



REGIONAL DOMESTIC VIOLENCE FIREARMS ENFORCEMENT UNIT
Reducing Harm through More Effective Enforcement of Firearms Laws

Background: The Need for a New Approach

Research on Interpersonal and Self-Directed Firearms Violence

Women in the United States (U.S.) are 11 times more likely to be murdered with a firearm than women in other high-income countries. In fact, in the U.S., a woman is fatally shot by her partner every 16 hours. Just the presence of a gun in a domestic violence situation means the victim is five times more likely to be murdered. There are times when these risks are even higher for victims and families. The single most important red flag to predict a lethal response from a partner is recent separation, with 45 percent of domestic violence homicides occurring within 90 days of separation, most within the first few days. In addition to increased homicide risks, batterers also employ guns as tools of terror and intimidation against their partners and children. An estimated 4.5 million women in the U.S. have been threatened with a gun by an intimate partner. The negative consequences of these actions impact more than just their intended victims, they are also felt by the children who see, hear, or are otherwise affected by the abuse.

Victims of domestic violence often seek civil protection orders to increase their safety. Because of the known dangers associated with a violent intimate partner having access to a firearm, federal statutes and the statutes of many states authorize or require that persons under certain types of protection and no contact orders be prohibited from access to firearms. Enforcing court orders that prohibit abusers from possessing firearms is one of the most important ways to significantly enhance the safety of domestic violence victims and their families. In Washington State, 54 percent of domestic violence homicides between 2006 and 2015 were committed by a defendant **who had previously been ordered to surrender firearms**, but those orders had not been enforced. For more than 15 years, the Washington State Domestic Violence Fatality Review Board has recommended removal of firearms from abusers as a priority to reduce domestic violence homicide.

Moreover, a 2014 Washington State Institute of Public Policy study found that the risk of harm from access to firearms extends beyond intimate partners; domestic violence is the single greatest predictor of future criminal acts and the single greatest predictor of future violent crime of any kind. Additionally, domestic violence calls lead to more police fatalities than any other type of law enforcement response.



Access to firearms is also associated with an increase in suicide risk. Suicide accounts for nearly two-thirds of all gun deaths in the U.S., and guns are used in over half of all suicide deaths. About 85% of attempts with a firearm are fatal: which is a much higher case fatality rate than nearly every other method. Adolescents with access to firearms are nearly three times as likely to commit suicide.

Access to firearms can also pose a danger to self or others when persons experience an acute crisis involving acts or threats of violence, sometimes along with the abuse of drugs or alcohol. Such individuals often exhibit signs that alert family, household members, or law enforcement to the threat. Many mass shooters had a history of domestic violence or displayed these other kinds of warning signs prior to committing gun violence.

Federal and State Laws Designed to Address These Risks

Since the mid-1990s, federal law has barred certain categories of people from possessing weapons, including felons, persons who have been convicted of a domestic violence offense, and persons subject to certain restraining orders, among other prohibitors. However, those persons were not necessarily barred under state law. While federal law clearly recognizes the heightened risk domestic abusers pose, it does not prohibit persons with temporary protection orders issued against them from possessing firearms (temporary orders are often issued because the court finds the risk is too great to wait until a hearing occurs). Nor does federal law require firearms to be relinquished, meaning that even though abusers are prohibited from purchasing other firearms, there is no mechanism to remove the firearms they already own.

To address these gaps, in 2014, the Washington State Legislature unanimously adopted ESHB 1840, a firearms relinquishment law. The law authorizes courts to issue “Orders to Surrender Weapons” when protection orders (Domestic Violence Protection Orders, Sexual Assault Protection Orders, and other types of protection orders) are issued. These orders prohibit ownership and access to firearms, prohibit purchase of additional firearms, and require the relinquishment of any and all firearms currently possessed by the respondent (and any Concealed Pistol License (CPL), if it exists). The firearm prohibition can also apply to temporary protection orders.

In 2015, the legislature passed SB 5381, which requires all law enforcement agencies to develop policies for storing surrendered firearms and procedures for notifying family members when firearms are being returned. The law also requires procedures for checking various databases to verify that the person



requesting return of a surrendered firearm is eligible to possess them. In 2016, the legislature passed HB 1501 regarding actions law enforcement must take when they become aware, through a failed background check, that a person prohibited from possessing firearms has attempted to purchase firearms.

In 2016, Washington voters adopted the Extreme Risk Protection Order (ERPO) law, which is designed to temporarily prevent individuals who are at high risk of harming themselves or others from accessing firearms by allowing family, household members, or police to petition a court for an order that requires the person to surrender any firearms currently possessed and prohibits the person from purchasing or obtaining additional firearms. This order may be granted when there is demonstrated evidence that the person poses a significant danger to self or others, including danger because of a dangerous mental health crisis or violent behavior, such as threats to commit suicide or to kill or harm others at a school, place of worship, or business. Prior to this ERPO law, if individuals displayed warning signs of possibly harming themselves or others, their family and law enforcement had no legal authority to address the risk caused by access to firearms without asking that the person be arrested or hospitalized, which is not always the best option, and often only possible **after** the crisis became a tragedy.

These laws provided new, critically important legal authority for courts, prosecutors and law enforcement, but were not leading to significant results because they functioned largely on an honor system. While it was tremendously important that the laws were passed, even the best laws do little to protect victims without full enforcement and a clear delineation of who is responsible for that enforcement. A region-wide systems review conducted in 2016-2017 identified the need for a clear point of responsibility for enforcing the laws and made recommendations for resources, capacity, updated systems, practices, policies, and training to ensure the laws would be effectively enforced within and across jurisdictions (many cases involve parties living in different jurisdictions).

The systems review noted that these orders may be issued by Judges or Commissioners in Washington State's Superior Courts, District Courts, or Municipal Courts, on many types of criminal and civil calendars. In King County, there are 39 different law enforcement agencies to which the courts may direct the responsibility for service of these orders. These 39 agencies vary significantly in size, budget, training and resources. The laws did not provide for funding of staff or technology, nor designate a point of accountability with authority to direct a complicated, multi-party, multi-jurisdictional, often fragmented system to ensure that there is compliance.



Interviews with law enforcement agencies in the region and a review of their policies, as well as limited available court data, showed that service and enforcement of the orders was not prioritized based on risk. Law enforcement policies also did not direct that officers uniformly remove firearms when lawfully possible from 911 domestic violence response scenes or from restrained parties when these types of court orders were served. Also, little tracking was being done to monitor what firearms were surrendered, whether all that were ordered surrendered were in fact surrendered, and how long it took for the firearms to actually be surrendered. This lack of data inhibited the ability to measure or evaluate whether victim and community safety were being improved.

As part of this systems review, model policy and a risk assessment tool for law enforcement were developed and many operational improvements were designed. The creation of a new unit was recommended to strengthen the ways law enforcement, courts, prosecutors, advocates and the community could work together across agencies and across jurisdictions to keep firearms out of the hands of individuals presenting the greatest risks of harm to themselves, their families, their communities, and law enforcement. The recommended reforms were adopted by elected officials in King County and the City of Seattle, funding was authorized, and a multi-year memorandum of understanding was entered. As a result, the Regional Domestic Violence Firearms Enforcement Unit (RDVFEU) was created and officially launched on January 1, 2018.

Solution: The Regional Domestic Violence Firearms Enforcement Unit

The mission of the RDVFEU is to reduce gun violence and increase victim and community safety. This is done through regional collaboration and proactive enforcement to more effectively implement and enforce the State's firearms relinquishment and ERPO laws described above.

Using a risk reduction approach, RDVFEU proactively assists with the service of court orders and helps ensure the *immediate* removal of firearms based on those orders. The Unit helps petitioners and families, and provides additional information about firearm concerns to the court in various types of hearings, including protection order proceedings (civil proceedings where the petitioner is often on her or his own, or where the respondent may be providing conflicting information and the court does not have third parties providing a more complete record). The Unit helps respondents who want to better understand how to comply with the court's order, and is responsible for follow up investigation and prosecution of those who fail to comply with the court's order or who otherwise possess firearms unlawfully. The Unit is also leading efforts to provide model policies and best practices training for law enforcement and courts.



The Unit, the first of its kind in the nation, is multi-disciplinary, multi-jurisdictional, and knits together the civil and criminal systems. It includes three dedicated Firearms Prosecutors, a Firearms Advocate (to assist families and victims), a Court Orders Problem-Solver (to help law enforcement quickly resolve any issues on orders so that they can be quickly served and enforced), a Firearms Court Coordinator (whose role it is to gather additional information to help ensure the court has a more comprehensive record, coordinate with victims and law enforcement, and assist with verifying compliance), a Paralegal, a Data Technician, and a Program Manager. These positions were strategically developed and scoped to address the most critical system gaps. They work together with assigned law enforcement Sergeants and Detectives from the King County Sheriff's Office (KCSO) and Seattle Police Department (SPD), operating as a unified team. While the King County Prosecutor's Office, Seattle City Attorney's Office, KCSO, and SPD are the initial partner agencies, the RDVFEU supports all law enforcement agencies in the county, with cases prioritized based on risk, not on jurisdiction.

Initial Results

The Unit established a new protocol with the King County Superior Court Department of Judicial Administration to receive all Superior Court Orders to Surrender Weapons (OTSWs) and Extreme Risk Protection Orders (ERPOs) within 24 hours of them being entered. This case information allows the Unit to immediately reach out to the victim, run purchase history, and dispatch Unit Detectives to remove firearms, as indicated or able based on the court order. In its initial six months of operation in 2018, the Unit assessed and researched almost 500 cases where OTSWs had been issued by courts to prohibit future purchase and require relinquishment, and successfully removed 232 firearms. By comparison, a total of only 124 firearms were turned in during all of 2016. The Unit also assisted in the voluntary relinquishment of additional firearms, as well as the removal of firearms through almost 50 ERPOs in that time period.

The Unit's "Court Orders Problem-Solver" initiated work with law enforcement and the courts to help address and rectify situations where a court order, because of a flaw, was not able to be entered into Washington State's Crime Information Center database (WACIC), was not served on the respondent, or was unable to be enforced. This is a significant step forward in addressing a decades-old problem that had been highlighted by every law enforcement agency interviewed by the system reform work group. Previously, there was no way for law enforcement to quickly and easily get needed technical corrections made; flawed court orders would simply go un-served and therefore un-enforced, potentially putting victims at greater risk.



The Unit also worked with both the King and Snohomish County Sheriffs and Police Chiefs Associations to adopt the Model Policy and is working with individual law enforcement agencies and the Washington State Criminal Justice Training Commission to update agency, Academy and In-Service training curricula and testing.

Across the country, others are recognizing the importance of adopting these kinds of statutory and system reforms. In the spring of 2018, the American Medical Association recommended: support for laws prohibiting individuals who are under domestic violence restraining orders or who are convicted of a misdemeanor domestic violence crime or stalking, from possessing or purchasing firearms; requiring that domestic violence restraining orders and gun violence restraining orders be entered into the National Instant Criminal Background Check System; and allowing family members, partners, and law enforcement officials to petition courts for gun removal from individuals considered at high risk for violence.

The Police Executive Research Forum (PERF) also advocated in the spring of 2018 for: the enactment and utilization of ERPO laws (because these situations also pose significant risks for law enforcement); the enactment and enforcement of laws that provide for the immediate surrender of firearms upon conviction of domestic violence offenses or other disqualifying events under federal law; the creation and training of specialized units to enforce protection orders and remove firearms from these offenders; and the development and use of lethality assessment tools for officers responding to the scene of a domestic violence incident to help determine if the victim is at an increased risk of being killed in a subsequent incident.

It is important to note as we move forward, that many of our national, state and local systems and laws, were developed **before** we learned about the risks posed when domestic violence abusers or those who are in crisis have access to firearms (particularly in times of heightened volatility). Adopting laws and instituting practices (such as the Regional Domestic Violence Firearms Enforcement Unit) that are grounded in the research, based on harm reduction and risk prevention, and enable inter-jurisdictional, inter-agency collaboration to help keep guns out of the hands of the most dangerous, will help all of us to better protect victims, their families, our communities and law enforcement.