



Firearms Technical Assistance Project

Information Gathering Guide: Firearms in Civil Protection Order Cases

An effective response to firearms in domestic violence cases depends heavily on the system's ability to obtain accurate and timely information about abusers' access to firearms. The most well-conceived, highly-coordinated firearms surrender system is destined to fail unless key stakeholders learn about which abusers have access to them and the identity and location of each weapon. As many have observed, relying solely on abusers who are prohibited from possessing firearms to disclose their access to firearms is tantamount to an "honor system" without meaningful accountability and protections. Thankfully, myriad strategies are available beyond seeking voluntary disclosure from abusers about their access to firearms. While none, standing alone, ensures that the justice system will obtain a comprehensive picture of abusers' firearms access, together they can go a long way toward creating a firearms surrender program that holds abusers accountable for compliance with court orders.

Enhancing the system's ability to learn about abusers' access to firearms involves strategies that may be organized into two inter-related categories. The first focuses on providing information to victims and effective advocacy on their behalf in domestic violence cases involving firearms. This area includes ensuring that domestic violence advocates and other service providers are able to safety plan and strategize with victims about whether and how to seek protection from abusers' access to firearms. It also involves efforts to provide victims and the larger community with information about firearms and domestic violence and the protection and legal relief available from the civil and criminal justice systems. Informed decision-making by victims is the bedrock of these strategies.

The second set of strategies aims to maximize the information available to the justice system, including courts and other key stakeholders, about individual abusers' access to firearms. More extensive information in each case facilitates more detailed and specific orders to surrender and more effective compliance monitoring and enforcement. The strategies in this category include improved court forms designed to elicit more detailed information, as well as complementary efforts to learn about abusers' firearms access from police reports, criminal history, case information, databases, and other sources that do not rely on victim or offender disclosure. To the extent that this information can be gathered and shared within the overall court system (e.g., between courts hearing civil and criminal cases, with full disclosure to the involved parties), it will be easier to use and incorporate at key decision-making points.

Below, we provide brief guidance on how to implement these various strategies, as well as specific examples from communities throughout the country. The guidance is focused on civil protection order cases, but many of the tools and approaches can readily be adapted to criminal domestic violence cases. The FTAP Technical Assistance Team would be happy to provide additional information about these strategies, or to help you think through the information-gathering approaches that would work best in your community.

Provide information and effective advocacy for victims

Increase publicly-accessible information regarding firearms and domestic violence

- Use public service announcements, billboards, and other means to educate the community about dangerous intersection of domestic violence and firearms, legal relief available to victims, and the legal system's response
 - [West Virginia](#)
- Provide online information and resources regarding relief available and the process for obtaining protection from firearms using the legal system; ensure online tools are fully compatible with mobile devices
 - [Pine Tree Legal Assistance, Maine](#)
 - [Iowa Legal Aid](#)
 - [Legal Assistance of Western New York](#)
 - [Kentucky Coalition Against Domestic Violence](#)
 - [King County, WA](#)
- Create and disseminate informational brochures with similar information for victims
 - [Oregon](#)
 - [Wisconsin Coalition Against Domestic Violence](#)
- Language Access: Translate information and resources into the most prevalent languages spoken in the community; provide contact information for services that can provide additional translation
- Broadly disseminate information and resources in the community, including in conjunction with culturally-specific, community-based organizations
 - In New York City, the [RISE Project](#) “works to ensure community-based anti-violence efforts have more tools and resources to prevent and respond to the intersection of intimate partner and gun violence.” The organization disseminates information to community members in many ways, including through social media.

Advocacy-based information sharing and safety planning

- Develop or adapt interview guides and safety planning tools for work with individual victims
 - Ask questions about firearms concerns, including abusers' possession, history of use or threats of use, and wishes of the victim
 - Explain all relief available through the court regarding firearms and engage in conversations to enable victims to make informed choices about whether to seek firearms relief (including that the court may order surrender of firearms even if the victim does not request it, if that reflects judicial practice)
 - Assist victims in collecting information regarding the specific firearms, including their identity, location, and abusers' previous threats or use of firearms to provide the court, if firearms relief is sought
 - Examples:
 - [Battered Women's Justice Project](#), National Center on Protection Orders and Full Faith & Credit ([NCPOFFC](#)) [S.A.F.E Tool](#) (Strategic Assessment of Firearm Enforcement)
 - [Columbus, Ohio: CPO Information Sheet and Firearms Information Worksheet](#)
 - King County, WA: [Firearms Identification Worksheet](#) and [Firearms Interview Worksheet](#)
 - [Spokane County, WA: Firearm Identification Worksheet](#)
- Explain all relief available regarding firearms in protection orders and, where possible firearms-related relief in protection order cases” and somewhere explain what will happen if the court orders surrender despite victim’s lack of request
- Provide clear instructions for petitioners on how to complete petitions and supporting documents to enable them to request and substantiate the need for firearms relief
 - The Center for Court Innovation’s Domestic Violence Risk Factor Guide for self-represented litigants provides [guidance](#) on requesting firearms and other relief in civil protection orders

- Provide training for advocates on the topic of firearms in domestic violence cases, including research demonstrating dangerousness of firearms access, available relief through the civil and criminal processes, effective client interviewing and safety planning, how to request and substantiate need for firearms provisions, etc.
 - [The Firearms Checklist](#) for Advocates and the Advocate Full Faith and Credit Guide developed by the NCPOFFC provides information on these and related topics:

Information provided by law enforcement officers

- Implement lethality/dangerousness tools, using a protocol that includes referral of the victim to advocacy services
 - [Lethality Assessment Program \(LAP\)](#)
 - [Arizona Intimate Partner Risk Assessment Instrument System](#) (APRAIS)
- Develop and disseminate to victims referral lists of victim advocacy organizations that can assist with safety planning and other victim needs, including obtaining protection from firearms
- Develop informational materials regarding steps victims can take to obtain protection against firearms and disseminate online and in written form, in multiple languages

Health care and social services providers, including counselors addressing mental health and substance use disorders

- Ask questions about firearms and make appropriate referrals
 - [American Medical Association](#)
 - [Florida Public Health Review Article](#)
- Provide training for health care professionals and social services providers on the issue of firearms and domestic violence and their role

Community and faith-based organizations

- Ask questions about firearms and make appropriate referrals

- [Tools for Social Workers to Prevent Gun Violence](#)
 - [Social Work Practice and Gun Safety in the United States](#)
 - [Gun Violence Guide for Faith Leaders](#)
- Provide training for community and faith-based organizations on the issue of firearms and domestic violence and their role

Maximize information available to courts and other system stakeholders

Revise court forms to capture more information

- Petitions ([CA](#); [Connecticut](#); [Philadelphia, PA](#); [Confederated Tribes of the Umatilla Indian Reservation](#); [WA](#); [WI](#); [WV](#); [WY](#))
- Supplementary forms
 - Instruction sheets ([MN](#); [WA](#); [WY](#))
 - Motions to surrender firearms ([WA](#); [WI](#))
 - Law enforcement information sheets (forms to support service of process and inform serving agency of firearms issue) ([CT](#) [scroll down to form SMC-2]; [NH](#); [WA](#); [WI](#); [WY](#) [scroll down to Information Sheet]); [San Mateo, CA](#)
 - Affidavit with firearms-specific information requested ([VT](#) developed as part of the FTAP project)
- Respondent's statements re: firearms ([WI](#); [Miami](#))
- Case records/criminal history
 - Under California law, the court must conduct a search to determine if the respondent has been convicted of certain felonies or of a misdemeanor involving domestic violence, weapons, or other violence, has an outstanding warrant, is on parole or probation, has a registered firearm, or has a prior restraining order or a violation of a prior restraining order. [Cal. Fam. Code § 6306](#)
 - Under Massachusetts law, the court must conduct a domestic violence court records search. [MA General Laws c. 209A, § 7](#); see also, [Guidelines for Judicial Practice](#)

Court-based personnel

- Case manager/compliance officer
 - Conduct court records check and criminal history search for court
 - Check firearms databases (where available) and license/permit searches
 - Meet with respondents after issuance of orders regarding firearms access

- DV Firearms Investigative Analyst (Spokane, WA)
 - Conduct interviews with petitioners regarding respondents' access to firearms
 - Follow-up with respondents
 - Information gathering in support of compliance hearings

Probation, community supervision, pre-trial services

- Probation/community supervision officers ask all offenders about firearms access

- Officers receive information about issuance of *ex parte* protection orders and inform offender about firearm provisions and steps to comply; inform court about offenders' access to firearms (where possible)

- Examples: Maricopa County (Phoenix), [AZ Protocol](#) (pp. 64-66); see generally, American Probation and Parole Association, Community Corrections Response to Domestic Violence: [Guidelines for Practice](#)

Court hearings

- *Ex parte* hearings
 - Ask petitioners about the respondents' use/display of firearms, threats made regarding firearms, and other concerns about firearms
 - Obtain any specific information petitioner has about firearms type and location; explain that respondent will know that the

petitioner is the source of the information, so he or she can make an informed choice about providing it

- Explain the meaning and scope of any firearms-related provisions in orders and how to obtain enforcement
- Final CPO hearings (respondent present)
 - Questioning of the petitioner from the bench may endanger the petitioner
 - Ask the respondent questions about the current status of his or her firearms
 - Note: The Court's goal in asking respondents questions about the current status of their firearms is primarily for the safety of the public and the victim. The goal is not to create a basis for criminal liability or prosecution of the respondent. Although not all judges agree that it is necessary for the court to admonish respondents regarding their Fifth Amendment right against self-incrimination, judges in some jurisdictions do make such an admonishment. In some jurisdictions, the court or prosecuting authority may offer immunity from prosecution. See, e.g., [Cal. Fam. Code § 6389](#)

Law enforcement

- Use domestic violence incident reports that require officers to capture information regarding use and access to firearms
 - Incident reports with firearms information info: [Idaho](#); [New York](#); [North Dakota](#) (Appendix D); [Canada](#)
- Use a lethality assessment tool/screen that includes questions about firearms ([Lethality Assessment Program \(LAP\)](#); [Arizona Intimate Partner Risk Assessment Instrument System \(APRAIS\)](#))
- Consult available information sources to gather information about firearms access prior to service: [King and Snohomish Counties, WA](#) (see pages 11-14)
- Where available, determine whether respondent/prohibited person holds a firearms license or permit, and take appropriate action

- Conduct a social media Investigation to identify firearms access
- Provide [training](#) for law enforcement personnel on the issue of firearms and domestic violence and their role

Databases

- In the handful of states that require federally licensed dealers and/or private sellers to report sales of firearms to law enforcement, databases of sales should be searched to help determine access to firearms by prohibited persons
 - Information regarding statutory requirements regarding the reporting of firearms sales to law enforcement may be found [here](#)

Training

- [Webinar](#) - Moving Beyond the Honor System: Effective Strategies to Prevent Prohibited Abusers Access to Firearms

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