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‘Protection-from-Abuse’ Law Fails Again

Alvin Starks was ordered at least twice in two years to surrender a gun in his possession.

The first time was in January 2002, when Pamela Stiggers of Wilksburg got a protection-from-abuse order against him, claiming he had beaten, choked, stalked and threatened to shoot her. The second time was in February, when another PFA was obtained against Starks by Andrea Umphrey. She, too, told the court that he had a gun and had threatened to “cap” her.

Despite the order, Starks is accused of abducting Umphrey and their baby at gunpoint from church services on Sunday, then leading police on a 50-mile car chase that ended with her shooting death.

Whether Starks ever turned over any guns as ordered was unclear yesterday; the district attorney’s office said it was still checking. But even if he did, the state’s protection-from-abuse law still would have afforded him ample room to maneuver.

Abusers who own multiple weapons can be ordered to turn in only the ones they used to threaten their victims. Beyond that, they could have whole arsenals out of reach of the law.

In addition, relinquishment is enforced unevenly at best, depending on the county.

“It’s unclear whose job it is,” said Amy Sousa, public policy specialist for the Pennsylvania Coalition Against Domestic Violence.

Often, collection falls to the sheriff, but it could be some other law enforcement agent, who may or may not follow up.

Firearms that are permitted under Pennsylvania law are outlawed by the federal Brady Act, which bars batterers from having, buying or transporting guns. But federal enforcement is the job of the Bureau of Alcohol, Tobacco, Firearms and Explosives, which would have to call in a federal prosecutor. Sousa said that rarely happens.

These and other factors help explain why each year in the state about 14 homicide victims have active PFAs in effect at the time they are killed.

But a change is in the wind that would make protection orders in Pennsylvania much more effective. Sousa said the coalition has been working with legislators for seven years to update the state's protection-from-abuse act, including the firearms provisions. The National Rifle Association is involved in the process as well, which stands to minimize opposition.

House Bill 2403 has 50 co-sponsors on both sides of the aisle. It would give judges the authority to order all firearms relinquished under a PFA. Also, it would make the process consistent across the state. Defendants would have 24 hours to hand their guns over to the sheriffs or, with proof by affidavit, a gun dealer who would hold them for safekeeping, sale or transfer.

Failing to turn in the weapons would be a criminal offense, allowing the sheriff to get a search warrant, enter the premises and confiscate them.

Domestic violence experts note that victims don't always want their batterers to be forced to give up their guns because sometimes that's the thing that sends them over the edge. In those cases, a judge's discretion will be key.

"Victims usually know what will set him off," said Janet Scott of the Women's Center and Shelter of Pittsburgh. "They have a sense of whether taking his guns will make things worse."

The new act would have other changes as well: increasing the maximum duration of a PFA from 18 months to 36 months and eliminating victim fees that some courts charge for PFAs.

Some batterers are not going to be stopped no matter what the law says.

"Abusers who have nothing to lose will go to any extreme," Scott said. "If he has no job and no reputation to protect, if he's been in jail already and doesn't care about going back, then there aren't any sanctions that will work."

Umpfrey tried all the sanctions available to her, short of entering a shelter. She got a PFA against Starks, called police when he violated the order and obtained a warrant for his arrest. After he spent 10 days in jail, she went to the hearing on his release so as not to be caught off guard.

Even with all that, she wound up dead. It's hard to know if the amendments would have saved her. But if they become law, they may well save the next woman like her.

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