



Community Spotlight: King County, WA

Battered Women's Justice Project
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King County, Washington is home to the city of Seattle and roughly 2.1 million people. It is known for its great coffee, the Space needle and unfortunately, a significant amount of gun violence. 130 people die each year in King County as a result of firearm use. That is greater than the number of people killed in car crashes. This fact has motivated leaders to action to curb gun violence.

The firearm summit and a new law.

In October of 2014, King County Executive, Dow Constantine, and Seattle Mayor, Ed Murray, convened a firearm summit to identify several data-based strategies to lower gun violence in King county. Among the identified strategies was increased enforcement of domestic violence laws. In the wake of this summit, there was a significant change in domestic violence law in the State of Washington. On December 1, 2014, a new law went into effect requiring the surrender of firearms by people who are the subject of no-contact and restraining orders. This law requires the court to order surrender if a protective order is granted after a full hearing. The law also explicitly authorizes removal of firearms in ex parte domestic violence or protection orders in certain situations. Prior to the passage of this law, firearm removal in protection order cases was discretionary.

A protocol for enforcement and education.

The first hurdle to enforcement of the new law was to develop a protocol. According to Judge Elizabeth Berns, the statute was not very clear on how this was to roll out.” Judge Berns believed that a collaboration of stake holders including judges, advocates, prosecutors, and public defenders was needed to sort through a protocol for enforcement. The next hurdle to enforcement was education. After the new law passed it took a while for all the judges to be fully educated and begin to order surrender. Initially some judges incorrectly believed that a weapon had to have been used or threatened by the respondent to order surrender. Around June 2015, judges began to regularly order firearm surrender in protection order cases.

A solution from the bench for the compliance problem.

Once a respondent is ordered to surrender, they have two options for compliance in Washington. They can either file an affidavit with the court indicating that do not possess firearms, or they can file a receipt indicating that they surrendered their firearms to law enforcement or with a third party. For the first 6 months that firearm surrender was being routinely ordered, compliance with the surrender orders was terrible. Beginning in 2016, two Superior Court Judges, Elizabeth Berns and Lori-Kay Smith started Wednesday morning compliance hearings. The hearings are held every Wednesday morning. Respondents are ordered to attend a compliance hearing the second Wednesday after they are served with an order to surrender. The respondents are required to attend the compliance hearing even if they have filed their forms in advance of the hearing. The addition of the compliance hearing had a significant impact. According to Sandra Shanahan, supervisor of the King County Domestic Violence Program, compliance with surrender orders increased from approximately 10% to 60% after the implementation of the compliance hearings.