

KARE 11 Investigates: MN abusers keep their guns despite laws, court orders

Records show officials repeatedly fail to enforce state and federal laws designed to keep guns out of the hands of domestic abusers.



(Photo: KARE 11)

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ST. PAUL, Minn. – "No one even checks!"

Desiree Nelson's voice cracks as she worries out loud that the man she says assaulted her – and threatened her children at gunpoint – still has his weapon.

She is not alone.

Despite state and federal laws designed to keep guns out of the hands of domestic abusers, a KARE 11 investigation reveals that Minnesota courts too often fail to enforce them.

In fact, even when judges issue orders requiring abusers to transfer or surrender their weapons, court records reviewed by KARE 11 indicate officials rarely follow up.

That failure to check can have tragic consequences.

PART ONE: "It was a deer rifle, I think"

Police body cameras were recording as first responders began CPR on a woman gunned down while she smoked outside the American Legion in Aurora, Minn. on Nov. 8, 2015.

"Does anybody know who this is?" one of them asked.

Her name was Julie Hildreth.

"C'mon Julie," another responder pleaded.

"I was right with her when she fell down," a witness told police while describing a loud "boom" out of the darkness. "It was a deer rifle, I think."

Authorities located a shell casing in the bushes where they thought the gunman had hidden.

Julie had left her ex-boyfriend two months earlier amid allegations of domestic abuse. John Plevell had been charged with criminal domestic assault and a judge issued a "DANCO" – short for Domestic Abuse No Contact Order.

Julie had told police she was "afraid he could kill her because the violence is increasing."

Court order ignored

The DANCO clearly stated that Federal Law prohibited John Plevell from possessing a firearm or ammunition while the order was in effect.

But there's no evidence authorities checked on his guns.

In fact, when questioned by investigators from the Minnesota BCA after Julie's murder, Plevell admitted he had a semi-automatic rifle and had been using it to hunt.

"I keep it in the basement," he told investigators.

The rifle in the basement was a match for the shell casing found at the scene.

"He took away a mother, a daughter, a sister, a grandmother, all because he was jealous," said Julie's daughter, Kaylee, as tears run down her face.

John Plevell was eventually convicted of murder and sentenced to 35 years in prison. But Julie's family wants to know: Why did he still even have the gun?

"Something bad always has to happen before anybody does anything about it," Kaylee told KARE 11.

Her story made us wonder: How often are court orders about guns being ignored?

PART TWO: Living in fear

Desiree Nelson lives in fear of stepping outside her home.

"I'm always making sure, looking through the cracks in the windows," she explained.

She says she survived horrific abuse.

"He's kicked my teeth out. He stabbed me with a serrated kitchen knife," she said, while showing a jagged scar running down the back of her arm.

For protection, Desiree lives in a secure facility. But she says she wants to tell her story in hopes of sparking change.

"It went on for a long time," she told KARE 11's A. J. Lagoe. "And when I got the strength to leave, he brought a gun into it."

"He pointed the gun in the vehicle at me and my kids – and told me if I didn't get out, he'd kill me."

To protect women like Desiree, Minnesota passed the Domestic Violence Firearm Act in 2014.

It goes beyond the federal law by requiring some abusers to get rid of their guns and tell the court exactly what they've done with them.

The Minnesota law states if a judge holds a civil hearing, determines that domestic abuse has occurred, and issues an Order for Protection – an OFP – the alleged abuser has three days to either transfer firearms to someone else or to law enforcement for as long as the order is in effect.

What's more, the law requires a detailed affidavit be filed with the court stating where the guns went along with their make and serial number.

Records show Desiree got an OFP after detailing to the court multiple gun related threats.

Gun surrender orders ignored

So, what happened to the gun in Desiree's case?

KARE 11 checked court files. There is no record her abuser ever filed the required affidavit. However, we did find evidence he kept a gun.

Two years after Desiree's OFP was issued and while it was still in effect, court records show the same man was arrested for making terroristic threats against another woman. That woman told police, "He is known to carry a gun." She reported he threatened her, saying, "I'm shooting you in your head pow pow pow."

That leaves Desiree questioning whether gun transfer orders are even worth the paper they are written on.

"They tell him to surrender it," she said. "And then no one even checks. No one tried. No one said, 'Hey let's go make sure if he's still got it.'"

No one checks? Is that true? We asked Hennepin County Presiding Family Court Judge Patrick Robben.

"Right now, it's up to the individual judicial officer," Robben said. "If they have reason to believe guns are an issue to then monitor the case and look to see whether that paperwork is on file."

That answer tells us it is up to individual judges to follow up. But we wanted to know how often that actually happens.

To find out, KARE 11 asked the state court system for names and file numbers of every domestic abuse case in 2016 where there was an OFP that, by law, required a gun transfer.

The court system denied our request saying their Rules of Public Access do not allow for "bulk distribution of domestic abuse case records" without an order of the Supreme Court.

We asked the Supreme Court for that order, but again were denied. The Court sent an email stating after careful consideration it had decided against releasing the records because it could potentially undermine the court rule against bulk distribution.

Checking state records

Despite that judicial secrecy, KARE 11 spent weeks pouring through thousands of individual domestic violence cases we were able to identify. We discovered case after case in which a gun had been used or threatened, but – like in Desiree's case – no transfer affidavit had been filed despite a court order that it be done.

"They didn't make sure it got done," she said.

Eventually the courts did give KARE 11 data without names showing the number of domestic abuse Order for Protection cases in 2016, which automatically required gun transfers.

Our analysis revealed there were 598 cases in Hennepin County, Minnesota's largest. Firearm transfer affidavits were filed just 11 times. That's not even 2 percent.

There were 2,937 OFP cases statewide automatically requiring gun transfers. Only 119 of them had a firearm transfer affidavit on file with the court.

That means 96 percent of the time, there's no record the abusers gave up a gun.

In 48 counties, there is not a single record of a domestic abuser transferring a firearm.

Because the Minnesota Supreme Court refuses to release the data, there's no way to tell exactly how many of the abusers were alleged to have possessed firearms by their victims. However, experts say some certainly did.

"The only conclusion you can come to with that knowledge is that there are people who have guns that are not supposed to have them," said David Keck.

Keck is a former Court Commissioner in Wisconsin who helped develop that state's domestic abuse firearms surrender protocol. He works now with the Battered Women's Justice Project.

He says KARE 11's findings lead to another clear conclusion about compliance with Minnesota's gun transfer orders.

"Right now, no one is checking," he said.

Domestic abuse experts say getting firearms out of the hands of abusers saves lives.

A study in Washington State found more than half of domestic violence homicides are committed by people prohibited from owning firearms.

National data analyzed by the gun control advocacy organization Everytown for Gun Safety showed 42 percent of domestic violence murder victims are children. And more than half of all mass shootings are related to domestic violence.

Desiree Nelson chose to step out of the shadows and share her story in the hope Minnesota will get serious about enforcing domestic violence gun laws before she or someone else becomes the next murder headline.

"It happens more than everyone thinks and nothing, absolutely nothing gets done," she said.

"What happens when he comes here and kills me?"

If you are the victim of domestic violence and are looking for help, here's the number for the Minnesota Day One Crisis Line.



Dear Co-Chair Scott, Co-Chair Liebling, and Members of the Committee:

Violence Free Minnesota, the coalition to end relationship abuse, writes today in support of the proposal from Chairs Scott and Moller to improve the gun surrender system for domestic violence in Minnesota. We are a membership-based organization with over 90 member programs who provide domestic and sexual violence prevention and response services in every county in our state.

We produce an intimate partner homicide report every year that tracks every known homicide due to intimate partner violence in Minnesota, and also tracks (among other things) the cause of death. Gunshots are consistently the number one cause of death in cases of intimate partner violence, with about 50-60% of homicides each year attributable to firearms. These numbers are even more skewed when isolating the dataset only to bystanders and intervenors who are killed in an act of intimate partner violence. Guns make an abuser more dangerous both for their direct victim, and for the children, neighbors, friends, first responders, and other family members who are in the direct vicinity of the domestic violence.

Firearms do not function solely as an instrument of homicide, but as an instrument of power and control. Firearms are often used as an especially potent threat to keep victims in compliance with an abuser's demands. Recognizing the danger and power imbalance represented by firearms, this legislature -and legislatures around the nation- has created statutory prohibitions on firearm ownership when a person has committed domestic violence. In Minnesota, people subject to an Extreme Risk Protective Order, an Order for Protection, a Domestic Child Abuse Order, or charged with a domestic violence felony are prohibited from owning a firearm. An issue that these two legislative proposals attempt to tackle is that *only* the Extreme Risk Protection Order has a statutorily prescribed procedure for firearm surrender. The other sources of firearm prohibition have procedures which vary by jurisdiction, and which vary in efficacy.

Survivors deserve a uniform and easy to comprehend system for firearm surrender. They deserve to know exactly how the relief they are entitled to seek will be implemented by the state. They deserve to know who to call, what they'll do, and when. The proposals before you today represent a welcome bipartisan effort to ensure that our public safety system meets this challenge with clarity, effectiveness, and justice for survivors.

Thank you,
Katie Kramer and Nikki Engel
Co-Executive Directors
Violence Free Minnesota