



# SAFVIC ON THE SCENE

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## DOMESTIC VIOLENCE AND GUNS

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A CONCERN FOR BOTH VICTIMS AND POLICE OFFICERS

— *Katie Alexander* —

This summer a tragedy struck in Spring, Texas - the community I have lived in for most of my adult life. Ronald Haskell, the accused suspect, shot and killed his estranged wife's sister, Katie Stay, her husband, Stephen, and four of their children: Bryan, 13; Emily, 9; Rebecca, 7; and Zachary, 4. The other Stay child, 15-year-old Cassidy, survived the attack and called 9-1-1.

Haskell not only had a history of domestic violence, but he had a protective order filed by his wife, and a pending restraining order filed by his own mother.

There are no firm statistics that outline how many victims are killed who are not the intended target, but family members bystanders, and even trained officers are dying at an increasing rate due to domestic violence either because they are trying to help, or they are simply in the wrong place at the wrong time.

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Month*





## CONGRATULATIONS TO OUR NEW 3-DAY SAFVIC INSTRUCTORS!

(Left to right): Keven Fite, Noel Shelton, Bill Grayson, Edward Price, Melisa Arredondo, Gary Boshears, Rexanne Nelson, Angelia Lemmonds, Judy Cervenka, Renette Todd, & Sol Thomas.

## TCFV Honoring Texas Victims

*Firearms are the most commonly used weapon in family violence homicides in the United States. In fact men murder their current or former female intimate partners using firearms at a rate more than six times the rate male strangers kill women with guns, knives or other weapons combined.*

### 2013

119 Women Killed (58% were shot)  
21 women had taken steps to leave  
17 bystanders were also killed  
11 bystanders were injured

### 2012

114 Women Killed (60% were shot)  
21 women had taken steps to leave  
15 bystanders were also killed

### 2011

102 Women Killed (64% were shot)  
26 bystanders (family members, friends and co-workers) were also killed  
39% of these cases were murder-suicides

### 2010

142 Women Killed (65% were shot)  
39% were murder-suicides  
39 children witnessed their mother being murdered

February is  
National  
Dating Abuse  
Awareness  
Month



Love is Respect

In this particular case, as in many, there was a way around the law. Mr. Haskell had a previous charge of domestic violence, but was convicted of assault and the domestic charge had been dropped. In addition, the protective order his wife had filed, was changed to a mutual restraining order, therefore once again allowing him to legally possess a weapon (Khadaroo 2014).

***Domestic Violence & Police Safety***

It is inevitable that every law enforcement officer will respond to a domestic violence call during their career, and these calls are by far the most dangerous calls for officers to respond to. Domestic violence calls can be difficult, and it is easy to feel discouraged at times or become complacent when returning to the same location to deal with the same individuals. For this reason there are trainings, like SAFVIC, offered statewide to educate officers about the dynamics of this crime and the barriers faced by victims. Responding officers are required to provide resources in the form of brochures and pamphlets, but often times these efforts are unsuccessful. An officer's return to the same location can be frustrating, but it is important to remember that these situations are dangerous and can be deadly, especially if firearms are present in the home.

When responding to a domestic violence call we check for prior history as a safety protocol. We want to know if there has been any history at the residence, and more importantly, if there is a weapon in the home. If there is a possibility that a firearm is ...

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## 2015 Conferences

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TAASA's  
33rd  
Annual  
Conference

March 1—5  
Austin, TX

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Conference on  
Crimes Against  
Women

March 16—18  
Dallas, TX

[www.conferencecaw.org](http://www.conferencecaw.org)

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EVAWI Presents  
International  
Conference on  
Sexual Assault,  
Domestic Violence  
and Campus  
Responses

April 7—9  
New Orleans, LA

[www.evawintl.org/  
conferences.aspx](http://www.evawintl.org/conferences.aspx)

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present, we must consider the victim's safety, as well as our own. If probable cause is found to arrest an abuser, our attention is aimed toward getting the abuser into custody and off to jail without incident. In addition, remembering to add the emergency protective order.

State law prohibits anyone convicted of a felony from possessing a firearm; however, their right is restored after 5 years of their release, as long as the weapon is in their residence. State law also prohibits anyone convicted of domestic violence and anyone with an active protective order from possessing a weapon. Although those individuals with protective orders may possess a weapon after the order has expired, those with family violence convictions never have their right restored.

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Federal law can also come into play when it comes to gun laws. When officers deal with such individuals, which route do they take? Do they take any at all? Do their respective departments have any protocols in place for calls involving domestic violence and guns? These cases aren't always the focus until something tragic happens to a victim in their community or a fellow brother or sister in blue.



## The 2015 Statewide Conference on Violence Against Women

July 13th-15th, 2015

[DoubleTree by Hilton Hotel](#)

Austin, TX

To submit an application and for more information, please visit [www.vawtconference.org](http://www.vawtconference.org)

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Nonetheless, if an abuser has a previous conviction or an active protective order and there is a firearm in the home, the charges should not only include continuous family violence or violation of a protective order. Even if the firearm was not brandished during the incident there is still a clear violation of both state and federal law, and an effort should be made to make sure the offender will not have access to it again. The very firearm that is left at the residence could later be used to shoot the victim, bystanders, or the next officer that responds to that home.

A conviction means that one has been proven guilty beyond a reasonable doubt. A protective order includes probable cause, but guilt has not yet been decided. I can see why some officers may have an issue with taking away guns from those that have not been convicted, but what happens when those who do commit domestic violence have a gun? Are they taken away immediately, later, or are they even taken at all?

The fact is there are both federal and state laws created in order to protect victims of family violence, but as with most laws they aren't perfect, and there are of course always ways around them. Regardless of an officer's personal opinions regarding a situation, as officers we have the duty to enforce the laws that prohibit certain individuals from possessing weapons.

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I don't believe officers are ignoring these violations because of their strong personal beliefs, but possibly because they do not know what route to take when enforcing these laws. Much of these questions come about when faced with seizing these weapons. The biggest problem of all is that there is no standard protocol when officers are faced with these calls.

There are several agencies across Texas that have domestic violence policies mandating an arrest when there is probable cause to believe that a family violence violation has occurred; however, most do not have policies that specifically address guns involved in domestic violence calls.

An enforcement mechanism statewide would be the perfect solution, but until that happens, agencies must take it upon themselves to create their own. A policy will not only provide guidance to officers but more importantly, it will ensure the safety and protection of victims whose abusers still possess their weapons. Law enforcement agencies can make an effort by not only creating domestic violence policies, but also training officers in these important investigations.

#### *References:*

*Smith, P., Goode, E., Moss, M., Rivera, R., & Calmes, J. (2013). THE GUN DEBATE. New York Times Upfront, 145(9), 6-7.*

*Khadaroo, S. T. (2014, July 11). Texas family killed: In domestic violence cases, more focus on red flags. Christian Science Monitor. p. N.PAG.*

*Katie Alexander is the Program Instructor for the Advanced Child Abuse Investigation Program. She is a master peace officer, with numerous years of law enforcement experience, and is certified through the State Bar as a family mediator. Katie has a Master's in Psychology, a Bachelor's Degree in Criminal Justice, and an Associate's Degree in Police Administration. She holds numerous other certifications, including Field Training Officer, SWAT, and Special Investigator.*

## CONTACT US

**Jennifer Greene**  
Program Manager

[jennifer.greene@safvic.org](mailto:jennifer.greene@safvic.org)

**Brooke Hinojosa**  
Program Services  
Specialist

[brooke.hinojosa@safvic.org](mailto:brooke.hinojosa@safvic.org)

**Kelsey Downey**  
Program Analyst

[kelsey.downey@safvic.org](mailto:kelsey.downey@safvic.org)

### **SAFVIC OFFICE**

6200 La Calma, Ste. 200

Austin, Texas 78752

Phone: 1-800-848-2088

[www.safvic.org](http://www.safvic.org)

*“Piecing together  
the tools needed to  
effectively investigate &  
prevent sexual assault,  
family violence, stalking,  
& human trafficking.”*

