

# Reducing the Number of Intimate Partner Homicides

A report on domestic  
violence and firearms  
in Central Indiana

Domestic Violence Network  
2021

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*This report is dedicated to all of the  
lives lost due to domestic violence related  
homicides in central Indiana.*

Visit our website to learn more about DVN at [dvnconnect.org](http://dvnconnect.org)

## EXECUTIVE SUMMARY

Domestic violence (DV) is an issue that affects 40.4% of women and 26.8% of men in Indiana.<sup>1</sup> The *State of Domestic Violence* report released by Domestic Violence Network (DVN) in 2020 showed that in 2018 and 2019 in central Indiana, 65% of all homicides related to domestic violence were committed using a firearm,<sup>2</sup> and the numbers for 2020 are showing an increase to 73%. These statistics show that the intersection of domestic violence and intimate partner homicides committed using a firearm in Indiana need special attention. There are measures that can be implemented to help reduce the number of intimate partner homicides caused using a firearm.

This report will discuss the following:

1. A background on why stakeholders should be concerned with intimate partner homicides caused by firearms.
2. The current laws in place around this topic, and why the gaps in these laws are cause for concern. Followed by two case studies around how the laws in place did not help prevent intimate partner homicides.
3. Methods for improving the current honor system for firearms surrender and why this is pivotal in changing the narrative. These methods cover changes in the court system, law enforcement practices, and with survivor/victim advocates as well as how these groups need to work in collaboration on these changes.
4. A call to shift, or a continued shift in some cases, toward transformative justice. While the above suggestions will help save lives in the immediate interim, it is fully recognized that more policing and more emphasis on the criminal justice system do not break the cycles of violence, but typically perpetuate them. People causing abuse are typically doing so as a trauma response. An emphasis is placed on working more heavily on true violence prevention through healing, and an increased access to services like mental, physical and financial healthcare all aimed at alleviating the triggers that can cause violence.

There is much opportunity for improvement in these areas, and the central Indiana community can learn from other cities around the country that are already working on improving their intimate partner homicides caused by a firearm. It is often mentioned that success in improving these statistics relies on collaboration, understanding, communication, and transparency with all parties involved including the survivor/victim and the offender.

<sup>1</sup> National Coalition Against Domestic Violence. Domestic Violence in Indiana (2019). Retrieved from: <https://ncadv.org/statistics>

<sup>2</sup> The State of Domestic Violence Report (2020). Domestic Violence Network. Retrieved from: <https://dvnconnect.org/wp-content/uploads/2020/12/State-of-DV-18-19-Final.pdf>



## INTRODUCTION

### Use of this report

The intended use for this report is to provide evidence to lawmakers, courts, law enforcement, and domestic violence service provider organizations on why it is crucial to improve the number of firearm-related intimate partner homicides. As noted in the report, collaboration and understanding between these channels is essential to implementing sustainable change for the community at large.

### Terminology Note

Throughout this report, the terms “intimate partner,” “intimate partner homicide,” “domestic violence,” and “domestic violence related homicide” are used. This is due to the variation in language used within the field. All intimate partner violence is domestic violence, but not all domestic violence is intimate partner violence. While domestic violence encompasses intimate partner violence, it also includes other types of familial or household violence. However, both terms are used to describe violence between romantic partnerships. Some experts use the term “intimate partner” to describe what others would call “domestic partner.” “Intimate partner homicide” and

“domestic violence related homicides” express the same idea, but can vary throughout the field.

### Background

Domestic violence is a pervasive public health issue in central Indiana. According to the Centers for Disease Control and Prevention, in the U.S., over 1 in 3 (36.4% or 43.6 million) women and 1 in 7 (33.6% or 37.3 million) men experienced sexual violence, physical violence, and/or stalking by an intimate partner during their lifetime (Smith, et al., 2015).<sup>3</sup> In Indiana, 40.4% of women and 26.8% of men experience intimate partner physical violence, intimate partner sexual violence, and/or intimate partner stalking in their lifetime.<sup>4</sup> According to the latest *State of Domestic Violence* report, there were more than 28,000 crisis calls made to four local central Indiana domestic violence service providers.<sup>5</sup> While data is still being analyzed, what is known is that COVID-19 has only increased the severity of the issue

<sup>3</sup> Smith, Sharon G., Zhang, Xinjian, Basile, Kathleen C., Merrick, Melissa T., Wang, Jing, Kresnow, Marcie-jo, Chen, Jieru (2018). The National Intimate Partner and Sexual Violence Survey: 2015 Data Brief – Updated Release. Centers for Disease Control and Prevention. Retrieved from: <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf>

<sup>4</sup> National Coalition Against Domestic Violence. Domestic Violence in Indiana (2019). Retrieved from: <https://ncadv.org/statistics>

<sup>5</sup> The State of Domestic Violence Report: Information on domestic violence for Marion and the surrounding counties - 2018 & 2019 Edition (2020). Domestic Violence Network.

nationwide. Comparing the first quarter of 2020, calls made to local law enforcement shows an average increase of 125% compared to the same time frame over the previous three years. In 2021, calls increased, on average, another 13% from the same time period in 2020.<sup>6</sup> These data points show that this is an issue that needs to be heavily addressed, which includes examining firearms and its relationship to domestic violence.

The statistics around the use of firearms in domestic violence show the increased risk and danger that firearms pose in these situations. Today, approximately 4.5 million American women alive have been threatened by an intimate partner with firearms, and of these women, approximately one million have actually been shot or shot at by their abusers.<sup>7</sup> It is known that having access to firearms increases the risk of femicide by at least 500%.<sup>8</sup> Data shows that 1 in 3 female and 1 in 20 male homicides were committed by current or previous intimate partners, and a majority, approximately two-thirds, were killed by a firearm.<sup>9</sup> Although data among transgender homicides is not complete, in most cases, due to misgendering and deadnaming (using someone's name assigned at birth without their consent when they no longer use that name socially and/or legally<sup>10</sup>), this is an issue that also impacts the trans community. From 2013-2020, approximately 30% of transgender homicides

<sup>6</sup> Domestic Related Radio Runs by Zip Code 2017-2020 (2021). Indianapolis Metropolitan Police Department.

<sup>7</sup> Sorenson, S. B., & Schut, R. A. (2016). Nonfatal gun use in intimate partner violence: A systematic review of the literature. *Trauma, Violence, & Abuse*

<sup>8</sup> National Coalition Against Domestic Violence. National Statistics (2019). Retrieved from: <https://ncadv.org/statistics>

<sup>9</sup> Bridges, F. S., Tatum, K. M., & Kunselman, J. C. (2008). Domestic violence statutes and rates of intimate partner and family homicide: A research note. *Criminal Justice Policy Review*, 19(1), 117-130.

<sup>10</sup> HRC's Brief Guide to Getting Transgender Coverage Right. Human Rights Campaign. Retrieved from: <https://www.hrc.org/resources/reporting-about-transgender-people-read-this>

# 4.5 million

American women alive today have been threatened by an intimate partner with firearms.

# 1 in 3 female

Homicides were committed by current or previous intimate partners.

# 30% of transgender

Homicides were committed by an intimate partner.

were committed by an intimate partner.<sup>11</sup> It is unknown, within this 30%, what percentage were killed using a firearm, but among all transgender homicides in the same period, more than 67% were killed using a firearm.<sup>12</sup> Among the most heavily impacted individuals, especially when discussing transgender homicides, are Black transgender women. In this same 2013-2020 time period, 85% of all transgender homicide victims were people of color, 84% were transgender women, and 78% were Black transgender women.<sup>13</sup> While intimate partner homicides are already tragic enough on their own, individuals who kill their intimate partners have also been known to injure or kill third parties. One study found that in 38% of homicides involving intimate partners, the perpetrator kills more than one person. Other victims include children, intervenors, and bystanders<sup>14</sup>; proving that this issue is concerned with overall public safety.

In central Indiana, the data is consistent with these national findings. In the latest iteration of the *State of Domestic Violence* report, in 2018 and 2019, 65% of all homicides related to domestic violence were committed using a firearm. Over the course of 2020, this number dramatically increased. Of the 2020 homicides related to domestic violence, approximately 73% were committed using a firearm, nearly a 10% increase from the previous two year period.<sup>15</sup> It is also critical to consider that when firearm use does not result in death, it can cause severe physical, life-altering injury, as well as intense mental trauma for the survivor.

Given that firearms increase the risk and danger of intimate partner violence by a substantial amount, and the fact that the homicide rates in Marion County alone are just above the national average when it comes to domestic violence and firearms, this report will explore the issue of firearms and domestic violence for central Indiana in more detail, specifically focusing on the honor system for firearms surrender. By critically examining the current laws surrounding this topic and drawing inspiration from other cities and states throughout the country, the following ideas will focus

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<sup>11</sup> An Epidemic of Violence: Fatal Violence Against Transgender and Gender Non-Confirming People in the United States in 2020 (2020). Human Rights Campaign. Retrieved from: <https://reports.hrc.org/an-epidemic-of-violence-fatal-violence-against-transgender-and-gender-non-confirming-people-in-the-united-states-in-2020#legal-protections>

<sup>12</sup> An Epidemic of Violence: Fatal Violence Against Transgender and Gender Non-Confirming People in the United States in 2020 (2020). Human Rights Campaign. Retrieved from: <https://reports.hrc.org/an-epidemic-of-violence-fatal-violence-against-transgender-and-gender-non-confirming-people-in-the-united-states-in-2020#legal-protections>

<sup>13</sup> An Epidemic of Violence: Fatal Violence Against Transgender and Gender Non-Confirming People in the United States in 2020 (2020). Human Rights Campaign. Retrieved from: <https://reports.hrc.org/an-epidemic-of-violence-fatal-violence-against-transgender-and-gender-non-confirming-people-in-the-united-states-in-2020#legal-protections>

<sup>14</sup> Mitchell, Darren & Carbon, Susan B. (2002). Firearms and Domestic Violence: A Primer for Judges. Court Review. Retrieved from: <http://aja.ncsc.dni.us/courtrv/cr39-2/CR39-2MitchellCarbon.pdf>

<sup>15</sup> Domestic Violence Death Statistics (2020, 2021). Indiana Coalition Against Domestic Violence.

on reducing harm caused by firearms in situations of domestic violence.

## **CURRENT LAWS -- INTIMATE PARTNER HOMICIDE PREVENTION**

There are currently two key laws around prevention of intimate partner homicide. The first is federal law 18 U.S.C. section 921, which has two specific provisions. One prohibits a person from owning or possessing a firearm if they are either subject to a protection order and/or have a prior misdemeanor conviction for domestic violence. The other federal provision, the Brady provision, prevents someone from owning or possessing a firearm if: (a) they had proper notice and a hearing, (b) were subject to a protection order, and (c) were a spouse/former spouse, had a child in common, and/or resided together while in an intimate relationship. The law specifically states that it applies when “the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.”<sup>16</sup>

As these provisions are currently written, they leave a partner loophole. This loophole does not offer protections against a current or former dating partner, even though nearly half of intimate partner homicides are perpetrated by an unmarried partner.<sup>17</sup> “Black women are four times more likely than white women to be murdered by an unmarried partner.”<sup>18</sup> The Violence Against Women’s Act, at the time this report was written, has been a point of contention, because of the amendments made within the bill that would offer more protections against current and former dating partners. These amendments would offer further protection to unmarried individuals. As the amendments are written:

Section 921(a) of title 18, United States Code, is amended—

(1) in paragraph (32), by striking all that follows after “The term ‘intimate partner’” and

16 18 U.S. Code § 921 - Definitions. Legal Information Institute. Retrieved from: <https://www.law.cornell.edu/uscode/text/18/921>

17 Sorenson SB, Spear D (2018). New data on intimate partner violence and intimate relationships: Implications for gun laws and federal data collection. *Preventive Medicine*;107:103-108

18 Seeburger, Emily F (2020). Firearms and Intimate Partner Violence (IPV): Scope & Policy Implications. Ortnier Center on Violence and Abuse: University of Pennsylvania. Retrieved from: [https://www.sp2.upenn.edu/wp-content/uploads/2020/11/OC-IPV-and-Guns-fact-sheet\\_11182020.pdf](https://www.sp2.upenn.edu/wp-content/uploads/2020/11/OC-IPV-and-Guns-fact-sheet_11182020.pdf)

inserting the following: “—

(A) means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person; and

(B) includes—

(i) a dating partner or former dating partner; and

(ii) any other person similarly situated to a spouse.

Nothing in this paragraph may be construed to require that sexual contact between two persons have occurred to establish the existence of any relationship for purposes of this paragraph. For purposes of this paragraph, the term ‘dating partner’ means, with respect to a person, a person who is or has been in a social relationship of a romantic or intimate nature with the person.”<sup>19</sup>

At the time this report was written, this bill had passed through the House of Representatives and had yet to go to the floor in the Senate. This is not to be confused with another important piece of legislation, the Victims of Crime Act (VOCA), which recently passed to stabilize the Crime Victims Fund<sup>20</sup>. VOCA, passed by Congress in 1984, established the Office for Victims of Crime (OVC) and created the Crime Victims Fund, which provides funds to states for victim assistance and compensation programs that offer support and services to those affected by violent crimes<sup>21</sup>. Guidance provided for the victim assistance and compensation grant programs is in accordance with VOCA. This loophole still needs to be closed to help reduce the number of intimate partner homicides.

The second law currently in place for homicide prevention is The Indiana Civil Protection Order Act. This law does not have a specific firearms prohibition clause, but does allow a court the ability to order any remedy necessary for the cessation of violence. Under section IC 34-26-5-9 it states that

*A finding that domestic or family violence has occurred sufficient to justify the issuance*

<sup>19</sup> 18 U.S. Code § 921 (Amendment) (2021). H.R.1620 - Violence Against Women Act Reauthorization Act of 2021. 117th Congress. Retrieved from: <https://www.congress.gov/bill/117th-congress/house-bill/1620/text>

<sup>20</sup> President Biden Signs the VOCA Fix to Sustain the Crime Victims Fund Act of 2021 (2021). Office for Victims of Crime. Retrieved from: <https://ovc.ojp.gov/news/announcement/president-biden-signs-voca-fix-sustain-crime-victims-fund-act-2021>

<sup>21</sup> Victims of Crime Act (VOCA) Administrators: Laws and Policies (2020). Office for Victims of Crime. Retrieved from: <https://ovc.ojp.gov/program/victims-crime-act-voca-administrators/laws-policies>



*of an order under this section means that a respondent represents a credible threat to the safety of a petitioner or a member of a petitioner's household. Upon a showing of domestic or family violence by a preponderance of the evidence, the court shall grant relief necessary to bring about a cessation of the violence or the threat of violence. The relief may include an order directing a respondent to surrender to a law enforcement officer or agency all firearms, ammunition, and deadly weapons.*<sup>22</sup>

It has been used when 18 U.S.C. section 921 does not apply, but the desired outcome in that situation is both prohibition and the surrender of firearms. The Indiana Civil Protection Order Act also recognizes that even when a relationship ends, violence can still happen between intimate partners. The law provides suggested direction for firearms surrender, though it does not require the suggested route for surrender, as noted above, the relief *may* include an order to surrender firearms to a law enforcement officer or agency. Given the safety issues and statistics outlined above, survivors, and the public at large, may be at considerable risk if these individuals causing harm retain access to firearms, even under circumstances where removal is discretionary.

## **A FLAWED SYSTEM**

In 2014, Officer Kimberlee Carmack was “afraid for her life” according to the protection order she filed against her ex-husband and fellow law enforcement officer. The two had a six- year marriage where her ex-husband inflicted harm on Kimberlee. Their relationship was one where Kimberlee’s ex-husband maintained power and control over her and physically, emotionally, and sexually abused her. Since they worked together, they were both reassigned to office duties and both had to turn in any company-issued weapons. Indianapolis Metropolitan Police Department (IMPD) monitored Kimberlee’s ex-husband’s whereabouts during the investigation, but since the process for surrendering personal firearms is not operationalized with accountability measures built in, Kimberlee’s ex-husband gave his weapons to his father, where he still had easy access. He murdered

Kimberlee and died by suicide with the use of firearms.<sup>23</sup>

<sup>22</sup> 2012 Indiana Code Title 34. Civil Law and Procedure Article 26. Special Proceedings: Injunctions and Restraining Orders Chapter 5. Indiana Civil Protection Order Act. Justia US Law. Retrieved from: <https://law.justia.com/codes/indiana/2012/title34/article26/chapter5/>

<sup>23</sup> Disis, Jill (2014). IMPD officer Kim Carmack feared for her life, documents say. Indianapolis Star. Retrieved from: <https://www.indystar.com/story/news/crime/2014/04/21/impd-officer-kim-carmacks-funeral-set-wednesday-indianapolis/7968281/>

Kimberlee filed a protection order, moved out of her ex-husband's home, reported the incidents to her place of work, and worked for a place that monitored her ex-husband. Kimberlee's story shows that domestic violence is incredibly dangerous, especially when fleeing, and that there is more work to do to improve the current systems in place to protect those experiencing domestic violence and from intimate partner homicide.

Stephanie Bond had been married to her husband Gabriel Omo-Osagie for 22 years when he began to grow increasingly abusive in 2009. That year, he was arrested for domestic battery and under Illinois state law no longer had the right to own firearms. But the police refused to take his 80 guns, saying it was "nothing more than a dirty divorce," Bond said. According to a court filing, one officer told her that she was "only crying wolf;" another told her husband they had "better things to do" than enforce the law against him. Three months later, in February 2010, her husband shot her three times and killed himself. Stephanie survived after losing two-thirds of the blood in her body. A year later, she filed a lawsuit against Illinois state and local police for failing to enforce the law. She lost the case.<sup>24</sup>

This story is all too common when it comes to intimate partner violence. A study conducted by the National Domestic Violence Hotline found that of women who called the police to the scene, only 1 in 5 felt safer while 1 in 3 felt less safe, and 1 in 2 felt no difference in their safety.<sup>25</sup> Illinois, like Indiana,

*Of women who called police to the scene of a domestic violence situation, 1 in 3 felt less safe.*

has this type of a law.<sup>26</sup> Yet, even with these laws in place, we still see at least 65% of all intimate partner homicides happening with the use of a firearm, signaling that change is required when it

<sup>24</sup> Gu, Jackie (2020). Deadliest Mass Shootings Are Often Preceded by Violence at Home. Bloomberg. Retrieved from: <https://www.bloomberg.com/graphics/2020-mass-shootings-domestic-violence-connection/>

<sup>25</sup> National Domestic Violence Hotline, Who Will Help Me? Domestic Violence Survivors Speak Out About Law Enforcement Responses. Washington, DC (2015). Retrieved from: <http://www.thehotline.org/resources/law-enforcement-responses>

<sup>26</sup> Indiana Jake Laird Law (Red Flag Law). State of Indiana. Retrieved from: <https://www.in.gov/isp/3484.htm>

comes to enforcement of these laws to prevent homicide.

Both of these stories illustrate that there are areas for improvement when it comes to protecting citizens from intimate partner homicide. There are a number of areas to address to improve the outlook for the central Indiana community, but some of the most crucial areas are: addressing the court's accountability measures with firearms surrender, law enforcement responses to those experiencing domestic violence and their role in firearms surrender, and furthering transformative justice practices (otherwise known as preventative measures).

## **METHODS FOR IMPROVING FIREARMS SURRENDERING PROCESS**

Addressing accountability and working on operationalization of the surrender process is one of the key ways to help prevent a number of intimate partner homicides. For this report, Marion County will be the focus of discussing current policies and suggesting improvements, but it should be noted that the suggestions made can apply to most counties in the state to improve on these issues to reduce intimate partner homicide throughout the central Indiana area.

Currently, Marion County operates on an honor system for firearms surrender. There are many reasons this has been the case for so long, as the honor system is used in a majority of the country and carries with it many perceptions as to why it is the only viable option. There are many perceptions that it is incredibly difficult for courts and other justice system stakeholders to “(1) obtain complete and accurate information about an abuser’s possession of an access to weapons, which may change over time; (2) determine whether an offender has complied with the terms of a court order requiring surrender of firearms; and (3) prevent respondents from gaining access to new firearms even if they have surrendered the weapons they owned at the time a prohibition went into effect.”<sup>27</sup> There are challenges to each of these concerns that have made it difficult to switch from the honor system to anything else, but as other places around the country start to confront these challenges, it is clear that effective alternatives exist.

The National Council of Juvenile and Family Court Judges hosts a program for cities

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<sup>27</sup> Moving Beyond the “Honor System”: Effective Strategies to Prevent Prohibited Abusers’ Access to Firearms (2020). National Council of Juvenile and Family Court Judges. Webinar. Retrieved from: <https://www.ncjfcj.org/webcasts/moving-beyond-the-honor-system-effective-strategies-to-prevent-prohibited-abusers-access-to-firearms/>

around the country centered on moving away from the honor system for firearms surrender. In the program, strategies for doing this include: (1) information gathering, (2) clear and enforceable orders to surrender, leading to a culture of compliance, (3) service of process, and (4) compliance monitoring.<sup>28</sup>

### **Information Gathering**

There is no firearm registry in Indiana, and a license is not needed to own a firearm (though a license is needed for concealed carry), therefore it is impossible to definitively know what kind of firearm someone possesses in these cases. There are, however, ways to increase knowledge around the firearms that someone causing harm may possess. Information gathering is generally a good place to start in improving the current surrender program for simplicity and resource allocation, and because of this, that is where a majority of the focus will be in this report. There are, typically, many agencies involved in domestic violence cases and proceedings, and often, the various pieces have little interaction to fully understand the entirety of the issue. Having service providers, advocates, and prevention agencies more involved with developing court processes can help the courts understand some of the intricacies and risk factors involved with these cases. Connecting the courts to these field specialists is critical in understanding where the process is now and formulating ideas on where the process can go to reduce the number of intimate partner homicides. This includes having experts facilitate training on topics involving domestic violence and providing reading materials to these courts so they can better understand the issues at hand.

Beyond understanding domestic violence, information should be gathered on a case-by-case basis. This is something that may already be done, but operationalizing this process to make it uniform across cases is critical. Information should include any case documentation from incident reports (including a section on firearms on police incident reports), any available petitions or motions to surrender, as well as any previous civil and criminal court records. It's crucial to ensure that incident reports and police reports are amended to increase specificity around firearms. It is also

important to utilize advocates as sources to gather information.

<sup>28</sup> Moving Beyond the "Honor System": Effective Strategies to Prevent Prohibited Abusers' Access to Firearms (2020). National Council of Juvenile and Family Court Judges. Webinar. Retrieved from: <https://www.ncjfcj.org/webcasts/moving-beyond-the-honor-system-effective-strategies-to-prevent-prohibited-abusers-access-to-firearms/>

Having advocates administer questionnaires and conduct interviews around firearms in a particular case is vital, as it is also a place for opportunity to gain specificity about firearms and accessibility to firearms. The Battered Women's Justice Project developed a checklist for advocates to gather information on firearms cases (Appendix A). One method they have found extremely successful is conducting an interview where they show pictures of various firearms and ask if the person causing them harm has any of the pictured firearms and how many they have.<sup>29</sup> Doing this with pictures makes it more accessible to a larger audience to identify the weapons. This is something that could be immediately implemented with advocates. Another tool that can be given to advocates is information for the survivor/victim on domestic violence and firearms. This would inform people of the dangers, warning signs, and the steps they can take and the laws in place to help them (Appendix B).<sup>30</sup> One of the benefits of conducting interviews with the survivor is that the information acquired can be shared not only with law enforcement who will be involved in the safe removal and the courts who will issue an order to surrender, but also with federal agencies. Domestic violence offenders are often, in some way, linked to mass shootings. Between 2014 and 2019, there were 749 mass shootings with an identified shooter (that were not classified as drug-related, gang-related, or robbery-related shootings). Of those 749 mass shooters, "46% [about 345 shooters] were incidents of domestic violence or violence against women, and 36% were committed by shooters with a known history of domestic violence or

29 Firearm Checklist for Advocates (2015). National Center on Protection Orders and Full Faith Credit. Battered Women's Project. Retrieved from: <https://www.bwjp.org/resource-center/resource-results/firearm-checklist-for-advocates.html>

30 Oregon Firearms and Domestic Violence Task Force (2010). Domestic Violence and Guns. Oregon Crime Victim Rights. Retrieved from: <https://www.courts.oregon.gov/programs/familv/domestic-violence/Documents/DVBrochureEnglish.pdf>

**60%**  
of mass shootings  
between 2014  
and 2019 were  
incidents of  
domestic violence  
and/or committed  
by shooters with a  
known history of  
violence against  
women.





violence against women. About 60% [about 450 shooters] were either or both.”<sup>31</sup>

Knowing that resources are often strained in the courts system, there are ways to adapt the current procedures that will improve the mortality rate in regard to intimate partner violence. Washington state has adapted a system of coding protective order petitions that they receive.<sup>32</sup> This process of coding protective order petitions is incredibly helpful for states without a firearms registry, like Indiana. While it is unlikely that coding will catch every instance of a firearm involved in a case, this process does help determine which cases to invest more time and resources on. “Firearms positive” coding is determined by these factors: if there is a threat to shoot in the petition, if there is an allegation of a firearm possession in the petition, if there are any concealed carry licenses mentioned, or any other state issued licensing around firearms mentioned in the petition. Again, this is not a perfect system, but it aids in flagging cases that may be at higher risk of homicide. They also have partnerships with law enforcement to look at leads online on any purchases that may have been made at places like pawn shops or any posting on social media that points to a firearm positive case. They also search for any fish and wildlife licenses.

Putting all of this information together can help give further knowledge to the courts and to those involved, on the level of threat posed by firearms in the domestic violence case. Doing work like this helps people working in the movement against domestic violence find trends, which could ultimately lower rates of violence in the community. Washington state, for example, in doing this work found that its domestic violence offender population is disproportionately twice as likely to be armed than the general population. Knowing information such as this helps those working in the prevention space to redirect or build new programming to help individuals who fall into these demographics.<sup>33</sup>

There is also ample opportunity to improve the forms available in the court system to increase information gathering and specificity in regards to firearms. The most notable example

31 Gu, Jackie (2020). Deadliest Mass Shootings Are Often Preceded by Violence at Home. Bloomberg. Retrieved from: <https://www.bloomberg.com/graphics/2020-mass-shootings-domestic-violence-connection/>

32 Klein, Andrew R. (2006) Enforcing Domestic Violence Firearm Prohibitions: A Report on Promising Practices. Office on Violence Against Women. National Center on Full Faith and Credit. Retrieved from: <https://www.preventdvgunviolence.org/assets/documents/sample-resources/enforcing-domestic-violence-firearm-prohibitions.pdf>

33 Moving Beyond the “Honor System”: Effective Strategies to Prevent Prohibited Abusers’ Access to Firearms (2020). National Council of Juvenile and Family Court Judges. Webinar. Retrieved from: <https://www.ncjfcj.org/webcasts/moving-beyond-the-honor-system-effective-strategies-to-prevent-prohibited-abusers-access-to-firearms/>

comes from Miami-Dade County, Florida and Judge Amy Karan. Judge Karan took it upon herself to improve the paperwork involved in these cases when she saw where the system was lacking.<sup>34</sup> She came up with improved documents for weapons surrender, information to the respondent regarding surrender, information to the respondent on how to reclaim surrendered firearms, sworn statements, and other documents (see Appendices C-K). All of these forms would be a tangible step forward in the improvement of accountability and information gathering with firearms surrender, and this is pulling from one source of inspiration in this still newer movement. It is important to note that in creating forms to give to the respondent, it may not give the most accurate information, keeping in mind the 5th Amendment (specifically on self-incrimination), which is why all of the alternative routes to information gathering have been suggested.

### **Clear and Enforceable Orders to Surrender**

Working on this portion of moving away from the honor system is critical. Honor systems tend to lack specificity and clarity. Obtaining clear and specific information leads right into having clear and enforceable orders to surrender. This step becomes much easier if the information gathering step is thorough. First, normalizing the process is important, especially when it is a new process, which is why scripting as much of the process will help those administering the process and those going through the process.<sup>35</sup> In reference to the written orders to surrender, they should be written clearly. Language like “any and all firearms including but not limited to...” and listing the known weapons allows law enforcement to obtain the known firearms and any additional firearms that are uncovered at the time of surrender. Orders should also include very specific instructions, such as where, when, and how to surrender the firearms. Marion County does include this in the order to surrender, but needs to include more specific language about the actual firearms being surrendered (Appendix L).

One example of a specific, clear, and detailed order to surrender comes from Wisconsin (Appendix M). It offers a section to identify the known firearms and offers a space for additional

34 Moving Beyond the “Honor System”: Effective Strategies to Prevent Prohibited Abusers’ Access to Firearms (2020). National Council of Juvenile and Family Court Judges. Webinar. Retrieved from: <https://www.ncjfcj.org/webcasts/moving-beyond-the-honor-system-effective-strategies-to-prevent-prohibited-abusers-access-to-firearms/>

35 Moving Beyond the “Honor System”: Effective Strategies to Prevent Prohibited Abusers’ Access to Firearms (2020). National Council of Juvenile and Family Court Judges. Webinar. Retrieved from: <https://www.ncjfcj.org/webcasts/moving-beyond-the-honor-system-effective-strategies-to-prevent-prohibited-abusers-access-to-firearms/>

instructions about the surrender process. Indiana would benefit from including this information in its orders. Wisconsin also includes four pages of detailed instructions on what to expect, the steps they need to take, a checklist of things to complete, and how to reclaim their firearms once the time comes.<sup>36</sup> Developing something like this would be useful for respondents, as well as for the courts and law enforcement in operationalizing some things that may not currently be operationalized in an honor system. This would take the work of law enforcement and the court system working together to be sure they covered the entire process of surrendering. Clear orders to surrender are focused on helping the respondent understand what their responsibilities are clearly, specifically, and with dates and times. If any of these pieces is missing, it can make respondents confused and less likely to comply with an order. When all of these pieces align, compliance will increase naturally.

### **Service of Process and Compliance Monitoring**

Ensuring a stable and reliable service of process protocol requires collaboration work among advocacy organizations, courts, and law enforcement. Using methods previously discussed, the W.A.R.M. approach (named after the officers that developed the method) has proved to be successful in many states. This approach was developed by police departments in California and Maryland. It involves gaining extensive knowledge about the firearms that the offender may have in possession, knowing the circumstances around the order to surrender, and using scripted, clear, matter-of-fact language when speaking with the offender. The approach is used to deescalate situations and, in a non-threatening way, make it clear what is happening.<sup>37</sup> The W.A.R.M. approach combines everything that has been discussed in this report to this point. One of the main goals is to get a voluntary surrender of weapons by the respondent, the victim, or other household members.<sup>38</sup> Service of process is essentially about finding creative and research-informed solutions for law enforcement obtaining information and voluntary weapons surrender sooner in the process while

#### limiting risk to all parties involved.

<sup>36</sup> Form CV-804: Information for Respondents Regarding the Surrender and Return of Firearms (2019). State of Wisconsin, Circuit Court. Retrieved from: [https://www.wicourts.gov/formdisplay/CV-804\\_instructions.pdf?formNumber=CV-804&form-Type=Instructions&formatId=2&language=en](https://www.wicourts.gov/formdisplay/CV-804_instructions.pdf?formNumber=CV-804&form-Type=Instructions&formatId=2&language=en)

<sup>37</sup> Nanasi, Natalie (2020). Disarming Domestic Abusers. Harvard Law Review, Vol 14. Retrieved from: <https://harvardlpr.com/wp-content/uploads/sites/20/2020/11/Nanasi.pdf>

<sup>38</sup> Moving Beyond the “Honor System”: Effective Strategies to Prevent Prohibited Abusers’ Access to Firearms (2020). National Council of Juvenile and Family Court Judges. Webinar. Retrieved from: <https://www.ncjfcj.org/webcasts/moving-beyond-the-honor-system-effective-strategies-to-prevent-prohibited-abusers-access-to-firearms/>

Compliance monitoring builds on the aforementioned processes, and especially on having clear and enforceable orders to surrender. Once processes, paperwork, language, scripts, and all of those other pieces have been reworked, then it becomes easier to focus on compliance monitoring. One piece to this that is critical to success is having dedicated compliance personnel at the court and law enforcement levels to ensure compliance on orders to surrender.<sup>39</sup> Collaboration in compliance is especially important because it forms unity with the various agencies involved and gets everyone on the same page, which is why having compliance monitoring in more places than the courts is important. The other piece of compliance monitoring is developing processes and systems around the compliance, which makes it easier for all parties to understand. These systems include answers to questions like: Which agency owns which parts of this process? Which agency contacts the respondent when they are out of compliance at each specific point in the process? What proof of compliance is needed? What are the consequences of being out of compliance? How does a respondent go from being out of compliance to being in compliance (the very specific steps)? Again, specificity and clarity are key to developing a compliance monitoring system that is easy for all parties to understand and follow. Operationalizing this portion of the process will be much simpler once the other parts of the process have been redeveloped and clarified.

Since this process is so far down the pipeline, less concrete suggestions are offered as a way to put focus on improving the processes that occur earlier on in the process for surrendering firearms. However, ensuring that each part of the firearms surrender process is given the attention to detail it deserves is crucial for improving the entire system. It will take various agencies working together on this system to ensure that every detail is accounted for, and that respondents and victims are fully aware of the processes and steps in the firearms surrender system. Hopefully, working on these various steps in the surrender process will help reduce the number of intimate partner homicides in the central Indiana area. Reducing homicides will allow prevention and direct service provider organizations as well as their partner organizations the chance to work more on developing and improving programs to prevent intimate partner violence.

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39 Moving Beyond the “Honor System”: Effective Strategies to Prevent Prohibited Abusers’ Access to Firearms (2020). National Council of Juvenile and Family Court Judges. Webinar. Retrieved from: <https://www.ncjfcj.org/webcasts/moving-beyond-the-honor-system-effective-strategies-to-prevent-prohibited-abusers-access-to-firearms/>

## SHIFTING TOWARDS TRANSFORMATIVE JUSTICE

It needs to be clear that increasing enforcement and accountability of current laws and improving the firearms surrender program is only the beginning of the work to be done in intimate partner homicide prevention. Rather, it is only a temporary solution. The harmful implications of these suggestions are recognized. It is simply a means to reduce the number of lives being taken to intimate partner homicide because those numbers are only increasing with every year. The criminal justice system is not known for breaking cycles of violence; therefore, more emphasis needs to be placed on transformative justice. “Transformative justice is a process where all individuals affected by an injustice are given the opportunity to address and repair the harm. Those affected consider and recount how an act has affected them and what can be done to repair the harm. The perpetrator is then held accountable to the individual by way of restitution.”<sup>40</sup> The focus is on safety, accountability, and healing, and less on “alienation, punishment, or state or systemic violence, including incarceration and policing.”<sup>41</sup> The goals are, “[1] survivor safety, healing, and agency, [2] accountability and transformation of [those who cause abuse], [3] community response and accountability, and [4] transformation of the community and social conditions that create and perpetuate violence, i.e. systems of oppression, exploitation, domination, and state violence.”<sup>42</sup>

Trauma is one of the main focuses within the goals of transformative justice, and specifically, in the community’s and individual’s responses to trauma. Transformative justice recognizes that people who cause harm do so, more often than not, because they have experienced trauma. More focus needs to be placed on seeing people who cause harm as a whole complex being and working on improving the mental, physical, and financial health of these individuals and their families.<sup>43</sup> This is a place where prevention and direct service provider agencies can implement change. Taking the

efforts that exist to be trauma informed in the work to assist survivors should be carried to working

<sup>40</sup> What does Transformative Justice look like? Survivor-focused, Trauma-Informed, & Community Accountability to ending Sexual Violence (2017). Valor. Retrieved from: <https://www.valor.us/2017/04/13/what-does-transformative-justice-look-like-survivor-focused-trauma-informed-community-accountability-to-ending-sexual-violence/>

<sup>41</sup> Kershner, Sara; Haines, Staci; Harkins, Gillian; Greig, Alan; Wiesner, Cindy; Levy, Mich; Shah, Palak; Kim, Mimi; and Carr, Jesse (2007). Toward Transformative Justice. Generation Five. Retrieved from: [http://www.generationfive.org/wp-content/uploads/2013/07/G5\\_Toward\\_Transformative\\_Justice-Documents.pdf](http://www.generationfive.org/wp-content/uploads/2013/07/G5_Toward_Transformative_Justice-Documents.pdf)

<sup>42</sup> Kershner, Sara; Haines, Staci; Harkins, Gillian; Greig, Alan; Wiesner, Cindy; Levy, Mich; Shah, Palak; Kim, Mimi; and Carr, Jesse (2007). Toward Transformative Justice. Generation Five. Retrieved from: [http://www.generationfive.org/wp-content/uploads/2013/07/G5\\_Toward\\_Transformative\\_Justice-Documents.pdf](http://www.generationfive.org/wp-content/uploads/2013/07/G5_Toward_Transformative_Justice-Documents.pdf)

<sup>43</sup> What does Transformative Justice look like? Survivor-focused, Trauma-Informed, & Community Accountability to ending Sexual Violence (2017). Valor. Retrieved from: <https://www.valor.us/2017/04/13/what-does-transformative-justice-look-like-survivor-focused-trauma-informed-community-accountability-to-ending-sexual-violence/>



with those causing the abuse.

In terms of assisting the survivor, this means focusing on survivor-centered advocacy work. “Survivor-centered advocacy acknowledges the variety of needs of individual survivors and is sensitive to the diverse needs of survivors and their families. This approach allows survivors and advocates to shape services based on their own goals, with an emphasis on partnership between the survivor and advocate.”<sup>44</sup> While this is something that may already be a focus in some of the direct service providing organizations in central Indiana, it needs to continue to be a main push toward healing. It is critical that the survivor does not “feel ignored, discriminated against, or actively silenced,” but instead has and feels like they have a safe support system, access and connection to an advocate, and a collaborative environment.<sup>45</sup>

On top of improving care for the person causing abuse and the survivor/victim, additional work needs to be done in a broader sense for violence prevention, as this is part of transformative justice. As noted above, it is essential to transform the community and social conditions that create and perpetuate violence. Improved community access to a variety of services could help improve trauma responses. Ensuring access to basic necessities such as food and affordable housing would help reduce stress within family units. It is important to note that for women, violence from an intimate partner in the domestic context is frequently cited as one of the strongest contributors to women’s homelessness.<sup>46</sup> In Marion County, 21% of women experiencing homelessness have experienced domestic violence, with the national average being 16%.<sup>47</sup> Many women will either return to the person who caused them harm or will enter a new relationship that repeats cycles of violence they previously experienced.

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44 Wood, Leila; Clark, Dessie; Cook Heffrom, Laurie; Voth Schrag, Rachel (2020). Voluntary, Survivor-Centered Advocacy in Domestic Violence Agencies. *Advances in Social Work*, Spring 2020, 20(1). Retrieved from: <http://journals.iupui.edu/index.php/advancesinsocialwork/article/view/23845/23117>

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## CONCLUSION

With an increasing number of intimate partner homicides caused by firearms in central Indiana, there need to be measures taken at a number of levels to decrease fatalities. Domestic violence is a pervasive public health issue, and with the percentage of intimate partner homicides caused with a firearm in the area being on par, or increasingly higher with the national average, there are a number of steps that can be taken by various agencies to tackle this issue. Laws are in place in central Indiana to remove firearms from high-risk domestic violence situations, however, courts need to utilize these laws and enforce them more frequently with the help of law enforcement. With the risk of homicide increasing by at least 500% with the presence of a firearm<sup>48</sup>, removing firearms should be prioritized for decreasing the number of intimate partner homicides. By improving the processes for information gathering, creating clear and enforceable orders to surrender, service of process, and compliance monitoring, central Indiana can move away from the honor system for firearms surrender and move toward something more effective. There should also be a move to incorporate more transformative justice practices to help prevent domestic violence altogether. Identifying the root causes of violence in the community and an individual's response to trauma will help take steps toward changing the culture that leads to violence. Prevention organizations should work on incorporating more trauma-informed practices when working with people causing abuse, and direct service providers should continue to stress what it means to be survivor-centered in their approach. Together, these solutions can reduce the number of intimate partner homicides committed using firearms in the central Indiana area.

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Appendix A: Firearm Checklist for Advocates (2015). National Center on Protection Orders and Full Faith Credit. Battered Women's Justice Project. Retrieved from: <https://www.bwjp.org/resource-center/resource-results/firearm-checklist-for-advocates.html>

## FIREARM CHECKLIST FOR ADVOCATES

The federal Gun Control Act prohibits 10 particular classes of individuals from purchasing, possessing and/or receiving firearms and ammunition. People who are subject to certain orders of protection and those who have been convicted of misdemeanor crimes against select individuals may fall under two of these prohibitions.

### Facilitating the Firearm Discussion

- ☐ Discuss federal, tribal, state and local firearm prohibitions with the survivor.
- ☐ Elicit the survivor's concerns and experience about the use, possession and ownership of firearms by the abuser.
- ☐ Advise the survivor of the provisions in their jurisdiction for search and seizure, removal, transfer, retention, return and destruction of firearms owned or possessed by their abuser.
- ☐ Work with your client to devise a survivor-centered strategy (based on safety planning and the laws) using tools such as the S.A.F.E TOOL - Strategic Assessment of Firearms Enforcement (available from NCPOFFC).

### Firearm Removal During Issuance of Protection Orders

- ☐ If the survivor is filing for a protection order and wants firearms removed from the abuser:
  - Suggest that the survivor request a prohibition against firearm possession and ownership in the order if state law authorizes firearm prohibitions.
  - If removal of a firearm under state law is discretionary, inform the survivor of the circumstances in which the court is likely to issue a firearm prohibition. The survivor should be prepared to describe the need for such a prohibition.
- ☐ Assist the survivor in obtaining a qualifying protection order, consistent with 18 U.S.C. § 922(g)(8), that prohibits possession of firearms and ammunition for the duration of the order by ensuring that the court:
  - explicitly describes the relationship between the petitioner and respondent (or victim and offender in a criminal protection order);
  - recites that the order was entered after a hearing in which the respondent had notice and an opportunity to be heard;
  - restrains the respondent from either harassing, stalking or threatening an intimate partner of the respondent, or a child of the respondent or the intimate partner, OR from engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
  - includes either a finding that respondent represents a credible threat to the physical safety of an intimate partner or child, OR the order explicitly prohibits the use, attempted use, or threatened use of physical force against an intimate partner or child that would reasonably be expected to cause bodily injury.
- ☐ Recommend that the survivor ask the court to articulate a compliance mechanism for surrender of the firearm(s) (i.e., specify the place where the firearm(s) should be surrendered, the date and time the surrender should be completed, and a description of the firearm(s) to the extent possible).
- ☐ Suggest that the survivor ask the court to give clear notice to the respondent that purchase or possession of a firearm may violate provisions of the federal Gun Control Act 18 U.S.C. § 922(g)(8) and (9) and/or state or local law.
- ☐ Discuss the concept of "constructive possession" with the survivor. Inquire if the abuser has ready access to firearms from friends/family members even if the court orders surrender or law enforcement seizes personal firearms. If so, request the court advise the abuser that possession is broader than "ownership" and that he may not borrow, rent or have ready access to another's firearms if he is prohibited or ordered not to possess firearms.

Appendix A (con't): Firearm Checklist for Advocates (2015). National Center on Protection Orders and Full Faith Credit. Battered Women's Project. Retrieved from: <https://www.bwjp.org/resource-center/resource-results/firearm-checklist-for-advocates.html>

#### Enforcement of Firearm Prohibitions

- ☐ Explain enforcement procedures if the abuser violates the firearm prohibition. Describe how the survivor can initiate enforcement.
- ☐ Inform the survivor that the firearm prohibitions in the protection order are entitled to enforcement in other jurisdictions. Advise that the methods of enforcement may be different from those in the issuing jurisdiction.
- ☐ Work with the court and the survivor to ensure the order includes required data elements for entry into National Criminal Information Protection Order File (NCIC POF), including at least one numeric identifier - such as the respondent's birth date, social security number or driver's license number.
- ☐ If the abuser has been convicted of a misdemeanor crime of domestic violence, assist the survivor in contacting ATF to determine if the conviction would qualify as a firearm prohibition under 18 U.S.C. § 922(g)(9).  
ATF contact: \_\_\_\_\_. Note: The survivor may find ATF more responsive to the inquiry if made by local law enforcement or prosecutors.

#### Transfer/Return of Firearms

- ☐ Assist the survivor in preventing their abuser from illegally obtaining or transferring firearms or ammunition to a person prohibited by state or federal law as follows:
  - Anticipating that the respondent may ask the judge at a protection order hearing to permit transfer of firearms or ammunition to a third party, inform the survivor that they may request that the court evaluate the third party's eligibility for transfer and require that both the respondent and the third party sign a form that acknowledges that firearms may not be transferred to a prohibited party. Signing should be witnessed by court staff. *See Third Party Acknowledgement Form* (available from NCPOFFC).
  - Suggest that the survivor ask the court to determine whether or not the abuser retains access to and/or control over a firearm despite a purported transfer to a friend or relative.
  - Advocate that the court establish victim notification procedures that provide victims with notice and/or the opportunity to be heard prior to the return of firearms to the abuser.
  - Inform the survivor that, upon expiration of a protection order, the firearm prohibition will terminate unless state or federal law otherwise prohibit possession or ownership. Remind the survivor that the protection order must be current to enforce any firearm prohibition in the order or pursuant to 18 U.S.C. §922(g)(8).

**Establish a relationship with federal, tribal, state, local and community actors involved in the enforcement and prosecution of firearm laws in your jurisdiction.**



National Center on Protection Orders and Full Faith & Credit

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Appendix B: Oregon Firearms and Domestic Violence Task Force (2010). Domestic Violence and Guns. Oregon Crime Victim Rights. Retrieved from: <https://www.courts.oregon.gov/programs/family/domestic-violence/Documents/DVBrochureEnglish.pdf>

### FIREARMS FACTS

An intimate partner's access to firearms is a significant risk factor in domestic violence fatalities.

Firearms are the most commonly used weapon in intimate partner homicides.\*

Intimate partner assaults involving firearms are 12 times more likely to result in death than those involving other weapons or bodily force.

From 2003-2008, 65 women were killed in Oregon by an intimate partner, of which 60% were firearm fatalities.

\*Other weapons are also used in domestic violence homicides.

Preparation of this document was supported by the Oregon Department of Justice through a VAWA STOP Grant. Grant applicant: OSP/LEDS

### Domestic Violence Resources

**24-Hour Hotlines and Resources for Domestic Violence, Sexual Assault and Stalking Assistance:**

**Portland Women's Crisis Line (statewide): 888.235.5333**

**National Domestic Violence Hotline: 800.799.7233 (English and Spanish); TDD 800.787.3224**

**Local Program:**

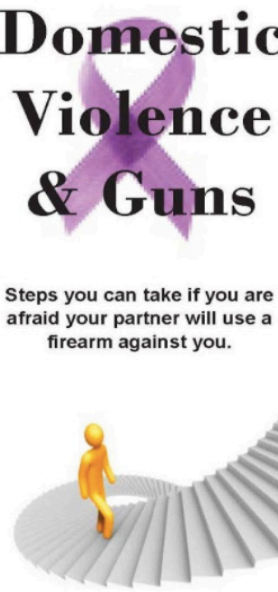
To report a federal gun law violation: call the Bureau of Alcohol, Tobacco and Firearms at **503.331.7820**

For information and assistance with your rights as a crime victim: [www.oregoncrimevictimrights.org](http://www.oregoncrimevictimrights.org)

For a directory of legal aid programs and for other legal information: [www.oregonlawhelp.org](http://www.oregonlawhelp.org) or [www.ojd.state.or.us/familylaw](http://www.ojd.state.or.us/familylaw)

**Note:** It is important to use a computer your abuser does not have access to because you cannot completely erase all trace of the sites you visit.

## Domestic Violence & Guns



**Steps you can take if you are afraid your partner will use a firearm against you.**

Prepared by: Oregon Firearms and Domestic Violence Task Force

March 2010

### Are you concerned about your safety?

- Is your intimate partner physically abusing or threatening to abuse you?
- Does your partner have a gun? Has your partner threatened to get a gun?
- Does your partner have a history of using guns to threaten you or others?
- Has your partner ever threatened to commit suicide or threatened to hurt or kill you or your family members?
- Would you feel safer if a court orders that your partner cannot have a gun as part of a restraining order?

*If you answered "yes" to any of these questions, read further to find out what you can do to increase your safety.*

### What can I do to help protect myself?

#### Safety Planning

Safety planning means thinking of ways you can be safer and planning how you would respond to a dangerous situation. Part of your safety plan may involve getting a restraining order against your partner, with or without gun restrictions. Contact your local domestic violence program for help making a safety plan.

#### Restraining Orders

If you decide a restraining order will help make you safer, you can ask the court to forbid your abuser from having firearms or to make sure that your abuser gets rid of his/her guns by turning them over to the sheriff or another person. You must tell the court what steps you think will make you safest.

#### Crime Victim Rights

If your partner faces criminal charges for abusing you, you have rights as a crime victim to be reasonably protected from your partner and to have your voice heard during the criminal case. You can work with your local district attorney, a district attorney victim advocate, or a legal representative of your own choosing to help enforce these rights.

### What laws can help keep guns away from my partner?

#### If you get a restraining order:

- A judge may order that your partner cannot have guns or that your partner must give his/her guns to someone else for storage.
- Federal law may make it illegal for your partner to buy or own guns or ammunition while you have a restraining order against him or her, if the order meets certain conditions. 18 USC § 922(g) (8).

#### If your partner has been charged with or convicted of a domestic violence crime:

- The court can make 'no guns' a condition of a release agreement or probation.
- Federal law may ban your partner from buying or having firearms or ammunition for life after being convicted of certain domestic violence crimes. 18 USC § 922(g)(9).

**Report gun law violations to the police, sheriff or federal law enforcement (Alcohol, Tobacco and Firearms).**



Appendix C: Karan, Amy. Procedures for Firearm, Ammunition and/or Concealed Weapons Permit Surrender, 11th Judicial Circuit Domestic Violence Court. Retrieved from: [https://www.bwjp.org/assets/documents/pdfs/firearms\\_forms.pdf](https://www.bwjp.org/assets/documents/pdfs/firearms_forms.pdf)

### **PROCEDURES FOR FIREARM, AMMUNITION AND/OR CONCEALED WEAPONS PERMIT SURRENDER**

1. The Respondent's Sworn Statement of Possession of Firearms, Ammunition and/or Concealed Weapons Permit (printed on color paper) shall be given to every Respondent by the Bailiff prior to every civil protection order calendar. All Bailiffs shall maintain sufficient copies of each form.
2. The Case Manager, with the Bailiff's assistance, will collect the form and verify that Respondent's name and case number are correctly listed on the form. To the extent possible, the Case Manager will insure that the form is complete, accurate, and legible. It will be the Case Manager's responsibility, with the Clerk's assistance, to provide the Judge with both the Form and court file when the case is called. The Firearm Form should always be placed on top of the court file, and thereafter placed in the court file.
3. If the Judge does not issue an extension of the Temporary Injunction or a Permanent Injunction, no further action may be necessary. Alternatively, if a Temporary Injunction was issued but firearms, ammunition and/or concealed weapons permits were not surrendered, the Judge may still direct compliance as dictated by the temporary injunction, even if the injunction will expire or the case is dismissed.
4. The Judge will make an "on record" inquiry of each Respondent regarding the content of the Firearm Form. In many cases this can be as simple as verbally verifying that the Respondent does not now, and has not in the past six months, possessed a firearm, ammunition or concealed weapons permit. In other cases it will be necessary to clarify the current status of a firearm or concealed weapons permit, for example when and to whom it was sold or surrendered and whether supporting documentation has been provided.
5. If after a full inquiry, with both parties, the Judge is satisfied that the Respondent is not currently in possession of a firearm, ammunition and/or concealed weapons permit and has complied with all surrender requirements, no further action is required by the court.
6. However, if the Judge determines that there has not been full compliance, or that there is inadequate documentation of compliance, the Order to Surrender Firearms, Ammunition and/or Concealed Weapons Permit should be entered and delivered to the Respondent at the conclusion of the hearing.
7. Finally, as outlined in the Order to Surrender Firearms, Ammunition and/or Concealed Weapons Permit, the Case Manager shall monitor the Respondent's compliance with filing proof of surrender. The Case Manager's will maintain a Firearms Surrender Log Book. In the event of non-compliance the Case Manager shall notify the Judge immediately, and the case will be set for hearing.



Appendix D: Karan, Amy. Information for Respondents Regarding the Surrender and Return of Firearms, Ammunition and Concealed Weapons, 11th Judicial Circuit Domestic Violence Court. Retrieved from: [https://www.bwjp.org/assets/documents/pdfs/firearms\\_forms.pdf](https://www.bwjp.org/assets/documents/pdfs/firearms_forms.pdf)

## **INFORMATION FOR RESPONDENTS REGARDING THE SURRENDER AND RETURN OF FIREARMS, AMMUNITION AND CONCEALED WEAPONS PERMIT**

- If a TEMPORARY or PERMANENT Injunction has been entered and served, ordering you to surrender all firearms, ammunition and/or concealed weapons permits in your possession, you must immediately, upon service of the injunction, surrender such items to the police department nearest to your home, obtain a receipt of surrender (property receipt), and file with the court. OR;
- If a PERMANENT Injunction has been entered and the injunction specifically allows, you may sell or transfer all firearms and ammunition in your possession to a third party not residing with you in the same household. (Provided that the third party is pre-approved by the Court.) You must surrender all concealed weapons permits to the police.
- To surrender firearms and ammunition:
  - a. Unload all firearms
  - b. Separate all firearms and ammunition
  - c. Lock all firearms in lock boxes or gun cases and place in trunk of car
  - d. Enter police station (without firearms and ammunition) and present copy of the Order to Surrender to police personnel
  - e. Advise police of quantity and location of firearms and ammunition being surrendered
  - f. Follow procedure set forth by police personnel to complete surrender
- If a TEMPORARY Injunction has been entered ordering you to surrender all firearms, ammunition and/or concealed weapons permits in your possession, you must bring the receipt of surrender (property receipt) to the Permanent Injunction hearing.
- If a PERMANENT Injunction has been entered ordering you to surrender all firearms, ammunition and/or concealed weapons permits in your possession, you must file the receipt of surrender (property receipt), Bill of Sale or Receipt of Transfer with the Clerk's Office at the location where your case was heard, within 24 hours of service of the PERMANENT Injunction.

***IT IS A FEDERAL CRIME FOR A RESPONDENT TO POSSESS A FIREARM OR AMMUNITION WHEN A PERMANENT INJUNCTION IS IN EFFECT AGAINST HIM/HER, PURSUANT TO 18 U.S.C. §922(g)(8).***

***IT IS A FEDERAL CRIME FOR A PERSON CONVICTED OF A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE TO POSSESS A FIREARM OR AMMUNITION, PURSUANT TO 18 U.S.C. §922 (g)(9).***

***THE PENALTY FOR VIOLATING THE SECTIONS MAY INCLUDE UP TO TEN (10) YEARS IMPRISONMENT AND/OR \$250,000 FINE.***

Appendix E: Karan, Amy. How To Get Your Firearms And Ammunition Back If Your Injunction Is No Longer in Effect, 11th Judicial Circuit Domestic Violence Court. Retrieved from: [https://www.bwjv.org/assets/documents/pdfs/firearms\\_forms.pdf](https://www.bwjv.org/assets/documents/pdfs/firearms_forms.pdf)

**HOW TO GET YOUR FIREARM(S) AND AMMUNITION  
BACK IF YOUR INJUNCTION IS NO LONGER IN EFFECT**

Upon expiration or dismissal of your injunction, you may request the return of your firearm(s) and ammunition by filing a motion or writing a letter to the court.

1. File a motion/letter with the court requesting the return of your firearm(s) and/or ammunition. Specifically describe the property, including any serial number, you seek to have returned. Attach a copy of the receipt of purchase, bill of sale, receipt of transfer, or other document evidencing your lawful ownership of the firearm(s) and ammunition. Also attach to the motion or letter an affidavit signed by you, under penalty of perjury, attesting:
  - a. The firearm is/are legally owned by you;
  - b. you have not been found guilty of a felony in Florida or any other state;
  - c. you have not been found guilty of a misdemeanor crime of domestic violence in Florida or any other state;
  - d. there is no injunction or order of protection in effect against you in Florida or any other state;
  - e. there is no forfeiture action pending against you in any court;
  - f. you have never been adjudicated mentally defective or been committed to a mental institution;
  - g. you are legally and lawfully in the United States;
  - h. you have never been dishonorably discharged from the Armed Services;
  - i. you have never renounced United States citizenship;
  - j. you are not currently under indictment for any felony;
  - k. you have not been convicted, been on probation or pretrial diversion, or had adjudication withheld for an act of domestic violence in Florida within the past three (3) years; and
  - l. there is no legal impediment to you owning or possessing a firearm, including but not limited to those mentioned above.
2. The judge will review your motion/letter and determine if your firearm(s) and ammunition may be legally returned:
  - a. If the judge preliminarily determines that your firearm(s) and ammunition may legally be returned, the petitioner in your case will be notified that you are seeking return of the firearms and ammunition. If there is no legal impediment to their return, the court will enter an order providing for the firearms and ammunition to be returned to you.
  - b. If there is a legal impediment to the return of your firearms and ammunition, your motion/letter will be denied. You may thereafter request a hearing or appeal the denial of the motion.
3. To obtain return of the actual firearms, you must bring with you all the following to the police department where you surrendered your property:
  - a. a certified copy of the court order authorizing return
  - b. the police property receipt or arrest affidavit, and
  - c. your proof of ownership (receipt or bill of sale)
  - d. valid photo identification
4. Based upon the policies of the police department, your firearm(s) and ammunition may be returned at separate times, for safety reasons.
5. Unless firearms and ammunition in the possession of law enforcement are reclaimed by the owner within eight (8) months of the expiration or dismissal of the injunction, the firearm(s) and ammunition may be deemed forfeited to the state and no action for their recovery can thereafter be maintained.
6. You must re-apply to the State of Florida Department of Licensing to reinstate any concealed weapons permits.

Appendix F: Karan, Amy. Respondent's Sworn Statement of Possession of Firearms, Ammunition And/Or Concealed Weapons Permit, 11th Judicial Circuit Domestic Violence Court. Retrieved from: [https://www.bwjpo.org/assets/documents/pdfs/firearms\\_forms.pdf](https://www.bwjpo.org/assets/documents/pdfs/firearms_forms.pdf)

**IN THE COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR DADE COUNTY, FLORIDA**

	DOMESTIC VIOLENCE DIVISION
Plaintiff/Petitioner	
v.	CASE NO. _____
Defendant/Respondent	

**RESPONDENT'S SWORN STATEMENT OF POSSESSION  
OF FIREARMS, AMMUNITION AND/OR CONCEALED WEAPONS PERMIT**

Under penalties of perjury, I declare that the facts below are true:

1. I am the Respondent in this cause. My name is \_\_\_\_\_,  
(Please print full name)  
my current address is: \_\_\_\_\_,  
(include city, state and zip code)  
my date of birth is \_\_\_\_\_,  
and my social security number is: \_\_\_\_\_.

Please answer the following questions:

2. Do you now or have you in the past six months before today, owned or possessed any firearms or firearm ammunition? (Please initial correct statement).  
 \_\_\_\_\_ **NO**, I do not now own or possess, and during the past six (6) months I have not owned or possessed, any firearms or ammunition.  
 \_\_\_\_\_ **YES**, within the past six months I have owned or possessed a firearm or ammunition. If you answered yes, please continue to Question 3.
3. Please list the firearm and/or ammunition which you currently, or within the past six months, have owned or possessed, the quantity, make or model, whether you surrendered it to the local police or sold it and whether you have brought the receipt with you to court today.

Firearm and/or Ammunition	Quantity	Make/Model	Concealed Weapons Permit Number	Date Sold or Surrendered	Receipt (Yes or No)

The Respondent is advised that if he or she fails to completely and accurately complete this sworn statement he or she may face serious civil and criminal penalties. If a Respondent remains in possession of a firearm or ammunition after a Final Judgment of Injunction is entered, he or she would be in violation of 18 U.S.C. §922(g)(8) and 18 U.S.C. §924(a)(2) and may face a maximum of ten (10) years imprisonment and or a \$250,000.00 fine.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Appendix G: Karan, Amy. Order to Surrender Respondent's Firearms, Ammunition, And/Or Concealed Weapons Permit, 11th Judicial Circuit Domestic Violence Court. Retrieved from: [https://www.bwjp.org/assets/documents/pdfs/firearms\\_forms.pdf](https://www.bwjp.org/assets/documents/pdfs/firearms_forms.pdf)

**IN THE COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR DADE COUNTY, FLORIDA**

_____ Plaintiff/Petitioner v.  _____ Defendant/Respondent _____/	DOMESTIC VIOLENCE DIVISION  CASE NO. _____
--	--

**ORDER TO SURRENDER RESPONDENT'S  
FIREARMS, AMMUNITION AND/OR CONCEALED WEAPONS PERMIT**

TO: RESPONDENT

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

THE COURT upon consideration of the Petition for Injunction for Protection, Respondent's Sworn Statement of Possession of Firearms and/or Ammunition and/or Concealed Weapons Permit filed in this cause, testimony presented in open court, and this Court otherwise being fully advised, it is hereby,

ORDERED and ADJUDGED:

- \_\_\_\_ 1. Respondent's firearms and ammunition may be described as and the serial number(s) of said firearm(s) are as follows:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- \_\_\_\_ 2. All concealed weapons permits issued to respondent are dated and numbered as follows:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- \_\_\_\_ 3. The Respondent has previously testified that he/she has surrendered the above-described firearms, ammunition and/or concealed weapons permit but failed to provide documentary proof of surrender to the Court.
- \_\_\_\_ 4. The Respondent must surrender the above listed items and provide documentary proof to the Court as further instructed below.

DONE AND ORDERED at Miami, Dade County, Florida this \_\_\_\_ day of \_\_\_\_\_,  
 20\_\_\_\_.

\_\_\_\_\_  
 Judge



Appendix H: Karan, Amy. Instructions to Respondent, 11th Judicial Circuit Domestic Violence Court. Retrieved from: [https://www.bwjp.org/assets/documents/pdfs/firearms\\_forms.pdf](https://www.bwjp.org/assets/documents/pdfs/firearms_forms.pdf)

## **INSTRUCTIONS TO RESPONDENT**

1. Immediately go to the nearest police station to your residence and surrender all firearms, ammunition and/or concealed weapons permits in your care, custody, or control.
  - a. Unload all firearms;
  - b. Separate all firearms and ammunition;
  - c. Lock all firearms in lock boxes or gun cases and place in trunk of car;
  - d. Enter police station (without firearms and ammunition) and present copy of Order to Surrender to police personnel;
  - e. Advise police of quantity and location of firearms and ammunition being surrendered; and
  - f. Follow procedure set forth by police personnel to complete surrender.
2. Obtain a written receipt from the police department that you surrendered the firearms, ammunition and/or concealed weapons permits.
3. If you have been in possession of firearms, ammunition and concealed weapons permits within the past six months but are not currently in possession of these items, you must file documentation of this surrender in the form of a signed, sworn and notarized bill of sale and/or police property receipt.
4. Fax your proof of surrender along with this Order to (305) 349-5559 within twenty-four (24) hours of entry of this Order.
5. Respondent's failure to completely comply with this order may result in civil and criminal penalties.

## **CLERK'S CERTIFICATE OF SERVICE**

I hereby certify that a certified copy of this Order was delivered to:

- [ ] Petitioner, \_\_\_\_\_,  
by [ ] hand [ ] mail [ ] certified mail at \_\_\_\_\_ AM/PM
- [ ] Petitioner's counsel, \_\_\_\_\_,  
by [ ] hand [ ] mail [ ] certified mail at \_\_\_\_\_ AM/PM
- [ ] Respondent, \_\_\_\_\_,  
by [ ] hand [ ] mail [ ] certified mail at \_\_\_\_\_ AM/PM
- [ ] Respondent's counsel, \_\_\_\_\_,  
by [ ] hand [ ] mail [ ] certified mail at \_\_\_\_\_ AM/PM  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Harvey Ruvin, Clerk  
Circuit and County Court

\_\_\_\_\_  
Deputy Clerk



Appendix I: Karan, Amy. Order to Show Cause Why Respondent Failed to Surrender Firearms, Ammunition, And/Or Concealed Weapons Permit, 11th Judicial Circuit Domestic Violence Court. Retrieved from: [https://www.bwjp.org/assets/documents/pdfs/firearms\\_forms.pdf](https://www.bwjp.org/assets/documents/pdfs/firearms_forms.pdf)

**IN THE COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR DADE COUNTY, FLORIDA**

_____ Plaintiff/Petitioner v. _____ Defendant/Respondent _____ /	DOMESTIC VIOLENCE DIVISION  CASE NO. _____
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**ORDER TO SHOW CAUSE WHY RESPONDENT FAILED  
TO SURRENDER FIREARMS, AMMUNITION  
AND/OR CONCEALED WEAPONS PERMIT**

TO: RESPONDENT

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

You were ordered on \_\_\_\_\_, 20\_\_\_\_, to surrender all firearms, ammunition and/or concealed weapons permits that have been in your care, custody, or control within the past six months and to provide documentation of surrender to this Court.

You were given twenty-four (24) hours to fax proof of this surrender to the Court and it appears the Court has not received it.

THEREFORE, it is ORDERED AND ADJUDGED that you shall appear before this Court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m. / p.m. in the Courtroom \_\_\_\_\_, at Courthouse Center, 175 N.W. 1st Avenue, Miami, Florida 33128, to show cause why you should not be held in contempt and punished for indirect criminal contempt of court, pursuant to Rule 3.840 Fla.R.Crim.P., for your willful failure to comply with the terms of the Order to Surrender Respondent's Firearms, Ammunition and/or Concealed Weapons Permit. Such punishment, if imposed, may include a fine and incarceration.

Should the court determine, based on the evidence presented at the hearing, that the Respondent's conduct warrants sanctions for civil contempt in addition to, or instead of, indirect criminal contempt, the Court reserves the right to find the Respondent guilty of civil contempt and impose appropriate civil sanctions.

DONE AND ORDERED at Miami, Dade County, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Judge

Appendix I (Con't): Karan, Amy. Order to Show Cause Why Respondent Failed to Surrender Firearms, Ammunition, And/Or Concealed Weapons Permit, 11th Judicial Circuit Domestic Violence Court. Retrieved from: [https://www.bwjp.org/assets/documents/pdfs/firearms\\_forms.pdf](https://www.bwjp.org/assets/documents/pdfs/firearms_forms.pdf)

*If you believe that you have previously complied with this Order, please fax this Order along with proof of surrender of firearms and/or ammunition to (305) 349-5559 immediately.*

## CLERK'S CERTIFICATE OF SERVICE

I hereby certify that a certified copy of this order was delivered to:

- ☐ Petitioner, \_\_\_\_\_,  
by ☐ hand ☐ mail ☐ certified mail at \_\_\_\_\_ AM/PM
- ☐ Petitioner's counsel, \_\_\_\_\_,  
by ☐ hand ☐ mail ☐ certified mail at \_\_\_\_\_ AM/PM
- ☐ Respondent, \_\_\_\_\_,  
by ☐ hand ☐ mail ☐ certified mail at \_\_\_\_\_ AM/PM
- ☐ Respondent's counsel, \_\_\_\_\_,  
by ☐ hand ☐ mail ☐ certified mail at \_\_\_\_\_ AM/PM

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Harvey Ruvin, Clerk  
Circuit and County Court

\_\_\_\_\_  
Deputy Clerk

Appendix J: Karan, Amy. Affidavit of Third Party for Sale/Transfer of Firearm And/Or Ammunition, 11th Judicial Circuit Domestic Violence Court. Retrieved from: [https://www.bwjp.org/assets/documents/pdfs/firearms\\_forms.pdf](https://www.bwjp.org/assets/documents/pdfs/firearms_forms.pdf)

**IN THE COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR DADE COUNTY, FLORIDA**

_____ Plaintiff/Petitioner v.  _____ Defendant/Respondent _____/	DOMESTIC VIOLENCE DIVISION  CASE NO. _____
--	--

**AFFIDAVIT OF THIRD PARTY FOR SALE/TRANSFER OF FIREARM AND/OR AMMUNITION**

BEFORE ME, the undersigned authority personally appeared \_\_\_\_\_ who  
after being duly sworn, deposes and says: (name of affiant)

1. I, \_\_\_\_\_ residing at \_\_\_\_\_,  
date of birth is: \_\_\_\_\_, social security number is \_\_\_\_\_,  
hereby agree to receive by sale and/or transfer from Defendant/Respondent the  
following described firearms and/or ammunition (set forth make model & serial number)  
\_\_\_\_\_.
2. I do not reside with the Defendant/Respondent in the same residence. My relationship  
to the Defendant/Respondent is \_\_\_\_\_.
3. I agree not to return, loan or sell the firearms and/or ammunition evidenced by this  
receipt, to the Respondent/Defendant under any circumstances, without a court order  
allowing the same. I understand that violation of this oath may result in state and federal  
criminal charges against me.
4. I affirm that I am not prohibited from owning firearms under either State or Federal laws.
  - a. I have not been found guilty of a felony in Florida or any other state;
  - b. I have not been found guilty of a misdemeanor crime of domestic violence in  
Florida or any other state;
  - c. There is no injunction or order of protection in effect against me in Florida or any  
other state;
  - d. There is no forfeiture action pending against me in any court;
  - e. I have never been adjudicated mentally defective or been committed to a mental  
institution;
  - f. I am legally and lawfully in the United States;
  - g. I have never been dishonorably discharged from the Armed Services;
  - h. I have never renounced United States citizenship;

Appendix J (Con't): Karan, Amy. Affidavit of Third Party for Sale/Transfer of Firearm And/Or Ammunition, 11th Judicial Circuit Domestic Violence Court. Retrieved from: [https://www.bwjp.org/assets/documents/pdfs/firearms\\_forms.pdf](https://www.bwjp.org/assets/documents/pdfs/firearms_forms.pdf)

- i. I am not currently under indictment for any felony ;
- j. I have not been convicted, been on probation, on pretrial diversion, or had adjudication withheld for an act of domestic violence in Florida within the past three (3) years; and
- k. There is no other legal impediment to my owning or possessing a firearm, including but not limited to those mentioned above.

Further Affiant Sayeth Naught

Under penalty of perjury and contempt of court, I hereby affirm that the above stated information is true and correct.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

SWORN TO AND SUBSCRIBED before me this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Personally known/identification \_\_\_\_\_

Notary Public, State of Florida at Large

My Commission Expires:

Appendix K: Karan, Amy. Order Releasing Firearms And/Or Ammunition Held By The Police Department To Third Party, 11th Judicial Circuit Domestic Violence Court. Retrieved from: [https://www.bwjp.org/assets/documents/pdfs/firearms\\_forms.pdf](https://www.bwjp.org/assets/documents/pdfs/firearms_forms.pdf)

**IN THE COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR DADE COUNTY, FLORIDA**

_____ Plaintiff/Petitioner v.  _____ Defendant/Respondent _____/	DOMESTIC VIOLENCE DIVISION  CASE NO. _____
--	--

**ORDER RELEASING FIREARMS AND/OR AMMUNITION  
HELD BY POLICE DEPARTMENT TO THIRD PARTY**

THIS CAUSE having come on to be heard and the Court being fully advised in the premises it is hereby:

ORDERED AND ADJUDGED:

1. Whereas the Defendant/Respondent cannot lawfully possess firearms and/or ammunition; and,
2. Whereas the \_\_\_\_\_ Police Department retains custody of the following firearms and/or ammunition seized from or surrendered by the Defendant/Respondent \_\_\_\_\_; and,
3. Whereas the third party purchaser/transferee \_\_\_\_\_ has filed a sworn affidavit, subject to the penalty of perjury and contempt of Court, affirming that he/she:
  - a. Does not reside with the Defendant/Respondent; and,
  - b. Will accept possession of said firearms and/or ammunition; and, that
  - c. The Defendant/Respondent will not, under any circumstances, receive possession, custody or control of said firearms or ammunition, without a Court order allowing same
  - d. Does not have any federal or state prohibitions to possessing a firearm or ammunition.

THEREFORE, it is hereby ORDERED AND ADJUDGED:

That the \_\_\_\_\_ Police Department shall release the firearms and/or ammunition identified above to \_\_\_\_\_ upon presentation of this Order and valid identification.

DONE AND ORDERED in Miami, Dade County, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Judge

Appendix L: Procedures for Firearm and/or Ammunition Surrender. Marion Superior Court Criminal Division. Retrieved from: <http://www.markwynn.com/firearms/procedures-for-firearm-and-or-ammunition-surrender.pdf>

### **PROCEDURES FOR FIREARM AND/OR AMMUNITION SURRENDER**

1. The Respondent's Sworn Statement of Possession of Firearms and/or Ammunition will be given to every Respondent by the Bailiff at every civil calendar. The Form, printed in English on orange colored paper, will be provided to the litigants in Spanish or Creole upon request. The Bailiff, with the Judicial Assistant's help, will maintain sufficient copies of each form.
2. The Case Manager, with the Bailiff's assistance, will collect the form and verify that Respondent's name and case number are correctly listed on the form. To the extent possible, the Case Manager will insure that the form is complete, accurate, and legible. It will be the Case Manager's responsibility, with the Clerk's assistance, to provide the Judge with both the Form and court file when the case is called. The Firearm Form should always be filed in the court file.
3. If the Judge does not issue an extension of the Temporary Injunction or a Permanent Injunction, no further action may be necessary at this point. Alternatively, if a Temporary Injunction was issued but guns were not surrendered, the Judge may still direct compliance as dictated originally by Temporary Injunction, even if the injunction will expire or the case is dismissed.
4. The Judge will make an "on record" inquiry of each Respondent regarding the content of the Firearm Form. In many cases this will be as simple as verbally verifying that the Respondent does not now, and has not in the past six months, possessed a firearm and/or ammunition. In other cases it will be necessary to clarify the current status of a weapon, for example when and to whom it was sold and whether supporting documentation for the transfer has been provided.
5. If after a full inquiry, the Judge is satisfied that the Respondent is not currently in possession of a firearm and has complied with all surrender requirements, no further action is required by the court.
6. However, if the Judge determines that there has not been full compliance, or that there is inadequate documentation of compliance, the Order to Surrender Firearms should be completed and delivered to the Respondent at the conclusion of the hearing.
7. Finally, as outlined in the Order to Surrender Firearms, the Case Manager shall monitor the Respondent's compliance with providing proof of surrender. The Case Manager's will maintain a Firearms Surrender Log Book. In the event of non-compliance the Case Manager shall notify the Judge and the Judge will direct the matter be set for hearing.



Appendix L (con't): Procedures for Firearm and/or Ammunition Surrender. Marion Superior Court Criminal Division. Retrieved from: <http://www.markwynn.com/firearms/procedures-for-firearm-and-or-ammunition-surrender.pdf>

STATE OF INDIANA )  
COUNTY OF MARION )  
IN THE MARION SUPERIOR COURT  
SS: CRIMINAL DIVISION, ROOM 17  
CAUSE NO. \_\_\_\_\_

STATE OF INDIANA )  
VS. )  
\_\_\_\_\_) )  
\_\_\_\_\_)

DOB: \_\_\_\_\_ SSN: \_\_\_\_\_  
GALLERY NO. \_\_\_\_\_

#### ORDER REQUIRING SURRENDER OF FIREARM(S)

This Court has issued a No Contact Order/ No Violent Contact Order as a Condition of Pretrial Release in this case. The order is one that subjects the Defendant to the federal prohibition on possession of firearms or ammunition, 18 U.S.C. § 922 (g)(8). The Defendant has indicated that she/he possesses (a) firearm(s) and/or ammunition. Therefore, the Court is issuing this Order Requiring surrender of Firearm(s).

1. The Defendant shall surrender said firearm(s), to wit:

\_\_\_\_\_ to the Indianapolis Police Department Property Room Annex located at 901 North Post Road, between the hours of 10:00 a.m. and 3:30 p.m. on \_\_\_\_\_.

2. The Defendant is further ORDERED to comply with that attached Instructions in surrendering the firearm(s).

3. The Clerk shall distribute a copy of this Order to the Indianapolis Police Department.

DATE: \_\_\_\_\_

\_\_\_\_\_  
SHEILA A. CARLISLE, JUDGE  
MARION SUPERIOR COURT  
CRIMINAL DIVISION, ROOM 17

Defendant  
Marion County Prosecutor's Office  
Indianapolis Police Department

Appendix L (con't): Procedures for Firearm and/or Ammunition Surrender. Marion Superior Court Criminal Division. Retrieved from: <http://www.markwynn.com/firearms/procedures-for-firearm-and-or-ammunition-surrender.pdf>



## Surrendering Firearms To The Indianapolis Police Department



### INSTRUCTIONS

Pursuant to IC 34-26-2-12 you have been ordered to refrain from possessing a firearm for the duration of a protective order that is against you. You must adhere to the following instructions to surrender your firearms to the Indianapolis Police Department in order to satisfy the order of the court.

1. Be certain that the firearm(s) are unloaded prior to leaving your residence.
2. Store the unloaded firearm(s) in a box or bag when transporting the firearm(s).
3. Store the firearm(s) in the trunk of your vehicle. If your vehicle does not have a trunk, secure the firearm(s) on the floorboard of the passenger side of your vehicle.
4. Bring picture identification and be prepared to show your identification to the officer assigned to receive your firearm(s).
5. **DO NOT HAVE ANY WEAPONS ON YOUR PERSON.**
6. Arrive at the Indianapolis Police Department's Property Room Annex located at 901 N. Post Road on the day the court has ordered you to appear.
7. When you arrive, report to the officers in the Property Room Annex. **LEAVE THE FIREARM(S) LOCKED IN YOUR VEHICLE.**
8. Expect to be searched by an officer upon your arrival at the Property Room Annex.
9. Surrender your vehicle keys to the police officer assigned to the Property Room Annex. A police officer will retrieve all firearm(s) from your vehicle. Keep a safe distance from your vehicle and follow all directions given by the police officers.

The IPD Property Room Annex Is Open To Receive Firearms

**MONDAY — FRIDAY**

Between the Hours of

7:00AM AND 2:00PM

\*See Map To Property Room Annex On Back

Appendix M: Form CV-803: Order to Surrender Firearms and Notice of Firearm Surrender Hearing (2014). State of Wisconsin, Circuit Court. Retrieved from: <https://www.wicourts.gov/formdisplay/CV-803.pdf?formNumber=CV-803&formType=Form&formatId=2&language=en>

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY	
Petitioner: _____ -vs- _____ Respondent: _____ Address: _____ _____	<input type="checkbox"/> Amended  <b>Order to Surrender Firearms and Notice of Firearm Surrender Hearing</b>  Case No. _____

**THE COURT ORDERS:**

1. You must appear at a Firearm Surrender Hearing on: *(Hearing shall be held within one week of the injunction hearing.)*

Date	Time	Location
Circuit Court Judge/Circuit Court Commissioner		

**Note:** If you request firearm(s) surrender to a third party, both you and the third party must attend the Firearm Surrender Hearing.

2. The injunction granted on [Date] \_\_\_\_\_ is temporarily stayed until [Date and time, not to exceed 48 hours] \_\_\_\_\_ at [Time] \_\_\_\_\_ for purposes of firearm surrender. Any temporary restraining order remains in effect until the stay is lifted.
- ☐ 3. A temporary restraining order was not previously granted. The court now grants a temporary restraining order prohibiting the respondent from the following conduct: (See CV-403, CV-406, CV-413, CV-429, or JC-1691 forms for prohibited conduct.) \_\_\_\_\_
4. Failure to appear at the hearing may result in the court issuing a warrant for your arrest.
5. You have until [Date and time as listed in #2, not to exceed 48 hours] \_\_\_\_\_ at [Time] \_\_\_\_\_ to surrender ALL firearms you own or possess to
- ☐ the sheriff of this county.
  - ☐ the sheriff of the county in which the respondent resides: \_\_\_\_\_.
  - ☐ another person. [Name and Address] \_\_\_\_\_
  - ☐ the sheriff of \_\_\_\_\_ County. If you wish to surrender to a third party, you and the third party must appear at the Firearms Surrender Hearing scheduled above. If the court approves the third party, the third party may obtain the firearm(s) directly from the sheriff.

6. Your known firearm(s) is/are described as and the serial number(s) of said firearm(s) are listed as follows:

Firearm	Quantity	Make/Model	Serial Number

Appendix M (con't): Form CV-803: Order to Surrender Firearms and Notice of Firearm Surrender Hearing (2014). State of Wisconsin, Circuit Court. Retrieved from: <https://www.wicourts.gov/formdisplay/CV-803.pdf?formNumber=CV-803&formType=Form&formatId=2&language=en>


*[If you need room for additional firearms, attach additional sheet to this form.]*

Additional surrender instructions: \_\_\_\_\_

7. Once the stay is complete, the injunction immediately goes into full effect.

**Note:** Once the injunction is in effect, federal law provides penalties for, and you may be prohibited from possessing, transporting, shipping, receiving, or purchasing a firearm, including, but not limited to, a rifle, shotgun, pistol, revolver, or ammunition, pursuant to 18 U.S.C. Section 922(g)(8). Under Wisconsin law, it is a Class G Felony, punishable by a fine not to exceed \$25,000 or imprisonment not to exceed 10 years, or both, to possess a firearm while subject to an injunction, pursuant to §941.29(2), Wis. Stats.

8. You may possess or transport a firearm(s) only for the purpose of complying with a surrender order. Possessing or transporting a firearm(s) for any other reason may result in criminal penalties.

If you require reasonable accommodations due to a disability to participate in the court process, please call \_\_\_\_\_ prior to the scheduled court date. Please note that the court does not provide transportation.

**DISTRIBUTION:**

1. Court
2. Petitioner
3. Respondent
4. Law Enforcement
5. Other: \_\_\_\_\_



domestic violence network

# Domestic Violence Network

Domestic Violence Network  
9245 N. Meridian Street, Suite 235  
Indianapolis, IN 46260  
P: (317) 872-1086

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