



Domestic Violence and Firearms

OVW New Grantee Orientation
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Julia Weber, JD, MSW

Alicia Nichols, LSW

National Resource Center on Domestic
Violence and Firearms

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Meet the Staff



Julia F. Weber, JD, MSW
Project Director



Alicia Nichols, LSW
Deputy Director
Co-Director Innovation Division, BWJP

History of the Center

Safer Families, Safer Communities was established in 2013 through a national Technical Assistance grant from the Office on Violence Against Women of the U.S. Department of Justice

www.preventdvgunviolence.org

October 2016, the Office on Violence Against Women announced the formation of the National Resource Center on Domestic Violence and Firearms to promote the effective implementation and enforcement of federal, state and Tribal firearms prohibitions in domestic violence, dating violence and stalking cases.

Our Mission

Provide technical assistance and training on the development and implementation of domestic violence related firearms prohibitions

Provide unified voice on issues surrounding domestic violence and firearms

During Our Time Together

01

Share data and information on the prevalence of domestic violence and gun violence in the US.

02

Discuss the connection between firearm access, domestic violence and homicide.

03

Explore strategies that reduce intimate partner firearm homicide and intimate partner homicide overall.



Domestic Violence and Gun Violence

By The Numbers

Domestic Violence: A Serious and Pervasive Problem



20 people are physically abused by intimate partner every minute of the day.



1 in 5 women and **1 in 7 men** have experienced severe intimate partner violence in their lifetime.



84% of **American Indian** and **Alaska Native women** have experienced violence in their lifetime.



1 in 3 Latinas will experience IPV in their lifetime.

A Serious and Pervasive Problem



45 % of **Black women** experience IPV in their lifetime.



21-55% of **Asian women** in the US report experiencing IPV during their lifetime.



43% of **lesbian women** and 61% of **bisexual women**, and 26% of **gay men** and 37% of **bisexual men** have experienced IPV at some point in their lifetime.



70% of **respondents with disabilities** experienced some form of abuse by an intimate partner, family member or caregiver.

Gun Deaths in the United States

Gun homicide killed nearly 23,000 people in the United States in 2021.

Gun suicide killed nearly 26,000 people in the United States in 2021.

American Roulette, Violence Policy Center

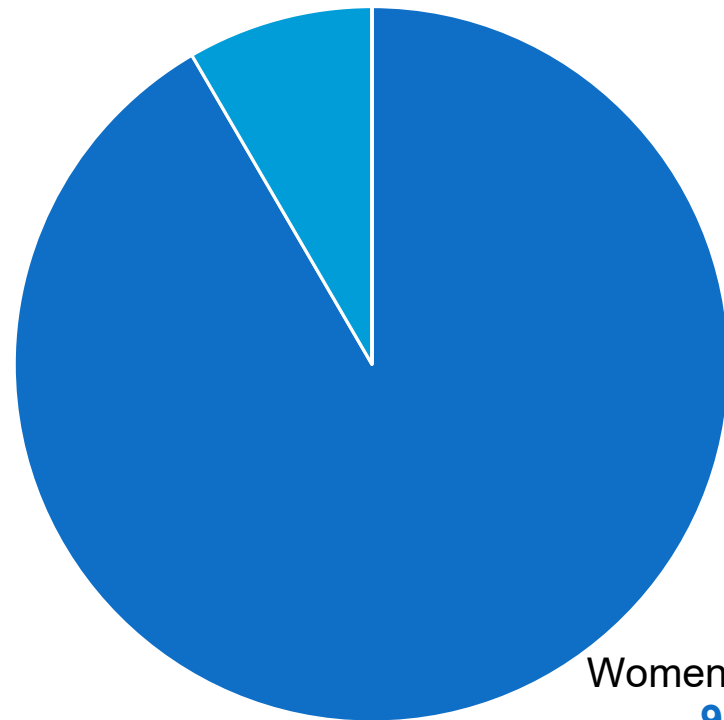
Youth and Firearm Violence

- Firearm injury is the leading cause of death among young people ages 1 to 19 years in the US.
- Firearm deaths among children and adolescents jumped nearly 30% between 2019 and 2020—more than double the 13.5% increase seen in the general population.
- Thousands of children and teens experience non-fatal injuries from firearm use each year.
- Exposure to firearm violence, even in the absence of physical injury, can have long-lasting negative effects on child health and development.

Women Killed by Guns in High-Income Countries, 2015

Source: Grinshteyn E & Hemenway D. (2019).

Women in other high-income countries
8.4%



Women in the U.S.
91.6%



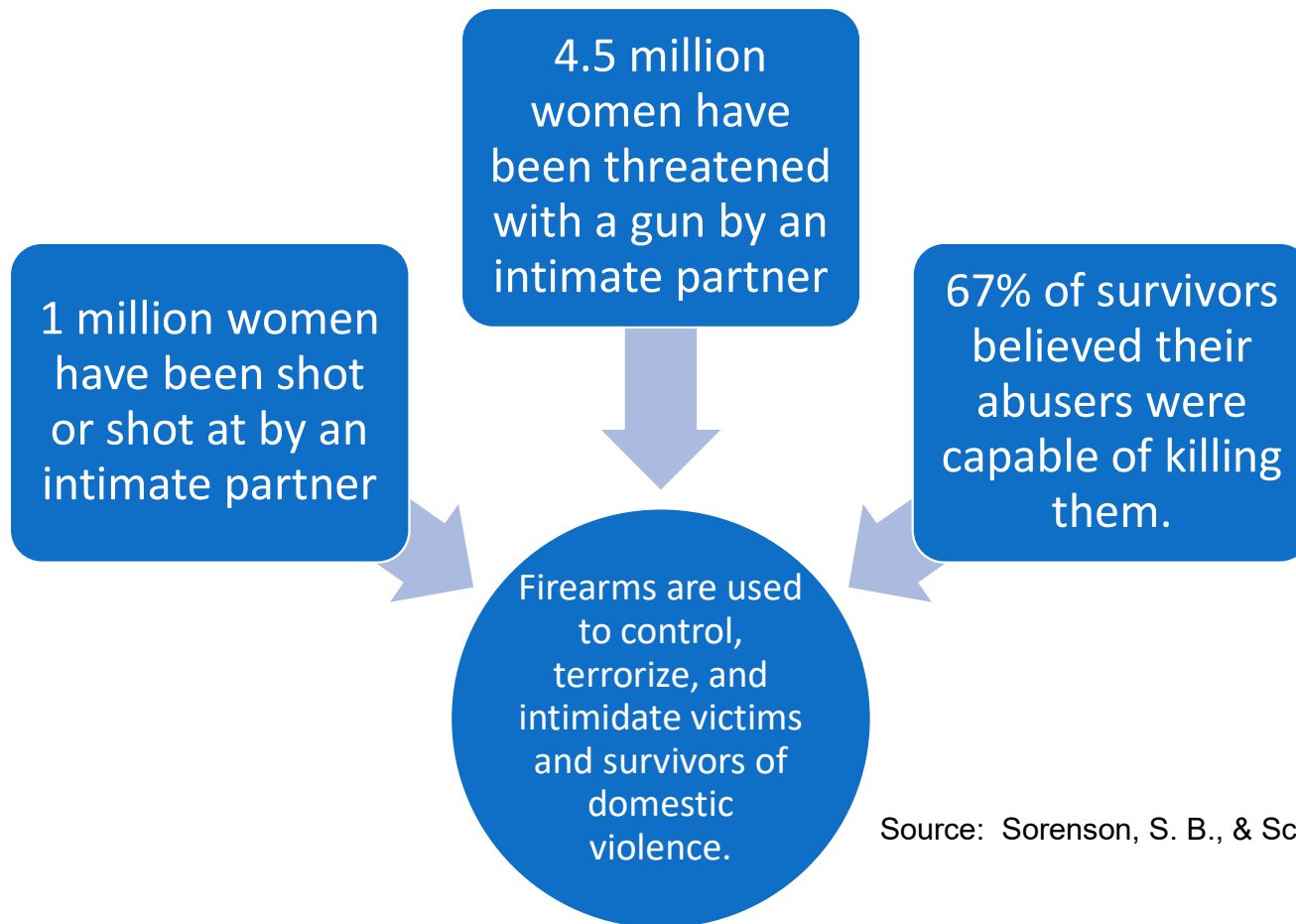
When Domestic
Violence and
Firearms
Collide

Why Firearms Matter in Domestic Violence

“All too often, the only difference between a battered woman and a dead woman is the presence of a gun.”

Senator Paul Wellstone, during the debate over
18 U.S.C. 922(g)(9)

Coercive Control and Firearms



Source: Sorenson, S. B., & Schut, R. A. (2016).

Abusers Control Victims with Firearms

Source: National Domestic Violence Hotline

“[He] never fired the pistol, but he would sit on my chest and point it at my head. He would put it right next to my temple.”

“He’s never pointed it at me but he has laid it down on the table to say that I shouldn’t, [‘]cross that line[’]. [Law enforcement took his guns away but] there’s no safe [way] to feel because that doesn’t stop him from purchasing other guns.”

“He chased me around the house with the gun in his mouth. It had scared me because he had bought another gun after having it taken away.”

“He will wave a gun in the air when we’re in an argument and say ‘I will end you with this and put [you] out of your misery.’”

“He took out the gun and pointed it at my head. He has left them out, has left the ammunition out.”

Domestic Violence Gun Violence by the Numbers

When Men Murder Women,
Violence Policy Center 2022

Abuser's access to a firearm increase the risk of homicide by **1000%**.

More than $\frac{1}{2}$ of the women killed in the United States are killed with a gun.

In an average month, **70** American women are shot to death by intimate partners.

Source: When Men Murder Women, Violence Policy Center, 2022

The Killer You Know

When Men Murder Women,
Violence Policy Center 2022

For homicides in which the victim-to-offender relationship could be identified, **89 percent** of female victims (1,604 out of 1,801) were murdered by a male they knew.

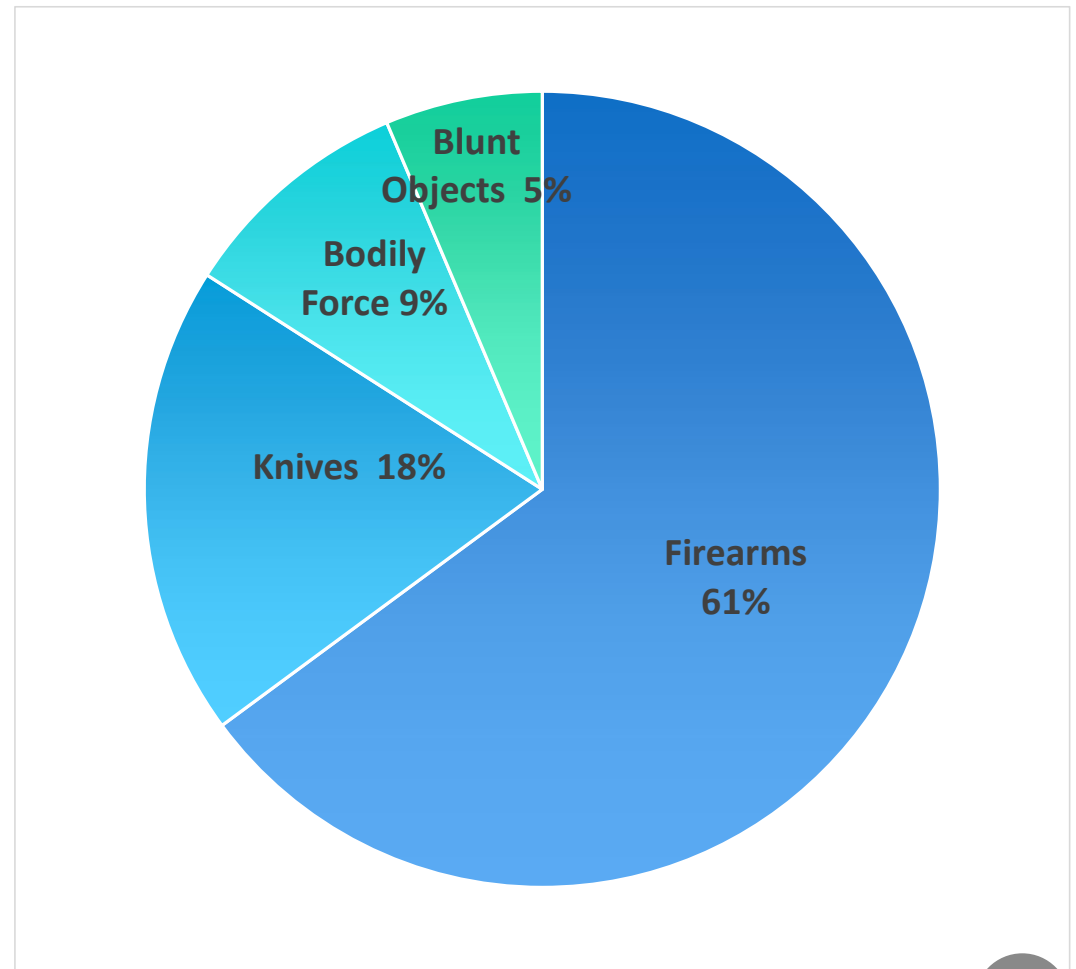
Eight times as many females were murdered by a male they knew (1,604 victims) than were killed by male strangers (197 victims).

Dating relationships account for nearly **½** of all intimate partner homicides.

Source: When Men Murder Women, Violence Policy Center, 2022

Firearms account for over half of intimate partner homicides

When Men Murder Women,
Violence Policy Center 2022



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Intimate Partners

Of the victims who knew their offenders, 60 percent were wives, common-law wives, ex-wives, or girlfriends of the offenders.

When Men Murder Women, Violence Policy Center 2022

Domestic Violence Gun Violence: Black Women

When Men Murder Women,
Violence Policy Center 2022

- Black women were **murdered by men at a rate almost 3x** that of white women in 2020.
- **72 percent** of Black female victims were **shot and killed with guns.**
- **90 percent** of Black females killed **knew their killers.**
- Of Black victims who knew their offenders, **56 percent were wives, common-law wives, ex-wives, or girlfriends of the offenders.**

Domestic Violence Gun Violence: The Disparities

When Men Murder Women,
Violence Policy Center 2022

- American Indian and Alaskan Native females were murdered by male offenders at a higher rate than white females.
- Asian and Pacific Islander females were the least likely females of any race to be murdered by a male offender.
- Hispanic ethnicity could not be determined.
- GLBTQI Community
- Disability Community

The Homicide Suicide Connection

When Men Murder Women,
Violence Policy Center 2022

Between 1,000 and 1,500 deaths per year are result of murder-suicide

9 out of 10 murder-suicides involve a firearm

65% of all murder-suicides involved an intimate partner



Impact on Others

Officers killed in the line of duty

- In 2021 there were 458 Law Enforcement Officer fatalities.
- Of those 458 deaths, 62 were firearm fatalities.

MASS SHOOTINGS

Perpetrators of Domestic Violence were responsible for 60% of mass shootings between 2014-2019



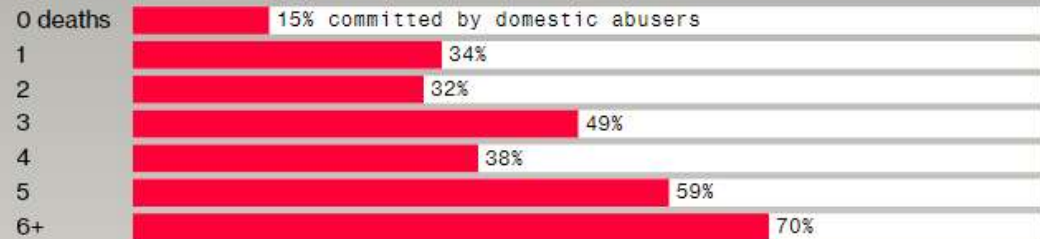
ent past, records indicate

The Washington Post
Democracy Dies in Darkness

Kansas s
protectio

The deadlier the shooting, the more likely the gunman had a history of domestic violence

Shootings that ended in...



Source: Bloomberg analysis

**Anna
Abus**
It's a pattern





Keeping Weapons Away from Abusers: Homicide Prevention

Surrender laws – violent misdemeanors

27 states prohibit firearms for those individuals convicted of either gun-related or violent misdemeanors:

Alabama, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Hawaii, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Minnesota, Nebraska, New Jersey, New York, North Dakota, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Vermont, Washington and West Virginia.

Giffords Center to Prevent Gun Violence

Such laws, regardless of the relationship between the offender and victim, were estimated to reduce IPH by 23% and firearm IPH by 25%. Zeoli, et al 2017

State laws – Protection orders

- More than 2/3 of the states prohibit firearm possession by abusers subject to domestic violence protective orders.
- About 1/2 of the states authorize or require a court issuing a domestic violence protective order to require the abuser to surrender the firearm.

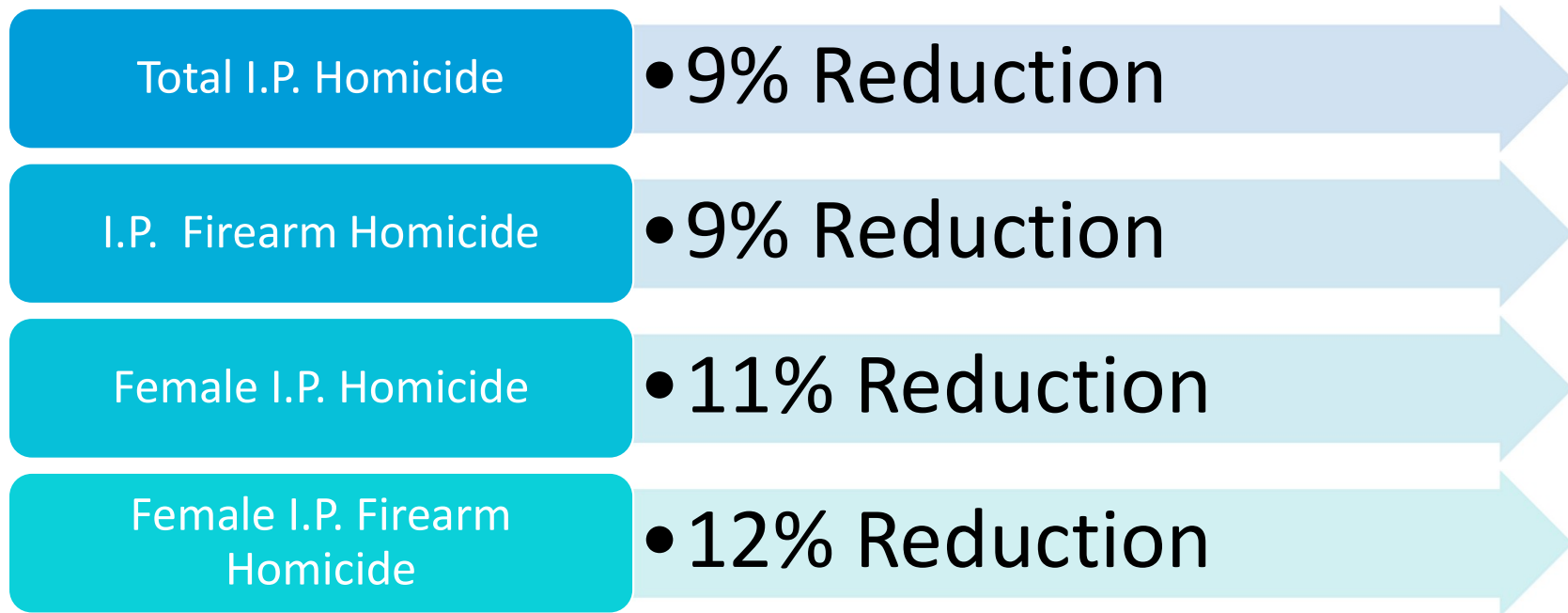
State laws – Ex Parte Protection orders

16 state statutes allow for firearm surrender or seizure at the *ex parte* stage of the proceedings:

California, Delaware, Hawaii, Illinois, Indiana, Maine, Maryland, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Rhode Island, South Dakota, Washington. Giffords Law Center

Ex parte DVRO firearm restrictions were associated with a 12% reduction in IPHs and a 16% reduction in firearm IPH.

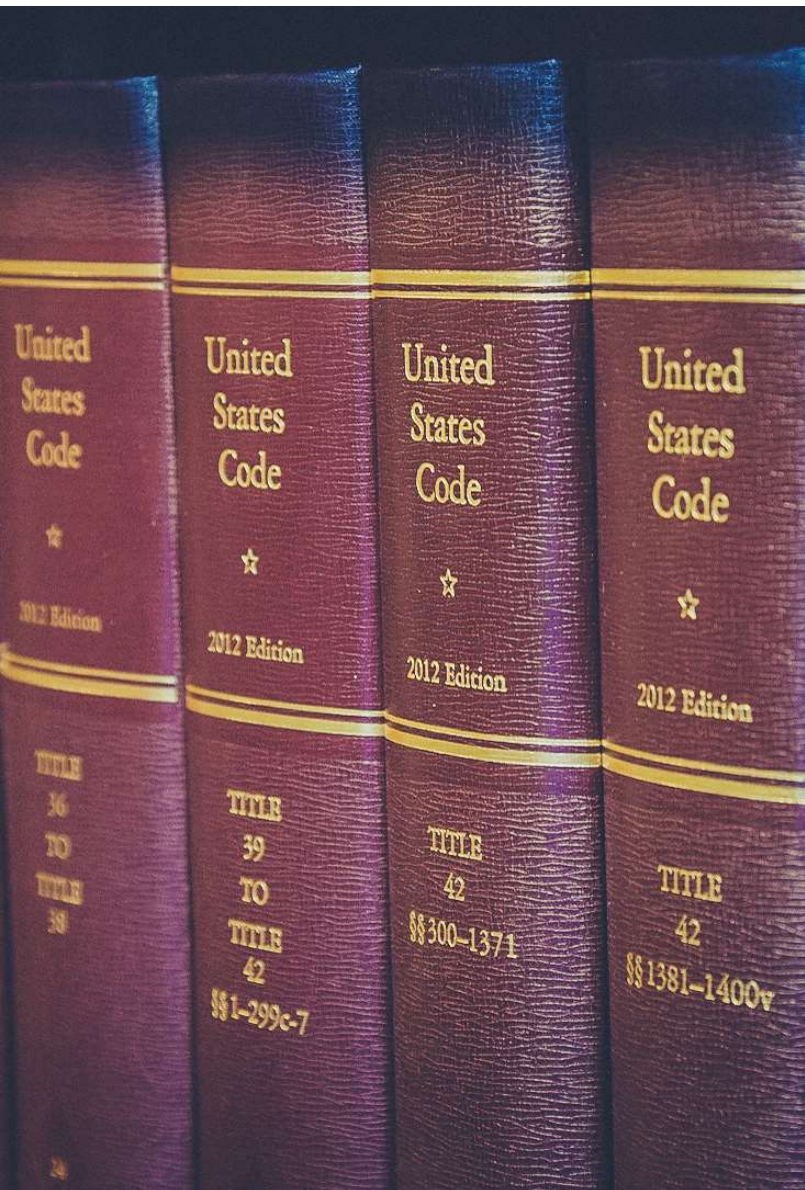
Firearm Surrender Reduces I. P. Homicide



Surrender saves lives at the most critical time

In an analysis of 34 years of data from 45 states, states with gun restriction covering emergency restraining orders in domestic violence cases had **14% fewer firearm-related intimate partner murders.**

Ann Intern Med. 2017;167(8):536-543.



Who is ineligible to possess firearms?

- Federal law prohibits possession of firearms and ammunition by people who:
 - ❖ Have been convicted in any court of a “misdemeanor crime of domestic violence.”
18 U.S.C. § 922 (g)(9)
 - ❖ Are subject to certain domestic violence protective orders.
18 U.S.C. § 922 (g)(8)

Domestic Violence Conviction

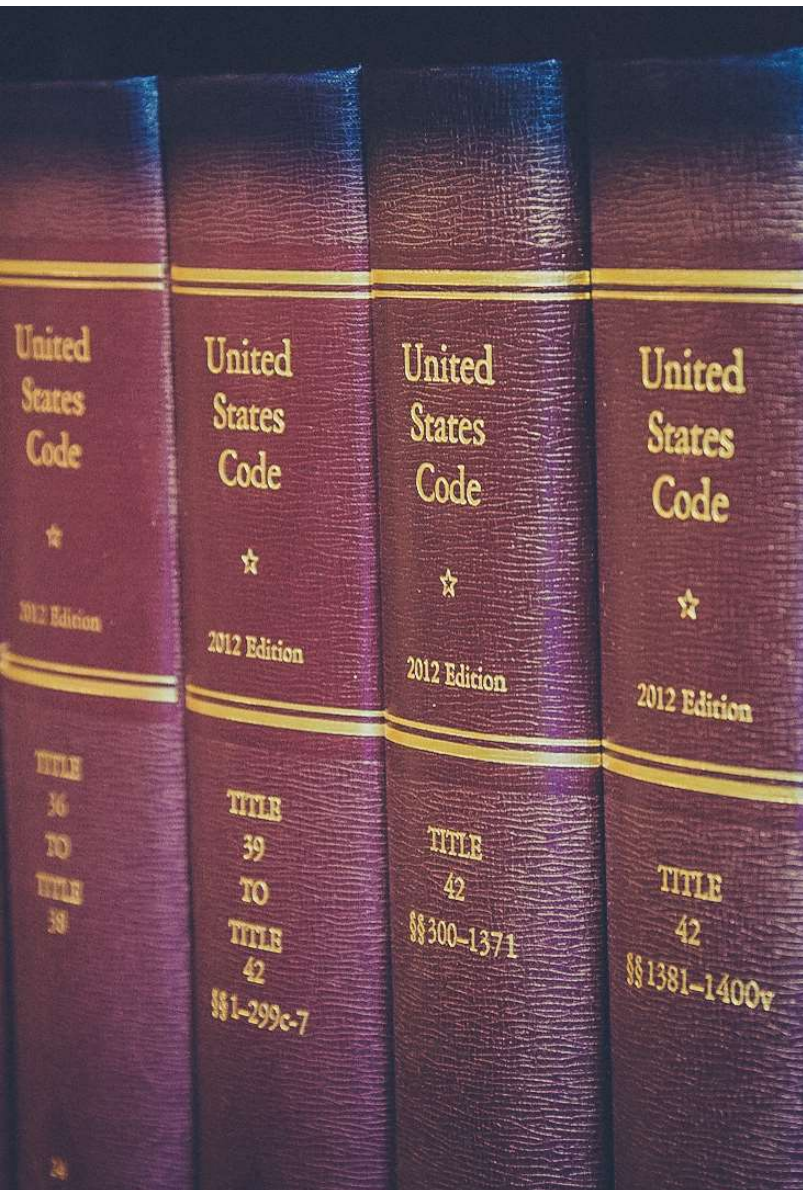
Federal Firearms Prohibition

- Prohibition under 18 U.S.C. 922(g)(9) requires these 6 things:
- 1. Defendant **convicted** or **plead guilty to misdemeanor** under federal, state, tribal or local law.
- 2. Has the element of the **use or attempted use of physical force** or **threatened use of a deadly weapon**.
- 3. Date of conviction must precede the firearm possession.
- 4. Court record must establish relationship between victim and offender.
 - **Current or former spouse** or **parent or guardian**
 - Has a **child in common**
 - Is **current or former cohabitant**
 - Is **similarly situated to a spouse, parent or guardian**
- 5. Offender must have had right to **jury trial** or waived right to jury trial.
- 6. Offender **represented by counsel** OR waived right to counsel.

Domestic Violence Protection Orders

Federal Firearms Prohibition

- Prohibition under 18 U.S.C. 922(g)(8) requires these 4 things:
- 1. HEARING
 - Defendant/Respondent received **actual notice** and had an **opportunity to participate.**
- 2. INTIMATE PARTNER
 - A **spouse** or **former spouse**
 - **Cohabitates** or **formerly cohabitated**
 - Have a **child in common**
- 3. RESTRAINS FUTURE CONDUCT
 - Order restrains defendant/respondent from:
 - **harassing, stalking,** or **threatening** an intimate partner or the intimate partner's child, OR
 - Engaging in other conduct that would place an intimate partner in **reasonable fear of bodily injury** to the petitioner or the child
- 4. CREDIBLE THREAT OR PHYSICAL FORCE
 - Court Makes Finding that defendant/respondent is a **credible threat** to physical safety of petitioner or their child, OR
 - Order must prohibit use, attempt use or threatened use of **physical force** against the petitioner or their child that would reasonably be expected to cause bodily injury.



Gaps in Federal Law

Federal law does not require removal of guns that abusers possess when they become prohibited.

Federal law does not include dating partners in definition of intimate partner.

Federal law does not cover misdemeanor stalking convictions or other violence misdemeanor convictions.

Federal law does not prohibit people subject to temporary orders for protection from possessing firearms.

Lack of protocol

- Federal law does not outline a procedure for gun surrender; states have to create their own
- Many state laws also fail to outline a procedure for surrender.

Lack of coordination

- A collaborative effort between law enforcement, prosecution, advocates and judicial system is required for a consistent response

Lack of resources

- Time, money, staff

Why surrender laws are not enforced.

Implementing a Surrender Protocol

Different Forms of Successful Protocols

Court-
centered

Law-
Enforcement
Centered

Probation
Centered

Complex systems require dynamic solutions

- Buy in of the brass
 - Bring together the stakeholders
 - Get a commitment in writing (MOU)
- Multidisciplinary Team Approach (worker bees)
 - Develop protocol
 - Address bumps in the road during implementation
 - Tracking and audit to ensure cases are being handled consistent with policy

Engaging Necessary Stakeholders

Courts

Law
Enforcement

Prosecutors

Victim/Witness
Coordinators

Domestic
Violence
Advocates

Probation/Parole

Elements of an Effective Surrender Policy



Poll Questions (Interactive)

1. Does your jurisdiction notify parties of firearm prohibitions in MCDV cases or DVRO's?
 - Yes
 - No
 - I don't know
2. Does your jurisdiction ask defendants or respondents about firearm possession?
 - Yes
 - No
 - I don't know
3. Are the judges in your jurisdictions ordering defendants/respondents to surrender their firearms in MCDV and/or DVRO cases?
 - Yes
 - No
 - I don't know
4. Does your jurisdiction have a mechanism in place to ensure firearms have been surrendered by domestic abusers?
 - Yes
 - No
 - I don't know

Help is Available!

- In-depth and hands-on assistance to communities requesting assistance in implementing or improving domestic violence related firearm restriction protocols
- Individually tailored consultations (phone, email, virtual meetings or in-person), including training of local stakeholders
- All aspects surrounding the issue, including planning, collaboration, problem-solving, and logistics

Examples of Technical Assistance

Criminal and Civil

- Review and/or interpret state and federal statutes
- Develop surrender protocol and forms
- Third Party Transfer of Firearms
- Storage of Firearms
- Return of Firearms

Training

- Virtual, in-person and on-demand training:
 - national, regional and local trainings
 - primary focus is on ***implementation of existing laws restricting access*** to guns by abusers as well as ***effective strategies for removing guns*** from abusers
- National Gender-Based Violence Learning Community
www.ngbvlc.org

Listserv, Webinars, On Demand Learning

- Listserv
 - Sign up to receive email notices about newsletters, emerging research, trends, and training opportunities.
- Webinars
 - Dates, times and registration information through the Safer Families, Safer Communities website www.preventdvgunviolence.org
- National Gender-Based Violence Learning Community
www.ngbvlc.org

Questions

Contact Us

Julia Weber, JD, MSW, Project Director

jweber@bwjp.org

Alicia B. Nichols, Deputy Director

anichols@bwjp.org

Find us online:

www.preventdvgunviolence.org



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