



S.A.F.E. TOOL

Strategic Assessment of Firearm Enforcement

Revised 2016

PURPOSE OF THIS TOOL

The S.A.F.E. Tool is an inventory of questions designed to facilitate a discussion with a survivor on safety strategies around firearms. This Tool will assist survivors with evaluating if, when, how, and for what period they may want to request that an intimate partner who abused them to be prohibited from use, possession, or ownership of firearms and ammunition. The information obtained from this Tool can assist survivors when creating a comprehensive personalized safety plan that improves their safety and the safety of their child(ren). This Tool is not a lethality assessment tool nor should it be used as one.

WHO SHOULD USE THIS TOOL?

The S.A.F.E. Tool is designed for survivors and the attorney or advocate who assists them in preparing a comprehensive safety plan that includes firearm safety and, if they so choose, a petition for a protection order that requests removal of these weapons from their abuser. The attorney or advocate working with the survivor should be knowledgeable in the areas of intimate partner violence and the firearm laws of their jurisdiction. This Tool is not intended for use by system advocates, prosecutors, law enforcement professionals or any other professional who may assist survivors.

HOW TO USE THIS TOOL

This Tool consists of an inventory of questions divided into seven categories and a photographic guide of commonly possessed firearms. Please review each section in order. Each section is pertinent in helping the survivor make informed choices around firearm safety. It is recommended that the attorney or advocate working with survivors use this Tool in conjunction with the Firearm Checklist for Advocates. This Checklist can provide guidance on the federal domestic violence firearm prohibitions and how to remove weapons from prohibited persons.

TECHNICAL ASSISTANCE

The S.A.F.E. Tool was developed by the National Center on Protection Orders and Full Faith & Credit to assist survivors and the attorneys and advocates who help them devise safety strategies around firearms. For technical assistance on the use of this Tool or issues related to the issuance, service, and enforcement of protection orders or the removal of firearms, please contact us at 800-903-0111, prompt 2; or email us at ncffc@bwjp.org.

This project was supported by Grant No. 2014-TA-AX-K046 awarded by the Office on Violence Against Women, U.S. Department of Justice. Points of view in this document are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

IMPORTANT MESSAGE FOR SURVIVORS

Before reaching out to any law enforcement or government agency about firearms removal, you may want to consult with an attorney to examine the advantages and disadvantages of doing so. There may be situations in which you risk getting arrested yourself when you seek to have firearms removed. If you have a protection order *against* you, have a criminal conviction that prohibits you from having or being around weapons, ever purchased a weapon for someone else (even if you were coerced), suspect someone may have used your name to buy a firearm, or believe any of these situations may apply to you but you aren't sure, then it is a good idea to talk with an attorney to help you assess the pros and cons of contacting law enforcement to share information regarding your abusive partner's weapons. Please note that law enforcement officers don't have to keep information you share with them confidential, and may have legal obligations to act on the information you provide to them.

Safety planning is an ongoing process. This Tool should be revisited as necessary when revising your safety plan. If you change your mind after reviewing this Tool and no longer want the firearms removed *or* want to discuss safety strategies related to firearms that remain within the ownership, possession, or access of your abuser, please contact your community advocacy organization. If you need help locating a legal service or advocacy organization, please contact the National Domestic Violence Hotline at www.thehotline.org; 1-800-799-7233; 1-800-787-3224 (TTY).

IMPORTANT CONFIDENTIALITY CONSIDERATIONS FOR SURVIVORS AND THE ADVOCATES THAT ASSIST THEM

Federal law has established safeguards to protect the confidentiality of survivors of domestic violence, dating violence, sexual assault, and stalking. Shelters, rape crisis centers, domestic violence programs or similar victim service programs that receive funding through the Violence Against Women Act (VAWA) or the Family Violence Prevention and Services Act (FVPSA) may not disclose any identifying information about the survivor, their location, or the services they received from their program "...without informed, written, reasonably time-limited consent of the person..."¹ Even if a program is not receiving federal funding, many states have confidentiality laws or domestic violence victim-advocate privilege statutes that limit the information an advocate may disclose regarding a conversation with someone who seeks or receives services from their organization.

Community advocates can play a vital role in assisting survivors with this tool by providing information to assist them make informed decisions regarding their safety. Along with providing safety planning and information, advocates have an obligation to advise survivors of the laws that protect a victim's right to confidentiality. When discussing this information, advocates should inform the survivor of the different roles community advocates and system advocates play. This information will help assist the survivor in making an informed decision before deciding to share confidential information.

¹ Violence Against Women Act, 42 U.S.C. §13925 (b)(2) (2013), Family Violence Prevention and Services Act, 42 U.S.C. §10406 (c)(5) (2010).

S.A.F.E. TOOL

The following Tool is divided into seven sections. Each section is devised to facilitate a discussion and analysis of the risks and benefits of having the firearms removed from an intimate partner. Please review each question in order unless otherwise directed to another section.

Section A: Ownership, Possession, or Access to Firearms

This section will assist you with identifying pertinent information on your partner's ownership, possession or access to firearms.

1.	Does your partner own, possess, or have access to firearms? (If no, please continue to Section B) If yes, how long has your partner owned/possessed/had access to firearms?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Did you or a family member purchase, transfer, or give the firearms to your partner? If yes, is the firearm registered in your partner's name? If not, who owns the firearm?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
3.	Does your partner have any firearm licenses or permits? If so, which and what jurisdiction and agency issued the license or permit?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	Does your partner maintain or use a firearm for protection, employment, or as a hobby (recreation)? If yes, which?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Section A: Ownership, Possession, or Access to Firearms (Cont'd)

5.	<p>If your partner uses a firearm for employment is he or she employed by the military, or a local, state, or federal law enforcement agency that requires him/her to possess a firearm?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>If yes, which? [Please also review the section on Official Use Exemption for Law enforcement Officers and Military Personnel Subject to Qualifying Protection Orders - page 16]</p>	
	<p>If not, is your partner employed by a tribal jurisdiction?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>If not, is he/she employed by a private security agency?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.	<p>Where does your partner store the firearms (i.e., gun safe, vehicle, closet, hidden, work, car, carries concealed on person)?</p>	
	<p>Who has access to this location?</p>	
7.	<p>Does your partner keep the weapons loaded?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Do you know how to load/unload the firearms safely?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Do you have access to a gun lock for the firearms?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
8.	<p>If you do not live with your intimate partner, do you have firearms you own or possess in your home?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>If yes, does your intimate partner have access to the firearms?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>If yes, do you have gun locks for the firearms in your home?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Section B: Use or Threatened Use of Firearms

The following section will assist you with identifying incidents in which your partner used or threatened to use a firearm against you or a family member. The information discussed may be helpful for you and your attorney/advocate articulating to the judge why you would like the firearms removed from your intimate partner's possession.

1.	Has your partner done anything or said anything that leads you to believe/fear that he/she might use a firearm in an assault on you? If yes, what was done or said?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Has your partner ever used a firearm against or pointed a firearm at you, a family member or friend, or threatened you/someone else with a firearm? If yes, how, when, and where did this happen? What, if anything, happened as a result?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	Has your partner ever spoken about imagining using a firearm to kill you or a family member? If yes, what was said?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	Has your partner ever pointed a firearm at him/herself or threatened suicide? If yes, how, when, and where did it happened?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.	Has anyone in your partner's family, or a close friend of your partner, ever threatened or committed suicide? If yes, how, when, and where did this happened?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Section B: Use or Threatened Use of Firearms (Cont'd)

6.	If your partner has never used a firearm against you, do you fear that he/she may use it against you? If yes, why?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.	Has law enforcement ever removed a firearm from your partner before? If yes, under what circumstances? How did he/she react?	<input type="checkbox"/> Yes <input type="checkbox"/> No
8.	How likely is your partner to use a firearm against you or your child(ren)? <input type="checkbox"/> Not Likely <input type="checkbox"/> Likely <input type="checkbox"/> Highly Likely	

Section C: Identification of Prohibitions on Use, Possession, or Ownership of Firearms

This section will assist you with identifying any reasons that your intimate partner may be prohibited from possessing a firearm pursuant to either a federal/state law or court order. The information discussed may be helpful when contacting law enforcement regarding assistance removing firearms from the possession of your intimate partner.

1.	<p>Do you currently have a protection order against your partner?</p> <p>If yes, provide information on the jurisdiction and expiration date of the order.</p> <p>Are you currently:</p> <p><input type="checkbox"/> A spouse or former spouse of the Respondent?</p> <p><input type="checkbox"/> A person who cohabits or formerly cohabited with the Respondent/Defendant while in a romantic relationship?</p> <p><input type="checkbox"/> A person who has a child in common with the Respondent?</p> <p>Note: In some cases, even if the order does not specifically prohibit firearms, the respondent may be prohibited from possessing by federal law.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	<p>Do you know if anyone else has received a protection order against your partner?</p> <p>If yes, what were the circumstances?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	<p>Does your intimate partner currently have a military protection order issued against him/ her?</p> <p>Note: You may wish to contact the Family Advocacy Program where your partner is stationed to obtain assistance in having firearms removed.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Section C: Identification of Prohibitions on Use, Possession, or Ownership of Firearms (Cont'd)

4.	<p>Has your intimate partner ever been convicted of a felony?</p> <p>If yes, in what jurisdiction?</p> <p>Note: Federal law, and some state laws prohibit a person convicted of a felony from possessing firearms or ammunition. Please check with your attorney to see if your intimate partner is precluded from possessing a firearm.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.	<p>Has your intimate partner ever been convicted of assault (hitting, slapping, punching, shoving, or any other act of violence) against you or another person?</p> <p>If yes, please provide information on the conviction (date, jurisdiction, prosecuting attorney).</p> <p>Note: Federal law prohibits a person convicted of a qualifying misdemeanor crime of domestic violence from possessing firearms or ammunition.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.	<p>Is your intimate partner currently charged with a crime against you?</p> <p>If yes, do you have a no contact order that prohibits him/her from possessing firearms?</p> <p>Note: You may wish to discuss with the prosecutor having the defendant prohibited from possessing firearms in the no contact order during the pendency of the case.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.	<p>Is your partner currently on probation?</p> <p>If yes, do his/her conditions of release prohibit the possession of firearms?</p> <p>Note: You may want to seek the assistance of your advocate in identifying your intimate partner's probation officer if your partner is not compliant with his/her probation or parole conditions.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No

Section C: Identification of Prohibitions on Use, Possession, or Ownership of Firearms (Cont'd)

8.	Has your intimate partner ever indicated that he/ she was prohibited from possessing firearms? If yes, why?	<input type="checkbox"/> Yes <input type="checkbox"/> No
9.	Has your partner ever been denied purchase of a firearm by a federal firearms licensee dealer? If yes, why?	<input type="checkbox"/> Yes <input type="checkbox"/> No
10.	Has your partner ever had his or her firearms license or permit revoked? If yes, when, in what jurisdiction, and why?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Section D: Risks and Benefits of Removing Firearms from the Batterer

This section will assist you with evaluating the current risks and benefits that removal of firearms would provide for you and your child(ren).

Using the insight gained from evaluating your responses from the questions above, do you think you and your child(ren) will be safer if the firearms were removed from your intimate partner? ☐Yes ☐No

If yes, list the reasons it would be safer for you and your child(ren):

After evaluating the risks and benefits if you believe it would be safer to have firearms removed from your home or the home of the batterer, see Section E.

If no, list the reasons it would be unsafe or dangerous for you and your child(ren):

After evaluating the risks and benefits if you believe that it would be unsafe or dangerous to removal the firearms, see Section G.

Section E: Removal of Firearms, Licenses and Permits

This section will assist you with identifying ways that you may wish to have firearms removed from your home or the home of an intimate partner who abused you; and/or request the court prohibit your intimate partner from possessing, owning and using firearms and licenses or permits.

1.	<p>If you intend to file a civil protection order (or if you have an order), do you wish to have the court remove the firearms from your intimate partner?</p> <p>If yes, how would you like the firearms removed?</p> <p>Note: If a protection order has already been issued you may need to modify the order to have the firearms removed. Please check with an attorney or advocate in your jurisdiction.</p> <p>Below are suggested removal options. Please check with your advocate to determine what options are available in your jurisdiction</p> <p>Check all actions that you prefer:</p> <ul style="list-style-type: none"><input type="checkbox"/> Voluntary surrender by you or your partner to local law enforcement.<input type="checkbox"/> Removal by local law enforcement wherever the firearms are stored.<input type="checkbox"/> Sale of the firearms, if ordered by a court.<input type="checkbox"/> Transfer of firearms to a person (third party) who is willing to not return the firearms to the respondent unless ordered by the court. <p>Note: The order should specify the place where the firearms should be surrendered, the date and time the surrender should be completed by and to the extent possible a description of the firearms. The authority receiving the firearms should immediately notify the court of the surrender.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	<p>If your partner has a firearm license and/or a permit, do you want them revoked (if applicable under state law)?</p> <p>List any licenses and/or permits and where issued:</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Section E: Removal of Firearms, Licenses and Permits (Cont'd)

3. How would you like your intimate partner's firearms to be removed if you do not obtain a protection order?

Below are suggested removal options. Please check with your advocate to determine what options are available in your jurisdiction.

- ☐ Voluntarily turn the firearms over to local law enforcement yourself.
- ☐ Request law enforcement remove the firearms for safe keeping.
- ☐ Contact local law enforcement to determine if they can seize the firearms.
- ☐ Contact ATF to determine if they can seize the firearms.
- ☐ Transfer the firearms to a third-party who will not return the weapons to your intimate partner unless requested by you.

Note: If you are interested in voluntary surrender, please talk to an advocate or attorney to ensure that surrendering property of others is legal in your jurisdiction. Additionally, it is imperative to ensure that you have a safety plan in place to address any potential response from the Respondent once their firearms are turned over to law enforcement.

4. What strategies might be used to enhance your safety during the removal process?

Section F: Verification and Notification of Firearms Transfer and Return

This section will assist you with identifying how to verify your intimate partner has turned over the firearms to the appropriate authority. It will also provide you with suggested notification procedures in the event your intimate partner becomes eligible to possess firearms again.

1.	<p>Below are suggested verification procedures. Please review with your attorney or advocate to see which options are available in your jurisdiction.</p> <p>Check all that apply:</p> <ul style="list-style-type: none"><input type="checkbox"/> Verification from law enforcement that that they received the firearms.<input type="checkbox"/> Court compliance hearing where the respondent/defendant provides proof of the removal of the firearms to the judge.<input type="checkbox"/> Verification from third-party that the firearms are in their possession.<input type="checkbox"/> Verification that the firearms were sold.
2.	<p>Describe how you would like to be notified when your abuser becomes eligible to regain possession of his/her firearms?</p> <p>Below are some common notification procedures. Please review with your attorney or advocate to see which options are available in your jurisdiction.</p> <p>Check all that apply:</p> <ul style="list-style-type: none"><input type="checkbox"/> Notification from the court after a review hearing to determine if the Defendant/Respondent is eligible to possess firearms.<input type="checkbox"/> Notification from the Victim Witness Coordinator that the criminal case is concluded and the respondent is eligible to possess firearms.<input type="checkbox"/> Notification from my attorney or advocate that the protection order is expiring and the firearms prohibition will no longer exist.<input type="checkbox"/> Notification from the law enforcement agency that the Respondent/Defendant's firearms will be returned.<input type="checkbox"/> Other:_____.

Section G: Alternative Strategies to Removal of Firearms

This section will assist you with formulating alternative strategies to removal of the firearms if it is determined that removal is not a safe or appropriate option.

If you do not want the firearms removed, do you have strategies to safely protect yourself and your child(ren) against the use or threatened use of the firearms by your intimate partner?

☐Yes ☐No

List the strategies that you can use to stay safe:

IMPORTANT INFORMATION ABOUT FEDERAL FIREARM LAWS

The federal Gun Control Act (GCA) makes it unlawful for the following categories of individuals to ship, transport, receive or possess firearms or ammunition:

- Felons
- Fugitives from justice
- Unlawful users of or addicted to any controlled substance (as defined in section 102 of the Controlled Substance Act (21 U.S.C § 208))
- Persons who have been adjudicated as “mentally defective” or who have been committed to a mental institution
- Illegal aliens and non-immigrant aliens (with certain exceptions for non-immigrant aliens)
- Persons dishonorably discharged from the Armed Forces
- Persons who has have renounced their citizenship
- Persons who are subject of a qualifying protection order
- Persons convicted of a qualifying misdemeanor crime of domestic violence

See, 18 U.S.C. § 922(g).

OFFICIAL USE EXEMPTION FOR LAW ENFORCEMENT OFFICERS AND MILITARY PERSONNEL SUBJECT TO QUALIFYING PROTECTION ORDERS

The GCA prohibits persons subject to a qualifying protection order from possessing or receiving firearms or ammunition. 18 U.S.C. § 922(g)(8). However, 18 U.S.C § 925(a)(1) provides an “official use exemption” to this prohibition for federal, state, and local law enforcement officers and military personnel. The individual must be authorized and/or required to receive and possess a firearm in his or her official duties. The exemption applies to “official duty” weapons while on duty. Possession of a personal, non-service firearm is prohibited. The exemption does not apply to an officer off-duty or who is not authorized by statute, regulation, or official departmental policy to possess their duty weapons for the purpose of performing official duties.

Although the GCA permits an officer who is subject to a protection order to receive or possess a firearm in the course of his or her official duty, state and local laws may prohibit possession. Moreover, law enforcement department policies may be more stringent and may require the officer not to possess firearms during the course of the protection order.

NOTE: Tribal law enforcement officers are not covered under the official use exemption unless they are cross-deputized by a federal, state or local law enforcement agency.

GUIDE TO IDENTIFICATION OF FIREARM TYPES

Please look at the pictures on the following pages to help identify the firearms owned or possessed by your intimate partner.

Note: The catalog below represents some of the most popular firearms and magazines on the market. The list is divided into five categories: (1) semi-automatic and automatic handguns, (2) shotguns, (3) bolt-action rifles, (4) semi-automatic and automatic rifles, (5) magazines. Next to the picture of each firearm or magazine are the item's manufacturer, the model name and any accessories pictured, and, for firearms, the weapon's most common caliber. When reviewing the list, be aware that many firearms come with a variety of finishes and accessories; the pictures here represent common configurations. Pictures are not to scale.

FIREARM CATALOG

1. Semi-Automatic and Automatic Handguns

Beretta 92FS (9mm)		Colt 1911A1 (.45)	
Beretta 21A Bobcat (.25)		Glock Model 17 (9mm)	
Colt 1903 (.32)		Kel-Tec PMR-30 (.22)	

1. Semi-Automatic and Automatic Handguns (Cont'd)

<p>Sig Sauer P938 (9mm)</p>		<p>Glock Model 43 (9mm)</p>	
<p>Smith & Wesson M&P9 (9mm)</p>		<p>Smith & Wesson Shield (.40)</p>	
<p>Smith & Wesson Model 645 (.45)</p>		<p>Smith & Wesson M&P Compact (.40)</p>	
<p>Smith & Wesson Model 637 Airweight (.38)</p>		<p>Smith & Wesson M&P 40 (.40)</p>	
<p>Glock Model 19 (9mm)</p>		<p>Smith & Wesson Model 19 (.357)</p>	

1. Semi-Automatic and Automatic Handguns (Cont'd)

<p>Smith & Wesson Model 29 (.44)</p>		<p>Smith & Wesson M&P 15-22 Pistol (.22)</p>	
<p>Smith & Wesson Model 60 (.357)</p>		<p>Military Armament Corp. Model 10 (a.k.a. MAC-10) (.45/9mm)</p>	
<p>Sig Sauer 516 Pistol with forearm brace (5.56mm)</p>		<p>Intratec TEC-9 (9mm)</p>	

2. Shotguns

<p>Benelli Montefeltro (12 gauge)</p>	
<p>Remington 870 (12 gauge)</p>	
<p>Franchi Affinity (12 gauge)</p>	

2. Shotguns (Cont'd)

Kel-Tec KSG (12 gauge)	
Mossberg 500 (12 gauge)	
Mossberg 930 (12 gauge)	

3. Bolt-Action Rifles

Ruger 10/22 (.22)	
Remington 700 SPS, with telescopic sight (.308/7.62mm)	
Ruger Ruger Precision Rifle, with telescopic sight (.308)	

4. Semi-Automatic and Automatic Rifles

Colt AR-15 (5.56mm)	
Kel-Tec SUB-2000 (.40/9mm)	
Colt M4 Carbine (5.56)	
LaRue PredatAR, with Eotech sight and foregrip (5.56mm)	
Kalashnikov AK-47 (7.62mm)	

4. Semi-Automatic and Automatic Rifles (Cont'd)

Sig Sauer
516 Carbon
TS
(5.56mm)



Sig Sauer
516 Patrol,
with
adjustable
stock,
telescopic
sight, and
bipod
(5.56mm)



**Smith &
Wesson**
M&P 15-22
(.22)



Colt
LE6920MPS-
FDE, with
foregrip
(5.56mm)



Tavor
SAR
(5.56mm)



4. Semi-Automatic and Automatic Rifles (Cont'd)



5. Magazines



INVENTORY OF FIREARMS WORKSHEET

List the firearms that you believe your intimate partner currently, or within the past six months, has owned or possessed, and the quantity, make or model, and location of the firearms.

	TYPE OF FIREARM	QUANTITY	MAKE/MODEL	SERIAL NUMBER	LOCATION
1					
2					
3					
4					
5					
6					
7					