

Thurston County Domestic Violence and Sexual Assault Task Force: Best Practices Conference

October 26, 2018

Tumwater, WA

Regional Domestic Violence Firearms Enforcement Unit

Divina Agbisit, Court Order Problem Solver

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Universal problem

Like most regions in Washington State when ESHB 1840 passed KC had:

- No infrastructure to carry out the law
- No funding = no staffing resources
- No infrastructure build out
- No integrated systems
- No new capacity
- No best practice protocols

Once OTSWs started to be entered:

- No mechanisms, infrastructure or best practices to:
 - Safely remove firearms at time of service
 - No one to verify if respondents actually complied
 - No one to verify that what respondents submitted to the court was actually accurate
 - No one to follow up if respondents ignored the order altogether or lied about possessing a firearm

Search for solutions

- Needed:
 - To know the depth of the problem – importance of data
 - champion/s to bring the issue to the forefront
 - Formal systems' review
- Development of workgroups:
 - Multi-disciplinary, regional
 - Goals:
 - Understand any and all barriers to fully implementing the law
 - What it would take to fully implement the law and anticipate needs for Initiative 1491 if it passed (Extreme Risk Protection Orders)
 - Critical key to success:
 - NO issue was off the table
- Recommendation:
 - Adoption of research-based best practices for LE
 - Creation of an inter-jurisdictional, interagency Unit with specialized personnel

Who We are

Regional Domestic Violence Firearms Enforcement Unit

- Funded By the City of Seattle and King County
- Unit began on January 1, 2018

Risk-based, Inter-jurisdictional, inter-disciplinary Unit comprised of:

- Court Coordinator
- 3 Firearm Prosecutors
- Court Orders Problem-Solver
- Law Enforcement Detectives/Officers (plus SPD-SCAO Liaison Officers)
- DV-Firearms Advocate
- Paralegal
- Law enforcement based Data Technician
- Program Manager
- 2 Unit Co-Chairs

Mission:

Reduce gun violence and increase victim and community safety through regional collaboration and proactive enforcement of firearm laws.

Goal: Prevention and harm reduction

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

Guiding Principles

- Heightened risk requires immediacy
- Limit access to lethal means (whenever lawfully possibly)
- Promote a culture of compliance – “Messages Matter!”
- Court orders must be fully enforced

Sample ERPO Cases to date

Defendant arrested for DUI. During the arrest, the defendant made reference to school shootings and was making suicidal statements

18 year old student brought a loaded gun to school in his backpack

Defendant arrested for threats to bomb and A4-DV: LE took 30 plus firearms into evidence

Child luring investigation, stalking of a local dentist, and respondent doing a citizen's arrest on a stranger

Defendant discharging a firearm in a busy populated area (shooting into the sky)

Unit Advocate Perspective

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.
- 75% of DV homicides occur in the first 6 months.

Early Coordination – Proactive Approach

- Pilot program vs. Current Practice
- Thorough information upfront + immediate coordination = more voluntary compliance with surrendering firearms

Why Advocates

- Trauma informed interviewing
- Holistic approach and referrals
- Integrate safety planning and DV education
- Informed consent on sharing information
- Risk assessment, triage, advocate!
- Victim centered approach

Firearm Coordinator Role

Screen all King County Protection Orders

- Order to surrender weapon entered
- Screen for firearm information
- DOL Purchase history/CPL check
- Outreach to victim/ firearm interview
- Coordinate with law enforcement, civil and criminal courts, DOC
- Staff with team of advocates, prosecutors, law enforcement to determine intervention strategy
- Victim Notification

Firearm Coordinator Role

Referrals from criminal case advocates, attorneys,
DOC

- Building relationships with criminal and community based advocates
- Opportunity to strategize intervention in advance
- Criminal DV cases: immediate coordination while defendant in custody

SAFETY PLANNING WITH FIREARMS

Tool From National Coalition Against Domestic Violence

<http://www.thehotline.org/2016/03/03/safety-planning-around-guns-and-firearms/>

Success Stories

- CASE EXAMPLE 1: Order to Surrender Without Notice with voluntary surrender upon service of PO
- CASE EXAMPLE 2: Firearms Surrendered by Victim After Arrest
- CASE EXAMPLE 3: Respondent Lied in Court

Unit Law Enforcement Perspective

Results of immediacy



Results of immediacy



Respondent Video



Firearms Surrender Video.mp4

Increasing access to information helps to promote a culture of compliance AND procedural justice

Court Order Problem Solver

Unit Prosecutor Perspective

OBSTACLES

- Second Amendment
- Article 1, Section 24
- Fourth Amendment
- Article 1, Section 7
- Civil Calendar—Prosecutor is not a party

Why Bother?

- Domestic Violence victims are **5 times** more likely to be killed if their abuser has access to a gun.
- A woman's risk of homicide is highest when she is trying to end the relationship. According to the 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.
- One of the most effective interventions is removing guns from known domestic abusers.
- Research indicates a lack of a “substitution effect” – abusers do not use alternative weapons to kill when they do not have access to guns.

Why Bother?

- 2016 (Prior to Creation of DV Firearm Unit):

 - 124 firearms surrendered/recovered in King County

- 2018: (Unit began operations January 1, 2018)

 - 361 firearms surrendered/recovered in King County through mid-September

Overcoming the Obstacles

- Have to be creative
- Have to recognize that what we're seeking to obtain—firearms—are constitutionally protected and are going to be located in constitutionally protected places (e.g. homes, businesses, vehicles, persons, etc.)
- Have to bear in mind that it's more important to recover the firearms than it is to develop a criminal case for charging

Overcoming the Obstacles

- How do we get the guns?
 - Is there enough for a search warrant?
 - Does an exception to the warrant requirement apply?
 - Consent?
 - Community Caretaking?
 - Is there a family member or friend willing to assist/give information?

- How does a prosecutor get in the courtroom on matters to which he/she is not a party (e.g. civil protection order and firearm review calendars)?
 - Will your court grant a general order allowing you to appear as amicus?

Questions?

Media Coverage of Unit's work

- <https://www.nytimes.com/interactive/2017/12/19/opinion/restraining-order-guns.html> Dec. 19, 2017
- [Gun seizure team reducing the risks of school shootings](#) July 20, 2018
- <https://www.npr.org/2018/01/26/580143957/what-it-takes-to-get-guns-out-of-the-wrong-hands> - Jan 26, 2018
- <http://komonews.com/news/local/king-co-task-force-takes-away-134-guns-from-domestic-violence-suspects-in-just-3-months> - Jan 24, 2018
- <https://www.seattletimes.com/opinion/editorials/new-seattle-king-county-task-force-makes-gun-laws-work/> - March 4, 2018
- <https://www.csmonitor.com/USA/2018/0227/Protection-orders-get-a-closer-look-in-fight-against-gun-deaths> - Feb 27, 2018
- <https://www.kiro7.com/news/local/ellies-place-new-county-center-will-tackle-abuse-and-guns/705655883> - Feb 23, 2018
- <http://www.king5.com/article/news/local/new-rapid-response-team-disarms-accused-abusers/281-515919133> - Feb 7, 2018

Thank you & Contact us!

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