

Presentation to the Regional Law,  
Safety and Justice Committee  
May 25, 2017

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**REPORT ON THE REGIONAL  
SERVICE OF PROTECTION  
ORDERS AND ORDERS TO  
SURRENDER WEAPONS  
WORK GROUP**

# Panel Members

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- David Martin, King County Prosecutor's Office  
Domestic Violence Unit Senior Deputy Prosecutor
- Chris Anderson, Seattle City Attorney's Office  
Domestic Violence Unit Supervisor
- Sandra Shanahan, King County Prosecutor's Office,  
Protection Order Advocacy Program Supervisor
- John Howell, Coordinator of the Regional Work  
Group on Service of Protection Orders and Orders  
to Surrender Weapons

# Introduction

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- Public and policy-makers' understanding of DV and how we can enhance safety has evolved:
  - Mandatory arrests
  - DV courts
  - Recent DV laws
- More recently there has been a sea change in our understanding of the risk of lethality with firearms and DV.

### Late 1970s

- Laws to fight DV- directs courts and police.
- Shelter funding.

### Mid-late 1980s

- Protection orders
- Mandatory arrest
- DV treatment
- Stalking laws
- Order tracking
- Address confidentiality

### Early 2000s

- Violation order a felony
- Fatality review
- Police policy
- Laws for rent and work.
- Advocate privilege

### 2000s

- New crimes: Strangulation; Repeat Assault
- Felony Sentence Reform
- Risk assessment.



17 years later, pain still lasts but  
message found

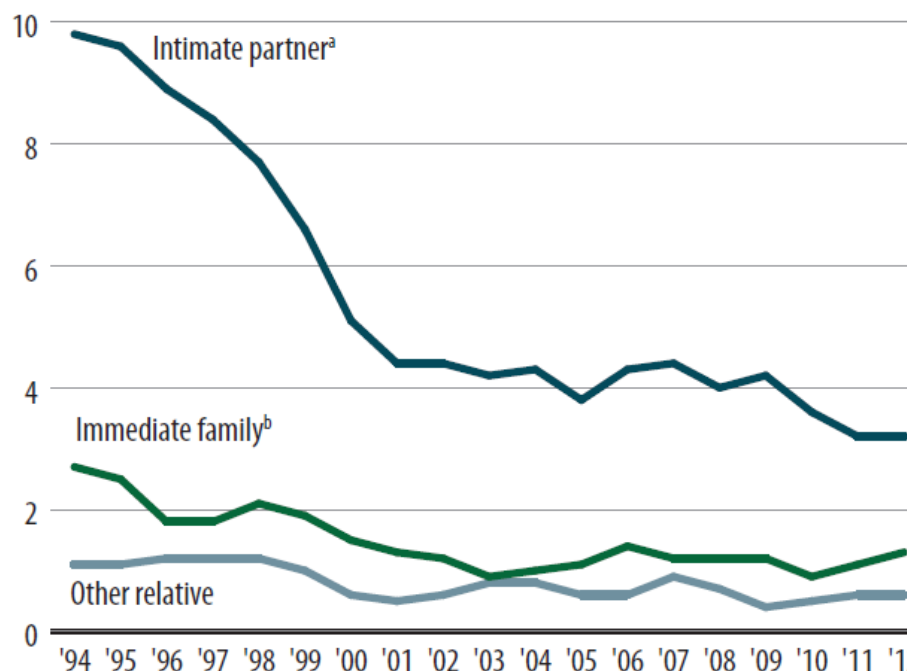




# Nonfatal Domestic Violence, 2003–2012

## Rate of domestic violence, by victim–offender relationship, 1993–2012

Rate per 1,000 persons age 12 or older



Note: Data are based on 2-year rolling averages beginning in 1993. See appendix table 3 for estimates and standard errors.

<sup>a</sup>Includes current or former spouses, boyfriends, and girlfriends.

<sup>b</sup>Includes parents, children, and siblings.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1993–2012.



# Risk of Lethality - The Numbers are Sobering

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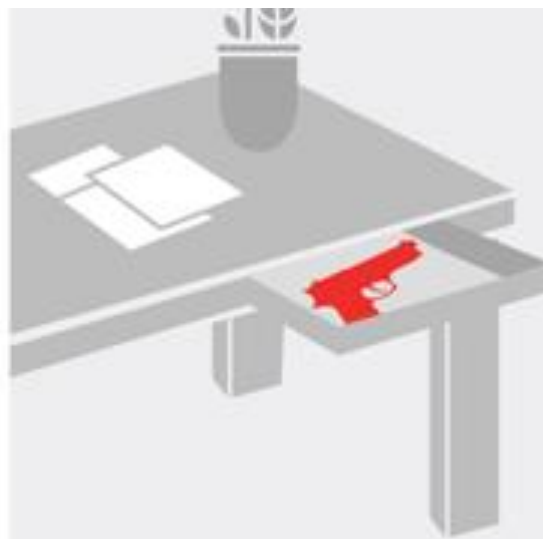
- In 2013, there were 2,707 female homicide victims nationwide. In nearly half of these homicides, the victim was the wife, mother, daughter, sister, or girlfriend of the offender.
- An estimated 4.5 million women in the U.S. have, at one time, been threatened with a gun by an intimate partner.





**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>



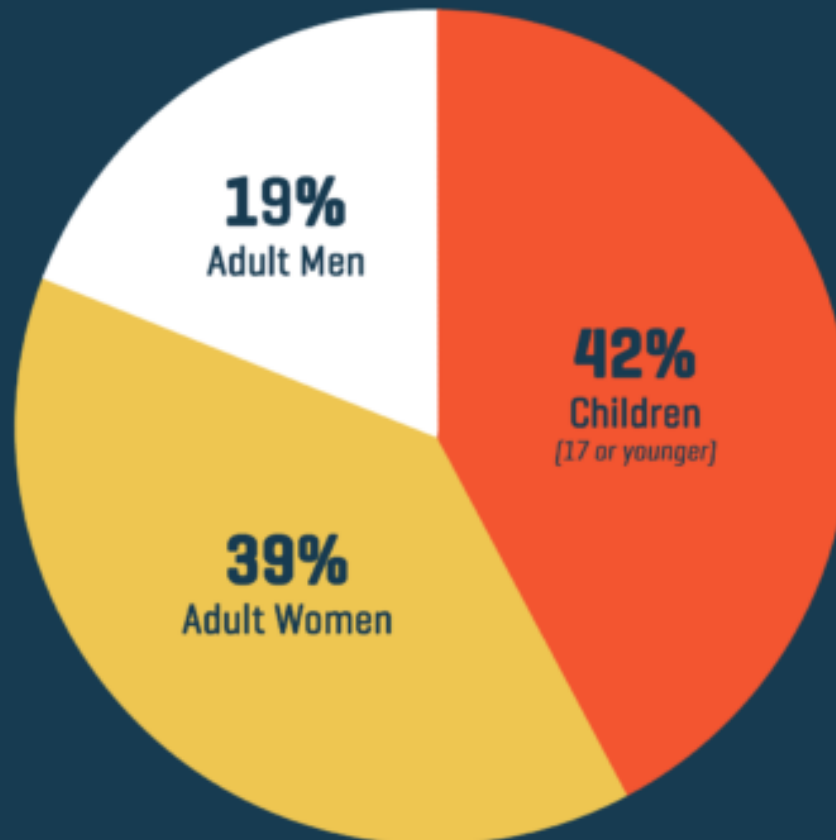
**55%**  
of women killed with guns are killed by intimate partners or family members<sup>5</sup>

**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>**

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

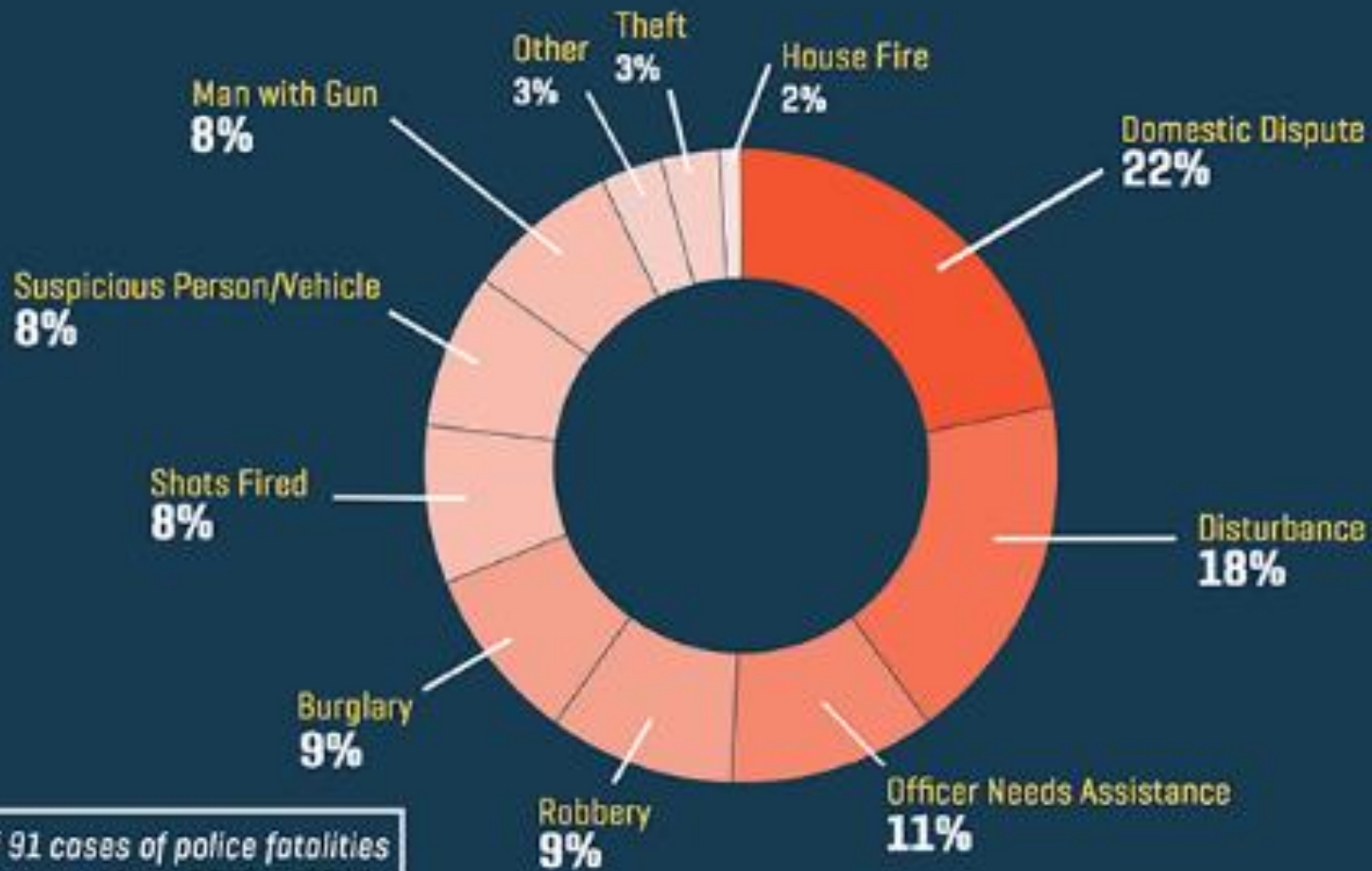


\*Defined as an incident where at least four people were killed with a gun, including the perpetrator.

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



## DOMESTIC VIOLENCE CALLS LEAD TO MORE POLICE FATALITIES THAN ANY OTHER TYPE OF CALL



Out of 91 cases of police fatalities that occurred from 2010 to 2014

SOURCE: National Law Enforcement Officers Memorial Fund



# What Research Tells Us Why Removing Firearms Matters

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- 2014 Washington Department of Public Policy Study
- In 54% of DV homicides the defendant had previously been ordered to surrender firearms.
  - *Washington State Coalition Against Domestic Violence 2013*
- Of all the women killed by intimate partners in the U.S. between 2001-2012, 55 percent were killed with firearms.
  - *Center for American Progress “Women Under the Gun” report*
- Protection Orders and “Recent Separation” –ODARA

# What Research Tells Us Why Removing Firearms Matters

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- The best available research shows that the most important element in preventing fatalities is to remove the firearm from the situation.
  - *New England Journal of Medicine*
- For 16 year the WASHINGTON STATE DOMESTIC VIOLENCE FATALITY REVIEW BOARD has recommended removal of firearms from abusers as a priority to reduce domestic violence homicide.

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

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- Building on federal law, HB 1840 also made it a crime in 2014 for those charged under state law.
- Intended to reduce risk to victims and 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.
- Gave courts new authority.



# The Law in Washington State

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When entering a qualifying order the court must:

- Require the respondent to surrender any firearm or other dangerous weapon immediately;
- Prohibit the respondent from obtaining or possessing a firearm or CPL;
- Require the respondent to surrender their concealed pistol license immediately; and
- Verify proof of surrender or declaration provided by respondent within 5 Days.



# Laws Do Not Implement Themselves

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- Sea change requires system reform. HB 1840 is about system reform.
- Critically important roles by many different entities in the system requires all parties to work together effectively.
- No resources provided in law to implement this system reform & no single point of responsibility.
- Similar system challenges to other states that have worked to address the increased risk associated with the presence of a gun in interpersonal violence.

## Leaders Identify Need to Review How Law Being Implemented

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- 2016 King County Board of Health passed unanimous resolution reinforcing the need for work to achieve effective removal of firearms in DV cases as a public health priority.
- Judge Anne Levinson (ret.) was asked to lead review of what jurisdictions can do better in King County to implement law and protect victims of DV from gun violence.

# Initial Review

## Implementation of HB 1840

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- 2016 Judge Levinson convened a number of work groups, including courts, prosecutors, law enforcement, advocates, records staff and others.
- Identified system reforms to more effectively accomplish the law's goals to reduce the number of guns that are available in volatile and dangerous domestic situations.
- Work groups reviewed:
  - Court practices
  - Enforcement of compliance
  - Data and records systems
  - Reducing barriers for Petitioners
  - Criminal and civil hearings

# Focus on Service of Protection Orders And Orders to Surrender Weapons

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- **Reviewed the processes in place** to ensure that individuals subject to protective orders for domestic abuse actually abide by the firearm restrictions.
- **Analyzed obstacles to implementation**, data needs at each step of the process and current promising practices for the removal/retrieval of firearms.
- **Components:** authority to remove/retrieve, identifying respondents with firearms, notifying prohibited possessors, removal/retrieval of the firearm(s), storage or sale of firearms, and return of firearms.
- Work group assessments highlighted that **system reform** will require improvement in how Protection Orders and Orders to Surrender Weapons are served to enhance the safety of victims.
- **Grant funding secured** to do additional work.

# Sea Change Continues in 2016 with Ballot Initiative

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- As work groups underway, voters approved Extreme Risk Protection Order Initiative (ERPO) in November 2016.
- Law went into effect December 2016.
- Family members or law enforcement able to temporarily remove guns from person who is a threat to self or to others.
- LEAs required to have ERPO policies by June 2017.
- Implementation requires similar system improvements so we added this to our work.

# Introduction to Protection Orders

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**KCPAO ONLY OFFICE IN STATE,  
AND ONE OF THE FEW  
NATIONALLY, WHO PROVIDE  
PROTECTION ORDER ADVOCATES  
TO HELP PETITIONERS NAVIGATE  
COMPLICATED PROCESS.**

# Protection Orders work!

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## ORIGINAL CONTRIBUTION

### Civil Protection Orders and Risk of Subsequent Police-Reported Violence

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**I**NTIMATE PARTNER VIOLENCE (IPV) is a frequent occurrence in the United States, with nearly 3 million physical or sexual assaults by intimate partners experienced by approximately 1.3 million women annually.<sup>1</sup> In addition to injury-related visits, abused women have high frequencies of emergency department visits and hospitalizations for somatic and psychiatric diagnoses related to stress, including functional gastrointestinal disorders, loss of appetite, chest pain, headaches, anxiety, insomnia, alcohol abuse or dependence, post-traumatic stress disorder, depression, and suicide attempts.<sup>2,3</sup>

Several strategies can be used by abused women in an attempt to deter future violence, but limited financial

**Context** Approximately 1.5 million US women experience intimate partner violence annually. Approximately 20% of these women obtain civil protection orders, but the effectiveness of such orders in preventing future violence is unclear.

**Objective** To assess associations between obtaining a protection order and risk of subsequent police-reported intimate partner violence.

**Design, Setting, and Subjects** Retrospective cohort study of 2691 adult female residents of Seattle, Wash, with an incident of male intimate partner violence reported to the Seattle Police Department between August 1, 1998, and December 31, 1999.

**Main Outcome Measure** Relative risk (RR) of police-reported physical and psychological abuse in the 12 months following the index incident according to protection order status (temporary protection order, usually in effect for 2 weeks; permanent protection order, usually in effect for 12 months; or no protection order).

**Results** Overall rates of police-reported physical and psychological abuse in the 12 months of follow-up were 13.5 per 100 person-years and 12.3 per 100 person-years, respectively. After controlling for cohabitation at time of index incident and index incident offense type, women with temporary protection orders in effect were more likely than women without protection orders to be psychologically abused (RR in the first 6 months after the index incident, 4.0; 95% confidence interval [CI], 2.2-7.2; RR in the entire 12 months after the index incident, 4.9; 95% CI, 2.8-8.6), while women with permanent protection orders in effect were less likely than those without orders to be physically abused (RR in the first 6 months, 0.4; 95% CI, 0.1-1.1; RR in the entire 12 months, 0.2; 95% CI, 0.1-0.8).

**Conclusions** Permanent, but not temporary, protection orders are associated with a significant decrease in risk of police-reported violence against women by their male intimate partners.

JAMA. 2002;288:585-594

www.jama.com



# Burden on Petitioner

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- Multiple steps petitioner must go through to secure PO.
- Civil proceeding – Typically no prosecutor or law enforcement agency involved to help petitioner or court.
- Petitioners put their trust in system to protect them.
- Protection requires courts, law enforcement, records staff and prosecutors all working together. Miscommunication or delays can put petitioner at risk.

# Introduction to Protection Orders and Orders to Surrender Weapons

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## **Civil Orders:**

- Anti-Harassment Order (AHO)\* 10.14
- Stalking Protection Order (SPO)\*7.92
- Sexual Assault Protection Order (SAPO) 7.90
- Domestic Violence Protection Order (DVPO) 26.50
- Vulnerable Adult Protection Orders (VAPO)74.34
- Restraining Orders (RO) 26.09, 26.10, 26.26
- Extreme Risk Protection Order (ERPO – new Dec. 2016) 7.94
- Petition for Initial Involuntary Detention of a Family Member -- Joel's Law 71.05

## **Criminal Orders:**

- No Contact Orders (NCO) 10.99
- Court-initiated Sexual Assault Protection Order 7.90.150
- Court-initiated Stalking Protection Order 7.92.160
- Harassment NCO
- Toothless NCO

**Orders to Surrender Firearms (OTS)– an option (mandatory or discretionary) on all orders except VAPO\*\***

\*combined petition but separate types of orders and relief

# DVPO Observations

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- They are a last resort.
- Most petitions contain significant levels of violence.
  - Rape, strangulation, serious assaults, stalking, etc
- They are a marathon not a sprint – especially if there are children.
- Firearm law is critically important but requires follow through by all system players to really help petitioners.
- Many respondents are represented while most victims are not.
- Filing a DVPO may result in the abuser filing other legal actions in response to being served with DVPO (their own DVPO, dissolution or most commonly – parenting plans).

# Civil Order Stats 2015 - 2016 (King County Superior Court)

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Type of Order	Petitions filed 2015	Petitions filed 2016
DVPO	2872	2885
Anti-harassment	Unknown	Unknown
VAPO	157	136
Stalking	39	71
SAPO	79	79
Grand Total	3147	3171

# Civil Order Stats 2015-2016 (King County District Court)

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Type of Petition	2015	2016
Domestic Violence Petition	558	576
Anti-Harassment	1890	1720
Sexual Assault Protection	22	33
Stalking Protection	126	121
Grand Total	2596	2450

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SEARCH



king county domestic violence  
**PROTECTION ORDER**  
ADVOCACY PROGRAM

EN ESPAÑOL



King County

繁體字

简体字

Tiếng Việt

Af Soomaali

Русский

PROTECTION ORDER

SHOULD I GET A  
PROTECTION ORDER

CAN I GET A PROTECTION  
ORDER

HOW DO I GET A  
PROTECTION ORDER

NOW THAT I HAVE A  
PROTECTION ORDER

FREQUENTLY ASKED  
QUESTIONS



# YOU ARE NOT ALONE !

**1 in 4** women have been subject to domestic violence.  
Our domestic violence advocates can help you.

[LEARN HOW](#) ▶

1

## Should I file a domestic violence protection order?

Deciding whether or not to file for a domestic violence Order is a very important decision.

2

## Can I get a domestic violence protection order?

DVPOs are designed for people who are in specific types of relationships.  
[Learn more](#)

3

## How do I get a domestic violence protection order?

The first step in obtaining a protection order is identifying the court where you would like to file.

4

## Now that I have a protection order.

There are several steps to follow once you obtain your order.  
[Learn more](#)

# Regional Protection Orders and Orders to Surrender Weapons Project

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# Project Goals

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- Enhance safety of victims, families, police officers and communities.
- King County improve how orders are served, firearms surrendered, data is tracked, firearms returned, based on best practices.
- Greater consistency/effectiveness across courts, law enforcement, prosecutors.
- Explore opportunities for regional approach to service of orders.

# Work Group Participants

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- Many participants from 1840 work group
- Prosecutors
- LEA legal advisors
- Law enforcement (County, Seattle, suburban LEAs)
- DV advocates
- Continues to meet every two weeks
- Extensive review of work products

# Project Activities

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- Collected data to assess % orders served and firearms surrendered.
- Collected policies & procedures from LEAs.
- Conducted national and regional research on best practices.
- Interviewed 13 LEAs in King County.
- Identified common problems with orders.
- Audited Non-Compliance hearings.

# Key Findings and Initial Solutions

# Serving Protection Orders

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- Number of POs from courts annually ranges from 1400 (King Co) to 15 (small jurisdiction). Mid-size cities range from 200-400 per year.
- KCSO has specific unit that serves orders.
- SPD's DV unit default servers, but may send to precincts.
- Other LEAs use patrol officers to serve.
- Patrol generally makes first service attempt within 24 hours of receiving packet; between 911 calls.

## Key Finding: Many Protection Orders are Not Being Served

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- Generally LEAs do not keep data on % of orders served. In suburban LEAs, successful service estimates range from 25% to 75% (no hard data).
- KCSO serves approximately 85% of orders.
- Based on hand count of all Temporary POs 1<sup>st</sup> Qtr 2016 and 2017 from Superior Court:
  - 2016 – Only 63% of temporary orders served in timely manner and with no flaws in the service
  - 2017 – Only 60 % of temporary orders served in timely manner and with no flaws in the service

# Key Finding: Very Few Firearms are Being Surrendered

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- All LEAs report very few, if any, firearms surrendered.
- No consistency across LEAs, or within LEAs, as to whether officers are asking for weapons.
- LEAs do not keep data on number of Orders to Surrender Firearms.
- Based on hand count of all DVPOs in Superior Court for 2016.
  - 875 Respondents ordered to surrender firearms
  - 44% Technically in compliance
  - 56% Ignored the order
  - 52 Respondents surrendered only 124 firearms



# Summary of Research for One Day of Non-Compliance Court Hearing

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- Non-Compliance Hearing Audit
  - Recovered 11 firearms in 6 days.
  - 11 firearms is 20% of all the firearms recovered in 2015.
  - Every respondent that we recovered firearms from had filed a declaration that they did not possess any firearms.













# Solutions Developed

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- Obtaining firearms as early as possible is best way to reduce risk of lethality.
- Provide additional guidance to law enforcement on authority to remove firearms – included in Model Policy.
- 1840 work group requested and Seattle City Council approved court coordinator and prosecutor to help provide capacity for enforcement and prosecution for non-compliance.
- Discussions with County for additional capacity.

# Key Finding: No Single Point of Coordination and Accountability

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- Multiple Stakeholders
  - 40 law enforcement agencies
  - 2 Superior Court locations
  - 8 District Court locations
  - 16 Municipal Court locations
  - Over 100 judges and commissioners



# Solutions Developed

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- Strengthen coordination among stakeholders to develop greater enforcement and accountability.
  - ❖ Model Service Policy offers more consistent practices across agencies and includes procedures for addressing issues that have been identified as barriers as orders move through the system.
  - ❖ Explore unit or task force at sub-regional level to receive and problem-solve orders, serve orders, and be available for calls from officers in the field.

# Key Finding: Problematic Orders

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- LEAs challenged by court orders that are incomplete, indecipherable, contradictory or unsigned.
- Resolving issues takes time and resources, may mean orders not served, extends hearing schedules.
- LEAs estimate from 10% - 50% of orders have problems.
- Issues Common across all LEAs in King County:
  - Unsigned orders
  - Missing or incorrect address/jurisdiction
  - Missing information (LEIS)
  - Handwritten messages that cannot be read
  - Wrong court forms used
  - Contradictory orders, unclear guidance

# Solutions Developed

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- Better utilization of technology to share information in real time.
  - ❖ Clerks in District Court will look up correct addresses and jurisdictions.
  - ❖ Working to create electronic transmittal of orders from courts to King County Sheriff, then to other LEAs.
- Create central court resource to quality check and problem solve orders for LEAs, and to help resolve issues real time when officers faced with conflicting orders in the field.
- Additional training for LEAs, judicial officers and court personnel.

## Key Finding: Variability in How Orders Served

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- Interviews confirm that LEA procedures vary, and some LEA procedures may or may not be in writing.
- Variability creates risk for petitioners.
- There is no written region-wide “best practice” for serving POs, OTSWs or determining a person’s eligibility to possess firearms.
- LEAs not using formal risk assessment tool to determine level of risk associated with POs – rely on local knowledge. Usually served in order received.

# Solutions Developed

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- Model Policy for all King County LEAs (also includes ERPO) will bring greater consistency to how POs and OTSWs are served. Policy addresses:
  - ❖ Recording and processing orders
  - ❖ Preparing orders for service
  - ❖ Risk assessment so prioritization is aligned with risk
  - ❖ The service of orders, with suggested time frames
  - ❖ Surrender, storage and return of firearms
  - ❖ Notification of petitioners
  - ❖ Extreme Risk Protection Orders (the new law)

## Key Findings: Petitioners Typically Not Being Notified about Service, or Return of Firearms

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- LEAs do not notify petitioners when respondent is served (or not), unless petitioner may have reached out to LEA.
- Most LEAs do not notify petitioner when weapons to be returned.
- One LEA notifies petitioner at time respondent submits request for firearm, and another after firearm is released.
- Petitioners may not know how to register to receive notification.

# Solutions Developed

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- Draft Model Policy includes more proactive notification practices for LEAs.
- Model Policy also suggests that petitioner provide evidence manager with preferred contact information.
- Further investigate SAVIN capabilities. Can notification occur through this service, which would require ensuring that all petitioners sign up with SAVIN.

# Key Finding: Data Not Available to Evaluate Implementation of the Law

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- Current data collection and sharing makes it nearly impossible to determine 1840's effectiveness and steps needed to improve effectiveness.
- Current data collection is time-intensive and accuracy is not guaranteed.



# Solutions Developed

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- Enhance LEA data tracking functions to be able to evaluate the effectiveness of these laws.
- Model Policy provides guidance for specific data needed to create robust analytical analysis.
- Jurisdictions should create metrics (eg. Dashboard) that will allow policy makers to evaluate whether risks for petitioners/victims are being reduced.

# What Policy Makers Should Know

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We should be able to tell the public and victims whether the law is working.

- How many protection orders include orders to surrender weapons
- If courts are ordering surrender of weapons when the law requires it
- How many respondents who are ordered to surrender comply with the order
- If requisite search warrants are ordered and served
- What are the consequences when someone does not comply
- If survivors and their children are safer
- If gun violence in the community is reduced

# Key Findings: Information and Guidance about the New ERPO Law is Needed

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- LEAs have limited information about new ERPO law.
- The public has limited information about the new ERPO law.
- ERPO policies required by June 2017.
- As the first ERPO's are filed, work group is able to test model policy identify gaps in court processes, training needs, continue to help improve forms and public information.
- Importance of creating protocols to integrate and coordinate between DVPO court, MHCs, ITA Courts, and helping families understand how to access the system and use ERPOs.

# Solutions Developed

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- Model Policy provides guidance on implementation
- Petitioner Information (will be link to website)
- Responding to an ERPO Petition (will be link to website)
- Turning in a Firearm (will be link to website)
- Brochure and FAQ (will be link to website)
- LEA Addendum to Petition for an Extreme Risk Protection Order
- Law Enforcement Information Supplemental for Firearms
- Shared e-learning training for police and administrative staff

# Our Requests for You

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# Actions Needed

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- Would like all jurisdictions to review model policy and make changes to their policies and practices as needed.
- Training is needed for all parts of the system:
  - Court officials in completing orders
  - Law enforcement in utilizing best practices (Model Policy) and requirements of the law
  - DV and ERPO training
- Policy makers request metrics that will enable tracking of orders served, firearms surrendered, DV gun violence reduced.

# Actions Needed

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- Willingness to explore a new sub-regional approach to serving Protection Orders and Orders to Surrender Weapons. Focus on how to create greater consistency, timeliness and safety across all jurisdictions.
- Distribution of ERPO materials.
- LEAs strongly support work of DV advocates. Increase number of advocates serving all LEAs.
- Continue to work with advocates and law enforcement to fine tune laws to enhance effectiveness