

Strategies to Improve the Response to Firearms in Civil Protection Order (CPO) Cases: A Checklist for Judges

Convene a court-led multi-disciplinary collaborative team

- An existing coordinated community response team or task force could play this role
- Secure participation by all key stakeholders: law enforcement, victim advocates/attorneys, defense bar/respondents' counsel, prosecutors, probation, federal counterparts (United States Attorney's Office, Bureau of Alcohol, Tobacco, Firearms and Explosives)
- Frame issue as one of public health and safety and focus on individuals who are prohibited by law from possessing firearms

Engage in mapping of the civil protection process to identify gaps and challenges

- Gather all key stakeholders in small, inter-disciplinary groups to create maps of the CPO and firearms surrender process focused on the parties' experiences (as opposed to a system-centered approach)
- Identify areas for potential improvement in the response to firearms as a group and prioritize challenge areas for future work

Strategies to consider for each stage of the CPO process

Consider what can be done to (1) learn about the risk posed by abusers and their access to firearms and (2) take effective steps to confiscate or obtain surrender of firearms at each of the following stages of the CPO process:

Pre-litigation:

- Provision of publicly accessible information (brochures, websites, law enforcement-provided materials) on firearms and domestic violence, and legal relief/protection available through the CPO process

Advocacy:

- Use of interview and safety planning tools that include firearms-specific information

Information provided to and gathered by the court:

- Petitions/supplementary forms with firearms-specific questions
- Respondent affidavits
- Police reports
- Lethality screens
- Court records
- Criminal history
- Firearms licenses/permits

Issuance of clear orders regarding firearms:

- Provision of specific information regarding firearms to be surrendered, including deadlines and where/how to surrender
- Instructions for protected persons regarding enforcement options (e.g., calling law enforcement, filing for contempt)
- Direction to enter orders into state and federal databases

Service of process:

- Creation of service packets that include information regarding lethality and firearms access, derived from interviews with victims and other sources
- Prioritization of high-risk cases, including those involving firearms access by respondent
- Implementation and development of protocols that require steps to be taken regarding firearms upon service and that describe the authority of serving officers to search for and seize weapons
- Documentation requirements regarding firearms during service
- Notification of victims regarding results of service and firearms surrender
- Notification of persons required to surrender firearms of legal requirements, penalty for failure to comply, and mechanism for return

Compliance monitoring and response to violations:

- Firearm surrender program developed collaboratively with all key stakeholders: courts, law enforcement, prosecutors, victim advocates, public defenders/respondents' counsel, probation officers, etc.
- Mechanism for court to learn whether respondents surrendered firearms (direct communication between law enforcement agency receiving firearms and court, affidavit/certification filed with receipt by respondent, etc.)

- Court monitoring of third-party transfers of firearms (use of affidavit signed by third party and respondent; third party required to appear before court)
- Court compliance mechanism: (1) compliance review hearing (possibilities: calendared for each case, but may be cancelled if documentation of firearms surrendered is submitted in writing to the court in advance of the compliance hearing; held in all cases); (2) show cause/contempt hearing set by court
- Litigant-friendly contempt process available for victims
- Prosecution response to violations
- Court staff designated for compliance monitoring
- Victim notification of surrender status

Returns of firearms:

- Use of petition for return
- Conduct background check prior to return
- Provide victim notification of return request and opportunity (voluntary) to participate in process

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