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Good morning Chairman Graham, Ranking Member Feinstein, and distinguished members of the Senate Judiciary Committee. Thank you for the opportunity to testify and for your leadership on this critical lifesaving tool, Extreme Risk Protection Orders. My name is Kimberly Wyatt. I am a Senior Deputy Prosecuting Attorney from King County, Washington. For the past year, I have served as a firearms prosecutor working in the Regional Domestic Violence Firearms Enforcement Unit on Extreme Risk Protection Orders. My responsibilities are to advise and assist law enforcement and family members on all aspects of Extreme Risk Protection Orders, from investigations to the court proceedings. This has been the most important and rewarding work of my 18-year career as a prosecutor.

A prosecutor rarely, if ever, has an opportunity to intervene prior to gun violence occurring. Instead, we react after the gun violence has happened. My colleagues and I know, we have few, brief windows of opportunity to intervene to prevent future harm. This lifesaving legislation creates one of those opportunities and allows much needed intervention to prevent suicide, homicide, and other acts of community violence.

Red flag laws, or Extreme Risk Protection Orders, allow family members and law enforcement (who have seen warning signs), to come before a court and petition for a temporary order that prevents the at-risk individual from purchasing and possessing firearms. Due process is built into every step, as judicial officers oversee each phase.

In 2016, Washington State voters approved a citizen's initiative, the Extreme Risk Protection Order law by 69% voter approval. Like many new laws, there was no funding for implementation.

In 2018, our Unit, the Regional Domestic Violence Firearms Enforcement Unit, was formed. The Unit includes members from the King County Prosecuting Attorney's Office, Seattle City Attorney's Office, Seattle Police Department and the King County Sheriff's Office. The mission of the unit is to reduce gun violence and increase victim and community safety through regional collaboration and proactive enforcement of firearm laws, including, the newly created Extreme Risk Protection Orders.

To understand how the law has worked in the State of Washington, I want to share what I see every day. The stories of people who are at their lowest and most vulnerable points of their lives. I have seen first-hand how Extreme Risk Protection Orders have saved lives and worked to prevent future harm.

Suicide Prevention:

A therapist was concerned about a patient that was suicidal and had access to a firearm. The therapist believed that the patient had a specific suicide plan and that the patient's life was in danger. That same day, local law enforcement filed for an Extreme Risk Protection Order, served the order, and recovered the firearm.

In another case, a girlfriend filed an Extreme Risk Protection Order against her boyfriend as he recently tried to commit suicide and wanted to purchase a firearm. At the Extreme Risk Protection Order hearing, the couple came to court together (holding hands). The respondent had no objection to the Extreme Risk Protection Order. The respondent expressed gratitude that someone cared enough to make sure that he did not have access to a gun.

Families with loved ones in a behavioral health crisis need tools, like the Extreme Risk Protection Order, to temporarily prevent access, possession and purchasing of firearms to help save their loved ones' lives.

Threats of Violence:

In addition to cases involving threats of suicide, we have also seen cases where individuals are making threats to harm others in the community.

In January 2019, police were contacted by a doctor who stated they had a client who was making references to a "hit list," specifically, the client wanted to obtain a concealed weapons permit and a firearm. In reference to the hit list, the client stated "doing them harm was his duty." Law enforcement was able to intervene and obtain an Extreme Risk Protection Order. The police also verified that the same day the respondent was making reference to a "hit list," he had also applied for a concealed pistol license with the local sheriff's department. As part of the Extreme Risk Protection Order process, law enforcement was able to retrieve the concealed pistol license and prevent the respondent from being able to legally purchase a firearm.

We have also worked on cases where family members are seeking help for their loved ones and need the assistance of local law enforcement to navigate the Extreme Risk Protection Order process.

In East King County, a local law enforcement agency received a 911 call from a man making delusional statements and threatening to take lethal action against others. The caller had a rifle in his car. Officers responded to the crisis call and secured the firearm for safe-keeping while the respondent was being treated at a local hospital. Days later, the caller's father showed up at the police station expressing concern about risks his son posed to the public. The family believed that their son would use the firearm on others. Specifically, the father brought up this concern shortly after the Parkland, Florida shooting and expressed fear about his son doing something similar. The father mentioned his son was suffering from extreme paranoia. Law enforcement obtained an Extreme Risk Protection Order to secure the firearm and prevent the respondent from being able to purchase any additional firearms.

In the winter of 2018, law enforcement was contacted by a local hospital expressing concern over a patient. Family members also reached out to law enforcement about their father's change in behavior. Their father had suffered a previous head injury and was becoming increasingly more aggressive, paranoid, and manic. The family was alarmed when they learned that their father, who had never owned firearms before, acquired 25 firearms in a 10 day period, spending over \$30,000, on firearms and ammunition. Law enforcement obtained an Extreme Risk Protection Order and secured the firearms away from the respondent's possession.

School Threats:

We have also assisted law enforcement on cases involving threats to our schools. As evident by the recent tragedy at Stoneman Douglas High School and too many others, we have an ongoing responsibility to protect our children and others while attending school. In May 2018, a law enforcement agency in King County responded to a threat at a local university. The respondent had disclosed to other students that he wanted to, "just kill you all," and that it "would be easy to kill everyone." The respondent went on to describe the specific firearms that he could use to kill other students. Law enforcement obtained an Extreme Risk Protection Order and confirmed that the firearm belonging to the respondent had been secured out of the respondent's possession and control.

Although all of the cases described above are factually different, there is a common thread. All involve someone experiencing a behavioral health crisis or exhibiting violent behavior and having access to firearms. In each of these cases, the Extreme Risk Protection Order was used to prevent a tragedy from occurring, by removing and preventing a respondent from purchasing and possessing firearms. Washington State also has another important component that reinforces the Extreme Risk Protection Order, universal background checks that prevent future firearm purchasing once a respondent is subject to an Extreme Risk Protection Order. It is important to note that this all occurs awhile protecting the respondents' due process rights.

Due Process:

It is critically important for this committee and the public to understand that despite what is commonly cited about these orders, due process is built into Washington's Extreme Risk Protection Orders. All petitioners are required to submit a detailed Petition for the Extreme Risk Protection Order, signed under penalty of perjury, and must appear in front of a judge tasked with reviewing and evaluating each step of the process from the Temporary (emergency) Extreme Risk Protection Order through to the full Extreme Risk Protection Order hearing. The respondent is required to be served with proper notice, and to have an opportunity to be heard in court. Within 14 days, a full hearing occurs. At the full hearing, the court evaluates if the respondent poses a significant danger of causing personal injury to himself/herself or to others in the future by having in the respondent's custody or control, purchasing, possessing or receiving firearms. If the court finds that the legal standard has been met, the court may issue an Extreme Risk Protection Order that lasts for one year. Respondents, by law, have the right to petition to terminate the order prior to its expiration (one time during the existence of the order).

All of these cases show the brief window of opportunity that the Extreme Risk Protection Order allows. The time to act to prevent future tragedies is upon us. One of the best ways to prevent future violence is by keeping firearms out of the hands of those who wish to do harm to themselves or others. Temporarily removing firearms from these volatile situations is a critical, evidence-based, harm reduction tool. What we see in Washington is that this law is working and saves lives. Every state in the nation deserves to have this tool, the ability to react quickly to threats of suicide and homicide and prevent irreversible violence.

This is what the public expects and deserves. Thank you.