



CHANGING SYSTEMS
TRANSFORMING LIVES



COMMUNITY SPOTLIGHT: STATE OF WISCONSIN

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

State of Wisconsin

Wisconsin had legislated firearm prohibitions similar to the federal law, however, enforcement of the prohibitions remained challenging.

In 2009, a subcommittee of the Governor's Council on Domestic Violence completed a model firearm surrender protocol to improve compliance with firearm surrender laws. In 2010, the protocol was piloted in four counties. Between 2012 and 2014 several other counties voluntarily adopted the model protocol. In April 2014, firearm surrender legislation passed into law, making the protocol mandatory across all of Wisconsin's 72 counties.

Sauk County is finding the truth with a half sheet of paper

Each of the counties that participated in the pilot project were given some leeway in developing practices within the protocol. Sauk County recognized that the success of firearm surrender relies on respondent's being truthful about gun ownership. By the time the respondents are filling out inventory sheets in court, they have already been advised that they may have to surrender their guns. Recognizing that self-reporting might be less than truthful, Sauk County deputies included in their service protocol a practice designed to catch respondents off guard and reveal the truth. At the time of service of the temporary injunction the deputy asks the respondent if they own firearms. The respondent's reply is recorded on a half sheet of paper that goes back to the court with proof of service. This allows the court a check and balance to see if the respondents' response to the court regarding gun ownership is consistent with their less prepared statement to the deputy.

Successful pilot project leads to state legislation

The successful pilot project facilitated the passage of legislation in 2014 that adopted the surrender protocols as state law. There were seven months between the passage of the legislation and its effective date, allowing for statewide training of court staff and law enforcement. If the court issues a domestic abuse or child abuse injunction and finds that the respondent possesses firearms, the law requires that the firearms be surrendered within 48 hours and requires the court to hold a surrender hearing within one week of the injunction hearing to ensure compliance. If the respondent fails to surrender firearms or attend the hearing, the court must issue an arrest warrant for them.

New legislation tightens up third party surrender

The 2014 legislation provides that when the subject of an injunction who wishes to surrender to a third party, the third party must be present in court, testify under oath that he received the firearm and be approved by the court. By requiring the third party to come to court, it allows the judge to have a conversation with the third party and ensure that they really understand the

responsibilities of taking those firearms and not returning them to the respondent until it was lawful to do so. In the pilot counties, third party surrender was the most common avenue for surrender. This was a significant improvement over the old law which allowed surrender to third parties without an appearance in court.