

The logo features a large, bold, black square on the left side. Inside the square, the letters 'DV' are written in a large, white, sans-serif font. To the right of the square, the words 'FIREARMS' and 'UNIT' are stacked vertically in a bold, black, sans-serif font. A thick black horizontal line runs across the width of the logo area below the text.

# **DV FIREARMS UNIT**

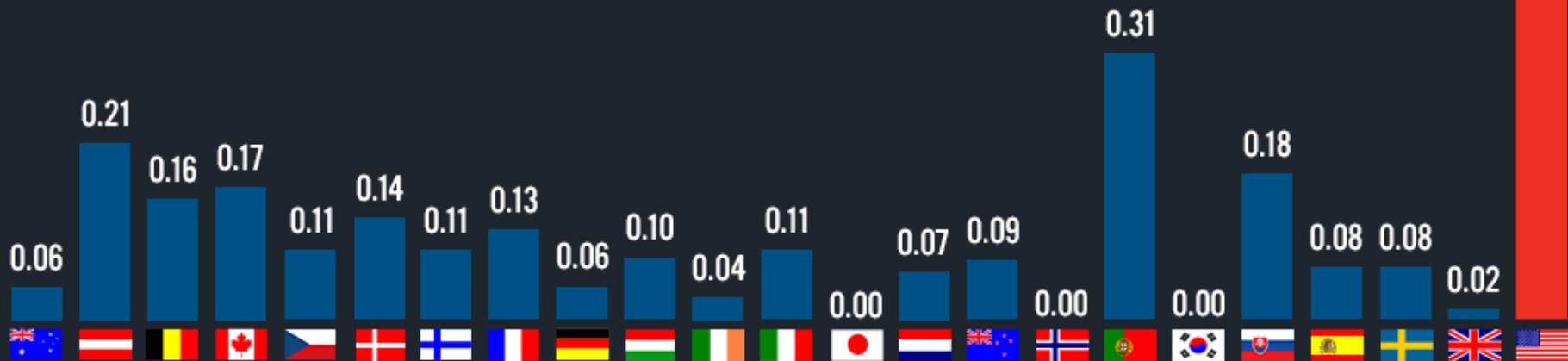
**REGIONAL DOMESTIC VIOLENCE FIREARM ENFORCEMENT UNIT**

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Sandra Shanahan, Program Manager of the Regional Domestic  
Violence Firearms Enforcement Unit

# Overview

- A look at the facts
- Brief overview of firearm laws
- History of enforcement & compliance
- Lessons learned

# AMERICA'S EXTRAORDINARY RATE OF LETHAL GUN VIOLENCE AGAINST WOMEN



FEMALE GUN HOMICIDE VICTIMS PER 100,000 FEMALE RESIDENTS

Erin Grinshteyn and David Hemenway, "Violent Death Rates: The US Compared with Other High-Income OECD Countries, 2010," American Journal of Medicine, 2015. Unpublished data on female gun homicide rate courtesy of author.



AN AMERICAN WOMAN IS SHOT BY HER PARTNER  
**EVERY 16 HOURS**

*SOURCE: Associated Press analysis of FBI and Florida state homicide reports from 2006-2014*



# Guns and DV

- An estimated 4.5 million women in the U.S. have, at one time, been threatened with a gun by an intimate partner.

# Predicting Future Violence

Domestic violence is the single greatest predictor of future criminal acts and the single greatest predictor of violent crime.

Additionally, someone convicted of domestic violence is significantly more likely to commit a future violent act than someone convicted of kidnapping or robbery.

*-Washington State Institute for Public Policy (2014)*

## Risk is High For Victims When Initially Leaving The Abuser

- A woman's risk of homicide is highest when she is trying to end the relationship. According to the highly-respected Ontario Domestic Assault Risk Assessment (ODARA), **the single most important red flag to predict a lethal response was “recent separation.”**
  - 45% of DV homicides occur within 90 days of separation, most within the first few days.

# Why Removing Firearms Matters:

- Domestic violence defendants are the most violent offenders in the criminal justice system. They are more likely to recommit violent crime at a higher level than any other offender, and are most likely to be involved in homicide.

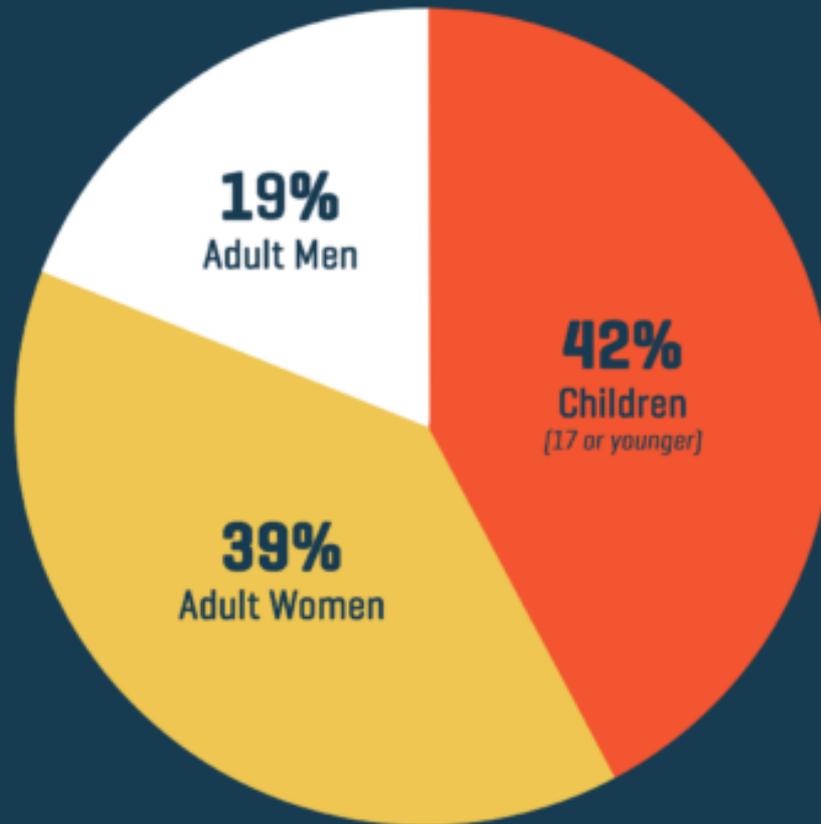
*Center for American Progress “Women Under the Gun” report*

# What Research Tells Us:

- Guns are used in fatal intimate partner violence more than any other weapon: Of all the women killed by intimate partners in the U.S. between 2001-2012, 55 percent were killed with guns.

- *Center for American Progress "Women Under the Gun" report*

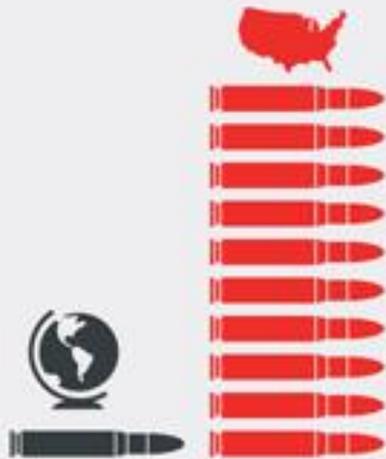
# CHILDREN ARE THE MOST COMMON VICTIMS OF DOMESTIC MASS SHOOTINGS\*



\*Defined as an incident where at least four people were killed with a gun, including the perpetrator.

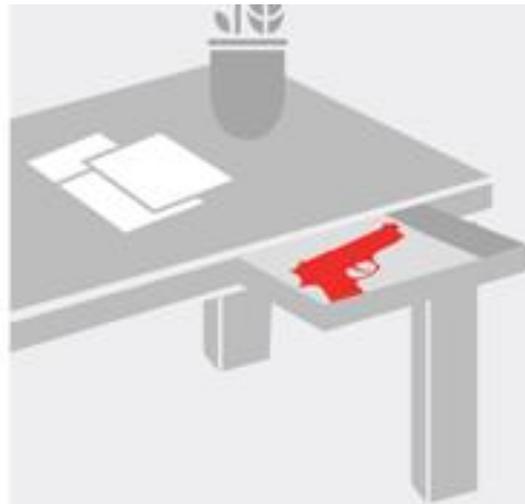
SOURCE: *Huffington Post analysis of Everytown for Gun Safety data*





**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>**

# Why an “Honor System” doesn’t work for DV and Firearms

Because an honor system is...

“A system of conduct in which participants are trusted to not take unfair advantage of others.” Princeton’s WordNet

“A system, policy or understanding based on trust and the honesty, honor or integrity of others.” Wiktionary

# DV cases are complex

- It's not the mere possession of a firearm that is concerning...
- Understanding why the other DV behavior coupled with the firearm poses such a significant risk to victims and the community:
- In DVPO petitions we often see allegations of:
  - Strangulation
  - Stalking
  - Suicidal Ideation
  - Physical Assaults
  - Court Order Violations
  - Threats to kill V and her children

# The Threat is Real:

“He said he stashed guns in his old house...in the walls.”

“I do worry that he will harm me with his gun.”

“He uses the guns he owns as a form of intimidation and has put loaded guns to mine and my children's head.”

“He is stalking and threatening me...he carries a loaded gun in his briefcase.”

\*Quotes from recently filed (King County) DVPO petitions

# Suicide by Firearm

## Gun suicides

- Firearms accounted for 47% of suicides in Washington state in 2015.
- Suicides made up 75% of firearm deaths in Washington State during the same year.

WA State Department of Health, Center for Health Statistics Death Certificate data, June 2017

# Adolescent suicide rates

- Between 2013 - 2015, 118 youth (age 17 or younger) died by suicide in Washington; 47 of these youth (40%) died from firearms. During the same period, 25 youth died by suicide in King County; 7 youth (28%) used firearms.

WA State Department of Health, Center for Health Statistics Death Certificate data, June 2017

- Adolescents with access to firearms are 2.6 times as likely to die by suicide as adolescents without access to firearms.<sup>3</sup>

Annals of Internal Medicine 2014

- A study of [adolescent suicides by firearm found that over half were carried out with guns from the adolescent's home](#). More than 75% of firearms used in suicide attempts and unintentional injuries were stored in the residence of the victim, a relative, or friend.<sup>4, 5</sup>

Arch Pediatric Adolescent Med. 1999; Journal of Adolescent Health 2008

# Suicide Risks

## **Risk Factors for Suicide**

- A combination of individual, relationship, community, and societal factors contribute to the risk of suicide. Risk factors are those characteristics associated with suicide—they might not be direct causes.

## **Risk Factors**

- Family history of suicide
- Family history of child maltreatment
- Previous suicide attempt(s)
- History of mental disorders, particularly clinical depression
- History of alcohol and substance abuse
- Feelings of hopelessness
- Impulsive or aggressive tendencies
- Cultural and religious beliefs (e.g., belief that suicide is noble resolution of a personal dilemma)
- Local epidemics of suicide
- Isolation, a feeling of being cut off from other people
- Barriers to accessing mental health treatment
- Loss (relational, social, work, or financial)
- Physical illness
- Easy access to lethal methods
- Unwillingness to seek help because of the stigma attached to mental health and substance abuse disorders or to suicidal thoughts

Source: CDC Centers for Disease Control and Prevention [www.CDC.gov/violenceprevention/suicide/riskprotectivefactors.html](http://www.CDC.gov/violenceprevention/suicide/riskprotectivefactors.html)

# In a Nutshell – this is about prevention and harm reduction

- Homicide
  - Of intimate partner
  - Of children
- Suicide
  - By abuser
  - By victim
  - Adolescents in the home
- Officer fatalities
- Community violence and mass shootings

# Smart gun laws save lives...

 **LAW CENTER TO  
PREVENT GUN VIOLENCE**  
BECAUSE SMART GUN LAWS SAVE LIVES

**AMERICANS FOR  
RESPONSIBLE  
SOLUTIONS**

**SHARE THIS**

**Year after year, our data  
shows the same thing:  
smart, comprehensive state gun  
laws lead to fewer gun deaths.**

WHAT IS YOUR STATE'S #GUNGRADE? [GunLawScorecard.org](https://www.gunlawscorecard.org)

# Washington Gun Laws- RCW

## 9.41

- Defines who cannot possess firearms:  
Prohibited persons
- Prohibited firearms (types)
- Background check requirements
- Concealed Pistol Licenses (CPL's)
- **Court Ordered- Firearms Surrender**

# Washington- Prohibited Persons

- Felony conviction
- Misdemeanor DV convictions: (A4-DV, VNCO, Coercion, Reckless Endangerment, CT1, and stalking-DV)
- Respondent/Defendant in a qualifying protection order
- Charged with a serious offense
- Under DOC supervision
- Involuntary civil commitment (14 plus days), commitment for insanity or incompetency
- Non citizen without an alien firearm license
- Minor (some exceptions for hunting and sport)
- Court order

# Federal Law

- Similar to WA: Felony convictions and also if a defendant has a qualifying misdemeanor DV conviction
- Subject to a qualifying protection order
- HOW FEDERAL LAW IS DIFFERENT
- Under federal indictment
- Fugitive from justice
- Unlawful drug use/ addict
- Dishonorably discharged from the military
- Denounced citizenship

\*This is just a brief overview

# Federal Law

- Since 1996, Federal law has prohibited persons from possessing guns if they are under a final protective order for domestic abuse or have been convicted of misdemeanor or felony domestic violence.
- But it doesn't require firearms already owned to be turned in or provide a mechanism for law enforcement to remove firearms in the abuser's possession or control.
- And it doesn't include abusers subject to temporary DV orders. These orders are often the first step in the DV protective order process, reflecting the immediate danger the victim faces.

# Firearms Surrender Law

- Before 2014, if a victim obtained a DVPO and sought an order to surrender weapons there was no authority under State law to enforce those surrender orders.
  - Therefore, very few victims asked for this type of relief
- Default to federal law prohibitions for qualifying orders but limited enforcement

# What is WA's Firearm Surrender Law (ESHB 1840)

- In 2014, the Washington State Legislature *unanimously* passed ESHB 1840 - codified as RCW 9.41.800 et seq. –
- It includes temporary orders.
- It requires firearms to be *immediately* turned in.
- It requires proof of surrender to be filed with the court.
- Failure to comply = crime.

Critical note: The law is not just about surrendering firearms. It also **PROHIBITS** those subject to qualifying protection orders from purchasing or possessing firearms or a CPL. This is important in all DV cases because of the heightened risk.

# Understanding of Lethality Risk Resulted in State Legislative Response - HB 1840

- Intended to reduce risk to victims and their families when they come to court to request protection from harm.
- **Made illegal the possession of firearms and concealed pistol licenses for those subject to a protective, no contact, restraining order.**
- Recognized heightened risk at time of initial separation – added prohibition for temporary orders.
  - Called: “Order to Surrender Weapon Issued without Notice”
- Gave courts new authority.

## The Law in Washington State - 1840

When entering a qualifying order the court must:

- Require the **respondent to surrender any firearm or other dangerous weapon and concealed pistol license** immediately;
- **Prohibit** the respondent from obtaining or **possessing a firearm or CPL**; and
- Ensure the **respondent provides proof of surrender or declaration of non-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
- 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
  
- Extreme Risk Protection Orders (new December 2016) falls under a different statute

**Orders to Surrender Weapons (OTSWs) are mandatory or discretionary on all of these orders except VAPOs.**

# Mandatory vs. Discretionary

Relationship Type	Mandatory Surrender	Discretionary Surrender
Spouse or former spouse/dp	X	
Parent of a common child	X	
Current or former cohabitant as part of dating relationship	X	
Current or former dating relationship	“boyfriend loophole”	X
Stepparent or stepchild		X
Current or former cohabitant as roommate		X
In-law		X
Parent or child		X
Blood relation other than parent or child		X

## How is enforcement measured ?

- Immediately surrender firearms, deadly weapons (as designated in the OTSW) or CPLs
- File proof within 5 days:
  - Declaration of non-surrender
  - Proof of Surrender and receipt

In early 2016, King County Superior Court established a Compliance Review Calendar. All civil OTSWS are set on this calendar.

# Declaration of Non-Surrender

I understand that the court has ordered me to surrender any firearms, other dangerous weapons, or concealed pistol license that I own or have in my possession or control. I have not surrendered any firearms, other dangerous weapons, or concealed pistol license pursuant to that order because I do not have any of those items.

I understand that I am prohibited from obtaining or possessing a firearm or other dangerous weapon or concealed pistol license until further order of the court.

I certify, under penalty of perjury under the laws of the State of Washington, that this statement is true and correct.

Dated: \_\_\_\_\_ at (place) \_\_\_\_\_, Washington.



\_\_\_\_\_  
Signature of Restrained Person

\_\_\_\_\_  
Print name

**Warning! Failure to comply with an Order to Surrender Weapons issued in this case number could result in the restrained person being found in contempt of court and/or being charged with a misdemeanor or felony, and punished accordingly. RCW 9.41.040(2) and RCW 9.41.810.**

# When is a DNS appropriate?

- If respondent does not possess, own or have control over any firearms, dangerous weapons or a concealed pistol license

When a DNS is not appropriate:

- If respondent has surrendered firearms at time of service or firearms were removed by law enforcement as a community care-taking function or as a result of an incident
- If respondent has purchase history
- If there is an active CPL in their name, even if they don't possess it
- If they have "given" or sold firearms to family members or friends at the time the order was entered

# Proof of Surrender

The court has ordered me to surrender any and all firearms and other dangerous weapons that I own or have in my possession or control, and any concealed pistol license.

On (date) \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.  
I surrendered the firearms, other dangerous weapons, and concealed pistol license to:

the \_\_\_\_\_  County Sheriff  City/Town Police chief.

☛ I have attached a copy of the law enforcement receipt.

my attorney, name: \_\_\_\_\_ WSBA No. \_\_\_\_\_.

name: \_\_\_\_\_ .

Relationship to me: \_\_\_\_\_.

☛ I have attached a copy of the **Receipt for Surrendered Weapons and Concealed Pistol License** form or other form approved by the court.

I certify, under penalty of perjury under the law of the State of Washington, that this statement is true and correct.

Dated: \_\_\_\_\_ at \_\_\_\_\_, Washington.

➤ \_\_\_\_\_  
Signature of Restrained Person

\_\_\_\_\_   
Print name

# When is a POS appropriate?

- When the respondent possesses firearms, other dangerous weapons (named in the OTSW order and ordered to be surrendered) or there is a CPL in the respondent's name
- Any time a firearm has been surrendered or removed by law enforcement at time of service or as result of the incident
- When a firearm has been gifted to a family member (prior to the entry of the court order)
- When a firearm has been sold to a non-family member (prior to the entry of the court order)
- Respondent **MUST** not gift or sell firearms if the court order requires them to surrender them to law enforcement
  - All sales must be compliant with HB 594

# Lessons Learned

- **Some Respondents are confused** (video in development)
  - Need clear instructions and forms
    - Cannot possess, purchase, own or have access
    - “lie and try” cases
  - For those that aren’t - need **swift consequences for non-compliance**
- If there are firearms: **upfront and quick response is critical**
  - Can’t do this retroactively or months after TPO is entered
  - Need to conduct investigations to know what people possess
    - **Solid follow up is needed – by LE and new Unit**
- All practitioners and system players need to learn more about RCW 9.41, firearms and CPLs – cannot approach these cases without basic knowledge of firearms and how CPLs work and don’t work
- **Need proactive policing, court inquiry and swift consequences for non-compliance – these are works in progress**

# Challenges

- **Prior to new Unit, no dedicated resources to enforce the law**
  - And no standardized best practices of how to carry out enforcement and compliance
- **No exhaustive way to know what people actually possess**
- There are loopholes with CPLs
- Some victims know about the guns but many do not or don't know the extent of the collection
  - Can be scary for victims to come forward for fear of retaliation
- **Need “fresh” intel for search warrants**
- Abusers are a category of people who tend to think they are **“above the law” or the “rules don't apply to them”**
  - This attitude is ripe for non-compliance

# Success requires a “sea change”

- **Need to invest in infrastructure**
  - There is very little existing infrastructure to do this work easily – no real-time data sharing, no registries to work from, no standardized practices around removal of firearms from those who are prohibited, and until now – no dedicated resources
- **This effort requires**
  - Reasonable multi-system reform efforts
  - Relationship and coalition building
  - Focus on survivor, abuser, law enforcement and community safety
  - Commitment to prevention and harm reduction
    - No more “learned helplessness”
    - No more “honor system”

# Changes in WA law Continues 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: "Lie and Try"** requires dealers to notify law enforcement when prohibited possessor attempts to purchase firearms.

## New task force seizes guns from accused domestic abusers



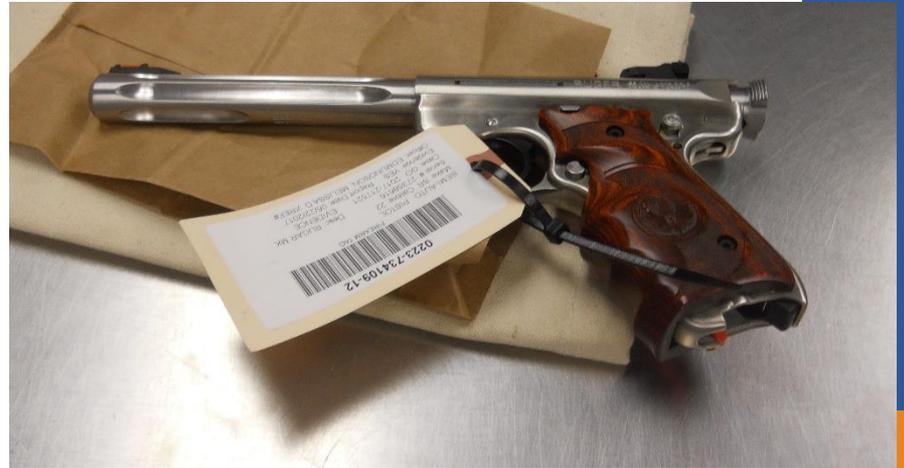
KING 5 Investigator Chris Ingalls reports.

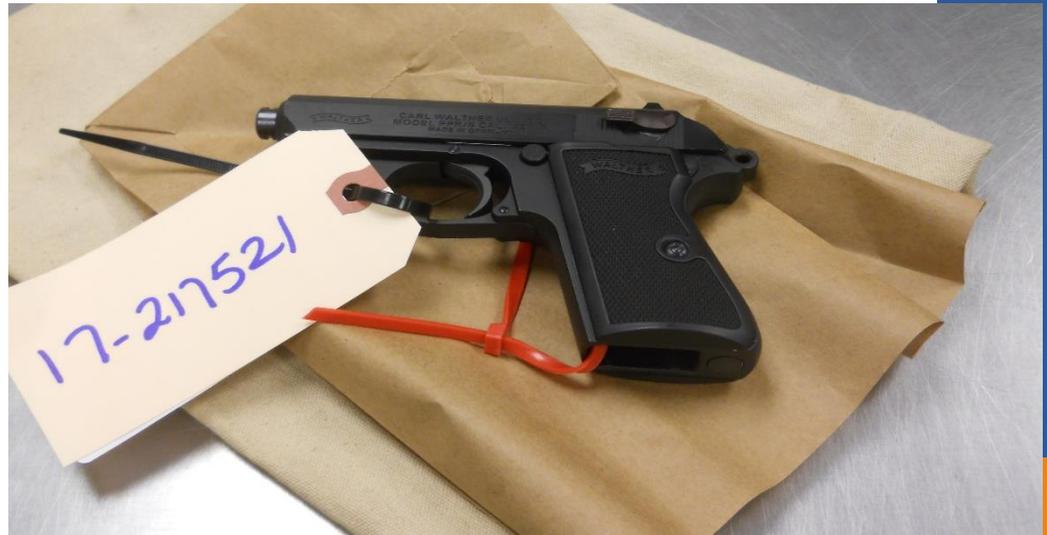
**“A year ago, none of these guns would have been recovered. We would never have done the search warrant. We would never have even looked to see if a weapons surrender order had been issued,” Kim said.**

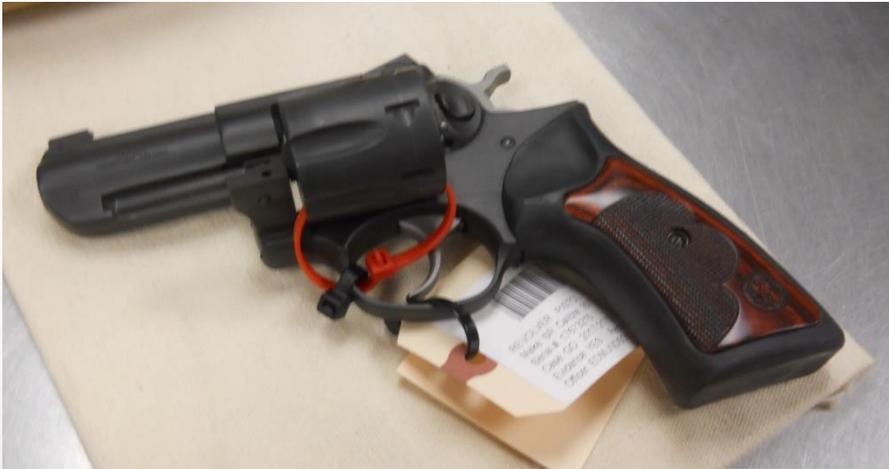
# First 90 days















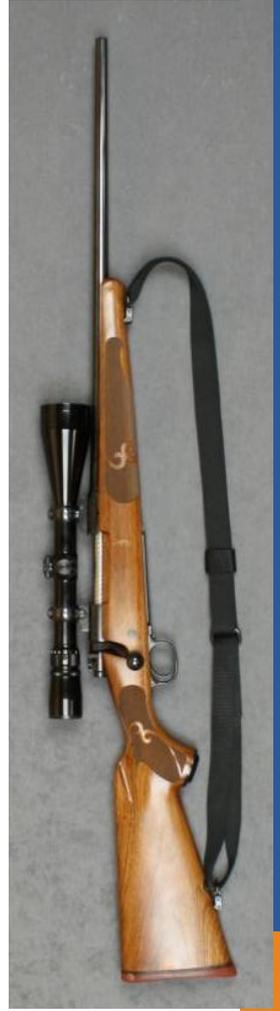






















# Success Stories

- Increase in removal of firearms at time of ex parte order
- Increase in overall rates of respondent compliance with OTSW
- Search warrants
- Criminal Charges
- Follow up with victims by our DV Surrender Coordinators – safety planning and triaging removal
- Consult with LE on the scene and during investigations on firearms cases and ERPOs
- Receiving “Lie and Try” information and developing protocols to intervene and charge
- Advocate will soon be available to assist on civil order cases involving firearms
- Court order problem solver in process of being hired will help law enforcement and courts address problematic court orders

# To learn more...

- NYT series

<https://www.nytimes.com/interactive/2017/12/19/opinion/restraining-order-guns.html>

- Trace
- King 5
- Komo
- Bar Bulletin
- Videos about Unit

# Thank you!

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