

DC VOLUNTEER LAWYERS PROJECT

A voice for victims and children in the DC metro area since 2008

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Written Testimony of DC Volunteer Lawyers Project on Peace DC Plan Submitted to the Committee on Judiciary and Public Safety Council of the District of Columbia

The DC Volunteer Lawyers Project (DCVLP) is a non-profit organization that was established in 2008. We provide comprehensive, pro bono legal assistance to survivors of domestic violence, including survivors of dating violence, sexual assault, stalking, gun violence and gender-based violence. We also represent at-risk children living with abuse, neglect, domestic violence, and other dangerous circumstances. We provide legal representation to our clients in civil protection order, family law, and immigration cases. We also provide free legal advice and brief services to survivors through our various legal clinics throughout the District of Columbia. In 2024, DCVLP provided legal representation to 537 survivors of domestic violence in protection order cases and helped 227 survivors and their children in family law cases, including divorce and custody.

DCVLP supports the Peace DC Plan's goal of strengthening violence prevention efforts in the District. DCVLP submits this testimony to highlight an important violence prevention tool that is grossly underutilized: orders for respondents to relinquish firearms and ammunition in civil protection order (CPO) cases.

As advocates for survivors of domestic violence in the District of Columbia, DCVLP is acutely aware of the severe risks posed by abusers with access to firearms. 173 out of 736 high-risk cases screened by DC Safe over a three-month period in 2024—nearly 25%—involved offenders who reportedly had access to a firearm. In 2023, 9 of the 19 domestic violence fatalities in the District involved firearms, mirroring a troubling national trend in which guns are used in half of intimate partner homicide (IPH) deaths.¹ According to a recent analysis by Everytown, an average of 76 women are shot and killed by an intimate partner each month in the United States.² Survivors are five times more likely to be killed when the abuser has access to a firearm, and firearms also serve as a barrier to escaping abuse.³

¹ District of Columbia Domestic Violence Fatality Review Board, 2024 Annual Report at 25, https://ovsjg.dc.gov/sites/default/files/dc/sites/ovsjg/service_content/attachments/DVFRB%202024%20Annual%20Report.pdf (internal citations omitted).

² Everytown Research and Policy Report, Ensuring Effective Implementation of Laws that Disarm Domestic Abusers (Jun. 27, 2024), <https://everytownresearch.org/report/laws-that-disarm-domestic-abusers/> (citing Everytown Research analysis of CDC, National Violent Death Reporting System).

³ *Id.*

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Removing firearms from individuals found to have committed domestic or dating violence is clearly associated with reduced IPH.⁴ But this is not just a survivor safety issue. Firearm removal also reduces the threat of violence directed at other family members, friends, neighbors, and community members, including police officers, judges and prosecutors.⁵ As such, it should be a key component of the Committee's efforts to strengthen violence prevention efforts in the District.

In the District of Columbia, existing laws bar respondents subject to temporary protection orders (TPOs) and certain CPOs from possessing firearms.⁶ Unfortunately, in practice, guns are very rarely surrendered after a relinquishment order is entered. Failure to enforce these orders leaves countless survivors vulnerable.

It is widely recognized that unclear enforcement protocols are a barrier to the consistent application of relinquishment laws.⁷ With this in mind, in the Spring of 2024 DCVLP convened the Gun Relinquishment Working Group (GRWG) to develop recommendations to improve firearm relinquishment procedures in CPO cases in the District. The GRWG is comprised of non-profit organizations that provide legal services and support to survivors of domestic violence, the District of Columbia Office of the Attorney General (OAG), and the Johns Hopkins Center for Gun Violence Solutions. The GRWG is chaired by representatives from DCVLP and is co-chaired by representatives from OAG, Legal Aid DC, and Volare.

⁴ National Resource Center on Domestic Violence and Firearms, Battered Women's Justice Project. Firearms Relinquishment in Cases Involving Intimate Partner Violence: How to Structure Effective Protocols for Your Community, at 4. https://bwjp.org/wp-content/uploads/2024/10/Firearm-Relinquishment_final-designed.pdf (citing April M. Zeoli, et al., Analysis of the strength of legal firearms restrictions for perpetrators of domestic violence and their association with intimate partner homicide, 187 Amer. J. Epidemiology 11, 2365-2371 (2018)).

⁵ *Id.* (noting that "[d]omestic disturbances are among the most dangerous calls for officers and firearms are among the leading causes of line-of-duty deaths. As threats to judges and prosecutors increase, this increased need for caution expands to all individuals involved in the justice system.").

⁶ The Intrafamily Offenses Act (D.C. Code §§ 16-1001 *et seq.*), or IFO Act, requires that all TPOs include an order for the respondent to surrender any guns or ammunition in their possession. Judges have discretion whether to also order relinquishment in the final CPO. For additional details see Appendix A.

⁷ See generally Oliphant, S. N., & Zeoli, A. M. (2024). State efforts to enforce firearm dispossession through relinquishment laws. *Criminology & Public Policy*, 1–26. <https://doi.org/10.1111/1745-9133.12677>.

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The GRWG convened throughout 2024 and early 2025. The GRWG’s work was informed by a comprehensive review of laws and procedures in states that are successfully implementing relinquishment requirements; interviews with practitioners and/or law enforcement in California, Colorado, Connecticut, Maryland, Missouri, and Washington; consultation with organizations including the Giffords Law Center, Everytown for Gun Safety, the Battered Women’s Justice Project, the Johns Hopkins Center for Gun Violence Solutions, and the National Council on Juvenile and Family Court Judges; research and publications issued by these organizations and others; and studies published in academic journals.

The GRWG identified two crucial gaps in the law that are hindering effective implementation and enforcement of the relinquishment requirement by law enforcement and the courts. First, the IFO Act does not define what constitutes “relinquishment.” Consistent with the GRWG’s recommendations, DCVLP urges the Committee to consider amending the definition of “relinquish” to provide better guidance to law enforcement, the court, and parties, as follows:

The definition section of the Intrafamily Offenses Act (DC Code § 16-1001) should be amended to define “relinquish” to mean “to surrender all firearms and ammunition in the Respondent’s possession or control to law enforcement or a licensed gun dealer. If an order to relinquish under this section is served by a law enforcement officer, the firearms and ammunition must be surrendered to that law enforcement officer at the time of service of the order, if the firearms and/or ammunition are in the Respondent’s possession or immediately accessible at the time of service. In all other cases, the firearms and ammunition must be surrendered within 24 hours of the time of service of an order to relinquish or release from incarceration if served while incarcerated by transporting the firearms and ammunition to any police district, station, or central headquarters, consistent with the requirements outlined in § 22-4504.02 concerning the transportation of firearms, or by sale to a licensed gun dealer.”

Second, the IFO Act does not include an immunity provision for respondents who relinquish unregistered firearms. An immunity provision is needed so that respondents can comply with relinquishment orders without fear of facing additional penalties for possessing an unregistered firearm. Also consistent with the GRWG recommendations, DCVLP urges the Committee to consider amending the IFO Act to include an immunity provision similar to the ERPO statute’s

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immunity provision for voluntary relinquishment of an illegal firearm (DC Code § 7-25010.07(f)), as follows:

(1) If a respondent peaceably surrenders any firearms or ammunition pursuant to this section, such surrender shall preclude the arrest and prosecution of the respondent for violating, with respect to the firearms or ammunition surrendered: (A) Section 7-2506.01; and (B) Sections 22-4503 and 22-4504(a) and (a-1). (2) The surrender of any firearm or ammunition pursuant to this section shall not constitute a voluntary surrender for the purposes of § 7-2507.05.

Many jurisdictions around the country have instituted innovative and effective programs to ensure that relinquishment laws function as designed so that abusers do not continue to have access to firearms. In the District of Columbia, law enforcement, judicial officers and court staff, and other key stakeholders should develop protocols and adopt policies to ensure that these laws operate as intended to keep guns out of the hands of abusers. In order to facilitate this process, DCVLP urges the Committee to consider amending the IFO Act to clearly define what constitutes relinquishment and to provide a mechanism for respondents who relinquish unregistered firearms to obtain limited immunity from prosecution.

/s/ _____

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APPENDIX A: ADDITIONAL BACKGROUND ON FIREARM RELINQUISHMENT

Existing Legal Framework for Relinquishment in CPO Cases in the District

In 1970, the U.S. Congress passed the District of Columbia Court Reform and Criminal Procedure Act of 1970.⁸ Among other things, the Act established rules governing proceedings for intrafamily offenses in D.C. It provided that the court may issue a protection order upon a finding of good cause to believe the respondent has committed or is threatening an intrafamily offense.⁹ It also provided for several broad types of injunctive relief available to survivors, but did not include an explicit firearm prohibition.¹⁰

The Intrafamily Offenses Act of 2008 substantially re-wrote the law, including the injunctive relief that could be awarded in a CPO case, to allow a judicial officer to issue a protection order that “directs the respondent to relinquish possession of any firearms.”¹¹

In 2020, the relinquishment clause was expanded to include a prohibition on the possession, control, purchase, or receipt of any firearm or ammunition.¹² The current statute states that, “if, after a hearing, a judicial officer finds that there is good cause to believe the respondent has committed or threatened to commit a criminal offense against the petitioner,” the judicial officer may enter a CPO that, among other things, “directs the respondent to relinquish possession of any firearms or ammunition and prohibits the respondent from having possession or control of, purchasing, or receiving any firearm or ammunition while the protection order is in effect.” DC Code § 16-1005(c)(10).

The law also provides that a temporary protection order (“TPO”) “shall require that the respondent relinquish possession of any firearms or ammunition and prohibit the respondent

⁸ Public Law 91-358, Chapter 10 – Proceedings Regarding Intrafamily Offenses, July 29, 1970, *available at* <https://www.govinfo.gov/content/pkg/STATUTE-84/pdf/STATUTE-84-Pg473.pdf>.

⁹ D.C. Code 16-1005(c) (1970).

¹⁰ *Id.*

¹¹ As originally introduced, the proposed bill did not include a relinquishment requirement. *See* Committee Report on B17-0055 at 21, *available at* https://lms.dccouncil.gov/downloads/LIMS/18480/Committee_Report/B17-0055-CommitteeReport1.pdf?Id=59160. The provision appeared for the first time in the engrossment at the first reading of the bill, which took place on December 2, 2008. *See* <https://lms.dccouncil.gov/Legislation/B17-0055>.

¹² Law 23-275, the Intrafamily Offenses and Anti-Stalking Orders Amendment Act of 2020.

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from having possession or control of, purchasing, or receiving any firearm or ammunition while the protection order is in effect.” DC Code § 16-1004(h)(2).¹³

Current Barriers to Firearm Relinquishment

While all TPOs and CPOs issued in DC include standard language regarding firearm relinquishment and prohibiting possession, few if any respondents are complying.

As an initial matter, respondents may not be aware that they have been ordered to relinquish. The current TPO form includes two lines stating “Respondent shall relinquish possession of any firearms or ammunition and is prohibited from possessing or controlling of, purchasing or receiving any firearm or ammunition while this order in effect.” The TPO does not explain what “relinquish” means or how a respondent can surrender a firearm. Even where MPD assists with service of the TPO, serving officers are not routinely highlight the prohibition, asking the respondent about firearm possession, or running a gun registry check to identify whether the respondent is a registered gun owner.

Final CPOs include the following warning:

DC Law Firearms warning. You must relinquish within 24 hours after being served with Civil Protection Order (CPO) all firearms that you own or possess to your local law enforcement officials. Failure to do so is a criminal offense under D.C. Code §22-4503 that if convicted, carries a penalty of two (2) to 10 years in prison or a fine of \$15,000 or both. For more information about surrendering your firearm, please call (202) 727-4275 (Gun Control/Firearms Registration Unit).

In DCVLP’s experience, judges do not always inquire about compliance with relinquishment orders after a TPO is served. Also in our experience, the Gun Control/Firearms Registration Unit is unable to consistently provide instructions on how to surrender. The MPD service unit is not

¹³ See Committee Report on B23-0181 at 14, *available at*

https://lms.dccouncil.gov/downloads/LIMS/42010/Committee_Report/B23-0181-Committee_Report1.pdf?Id=114208. As the Committee reasoned, “when a judge has made a finding that

a petitioner’s safety is immediately endangered by a respondent, there is a need to ensure that respondent does not have access to firearms. The Committee Print, therefore, mandates that temporary protection orders ‘require that the respondent relinquish possession of any firearms or ammunition and prohibit the respondent from having possession or control of, purchasing, or receiving any firearm or ammunition while the protection order is in effect.’” *Id.*

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consistently collecting guns or ammunition from respondents at the time of service of a TPO or CPO with a relinquishment order – a time when many petitioners are most vulnerable. Patrol officers who are called to a scene to assist with service are even less likely to highlight these requirements.

Moreover, there is no mechanism to verify whether a CPO respondent *ever* complies with the requirement. The current role of MPD and the courts in compliance enforcement is unclear, and at this time there is no assurance that *any* entity will follow up to assess whether respondents have complied, leaving the burden on survivors.

And survivors have no good options when they know or suspect that their abusers continue to possess a firearm after the CPO is entered against them. DCVLP has assisted survivors in filing motions for contempt of a CPO based on a failure to relinquish. We have also assisted survivors in filing motions to modify a CPO to include a provision ordering their abuser to submit proof of relinquishment by a specific date. We have also requested a status hearing to assess compliance, but that request was denied based on respondent's assertion that he did not have a firearm – and despite the petitioner providing photographic proof to the contrary.

These efforts have resulted in, at best, inconsistent enforcement, because the Court must rely on the respondent's statements regarding relinquishment. Complicating matters, often a considerable amount of time has passed from when the respondent was ordered to relinquish to when the survivor was able to obtain counsel to help them file such motions, giving the respondent opportunity to conceal their firearms and avoid consequences. Even in fairly straightforward cases where the respondent admits they have a gun and the petitioner is represented by experienced counsel, the process of enforcing a relinquishment order is ad hoc, time consuming, and inefficient – in one of DCVLP's cases in 2024 it took 115 days, very persistent counsel, and multiple court appearances from the time the respondent was served with a TPO to the time he finally surrendered his gun to law enforcement. The barriers to pro se petitioners are even higher.

Why Relinquishment Matters

The District's Domestic Violence Fatality Review Board 2024 Annual Report highlights the relationship between intimate partner violence and firearm access. Of the 19 domestic violence

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fatalities in the District in 2023, 9 involved a firearm. These numbers are consistent with national trends.¹⁴

Nationally, firearms are used in half of IPH deaths: IPV victims are five times more likely to die when the abuser has access to a gun and 41 times more likely to die if the abuser has used a gun during a previous severe domestic violence incident. Firearms are also a deterrent to escaping abuse: 4.5 million women have been threatened with a gun by their intimate partner, and nearly one million were nonfatally shot or shot at. These numbers don't account for implied coercion from knowing an abuser has access to a firearm. As legal protections to prohibit known abusers from possessing firearms are being struck down by the courts, there are fewer enforceable remedies available to victims.¹⁵

It is also widely recognized that relinquishment requirements are not self-executing, and that effective implementation requires deliberate action. While many states and Washington D.C., have laws prohibiting abusers from possessing firearms and requiring abusers to turn in guns they already possess, “these laws do not implement themselves and the failure to properly enforce them can have devastating consequences.”¹⁶

The moment that a survivor seeks assistance from the legal system is often a time of heightened risk, making it even more crucial that laws intended to remove firearms from homes in which there is domestic violence are effectively implemented. Specifically, state and local implementation efforts must focus on two key aspects of these laws:

- Ensuring that abusers turn in any guns already in their possession at the time they become prohibited, and
- Ensuring that abusers are not able to purchase guns after they become prohibited.

¹⁴ District of Columbia Domestic Violence Fatality Review Board, 2024 Annual Report at 25, https://ovsjg.dc.gov/sites/default/files/dc/sites/ovsjg/service_content/attachments/DVFRB%202024%20Annual%20Report.pdf

¹⁵ *Id.* at 12.

¹⁶ See Everytown Research and Policy Report, Ensuring Effective Implementation of Laws that Disarm Domestic Abusers (Jun. 27, 2024), <https://everytownresearch.org/report/laws-that-disarm-domestic-abusers/>.

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For additional information we recommend the following resources:

Ellyson, A. M., Adhia, A., Shanahan, S., Alsinai, A., DiMascolo, L., Reygers, M., Bowen, D., & Rowhani-Rahbar, A. (2023). Firearm restrictions in domestic violence protection orders: Implementation, vetting, compliance, and enforcement. *Criminology & Public Policy*, 1–30. <https://doi.org/10.1111/1745-9133.12639>

Keck, David W., National Resource Center on Domestic Violence and Firearms, Battered Women's Justice Project (2021). Implementing an Effective Firearm Relinquishment Protocol. https://bwjp.org/wp-content/uploads/2021/10/Firearms_Report.pdf.

National Resource Center on Domestic Violence and Firearms, Battered Women's Justice Project (2024). Firearms Relinquishment in Cases Involving Intimate Partner Violence: How to Structure Effective Protocols for Your Community. <https://bwjp.org/site-resources/firearms-relinquishment-in-cases-involving-intimate-partner-violence-how-to-structure-effective-protocols-for-your-community/>.

Oliphant, S. N., & Zeoli, A. M. (2024). State efforts to enforce firearm dispossession through relinquishment laws. *Criminology & Public Policy*, 1–26. <https://doi.org/10.1111/1745-9133.12677>.

Sullivan, T. P., & Maxwell, C. D. (2025, February 17). Advancing Gun Policy: Linking Multi-Source Data to Develop Micro-Longitudinal Trajectories of Domestic Violence Offenders' Gun Use and Impact on Victims. <https://doi.org/10.17605/OSF.IO/ME5RS>.