
Washington State Domestic Violence Fatality Review

Summary of Firearms Recommendations, 2000 – 2010

In over 15 years, the **Washington State Domestic Violence Fatality Review** has consistently **identified removing firearms from abusers as a priority** to protect victims from lethal violence.

Based on in-depth reviews of 84 domestic violence homicide and murder-suicide cases, the DVFR identified **11 key goals to improve the response to domestic violence in Washington State**. Among these key goals: **Maximize the use of existing legal means to restrict abusers' access to firearms**.

The following is a summary of recommendations related to firearms from the six DVFR reports issued 2000-2010. Page numbers (in parentheses) indicate where each recommendation can be found in the full report, along with victim stories and relevant findings from review teams.

Full reports are available at: dvfatalityreview.org/fatality-review-reports/

2010 *Up to Us*

Washington State Legislature: Align state firearm forfeiture laws with federal law to clarify law enforcement's authority to remove weapons. (44)

Courts, prosecutor's offices, probation departments, and law enforcement agencies: Develop countywide protocols that set out how each agency will cooperate to restrict access to firearms by domestic violence offenders and protective order respondents. Prioritize removing firearms from abusers who have made homicidal or suicidal threats. Contact WSCADV for good models statewide. (44)

Courts: Routinely provide Protection Order petitioners with a Petition for Surrender of Weapon, and establish procedures to ensure orders are forwarded to law enforcement. (44)

Domestic violence advocates: Routinely ask victims about abusers' access to firearms and help victims explore options for removal of firearms in the civil and criminal legal systems. (44)

2008 *Now That We Know*

The Administrative Office of the Courts should add a protection provision pursuant to RCW 9A.18.000 to the "Petition for Order for Protection" and "Temporary Order for Protection and Notice of Hearing" forms. This provision would allow petitioners for a Temporary Protection Order to request that the court order the respondent to surrender firearms and prohibit the respondent from obtaining or possessing a firearm prior to the Protection Order hearing. (74)

The Administrative Office of the Courts should amend the instructions for Protection Order petitioners to inform them of their right under RCW 9A.41.005 to request that the court order the respondent to surrender firearms and prohibit the respondent from obtaining or possessing firearms with both temporary and full Protection Orders, using the Petition for Surrender of Weapon. (74)

Domestic violence advocates assisting victims with Protection Order petitions should routinely ask victims about the abuser's access to weapons. Advocates should help victims determine whether to submit a Petition for Surrender of Weapon along with a petition for a temporary or full Protection Order. (74)

2006 *If I Had One More Day...*

Every law enforcement agency should establish policies and procedures for gun removal and storage for convicted domestic violence offenders and domestic violence abusers subject to criminal or civil protective orders. (44)

Police, prosecutors, judges, and probation officers should consistently make every effort to identify and remove abusers' guns possessed in violation of the law at each step of the criminal or civil legal process. (44)

2004 *Every Life Lost Is a Call for Change*

Law enforcement officers should attempt to remove guns from the home when the abuser has a history of homicidal or suicidal threats. Domestic Violence Supplemental Forms should include questions that prompt officers to ask suspects about access to, location of, and use of weapons. (70)

Judges should inquire specifically about abusers' access to weapons, should order abusers to surrender weapons as part of temporary and permanent Protection Orders, and should make surrender of weapons a condition of pre-trial release for domestic violence charges. (70)

2002 *"Tell the World What Happened to Me"*

Protocols for gun removal should address methods for identifying gun possession (e.g., searching licenses, asking victims), use of court orders and search warrants to compel surrender of weapons, processes for offenders to voluntarily turn over weapons to law enforcement and destruction schedules. Guns should not be stored for convicted domestic violence offenders, as those individuals have permanently lost their right to possess firearms. Guns also should not be returned to the community through sales. (49)

The "special request for law enforcement" section of Protection Orders should include the option to ask for help in removing guns from the respondent's home. (49)

Washington State should bring its laws in line with federal laws which prohibit gun ownership for persons subject to domestic violence-related court orders. (57)

When surrender of firearms is a condition of sentencing, then the abuser should be required to show a receipt for the weapons from the appropriate law enforcement agency at a hearing set within 48 hours of sentencing. (58)

When individuals fail to provide proof they have surrendered their weapons, **judges** should issue warrants for their arrest. (58)

Consequences for failure to comply with weapons surrender orders should be meaningful, such as revocation of a Stipulated Order of Continuance (SOC) and/or a night in jail. (58)

Rather than completely dropping all conditions of Restraining Orders, No Contact Orders, and Protection Orders, **judges** should seek to keep some conditions in place, especially the surrender of weapons. (58)

When weapons surrender is a part of sentencing, **probation and community correction officers** should check with courts, the victim, and the offender to ensure this has been carried out. (58)

Federal prohibitions on weapons possession after the conviction of a domestic violence crime should be enforced, and known violations should be referred to the **federal prosecutor**. (58)

Gun dealers should be held accountable for failures to follow federal law. (58)

Prosecutors should argue for seizure of weapons at the point of conviction and when No Contact Orders are issued. (76)

Prosecutors should have additional training on civil processes regarding firearm forfeiture. (77)

Protection Order forms should inquire whether or not the respondent possesses weapons. (61)