

Promising Practice

El Paso, Texas: A Coordinated Effort to Remove Firearms from Domestic Abusers

A coordinated response to firearm removal can increase the efficiency of a jurisdiction's surrender procedures. The El Paso community came together to address the safety of victims and law enforcement encountering intimate partner violence situations. El Paso's labor resulted in a guide of multidisciplinary protocols of firearm surrender that may be adapted to meet the removal goals of many jurisdictions.

In May of 2005, to address the issue of removing firearms from domestic violence abusers and reducing the use of these weapons in family violence incidents, the 388th Judicial District Court of El Paso, Texas convened the Domestic Violence Firearm Surrender Advisory Committee. The catalyst for El Paso initiating a community coordinated effort to remove firearms from batterers was the fatal shooting of a law enforcement officer responding to an early morning family violence call. This committee focused on the large number of domestic violence related incidents reported, the role firearms play in domestic violence situations, and understanding firearms increase danger for victims and those responding to requests for assistance.

Led by Judge Patricia A. Macias, this multidisciplinary committee of professionals representing courts, federal and local law enforcement, prosecutors, attorneys, advocates, a local military installation and area colleges addressed the issue of removal of firearms and domestic violence. From this group effort, the Domestic Violence Firearm Surrender Protocols Project was created.

While the Texas Family Code and the Texas Penal Code both have statutes which may bar possession of a firearm by an individual who has committed an act of family violence, implementing the effects of those statutes can be challenging. To reduce serious injury and fatalities the Advisory Committee recognized the need to create a strategy that included removing firearms from the hands of batterers through the use of effective firearm surrender protocols. The Committee addressed removal of firearms at the scene of an incident, issuing an order to surrender, storage and return of firearms, and the coordination of agencies. With a commitment to communication, consistency and collaboration by the system actors, the Advisory Committee knew these would be successful protocols for firearm surrender.

The Advisory Committee worked for three years to create policies they believed would achieve the results they desired. The focus areas were: at-the-scene firearm surrender, administrative retrieval and transfer of firearms by respondents, storage and reacquisition of firearms, destruction of weapons, ability to notify officials of unlawful possession, and victim notification of a motion to retrieve firearms. Protocols and corresponding forms were created to address law enforcement retrieval, respondent relinquishment and storage and return of firearms, interagency coordination and community support.

In 2007, El Paso implemented these protocols as a pilot program. The following elements were recognized by the Advisory Committee as essential for a successful program: judicial leadership, setting common goals, collaboration and coordination, personnel and resources, research and evaluation, and training. Examples of the protocols include:

- Judicial inquiry on possession of firearms.
- Advocates explaining the Firearm Surrender Initiative to victims and provide additional information on risk factors.
- If the respondent fails to surrender firearms after a protection order has been issued, the county attorney will take appropriate compliance action.
- Victims are notified of the pending return of firearms.

The 388th Judicial District Court Domestic Violence Firearms Surrender Summit was held in El Paso Summer 2011. This gathering convened the multi-disciplinary partners to introduce the completed 388th Judicial District Domestic Violence Firearms Surrender Protocols Project Replication Manual. It also serves as a replication manual, as well as a resource for other communities seeking to implement similar systems. The protocols have had such a positive effect that other jurisdictions have begun to tailor or “replicate” the El Paso protocols to meet their needs.

Judge Macias and other representatives from El Paso, through the Texas Office of Court Administration, offer information and assistance on the implementation of the replication manual to other jurisdictions in Texas. The guide they created has been applied to varying court systems and localities. Its versatility allows for application to civil and criminal court systems, and its discipline specific protocols for attorneys, law enforcement, educational institutions and federal partners have been applied with success in neighboring communities. While there is still work to be done, El Paso is leading by example and assisting others in creating systems that will meet the needs of their communities.