

Domestic Violence and Firearms Task Force December 2024 Meeting



**Measuring effectiveness of policies and
procedures regarding firearm surrender and
domestic violence**

Current limitations

- State-level prohibitions
 - § 13.87, subd. 2: All data regarding the purchase or transfer of firearms and carry permit applications are private.
 - § 144.05, subd. 5: MDH may not collect data on individuals regarding lawful firearm ownership or data related to an individual's right to carry a firearm.
 - § 624.714, subd. 14: Sheriffs may not maintain records regarding carry permit applicants or holders that are unnecessary to the permitting/renewal process. Sheriffs must destroy all data each year regarding people who are no longer current permit holders or eligible for renewal.

Current limitations

- Federal-level prohibitions
 - 18 U.S.C. § 926; 28 C.F.R. §25.9: Prohibits using NICS to create a database of firearms or firearm owners.
 - Tiahrt Amendment: Prohibits the ATF from creating a firearm database that is searchable, prohibits the ATF from releasing data related to firearm data related to firearm traces except to law enforcement and national security agencies, and requires the FBI to destroy records related to approved background checks within 24 hours.
 - Dickey Amendment: Prohibits federal funding to “advocate or promote gun control,” effectively stifling firearm violence prevention research and data collection.

Current limitations

- Health privacy laws
 - HIPAA Privacy Rule: national standards to protect individuals' protected health information (PHI). Certain entities may disclose PHI (including to NICS) if they believe disclosure is necessary to prevent or reduce significant risk of harm.
- Private judicial records (e.g., sealed affidavits; certain criminal records)
- Capacity and resource limitations

Indicators

- Available data **can** tell us:

- The number of intimate partner homicides and domestic violence crimes
- Whether a domestic assault or harassment stalking conviction included a court-ordered surrender affidavit or proof of transfer
- Whether intimate partner homicides involved a documented history of violence, whether there were bystander/intervenor fatalities, and whether the victim was separated or attempting to leave relationship
- Weapon used in offenses
- Background check denial reasons
- OFPs and ERPOs filed/granted/denied and violations
- Petitions filed to restore firearm rights

- Available data **cannot** tell us:

- The number of people ordered to surrender firearms regardless of legal mechanism
- The number of surrendered firearms
- Whether surrender occurred
- Whether affidavits and proofs of transfer were filed on time
- Who is storing surrendered firearms (e.g., PD, FFL, family)
- Duration of firearm surrender order/prohibition
- Whether firearms were returned after prohibition period ended

Data collection recommendations for law enforcement

- Firearm surrender orders served
- Number of individuals who surrendered firearms
- Number of firearms surrendered
- Make, model, and serial number of surrendered firearms
- Number of firearms stored

Data collection recommendations for courts

- Number of surrender orders and the number of surrender order subjects across all legal mechanisms (including tracking the legal mechanism used)
- Duration of firearm possession prohibition
- Relationships between petitioner/victim/survivor and the respondent/defendant
- Proofs of transfer and affidavits filed and whether they were filed in the required amount of time
 - Parties firearms were transferred to (e.g., FFL, law enforcement, family, friend)

Other data collection and evaluation recommendations

- Create cross-sector, local and statewide workgroups and domestic violence fatality review boards to identify and address common challenges and conduct on-going evaluation of implementation (and can provide other services; e.g., trainings, coordination across sectors)
- Identify jurisdictions in which firearm surrender orders aren't being issued
- Analyze processes involved in firearm surrender from the perspectives of the petitioner/victim/survivor and the respondent/defendant

(Consortium for Risk-Based Firearm Policy, 2020; National Council of Juvenile and Family Court Judges, 2022a; Parsons et al., 2023)

Other data collection recommendations

- Create a database regarding surrender orders
 - Petitioner and respondent demographics
 - Relationship between petition and respondent
 - Petitioner category (e.g., law enforcement, household member)
 - Jurisdiction of petition
 - Date and expiration date of order
 - Respondent risk factors
 - Incidents that preceded the petition
 - Petition outcome (e.g., granted, denied)
 - Whether order was served and date of service
 - Whether respondent was arrested, hospitalized, or referred to other services
 - Whether a search warrant was issued
 - Relevant criminal proceedings and whether respondent has been the subject of a previous surrender order
 - Firearms possessed by or accessible to the respondent, including the number, type, unaccounted for firearms, firearms transferred or seized
 - Whether respondent complied with the surrender order
 - Whether renewal or early termination was requested, whether they were granted, and who requested them

(Carey et al., 2024; Consortium for Risk-Based Firearm Policy, 2020; Parsons et al., 2023)

Questions

- How and where should data about returned firearms be tracked?
- How can separate data systems “talk” to each other, especially law enforcement and court databases?
- How can these processes be incentivized, and how to ensure agencies have sufficient capacity and training?

Dissemination and ensuring findings are used

Dissemination and next steps brainstorming

- What dissemination strategies would most effectively ensure findings from the Task Force report are used?
- Who should the findings be disseminated to?
- What steps should be taken after the Task Force concludes to continue this work?