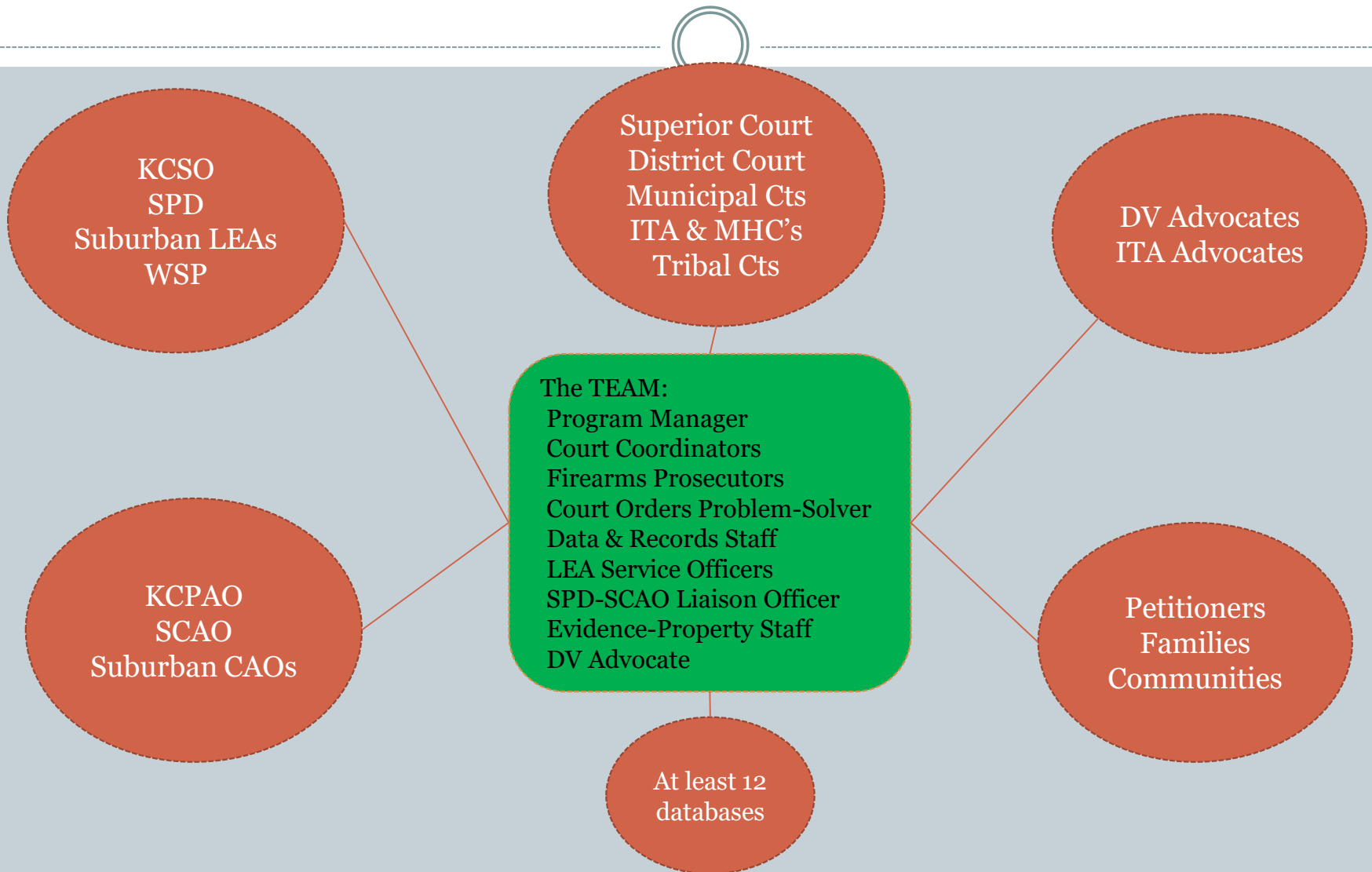
# Regional Unit/Dedicated Team



- Laws cannot implement themselves.
- DV and gun violence are priorities that do not fall neatly within jurisdictional boundaries.
- Need to provide staff and structure for a unified team so there is dedicated capacity and expertise to do the work the way it should be done.
- ICIC, AFIS, OIS, Fugitive, ATF – task forces and regional approaches are used for priorities requiring collaboration across boundaries.



# Regional Unit/Dedicated Team



# Technology & Training



- Partner with private sector and advocacy organizations to obtain funding to create an integrated, cross-jurisdictional database.
- Adopt better utilization of technology throughout so there is information in real time electronically & improve access for effective enforcement.
- Provide training for law enforcement, judicial officers and court personnel.

# Outcomes & Continuous Improvement



- Implement data systems, metrics, coding and other tools that will allow policy makers to evaluate whether risks for petitioners/survivors are being reduced and public safety improved.
- We should be able to regularly assess whether the laws are working and make continuous systemic improvements.

# Model Policy



- Have each LEA in the region adopt the Model Policy developed by the work group to bring greater consistency and effectiveness to how PO's and OTSW's are processed, served & enforced. Policy addresses:
  - ❖ Recording and processing orders
  - ❖ Preparing orders for service
  - ❖ Risk assessment so prioritization is aligned with risk
  - ❖ The service of orders, with enforcement
  - ❖ Surrender, storage and return of firearms
  - ❖ Notification of petitioners
  - ❖ Extreme Risk Protection Orders (the new law)

# New ERPO Law



- Model Policy provides foundation for required LEA policies & guidance on implementation
- Work group created Addendum to the Petition for LEA's to use; brochure; firearms receipt; supplemental LEIS- Firearms; FAQ's; information on new website:  
[www.washingtonprotectionorders.org](http://www.washingtonprotectionorders.org)
- Worked with AOC on ERPO court forms
- Worked on E-Learning training for LEA's

# Thank You



- Everyone who participated in this review over the last 15 months has dedicated and continues to dedicate time and commitment to helping improve how these systems work.
- The barriers, challenges, gaps that need attention are systemic.
- Implementing their recommendations for systemic improvements, regional collaboration, added capacity and organizational support will significantly improve the lives of those at risk of harm in a comprehensive and sustainable way.