



CHANGING SYSTEMS
TRANSFORMING LIVES



COMMUNITY SPOTLIGHT: COLORADO

Across the country, communities are disarming domestic violence offenders by implementing and enforcing firearm prohibitions in domestic violence cases. Leaders and innovators in these communities have developed pragmatic and responsible policies, protocols and practices directed at all aspects of firearm surrender and seizure.

BWJP

Pueblo, CO

In Pueblo, Colorado, Judge Victor Reyes of the 10th Judicial District* realized that the current process of firearm removal needed an update.

Despite judges' being authorized to use the catchall provision in Colorado's protection order statute to order the surrender of firearms, there were several impediments to successfully removing firearms from domestic violence offenders. One of the main impediments was that there was no way for a judge to know whether an abuser possessed firearms, let alone how many or which type. There were no protocols or forms to gather data on the presence of guns or to facilitate the removal of weapons in cases where firearms were present.

After attending judicial training on firearm removal, Judge Reyes started working to modify a series of forms created by the late Judge Amy Karan for use in Miami-Dade's Domestic Violence Court. After being approved for use by the Chief Judge at a local judges' meeting, the forms became part of a packet offered to all petitioners requesting protection orders. The distribution of this packet, says Judge Reyes, prompted the forms' success in his jurisdiction.

The forms—which include a sworn statement of possession, affidavit on firearms, order to surrender, order to show cause, petitioner listing of weapons and more—allowed court officials to better determine and address the presence of firearms to hold offenders accountable. In addition to the information obtained from forms, which must be filled out by both involved parties, an inquiry on firearms was made on the record. Once a judge ordered the surrender of firearms, information in the forms was used to ensure compliance.

After adopting these forms, the Pueblo County Sheriff's Office saw an increased number of guns surrendered. Law enforcement were also better able to inform third parties that were willing to accept the transfer of a firearm from a prohibited possessor of their responsibilities. Giving these forms to those who petition for a protection order was a crucial step to promote their implementation and ensure compliance.

Judge Reyes' approach has presented a way to facilitate the removal of weapons from dangerous individuals. While it required little cost, it did require a commitment from the judiciary, and ultimately has positively affected the safety of domestic violence victims in Pueblo County.

*The Honorable Victor Reyes is currently retired.