



Dear Judge Executive Neal,

I am writing to you in regards to the proposed “second amendment sanctuary” ordinance which your fiscal court is considering. The Merryman House Domestic Crisis Center (MHDCC) is the state-designated provider of all domestic crisis services for the 8-county Purchase Region- including Marshall County. As the organization’s Executive Director, I am charged with ensuring all victims of interpersonal violence have access to services, that the Purchase Region is aware of how this issue affects its most vulnerable citizens, and how we can work together to create and maintain the communities we value. As career advocate for men, women and children who experience domestic violence, and as an expert in the field of trauma, I feel compelled to highlight the possible consequences of this ordinance that are now of my immediate concern.

Each year, the MHDCC serves nearly 1,000 victims of domestic violence through its comprehensive advocacy and support programs. The services offered range from crisis response to programs that assist clients in housing stabilization, mental health support and economic justice. Other services offered include a 36-bed emergency shelter, 24-hour crisis line, assistance with protective orders and a unique partnership with local law enforcement to reach victims who are in highly lethal situations. Marshall County benefits from this partnership.

On March 1, 2019 our agency joined hands with the Marshall County Sheriff’s Office to train officers on providing the nationally-recognized Lethality Assessment Program (LAP). Administered on the scene of every domestic violence call, officer use this assessment tool to quickly determine which victims are most at risk for death or serious physical injury. Then, officers at the scene of the domestic incident make contact with our crisis hotline, and we begin the process of working to establish a safety plan with the victim and connect them to relevant services. In the 9 short months since the program’s launch, Marshall County police have responded to approximately 100 times to a domestic violence related incident where the Lethality Assessment has been administered. Of those calls, nearly half of the victims involved were considered high risk for death or serious physical injury according to the assessment. Overall, the sheer volume of calls demonstrates the high number of home environments that may be volatile or require police presence. The number of calls does not include the on-going clients seeking support through Marshall County family court or those receiving services via our Marshall County satellite offices. In short, the issue at hand is highly relevant.

These examples concretely demonstrate the real and concerning problem of domestic violence within the county, but only in those cases where we are fortunate to become involved. All too often, domestic violence occurs in the shadows and out of public view. As such, it is critical that ordinances, regulations and laws be designed to protect and not unintentionally bring harm. This brings me to the proposed ordinance regarding firearms. To consider the ordinance’s potential to bring harm, we must consider the relationship between firearms and domestic violence.

*Woman Aware, Inc. dba Merryman House Domestic Crisis Center is a 501(c)3 nonprofit organization.
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According to research published in the American Journal of Public Health (2003), the presence of a gun in domestic violence situations increased the risk of homicide for women by 500 percent. Further, more than half of women murdered with guns are killed by family members or intimate partners. Female intimate partners are most at risk as they are more likely to be murdered with a firearm than all other means combined (Violence Policy Center, 2012)(<http://www.vpc.org/studies/wmmw2012.pdf>). A 2019 study conducted by public health researchers found that states with laws prohibiting gun ownership or possession to people with court orders against them, regardless of their criminal history, had 23 percent fewer domestic violence deaths than states that had no restrictions. The current ordinance will strip local law enforcement from enacting steps to ensure victims are kept safe.

While the proposed ordinance does not appear to effect the federal firearm prohibition which arises when 1) a person is a respondent to a Domestic Violence Order (DVO) and they are or were an “intimate partner” of the petitioner, or 2) when a person pleads to or is found guilty of a “qualifying misdemeanor crime of domestic violence” (typically a DVD’s assault 4th). It would however prevent law enforcement seizing any firearms from such persons, or a court from ordering the surrender of firearms. It would also prevent a judge from ordering any prohibition of possessing a firearm other than when the federal law applies (for example when entering an Emergency Protective or a temporary Interpersonal or Interpersonal Protective Order (EPO/IPO). This should be of utmost concern to the Commission since an EPO must be sought *prior* to a victim being awarded a permanent order (DVO), and the time period during which such orders are sought are the most high risk times for victims. The ordinance strips the legal system of judicial discretion during a critical time period, and leaves the responsibility of compliance with federal law solely in the hands of the potential wrong-doer. We simply MUST NOT create barriers for local police and judges to enforce current state law. The consequences could be deadly.

To this end, I sincerely ask the Commission to reconsider the ordinance as it is written. I welcome the members of the Commission and Fiscal Court to meet with advocates like myself to learn more about how issues such as this directly impact the work we do daily. I urge the Commission to take the time necessary to explore the complexities of this issue, and not to proceed without such steps. If I can be of assistance in any way, please do not hesitate to reach me via phone at 270.448.8056 or via email at maryf@merrymanhouse.org. The Merryman House Domestic Crisis Center, as well as the Kentucky Coalition against Domestic Violence stand ready to serve you as you serve your constituents.

Sincerely,



Mary E. Foley, M.S., LPA;
Executive Director
Merryman House Domestic Crisis Center