

SUPPORT FOR RELINQUISHMENT & REMOVAL OF FIREARMS IN DV CASES

MICHIGAN DATA ANALYSIS

EXECUTIVE SUMMARY

In the United States, from 2011 through 2020, 18% of all homicides with a known relationship between victim and suspect were intimate partner homicides.(1)

Sixty-one percent of these were committed with a firearm. The gender difference between intimate partner homicide victimizations is stark: 46% of women killed in homicides were killed by an intimate partner whereas 6% of men were killed by an intimate partner.(1)

State laws that prohibit the purchase and possession of firearms by individuals under domestic violence restraining orders are associated with reductions in intimate partner homicide (2-5); however, research suggests that to see these gains in lives saved, the law needs to include a provision authorizing judges to order the newly prohibited person to relinquish their firearms.(3,5)

METHODS

Relinquishment and removal of firearms from newly prohibited persons is often accomplished by law enforcement officers.(6,7) This process may require a significant amount of resources from a police agency and there are concerns that it could pose a danger to officers and the public.

As subject matter experts on this issue, it is important to consider law enforcement's level of support for firearm relinquishments and removals, and their views regarding barriers to successfully removing guns from people under domestic violence restraining orders. The information they provide could prove useful in policy discussions concerning firearm relinquishments and removals. A 2022 survey of 234 law enforcement chief executive officers (e.g., chiefs and sheriffs) across three states (Michigan, Minnesota, and Wisconsin) was conducted during the spring and summer of 2022.

FINDINGS - MICHIGAN

Primary takeaways: Domestic violence perpetrators who are prohibited from having guns due to a protection order are not being required by the court to relinquish their guns to law enforcement. There is little opposition from police chiefs and sheriffs to a law authorizing judges to order newly prohibited domestic violence perpetrators to relinquish their guns.

Michigan's Personal Protection Order (PPO) law provides judges with discretion to prohibit individuals under PPOs from purchasing and possessing firearms (MCL 600.2950). However, the law does not explicitly direct judges to order newly prohibited PPO respondents to relinquish the firearms they already possess. Sixty-four percent of Michigan respondents stated that their department had never received an order to remove firearms from a PPO respondent.

KEY FINDINGS - MICHIGAN

From 2011 through 2020, 16% of all homicides with a known relationship between victim and suspect were intimate partner homicides.(1) Sixty percent of these were committed with a firearm. Thirty-four percent of women killed in homicides in Michigan were killed by an intimate partner whereas 6 percent of men were killed by an intimate partner.

About 36% of Michigan respondents said they would support a law allowing judges to order newly prohibited domestic violence restraining order respondents to relinquish guns they already possess, 45% were neutral, and about 19% said they would be in opposition to relinquishment laws. Similarly, about 43% of Michigan respondents said they would be willing to have their agency participate in domestic violence restraining order gun relinquishments, whereas 17% would not (40% were neutral).

Michigan chiefs and sheriffs had concerns regarding the potential barriers to relinquishment laws being successful. A vast majority of respondents (81%) believed removing guns from domestic violence abusers could be dangerous, and almost two-thirds indicated they would need a significant armed law enforcement presence to safely complete the removal.

Nearly two-thirds of chiefs and sheriffs said their agency has limited resources to enforce firearm relinquishment/removal orders, and about 59% indicated they would require a lot of work from their agency. Lastly, about 30% of Michigan chief executive officers feel that such orders are difficult to complete because of issues related to jurisdiction. More than one-quarter of respondents do not believe jurisdictional issues are a barrier to successfully completing gun removals.

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STUDY CONCLUSIONS

Courts rarely order police chiefs and sheriffs to remove guns

Nearly 70% of surveyed chiefs and sheriffs in the three-state sample said they never receive orders from judges to remove guns associated with domestic violence restraining orders. About one-quarter of respondents said they receive such orders about once per month. Less than 6% of chief executive officers indicated their agency receives these orders weekly or a few times per month.

The majority of law enforcement executive officers support or are neutral about relinquishment

Of those surveyed, 48 percent of chief executive officers reported they would support a law that requires police agencies to relinquish firearms stemming from domestic violence restraining orders and 38% indicated neutrality concerning such a law—they neither support nor oppose it. A minority (14%) of the chiefs and sheriffs surveyed said they would oppose such a law. Over 45% of respondents agreed with the statement "Domestic violence-related restraining order gun relinquishments are something I am willing to have my agency participate in." Thirty-eight percent were neutral and slightly over 16% disagreed with this statement.

Law enforcement chief executive officers believe relinquishment laws are effective

We asked several questions on the survey to gauge chiefs' and sheriffs' opinions about the usefulness of removing firearms from domestic violence abusers. About two-thirds of our sample agreed that relinquishment laws would improve domestic violence victim safety and help limit domestic violence offenders' access to weapons. Nearly three-quarters of surveyed chief executive officers agreed that relinquishment laws send the appropriate message about the seriousness of domestic violence and roughly 80 percent of respondents agreed that the laws limit access to firearms.

Chiefs and sheriffs have safety concerns around relinquishment

Approximately 7-out-of-10 chief executive officers indicated that removal of firearms in domestic violence restraining order cases would be dangerous, and about 60 percent of respondents said that it would require a significant armed presence to complete them safely. Confirming the survey results above, one of the most significant barriers to successfully completing gun removals in domestic violence restraining order cases was the potential danger they create to police officers.

Chiefs and sheriffs need resources and authority to implement relinquishment

Nearly two-thirds of chiefs and sheriffs said that their agency has limited resources to enforce firearm relinquishment/removal orders, and about 60 percent indicated they would require a lot of work from their agency. One of the biggest barriers they perceived is not having adequate storage space for the relinquished guns.

Citations

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