



CHANGING SYSTEMS
TRANSFORMING LIVES



COMMUNITY SPOTLIGHT: TEXAS

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.

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Dallas County, TX

Dallas County, Texas, is known for being one of the most populated counties in Texas and a statewide leader on combating domestic violence. However, the county lagged behind in its efforts to confiscate firearms from domestic violence offenders. Developing a comprehensive solution to a problem that put domestic violence victims and the public at risk was paramount. Judge Roberto Cañas recognized this need and took action, developing a new program that requires domestic abusers who own firearms to turn over their weapons to a local gun range.

Identifying the problem

In Texas, [61% of women killed by an intimate partner between 2008 and 2012 were shot](#).

Although both state and federal law say that abusers and subjects of protective orders cannot have guns, Dallas County residents regularly left court without instructions on how to follow the law and did not receive follow-up to make sure they did. However, in the wake of new leadership, closing the gaps that allowed domestic violence offenders to retain their firearms became a top priority: Dallas Mayor Mike Rawlings made disarming domestic violence offenders a staple of his campaign, and the governor of Texas indicated that he was eager to fund judge-instituted programs to disarm domestic violence offenders. In 2014, Judge Cañas, a criminal court judge who only hears domestic violence cases, held a meeting with community members, law enforcement, victim advocates, and elected officials to figure out the biggest obstacle to disarming domestic violence offenders. From this meeting, Judge Cañas and others determined that the biggest hurdle to disarming domestic violence offenders was the lack of storage: between 700 and 1000 guns could be surrendered per year, but no one in the government had the space to store the guns.

Developing a creative solution

Using funding from the governor's and mayor's offices, and given that no public facility could store the guns, Judge Cañas decided to start contacting federally-licensed private gun facilities (such as gun ranges and gun stores) to figure out if they were able to store the guns. Judge Cañas found his solution in the DFW Gun Range, which agreed to lease the county space to store the weapons. Now, convicted abusers, subjects of permanent protective orders, and those seeking bond or probation on a family violence crime have two options for surrendering their firearms: turn them in at the gun range or give them to an eligible third party. If they fail to give up their guns by a court-ordered deadline, they risk being arrested or being held in contempt of court. The gun range will store the firearms until they can be returned to their owner, such as when a protective order expires, although it is not yet clear what will happen to firearms in the case of a lifetime ban.

Enacting the program

In May 2015, the program launched and officials began confiscating guns from domestic batterers. The program is considered the “[most comprehensive effort in Texas to take guns away from abusers](#)” and is one of the only firearm-surrender strategies in the country to rely on private storage. Not surprisingly, Judge Cañas’s innovative program is influencing other counties in Texas: while other counties had previously enacted smaller programs often run by judges in individual courts, some are now choosing to follow Dallas County’s lead and develop county-wide programs. While some experts have voiced the concern that threatening to take guns away from domestic abusers could trigger retaliation against the victim, others hope that asking gun owners to turn over their firearms to a gun range – rather than a courthouse or police station – will encourage abusers to give up their guns.

El Paso, TX

In 2005, community members in El Paso formed the Domestic Violence Surrender Advisory Committee. A unique and diverse group of law enforcement, legal practitioners, college staff, and officers from a local military installation collaborated to produce a guide that specified firearm removal protocols in many disciplines, which could be adapted to meet removal goals in other locations as well.

The Committee formed in response to the shooting death of an officer, who was killed responding to an early-morning family violence call. Discussions involved the large number of domestic violence-related incidents reported, the role firearms play in domestic violence situations, and understanding that firearms increase danger for victims and those responding to requests for assistance.

Under the leadership of Judge Patricia A. Macias, with the 388th Judicial District Court of El Paso, the Domestic Violence Firearms Surrender Protocols Project was created.

Although laws in Texas already allowed for firearm removal from individuals who have committed acts of family violence, implementation was challenging. The Committee chose to address several aspects of implementation: removal at the scene of an incident, effective surrender orders, agency coordination and firearm storage and return. Communication, consistency and collaboration between system actors, the Committee hoped, would provide for the success of these protocols.

In 2007—after three years of work—the project was finished and was rolled out as a pilot program. Protocols included judicial inquiry on firearm possession and informing victims of the initiative and of pending return, once that step in the process was reached. Firearm surrender methods were also covered for many stages of the process, starting at the scene itself.

The protocols had a positive effect on reducing firearm violence in El Paso, leading other jurisdictions to seek out similar processes. In 2011, the 388th Judicial District Court made that

much easier by introducing a replication manual, a resource that now helps other communities looking to implement similar systems.

Judge Macias and other representatives from El Paso, through the Texas Office of Court Administration, began to offer information and assistance on the implementation of these protocols to other jurisdictions in Texas. The versatility of their guide means it can be applied to both civil and criminal court system, and it has been applied in many neighboring communities. El Paso is leading by example, and helping others create systems that will meet their communities' needs.