

# **Firearm Dispossession in Multnomah County FAPA Cases**

**Hon. Maureen McKnight , Chief Family Court Judge  
Char Woods, Senior Deputy District Attorney**

LPSCC September 9, 2014

# The Link between DV and Firearms

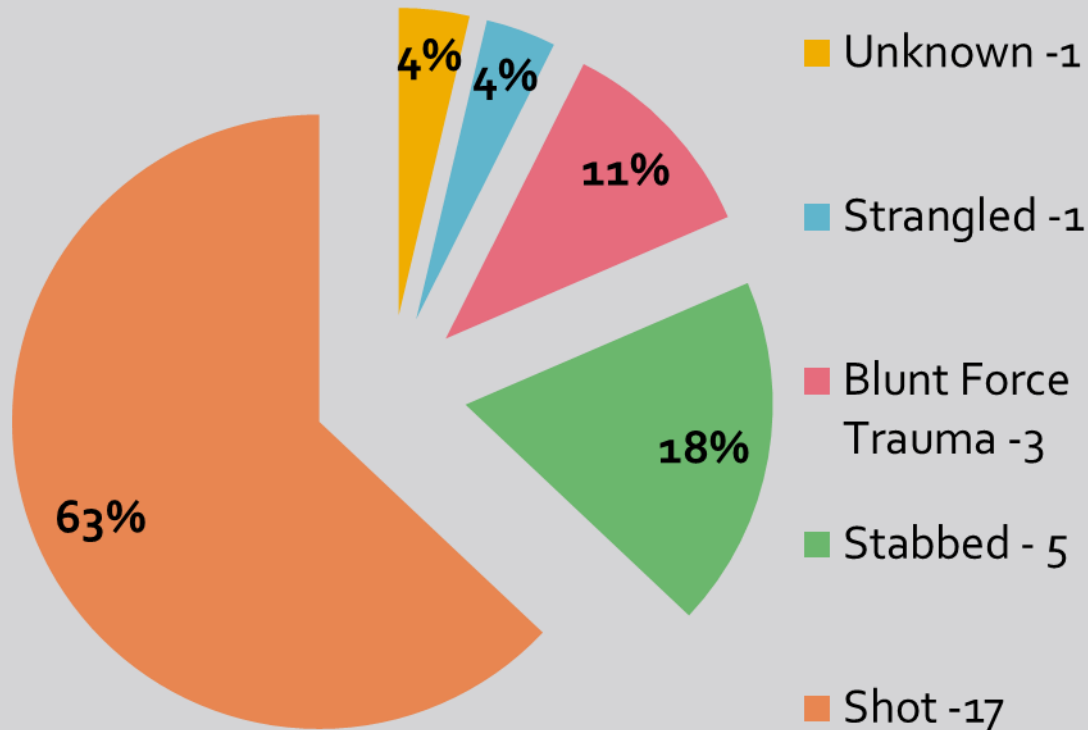
LOW incidence but **HIGH** lethality

- Although firearm involvement in DV incidents overall is small,

Firearm involvement in **lethal** DV incidents is substantial

# Of 27 Oregon DV victims killed in 2013:

## Manner of Death



**National data similar—**

A 2002 11-city controlled study of IP homicide showed firearms causal is **65%** of cases

# The Link between DV and Firearms

- Def's access to firearms → **5X higher risk of death** in intimate partner context
- Def's prior threat/assault with firearm → **20 X higher risk of death** in intimate partner context
- Laws **prohibiting firearms purchase ± possession** are more effective than laws only prohibiting possession
  - Oregon FAPA prohibits both

# Factors correlated to DV lethality

*(other than prior physical abuse, found in 70% of dv homicides)*

## W/in PRECEDING 2 YEARS

- High control + Separation
- **Access to firearms**
- Unemployment
- **Threats with weapon**
- Any threat to kill
- Vic has non-joint child in home



## AT TIME OF INCIDENT

- **Access to firearms**
- New relationship by Vic
- Unemployment
- **Threats with weapon**
- **Prior threat with weapon** or Victim separating from Def
- High control + Separation

### Protective Factors in each

- Never cohabited
- Prior arrests for DV

# Surrender Protocols

- Been a local issue for over 20 years, stymied on issue of storage of weapons
- New energy in 2011 with Model Surrender Protocols from statewide DV/Firearms Task Force and Commissioner Saltzman's interest
- Multnomah County Workgroup tweaked the Model protocols to accommodate our needs:
  - Use **data exchange** rather than dockets where possible, for efficiency
  - Concentrate on cases with **current weapons**

TO PETITIONER AND RESPONDENT:

**NOTICE OF "Exceptional Circumstances HEARING":**  
The Court has scheduled an "exceptional circumstances" hearing about the temporary custody of your children, on:  
Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Courtroom: \_\_\_\_\_  
(To Be Completed by Court Staff Only)

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
COUNTY OF MULTNOMAH  
Family Law Department

Petitioner (your full name) Mary Jones 10-11-72 (date of birth) Case No. 0906 0000  
vs. John Jones 6-23-74 (date of birth) **RESTRAINING ORDER TO PREVENT ABUSE**  
(Family Abuse Prevention Act)

**NOTICE TO RESPONDENT:**

- You must obey all of the provisions of this Restraining Order, even if the Petitioner contacts you or gives you permission to contact him/her.
- Violation of this Restraining Order may result in your arrest and in civil and/or criminal penalties. This order is enforceable throughout Oregon and in every other state. Review this order carefully.
- See the attached "NOTICE TO RESPONDENT/REQUEST FOR HEARING" for more information about your rights to a hearing.

The Court, having reviewed the Petition, and having heard testimony, makes the following findings:

1. Petitioner and Respondent are **RELATED** as follows: Judge's Initials JD  
A. Petitioner and Respondent are ☒ spouses/registered domestic partners, or ☐ former spouses/  
former registered domestic partners.  
B. Petitioner and Respondent ☐ are adults related by blood, marriage or adoption.  
C. Petitioner and Respondent ☐ have been cohabitating (living together in a sexually intimate relationship) since \_\_\_\_\_ (date), or ☐ cohabitated from \_\_\_\_\_ (date) to \_\_\_\_\_ (date).  
D. Petitioner and Respondent ☐ have been involved in a sexually intimate relationship within the last two years.  
E. Petitioner and Respondent ☐ are the unmarried parents of a child(ren).  
F. Petitioner ☐ is a minor and has been involved in a sexually intimate relationship with Respondent who is 18 years of age or older. JD

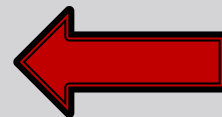
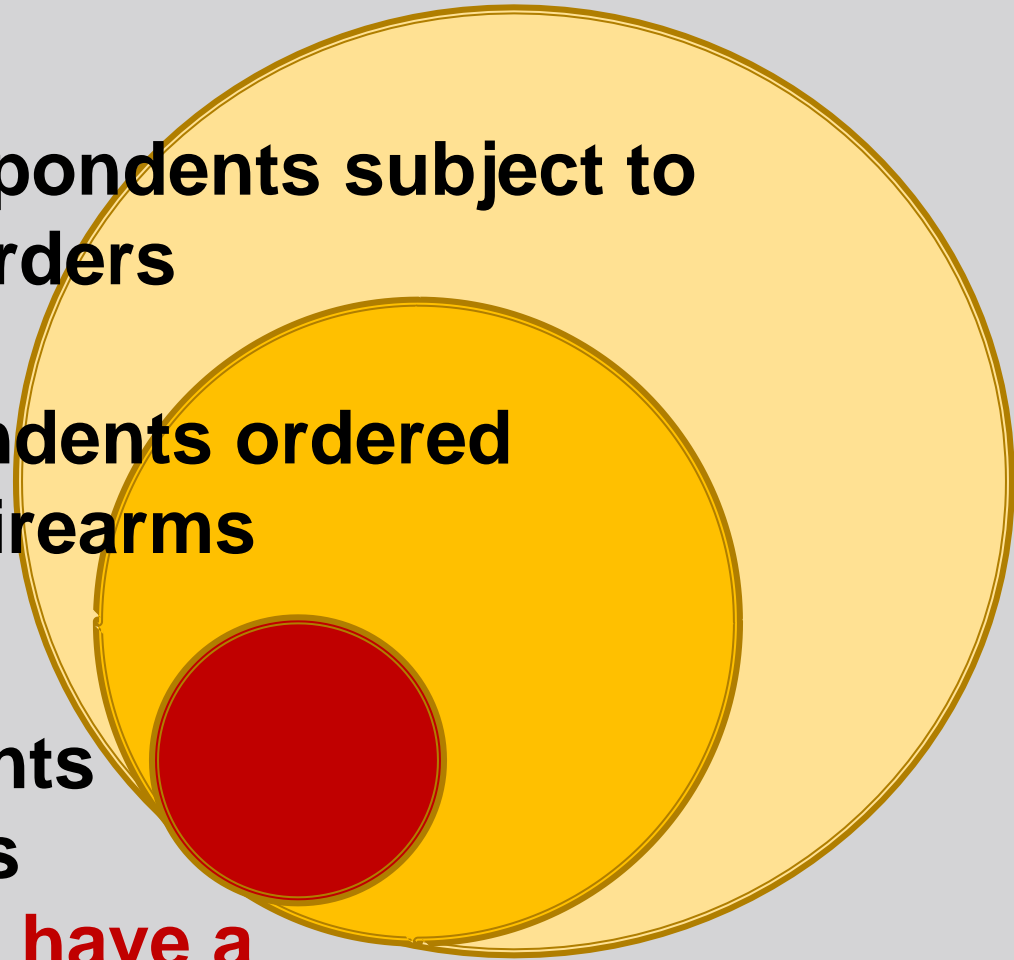
2. Respondent has **ABUSED** Petitioner as defined by ORS 107.705; the abuse occurred **WITHIN THE LAST 180 DAYS** as provided in ORS 107.710. Respondent represents a **CREDIBLE THREAT** to the physical safety of Petitioner or Petitioner's child(ren), and the Petitioner is in **IMMINENT DANGER OF FURTHER ABUSE**.

21-120 (JWB) Restraining Order to Prevent Abuse Page 1 of 8 Distribution: Original - Court, Caption-Petitioner, Respondent, Sheriff  
Sheriff's Copy: ☐ FAXED date \_\_\_\_\_ time \_\_\_\_\_ Clerk's initials \_\_\_\_\_ ☐ Delivered date \_\_\_\_\_ time \_\_\_\_\_

○ All Respondents subject to FAPA orders

● All FAPA Respondents ordered not to possess firearms

● All FAPA Respondents ordered not to possess firearms **who currently have a weapon**, as claimed by FAPA petitioner or found by the Court

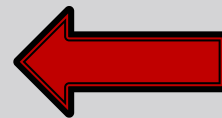


Our Target

ALL FAPA RESPONDENTS --  
get COURT SHEET re Firearms duties

ALL FAPA RESPONDENTS ORDERED NOT  
TO POSSESS FIREARMS – must  
document their compliance by filing  
the AFFIDAVIT re firearm

ALL FAPA RESPONDENTS  
ORDERED NOT TO POSSESS  
FIREARMS WHO CURRENTLY HAVE A  
WEAPON are CODED in the court's  
case management system



Our Target



# **Memorandum of Understanding**

**Who is Doing What**