



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

August 21, 2018

### Motion 15202

**Proposed No.** 2018-0296.1

**Sponsors** Dembowski

1           A MOTION acknowledging receipt of the Regional  
2           Domestic Violence Firearm Enforcement Unit Report in  
3           compliance with the 2017-2018 Biennial Budget  
4           Ordinance, Ordinance 18409, Section 13, as amended by  
5           Ordinance 18602, Section 15, Proviso P1.

6           WHEREAS, the 2017-2018 Biennial Budget Ordinance, 18409, Section 13, as  
7           amended by Ordinance 18602, Section 15, appropriated moneys to the prosecuting  
8           attorney fund and included Proviso P1, requiring the prosecuting attorney to transmit a  
9           report on the weapons that were surrendered or confiscated pursuant to court orders to  
10          surrender weapons and a motion that should acknowledge receipt of the report by August  
11          1, 2018, and

12          WHEREAS, court orders to surrender weapons are usually issued to domestic  
13          violence offenders, sexual assault offenders, and individuals who are at high risk of  
14          harming themselves or others, and

15          WHEREAS the prosecuting attorney's office developed the report in consultation  
16          with the King County sheriff's office, the Seattle Police Department, the Washington  
17          Association of Sheriffs and Police Chiefs (WASPC), the King County department of  
18          judicial administration and other individual law enforcement and criminal justice  
19          stakeholders;

20           NOW, THEREFORE, BE IT MOVED by the Council of King County:  
21           Receipt of the Regional Domestic Violence Firearm Enforcement Unit Report,  
22   Attachment A to this motion, in compliance with the 2017-2018 Biennial Budget

23 Ordinance, Ordinance 18409, Section 13, as amended by Ordinance 18602, Section 15,  
24 Proviso P1, is hereby acknowledged.  
25

Motion 15202 was introduced on 7/2/2018 and passed by the Metropolitan King County Council on 8/20/2018, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,  
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles  
and Ms. Balducci

No: 0

Excused: 0



KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

A handwritten signature in blue ink, appearing to read "Joseph McDermott", written over a horizontal line.

J. Joseph McDermott, Chair

ATTEST:

A handwritten signature in blue ink, appearing to read "Melani Pedroza", written over a horizontal line.

Melani Pedroza, Clerk of the Council

**Attachments:** A. Regional Domestic Violence Firearm Enforcement Unit Report

# ATTACHMENT A

# Regional Domestic Violence Firearm Enforcement Unit Report

## Executive Summary

Recognizing that one of the most important ways to significantly enhance the safety of domestic violence victims and their families is by enforcing laws that prohibit abusers from possessing firearms, Judge Anne Levinson (ret.) was asked by King County and City of Seattle officials in 2016 to lead an assessment of system reforms needed to more effectively implement these laws in our region. She convened several multi-disciplinary regional work groups that in 2017 recommended the adoption of, 1) research-based best practices for law enforcement and; 2) the creation of an inter-jurisdictional, inter-agency unit with specialized personnel. King County and the City of Seattle adopted the recommendations and on January 1, 2018, the new Regional Domestic Violence Firearms Enforcement Unit (“Unit”) was launched. Designed and staffed to implement and enforce the relinquishment of firearms from those prohibited from possessing them (based on civil and criminal court orders), the Unit removed 181 firearms in its first four months of existence. By comparison, in 2016, before the work groups piloted this new approach, a total of only 124 firearms were turned in during that entire year. Investment in this Unit demonstrates King County’s commitment to taking proactive steps to reducing gun violence and saving lives.

## Summary of Important Unit Metrics

<b>Between January 1, 2018 and April 30, 2018</b>	
<b>Measure 1:</b> Number of Orders to Surrender Weapons Issued*	283
<b>Measure 2:</b> Number of Orders to Surrender Weapons served by Unit Detectives	83
<b>Measure 3 and 4:</b> Number of firearms removed by Unit Detectives based on court orders**	181
<b>Measure 5:</b> Assessment of the Effectiveness of Court Orders	Please see page 7 of proviso report

\*This number only includes civil Orders to Surrender Weapons issued by King County Superior Court. There is no existing data system that captures the total number of civil and criminal Orders to Surrender Weapons issued by all King County Courts – (Municipal, District and Superior Courts).

\*\*Unit Detectives removed 181 firearms. Seattle Police Department indicated that 278 other firearms were taken into their Property Management Unit during this same time period as a result of criminal cases or restrained persons turning their firearms in as a result of a court order.

<b>Between January 1, 2018 and April 30, 2018</b>	
Number of Unit Prosecutor assisted Law Enforcement-initiated ERPOs	32
Number of cases Unit Advocate and Unit Court Coordinator assessed and researched for Firearms and Concealed Pistol Licenses (includes reviewing the civil order petition, running firearm purchase history and CPL status, etc.)	316
Number of cases assessed as "Firearms positive"	149 (47%)
Number of cases assessed as "Firearms negative"	167 (53%)
Number of victims who successfully received outreach, firearm interview, safety planning and resource referral*	107

\* Attempts were made to do outreach to all victims on "Firearm positive" cases.

### **Background – The need for a new approach**

Firearms in the hands of domestic violence (DV) offenders are a deadly combination – not just for survivors and their families, but also for law enforcement, the community and offenders themselves (risk of suicide). In the United States, a woman is fatally shot by her partner every 16 hours<sup>i</sup>, and when a gun is present in a domestic violence situation, a woman is five times more likely to be murdered<sup>ii</sup>. Although not causal, a history of domestic or family violence has been found in the backgrounds of several mass shooters<sup>iii</sup>.

Firearms are used extensively by domestic violence offenders as tools of intimidation and coercion against both their partners and their children. An estimated 4.5 million women in the U.S. have, at one time, been threatened with a gun by an intimate partner<sup>iv</sup>. This type of exposure to gun violence negatively impacts the well-being of children in addition to posing threats to the larger community, including law enforcement. Because research has shown that these risks are highest when a victim indicates that she is leaving the relationship<sup>v</sup> (which may occur at the time of a 911 call or when a protection order is served) removing firearms swiftly and at those points of heightened volatility should be a priority.

The research is also clear, that laws prohibiting Respondents to Domestic Violence Protection Orders from purchasing and possessing firearms are associated with reductions in intimate partner homicide, and that when there is actual enforcement of these orders; the rates of homicide are reduced even further<sup>vi</sup>. In more than half of the domestic violence homicides involving firearms in Washington State between 2006 and 2015, the DV offender had already been prohibited from possessing firearms, but enforcement had not occurred<sup>vii</sup>.

Domestic Violence is one type of dangerous behavior that research tells us is an indicator an individual is more likely than others to commit violence again in the future. These behaviors can also include other acts or threats of violence, self-harm, or the abuse of drugs or alcohol. Individuals who pose a danger to themselves or others often exhibit signs that alert family,

household members, or law enforcement to the threat. Many mass shooters displayed these kinds of warning signs prior to committing gun violence.

Because state laws provided no clear legal process to suspend access to guns, even temporarily, in 2014 the Washington State Legislature unanimously adopted a protection orders (domestic violence protection orders, sexual assault protection orders, etc.) firearms relinquishment law (RCW 9.41) to require relinquishment of firearms offenders already have, in addition to prohibiting additional purchase of firearms. Then in 2016, the voters adopted the Extreme Risk Protection Order law (RCW 9.41), designed to temporarily prevent individuals who are at high risk of harming themselves, or others, from accessing firearms by allowing family, household members, and police to obtain a different type of court order when there is demonstrated evidence that the person poses a significant danger, including danger as a result of a dangerous mental health crisis or violent behavior.<sup>1</sup>

These laws provided new, critically important legal authority for courts, prosecutors and law enforcement, but the resources, capacity, systems, practices, policies and training did not already exist and had to be adapted for the laws to be effectively enforced within and across jurisdictions (many cases involve parties living in different jurisdictions). Acknowledging these gaps, the Regional Domestic Violence Firearms Enforcement Unit was created and officially launched on January 1, 2018.

The Unit is comprised of dedicated staff funded in the King County Prosecutor's Office, the Seattle City Attorney's Office, the King County Sheriff's Office, and Seattle Police Department. Operating as a unified team, the Unit uses a harm reduction and prevention approach to reduce gun violence and increase victim and community safety through regional collaboration and proactive enforcement of firearms laws. The Unit is responsible for proactively assisting with the service of Protection Orders and Orders to Surrender Weapons, the immediate removal of firearms based on court orders, and helping to ensure there is enforcement and accountability for those who fail to comply with those court orders, or who possess firearms unlawfully. Because risk of death or serious harm is heightened in these cases, immediate and comprehensive intervention (using a regional and multi-disciplinary approach) is essential.

### **Data and Measures As Outlined by Proviso**

#### **Number of Orders to Surrender Weapon Issued (Measure 1):**

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<sup>1</sup> In 2015, the Legislature passed SB 5381, known as "Sheena's Law," which requires all law enforcement agencies to develop policies for storing surrendered firearms, procedures for notifying family members when firearms are being returned, and procedures for checking various databases to verify that the person requesting return of a surrendered firearm is eligible to possess firearms. And 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. The Unit also assists law enforcement with implementation of these laws.

According to the Washington State Coalition against Domestic Violence's 2013-2014 Fatality Review, 54 percent of firearm related domestic violence homicides in Washington State, were carried out by people who were **already prohibited** from possessing firearms.<sup>viii</sup> This harsh reality necessitates the need for vigorous follow-up and enforcement of court-ordered firearm prohibitions across all courts (civil and criminal) and all jurisdictions.

Between January and April 2018, King County Superior Court issued 283 Orders to Surrender Weapons on civil protection order cases. Prior to the Unit's creation, there was no way to fully verify or fully enforce Orders to Surrender Weapons. Enforcement relied on an "honor system" because there was no one responsible for gathering and providing additional information to the court, no one removing the firearms from Respondents when court orders required it, and no one researching Respondents' compliance or following up with additional investigation or other enforcement actions if there was evidence that they were out of compliance. There was also no one to assist law enforcement when there were technical issues with court orders that resulted in law enforcement not being able to serve or enforce them.

While King County Superior Court commendably created a compliance review calendar in early 2016, the documents Respondents turned in to show compliance were unverified, incomplete, and infrequent at best. Because these compliance cases occur on civil calendars, there are no prosecutors or law enforcement staff present. This meant there was no person or agency responsible for verifying or vetting compliance, so Respondents could, and did routinely, ignore the court's requirement for relinquishment altogether, turn in only one (but not all) firearms, or claim not to possess any firearms, without consequence.

In contrast, since the Unit's creation, all Domestic Violence Protection Order cases in King County Superior Court involving Orders to Surrender Weapons are now vetted by the Unit's Advocate and the Unit's Court Coordinator to determine if the underlying case contains allegations of firearms (referred to as "firearms positive" cases) or not (referred to as "firearms negative" cases). The team also runs a firearm purchase history, researches whether the Respondent possesses a concealed pistol license (CPL), and gathers any other relevant information, such as prior incident reports or social media. If any of the research unearths a current or former history of possessing firearms, a CPL, or contains allegations of firearms in the civil order petition, then the team reaches out to the victim to have a more thorough conversation about the firearm(s). In the process, they engage in important safety planning with the victim so that efforts can be made to safely remove the firearms. Triaging the cases in this manner allows Unit resources to concentrate on cases that present the highest risk and helps mitigate risks posed to the victim and law enforcement (and the restrained person themselves), prior to and upon relinquishment.

In the first four months of 2018, the Unit Advocate and Unit Court Coordinator reviewed 316 Protection Order Petitions to determine whether firearms were alleged. They reviewed purchase histories and CPL statuses for all 316 cases. Of the 149 (47%) cases that were screened as "firearms Positive", the Unit Advocate and Unit Court Coordinator were able to successfully do outreach and safety planning with 107 of the victims. Attempts were made to

do outreach to all victims on firearm positive cases, but those attempts were hampered by a lack of, or no longer valid contact information - or outreach, but no return calls.

An important note: Each outreach call takes about 45 minutes to an hour in duration and consists of a Unit-developed “Firearm Interview” inventory, safety planning and resource referral for further assistance; including how to register one’s Protection Order to ensure notification if the restrained party were to attempt to purchase a firearm unlawfully. It is important to note that there is no definitive way to know with full certainty how many firearms someone truly owns, possesses, or has access to (Washington State does not have a firearms registration system). This reality is what prompts the need for more specialized safety planning and follow-up with victims when cases are firearms positive.

“Purchase history”, as captured by the Washington State Department of Licensing (DOL) primarily includes hand guns purchased in Washington State from Federal Firearms Licensed dealers and concealed pistol licenses. It does not generally include purchases of long guns, including semi-automatic rifles or anything purchased out of state. A recent article published by *HeraldNet*, cited a significant backlog of firearm purchases being entered into the Washington State DOL databases due to a lack of adequate staffing resources.<sup>ix</sup>

### **Number of Orders to Surrender Weapons Served (Measure 2)**

Between January and April 2018, Unit Detectives (SPD and KCSO) received 104 Orders to Surrender Weapons. Unit Detectives served 83 (80%) of the 104 Orders to Surrender Weapons. The percentage that were not served were typically due to a lack of staffing when the Unit first began, problems with the court orders themselves (which now can be better addressed by the Unit’s Court Orders Problem-Solver), and an inability to locate the Respondent despite multiple attempts.

An important note: Unit Detectives serve more than just Orders to Surrender Weapons. They serve a high volume of Domestic Violence Protections Orders, Anti-Harassment Orders, Sexual Assault Protection Orders, Vulnerable Adult Protection Orders, Stalking Protection Orders, Restraining Orders and Extreme Risk Protection Orders, among others.

\*Civil Orders are sent to the law enforcement agency for service based on **where the Respondent resides**. Respondents who live in other municipalities or counties are served by agencies other than the Unit Detectives. Because many civil protection order cases involve parties who live in different law enforcement jurisdictions, Unit Detectives have been responsible for assisting in the relinquishment of firearms on many cross-jurisdictional cases. The goal of the Unit is to use a risk-based, regional approach to firearm relinquishment instead of the traditional agency by agency approach. Risk to the victim and public should be prioritized for service. Having law enforcement and prosecutors respond to these cases as teams based on risk more effectively recognizes the portability and cross-jurisdictional reality of firearm risks.

### **Number of Firearms Relinquished (Measures 3 and 4)**

Between January and April 2018, Unit Detectives removed, or were responsible for the relinquishment of, 181 firearms. The vast majority of these court-ordered removals were done by Unit Detectives going to the homes or places of business of the Respondents and using a “warm approach”. It is important to highlight that few cases required a search warrant or removal through SWAT response. This is a critical point because many agencies originally feared that a strong armed police response would be required on all relinquishment cases. Based on the Unit’s work to date, those fears are not born out by the evidence. What does appear to work well - is proper upfront preparation before serving the Order to Surrender Weapon and a willingness to assist Respondents in complying with the court orders. These approaches went far in the safe removal process. (For this reason, the Unit has also created ‘how-to’ materials and a video designed and vetted to encourage a culture of voluntary compliance.)

The 181 firearm removals do not include the number of firearms that Respondents voluntarily turned in to police precincts or Property Management Units as a result of Unit outreach or increased awareness of the Unit’s enforcement work. Seattle Police Department’s Property Management Unit (PMU) reports that during this same time period, an additional 278 firearms were received by their PMU as a result of criminal cases or were voluntarily surrendered as a result of court orders.

As an aside, it is important to note that in addition to the time it takes for law enforcement to remove the firearms, processing and storing the firearms requires a significant amount of time too. For example, the KCSO Unit Detective removed 15 guns from a Respondent on an Order to Surrender Weapons case in February. Processing, packaging and properly placing all of the firearms into the Property Management Unit required another six hours of work immediately following the relinquishment. Due to this significant time investment, the number of relinquishments would significantly decrease were it not for having dedicated Unit Detectives. Any efforts to streamline the processing of relinquished firearms and having adequate storage will contribute to increased removals as required by court orders.

### **Assessment of the Effectiveness of Court Orders (Measure 5)**

Orders to Surrender Weapons and Extreme Risk Protection Orders are effective tools in combating gun violence in our communities. Ensuring that those who are prohibited are no longer in possession or able to purchase is a critical public safety strategy. Without proper implementation (removal), verification **and** enforcement however, these orders do not alone make our communities safer. As we have learned from decades of federal law, prohibitions alone are not enough. King County and the City of Seattle adopted the recommendations of the regional systems reform work groups to better enforce these critical orders to reduce harm and prevent future gun violence, including suicides. None of the successes to-date would have occurred without the proactive outreach, infrastructure, and relationship-building that having this dedicated Unit of expertise has fostered.

\*Caveat to the data: there is no one integrated data system that captures all of the firearm cases and the entirety of firearm orders across King County (among law enforcement agencies or the multiple levels and locations of courts). Careful attention was paid to the

data and numbers shared above to ensure they are as accurate as possible across these systems. The court orders cited above only include civil orders entered by King County Superior Court. There may be small deviations across different data systems and reporting structures that could have affected the data in this report.

### **Other Unit Accomplishments**

The Regional Domestic Violence Firearms Enforcement Unit is among the first of its kind in the country. The Unit is at the forefront of taking proactive steps to prevent gun-related violence, including suicide. Starting from scratch in January 2018, the Unit has spent significant time and attention to investing in the development of critical infrastructure and practices – few if any of which existed prior to the formation of the Unit. The Unit has engaged in a variety of activities designed to increase awareness and safety and to promote critical partnerships, expertise, information-sharing, and streamlining work through electronic case management. All of these efforts have helped to carry out the mission of removing firearms from those who are prohibited from possessing them.

Unit accomplishments span many levels of practice (micro, macro and mezzo) and focus on victim and community safety, offender accountability and system improvements. The system reform workgroups convened by Judge Anne Levinson (ret.) in 2016 and 2017 not only recommended creation of the Unit, but also developed a Model Policy for law enforcement to adopt to help with consistent use of best practices in policy and training across the state, and identified a range of other suggested policy, practice, training and infrastructure improvements.

The Unit has been working on assisting law enforcement with adoption of the Model Policy and addressing those identified needs (in addition to new ones) at the same time as the Unit handles new and ongoing cases. This “learning as we go” approach allows the Unit to be nimble and iterate practice and infrastructure development needs in real time. While first focusing on the King County Superior Court Compliance Review calendar, the Unit is also making sure to address other cases involving heightened risk, such as Extreme Risk Protection Order cases and Orders to Surrender Weapons Issued without Notice. These cases can derive from a wide range of court calendars, both civil and criminal. Focusing on these cases allows Unit Detectives to prioritize removal of firearms at a time of particularly heightened risk.

The Unit team is very proud of its accomplishments to date and grateful for the partnerships that have been extended in pursuit of the important goal of reducing gun violence in our community.

### Sample Highlights of Unit Accomplishments to Date

1. The Unit team (Prosecutors, Advocate, KCSO & SPD law enforcement, Program Manager, etc.) staff weekly cases from the compliance review calendar and filings of new Protection Order and Extreme Risk Protection Orders. The staffing is used to assess for the highest risk cases and to determine and carry out next steps.
  - a. Unit assesses whether information obtained from firearm interviews or other investigations can be used to obtain search warrants.
  - b. Team determines if other investigation needs to occur if it appears a crime may have been committed.
  - c. Unit Court Coordinators reach out to the protected party and any other person who may have knowledge of the firearms. They communicate with local and out of state law enforcement to effectuate removal of the firearms, as court-ordered.
  - d. Unit Court Coordinators developed the “Firearms Interview” tool designed to assess a Respondent’s current and past firearm possession, level of risk, suicidal ideation and safety concerns.
  - e. Unit Prosecutors help to strengthen firearms removal processes on criminal first appearance calendars and share firearm and CPL possession information during filing and bail decisions. They work with law enforcement to draft, obtain and execute search warrants and appear in court, as needed.
2. Extreme Risk Protection Orders (ERPOs) are an important life-saving tool for people who are at risk of harm to themselves or who threaten harm to others. Unit Prosecutors assisted or consulted on 32 law enforcement-initiated ERPOs (they consult on the facts, review the petitions, walk law enforcement Petitioners through the court process, attend the full hearing and offer information as a “friend of the court” at the full order hearing)
3. The Unit worked 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.
4. The Unit has integrated its work into an existing KCPAO based electronic case management system called Prosecutor by Karpel (PbK). This system allows for integrated, real time access to the Unit’s work, including Respondents’ statuses of compliance of firearm surrender orders and case tracking that is accessible to all prosecutors within the Unit and KCPAO. Prior to the use of this system, none of these cases could be tracked, shared or integrated for use in cases that involve the same offender across different court matters.
5. The Unit’s “Court Orders Problem-Solver” has initiated work with law enforcement and the courts to help address and rectify situations where a court order, because of a flaw, is not able to be entered into WACIC, served on the Respondent or then 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 groups. Previously, there was no way for law enforcement to quickly and easily get needed technical corrections made, so flawed court orders would simply go un-served and therefore un-enforced, potentially putting victims at greater risk.

6. The Unit worked with both the King and Snohomish County Sheriffs and Police Chiefs Associations to adopt the Model Policy. The Unit has been working with individual law enforcement agencies to align their policies and training with the Model Policy and with the Washington State Criminal Justice Training Commission to update its Academy and In-Service training curriculum and testing.
7. The Unit proposed a General Order for use in King County Superior Court that would allow the Unit Prosecutors to appear as Amicus or a “Friend of the Court” on the Compliance Review Calendars and on Extreme Risk Protection Order cases, so that they, along with the Unit Court Coordinator, can help ensure judicial officers have a more comprehensive record and that there is immediate enforcement where warranted.
8. In addition to all of the direct outreach and safety planning the Unit Advocate and Unit Court Coordinator do with victims, they, along with Unit Detectives, regularly reach out to other law enforcement jurisdictions to try to facilitate removal of firearms if those cases fall outside of King County. The Unit has seen a big difference in the responses received since the beginning of January 2018 and the level of partnership that is being offered now as they better understand the Unit’s work.
  - a. The Unit has participated in phone conferences, in-person presentations and other efforts to share information about the Unit, its work and how we can collaborate across systems and disciplines. This outreach has included community-based domestic violence agencies, Department of Corrections (DOC), law enforcement agencies and personnel, prosecutors from other counties and states, and many interdisciplinary committees.
9. Unit Prosecutors regularly reach out to other prosecutors (within the KCPAO, SCAO and other municipal prosecutors) to let them know about the firearms issues if they have a case involving the same defendant or restrained person. The goal is to increase overall system awareness of outstanding firearms or compliance issues.
10. Washington Association of Sheriffs and Police Chiefs (WASPC) sends the Unit their “denied transaction” cases so the Unit can screen for potential “attempted unlawful possession” charges. These are often referred to as “Lie and Try/Buy”, when prohibited people try to purchase a firearm. The Unit Advocate and the Unit Court Coordinator also encourage protected parties to register their protection orders so they will be alerted in the event that the restrained person tries to purchase unlawfully.
11. The Unit has done presentations for multiple stakeholders on Firearm laws, Extreme Risk Protection Orders and relinquishments.
12. The Unit has hosted representatives from other jurisdictions who are interested in setting up their own firearms enforcement units in their local jurisdictions.
13. The Unit helped to coordinate and participate in a Gun Summit in June with state and federal partners to increase knowledge and understanding of the purchase process (what really happens on the State and Federal level related to background checks), the

- risks of DV and firearms, Extreme Risk Protection Order and data-driven prosecution projects on the State and Federal level (related to firearms).
14. The Unit is creating web-based materials to increase the public’s access to important safety and compliance information, including:
    - a. A link to a video the Unit created for Respondents that features one of the Unit Detectives explaining how to comply with the Order to Surrender Weapons. \*The video infuses useful information and compassionate messaging acknowledging that this may be a difficult time in the Respondent’s life.
    - b. Other materials to help Respondents understand how to comply with the Order to Surrender Weapons (including developing a downloadable “compliance checklist” created by the Unit). \*This is in recognition of the fact that some Respondents are confused about what their legal obligations are.
    - c. Information and advocacy resources for victims
    - d. Information and resources about Extreme Risk Protection Orders
    - e. Updates to the protectionorder.org website
  15. Unit staff consistently serve as consultants to other stakeholders, including: Prosecutors or Prosecution-based agencies, Advocates, Law Enforcement, Law Enforcement-based Records Staff, Community-based Advocates and Community-based Service Providers, Department of Corrections, etc.
  16. Unit Prosecutors are developing new, and fine-tuning older, Filing and Disposition Standards for the types of criminal cases the Unit will likely encounter.
  17. The Unit is working on a more formalized process for “after-hours ERPOs” in the event that a high-risk case comes in and cannot wait until regular court hours.
  18. The Unit is developing expertise around search warrants and the unique circumstances of intimate partner cases involving firearms (e.g. typically the victim on the case has particular knowledge of the firearms and where they are housed/have always been housed – even if she/he has not seen the firearm very recently).

## **Conclusion**

The Regional Domestic Violence Firearms Enforcement Unit is a critical investment in the harm reduction and prevention of gun violence (including suicide). As we have witnessed over the past several years, gun violence – as a significant and predictable public health issue - will not resolve on its own. Addressing and enforcing laws against those who are already prohibited and most at risk of harm to victims, the community and law enforcement is smart risk management and wise public policy. King County and the City of Seattle’s investment in understanding the issue, assessing the barriers, adopting recommendations and deploying a unit to tackle gun violence show that the region has “leaned in” to this significant challenge. This Unit and its initial successes serve as a beacon of hope to other regions across the country interested in addressing this often preventable form of violence.

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<sup>i</sup> Associated Press analysis of FBI and Florida state homicide reports from 2006-2014, The Trace

<sup>ii</sup> J.C. Campbell, D.W. Webster, J. Koziol-McLain, et al., “Risk factors for femicide within physically abusive intimate relationships: results from a multi-site case control study,” 93 Amer. J. of Public Health 1089-1097 (2003).

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<sup>iii</sup> Taub, Amanda (2016, June 15). Control and Fear: What Mass Killings and Domestic Violence Have in Common. *The New York Times*. Retrieved from <https://www.nytimes.com/2016/06/16/world/americas/control-and-fear-what-mass-killings-and-domestic-violence-have-in-common.html>

<sup>iv</sup> Nonfatal Gun Use in Intimate Partner Violence: A systematic Review of the Literature. *Trauma Violence Abuse*. 2016 Sep 14.

<sup>v</sup> M. Wilson and M. Daly, "Spousal homicide risk and estrangement," *Violence Vict* 1993;8:3–16. [Medline] [https://www.thetrace.org/2016/08/15-facts-that-show-how-guns-make-domestic-violence-even-deadlier/From-research-behind-the-development-of-ODARA-which-is-documented-in-N.-Z.-Hilton,-G.-T.-Harris,-&-M.-E.-Rice,-Risk-Assessment-for-Domestically-Violent-Men:-Tools-for-Criminal-Justice,-Offender-Intervention,-and-Victim-Services-\(Washington,-DC:-American-Psychological-Association,-2010\).](https://www.thetrace.org/2016/08/15-facts-that-show-how-guns-make-domestic-violence-even-deadlier/From-research-behind-the-development-of-ODARA-which-is-documented-in-N.-Z.-Hilton,-G.-T.-Harris,-&-M.-E.-Rice,-Risk-Assessment-for-Domestically-Violent-Men:-Tools-for-Criminal-Justice,-Offender-Intervention,-and-Victim-Services-(Washington,-DC:-American-Psychological-Association,-2010).)

<sup>vi</sup> April M Zeoli, Alexander McCourt, Shani Buggs, Shannon Frattaroli, David Lilley, Daniel W Webster; Analysis of the Strength of Legal Firearms Restrictions for Perpetrators of Domestic Violence and Their Associations With Intimate Partner Homicide, *American Journal of Epidemiology*, , kwx362, <https://doi.org/10.1093/aje/kwx362>

<sup>vii</sup> Washington State Coalition Against Domestic Violence

<sup>viii</sup> Washington State Coalition Against Domestic Violence

<sup>ix</sup> Cornwell, J. (2018, April 1). State's Firearms Records Months Behind. *HeraldNet*. Retrieved from: <https://www.heraldnet.com/news/states-firearms-records-months-behind/>

## **Regional Domestic Violence Firearms Enforcement Unit Sample Case Narratives**

The proviso report provides a helpful snapshot into the operations of the new Unit. The narrative section below is designed to give a quick glimpse into how the Unit's operations directly impact individual cases, both big and small. They also illustrate the important harm reduction model in action. Harm reduction is a hallmark of the Unit's work.

The following case examples come from real Unit cases since the Unit began on January 1, 2018 and are just a few of the many successes experienced to date. It is important to read these narratives with the knowledge that it takes dedicated resources to fully carry out this work. Immediate, court-ordered intervention, investigation, follow-up and enforcement are the keys to reducing harm and preventing future gun violence. While we cannot stop all incidents of gun violence or suicides in our community, we can take important steps to reduce its frequency and overall impact.

Narrative One:

The Unit's Court Coordinator received a new case involving a very recent immigrant who was assaulted by her husband and her father-in-law during the same incident. Terrified and unable to speak English, she fled to a local business who called the police on her behalf. After she was treated for her injuries, a hospital social worker connected her with a domestic violence agency that placed her in emergency shelter. In her Protection Order petition to the court, the woman indicated that there was a firearm in the household and that there were specific, immediate threats to use the firearm to kill her.

Recognizing that this Petitioner was particularly vulnerable, the Court Coordinator staffed the case at the weekly case staffing. She indicated that the father-in-law and husband had

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been arrested and charged in a different jurisdiction and that her full Protection Order hearing would be taking place in a few days. The Unit prosecutors did outreach to the local city prosecutor handling the criminal case to let them know of the concern that there may be a firearm in the home.

Because the Court Coordinator knew there was no advocate on the criminal case, she made a point of attending the Petitioner's full Protection Order hearing so she could meet with the Petitioner with an interpreter in her primary language. It was through this interaction that she learned that the firearm was still in the home, that it caused significant worry to the Petitioner and that it was owned by another person who resided in the home, not the husband or father-in-law. The Court Coordinator immediately reached out to the Unit Prosecutors when she learned that the Respondents were objecting to the Order to Surrender Weapons, indicating to the court that they did not personally possess firearms.

In response, one of the Unit Prosecutors appeared at the full Protection Order hearing and offered, as a "friend of the court", information about the fact that although the Respondents did not own the firearm, they were living in a home where they had access to a firearm (which would be in direct violation of the Order to Surrender Weapons). Having had this explained to them, the Respondents agreed to have the other family member turn in the firearm. A Unit Detective made arrangements to go to the family home the next morning to retrieve the firearm without incident.

Were it not for the Unit taking the time to educate the Petitioner, the court **and** the Respondents about the firearm and the law, this firearm would have continued to put the Petitioner at risk of further intimidation and harm, and would have put the Respondents in a position of being potentially charged with crimes for having access to firearms while they were prohibited. This small outreach delivered a significant return on investment in the form of increased safety for the Petitioner, education and awareness for the court and the respondent, and compliance with court orders.

Narrative Two:

The Unit Prosecutors staffed a case involving a Respondent on an Extreme Risk Protection Order case (that originated in King County). There was evidence that the restrained party tried to buy a firearm in Snohomish County. Anyone who tries to purchase a firearm while prohibited from doing so (because of a qualifying Protection Order or a prohibiting criminal conviction) can be charged with a crime. Snohomish County law enforcement collaborated with Unit Detectives and Prosecutors to investigate, locate, arrest and charge the Respondent. This coordination and intervention is what is needed to clearly communicate the important message that violations of firearms laws will result in swift and certain consequences.

Narrative Three:

The Unit worked with a local police department to file the first-ever, "after hours" Extreme Risk Protection Order. While seeking an order outside of regular court hours was not the initial intent, by the time all of the necessary information was available, it was too late to file with the court during regular court hours on a Friday.

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In this case, the person of concern made threats of suicide to their counselor, sent the counselor a “goodbye gift”, was known to be in possession of firearms and had an active concealed pistol license issued in their name. While situations like this can sometimes be handled through a “welfare check” conducted by law enforcement, the difficulty in this case was that even if law enforcement did a welfare check and temporarily removed the firearms for safe keeping, the active concealed pistol license would have allowed this person to purchase a firearm the very next day.

Without a court order (like an ERPO) there would be nothing in the system that would come up in a background check that would have halted the purchase. As a result of this case, the Unit is working with the courts and the Department of Judicial Administration to create a process so that if this were to occur again, law enforcement would have a clear process to follow to initiate an Extreme Risk Protection Order if the emergency occurs outside of regular court hours. This is a critical life-saving function of Extreme Risk Protection Orders.

Narrative Four:

The Unit learned of a new Protection Order filing that contained an Order to Surrender Weapons issued without Notice. The allegation was that the Respondent, a former dating partner of the Petitioner, was escalating in his behavior toward the Petitioner as they were breaking up and deciding who would be staying in the home. The Respondent threatened that he could take things to “another level” which terrified the Petitioner considering that the Respondent always carried a loaded handgun on his person and kept an unsecured AR15 in the home where she, a roommate, the Respondent and her 13 year-old child lived. The Unit Advocate conducted a firearm interview with the Petitioner and Unit Detectives were able to recover the AR15 the day after the Order to Surrender Weapons Issued with Notice was issued by the court.

Narrative Five:

One of the Unit Court Coordinators was working on a case involving a pregnant Petitioner who had to flee from out of state because of multiple threats involving firearms by the Respondent, including him shooting two of her puppies. When the Petitioner originally tried to flee, the Respondent caught her. She happened to be on the phone with a friend at the time she was thwarted by the Respondent. The friend, overhearing the scuffle and fearing for the Petitioner’s safety, called Petitioner’s local law enforcement agency but when they responded – they did not take the Petitioner’s concerns seriously. Soon after, she made another attempt to flee her home and successfully came to Washington State.

Upon arriving in Washington State, the Petitioner initiated a Protection Order and an Order to Surrender Weapons (Issued without Notice). The court found the facts sufficient to put the orders in place temporarily. Upon the case being filed, the Unit’s Court Coordinator did immediate outreach to the Petitioner and learned that the Petitioner’s parents also obtained an order in their home state because of his threats to them when the petitioner fled. The court in the original state also ordered the Respondent to surrender his firearms (which he had not done). After speaking with the petitioner and getting her permission, the Coordinator did outreach to the out of state law enforcement jurisdiction and was directed to reach out to their local Department of Justice (DOJ) agency.

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Several days later, because of the intimate knowledge of the firearms that the Petitioner had shared with the Coordinator, the local DOJ was able to obtain and execute a search warrant through which they recovered ammunition and firearms. They also arrested the Respondent for unlawful possession of a firearm because he was already prohibited from possessing. When the Coordinator shared this information with the Petitioner – the Petitioner was so relieved that she cried for five full minutes. The DOJ agent who had received the initial information about the firearms from the Coordinator sent her an email saying that were it not for the information she had provided, there was nothing the local DOJ could act upon because the Respondent did not have any registered firearms in his home state (despite the reality of him possessing multiple firearms).

In closing, as these narratives clearly illustrate, addressing and enforcing firearm laws requires time, expertise and significant coordination efforts. These efforts make a difference in the quality of life and safety of victims, their families, our community and law enforcement. It is important to recognize that without concerted efforts to enforce these laws, we relapse into the age old “honor system” that has already proven to be insufficient and ineffective in combatting gun violence.