

Domestic Violence & Firearms

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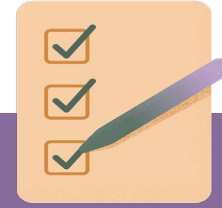
Learning Objectives



Summarize data and information related to intimate partner firearm violence.



Identify policies and strategies that reduce intimate partner firearm harm and homicide.



Learn about the NRCDFV's available TTA and resources.

The Intersection of Domestic Violence and Firearms



Domestic Violence Victimization in the U.S.

- In a 2016/2017 national study, almost **1 in 2 women** in the U.S., and about **40% of men**, report having been subjected to contact sexual violence, physical violence and/or stalking by an intimate partner in their lifetime. Nearly a third of women and nearly a quarter of men report having been subjected to severe physical violence by an intimate partner during their lifetime.¹
- **Two in five women (41%) and 1 in 4 men (26%)** report experiencing at least one impact from intimate partner violence in their lifetime. Among women subjected to intimate partner contact sexual violence, physical violence and/or stalking, 1 in 4 were fearful; 1 in 3 had PTSD symptoms; 1 in 3 were injured; and 1 in 8 needed medical care. Among men subjected to intimate partner contact sexual violence, physical violence and/or stalking; 1 in 13 were fearful; 1 in 7 had PTSD symptoms; 1 in 5 were injured; and 1 in 23 needed medical care.²
- **1 in 8 high school students** reported being subjected to teen dating violence (physical, sexual, or both) within the last year. Among female high school students, 15% reported having been subjected to sexual dating violence and 10% reported having been subjected to physical dating violence within the preceding 12 months. Among male high school students, 4% reported having been subjected to sexual dating violence and 6.7% reported having been subjected to physical dating violence within the preceding 12 months.³
- Across 25 years, 92% of female homicide victims killed by a male offender were known to each other, 62% of whom were killed by an intimate partner.⁴

- 54% of **Black women** report having been subjected to contact sexual violence, physical violence, and/or stalking by an intimate partner in their lifetime.⁵
- 58% of **American Indian or Alaska Native women** report having been subjected to contact sexual violence, physical violence, and/or stalking by an intimate partner in their lifetime.⁶
- Over 40% of **Hispanic women** report having been subjected to contact sexual violence, physical violence, and/or stalking by an intimate partner in their lifetime.⁷
- 48% of **white women** report having been subjected to contact sexual violence, physical violence, and/or stalking by an intimate partner in their lifetime.⁸
- Bisexual, gay and lesbian people are subjected to intimate partner violence (including contact sexual violence, physical violence and/or stalking) at higher rates than heterosexual people. **Bisexual women and men experienced the highest rates at 69% and 46% respectively.**⁹

Gun Violence in the U.S

- In 2021, approximately **eight in ten murders** in the United States involved a firearm.¹⁰
- **Young Black men** (ages 15-34) are disproportionately impacted by gun violence. In 2021, although they represented only 2% of the total population in the U.S. they accounted for **36% of**



Intersection of Domestic Violence and Firearms in the U.S.

The presence of a firearm makes it **5x** more likely a woman will be killed by her abusive male partner.

Firearms are used to commit more than half of all intimate partner homicides in the U.S.

DV incidents involving firearms are **12x** more likely to result in death than incidents involving other weapons or bodily force

4.5 million American women have been threatened with a firearm; **1 million** American women have been nonfatally shot/shot at by an intimate partner.

Disproportionate Impacts

American Indian/Alaskan Native women are nearly **4x** more likely than white women to be fatally shot by an intimate partner.

Black women are **3x** more likely than white women to be fatally shot by an intimate partner.

Pregnant or postpartum women are **twice** as likely to be murdered than to die from common obstetric causes. In 2020, 80% of pregnancy-associated homicides involved guns

Impact on Others

> **1/2** of mass shootings in 2014-2019 were domestic violence-related; > **2/3** the perpetrator either killed at least one partner or family member or had a history of domestic violence.

Firearm fatalities are leading cause of law enforcement line of duty deaths.

31% of firearm homicides of children under the age of 13 were found to be related to intimate partner violence.

Murder- Suicide Connection

1,000 - 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.

21% of murder-suicide perpetrators are age 55 or older.

2024 Domestic Violence and Firearms Report

A survey to learn more about survivor experiences with firearms and abuse

Report in partnership with Battered Women's Justice Project



thehotline.org



Survivor Experiences



“My spouse has a safe with a firearm inside, and during times of conflict, he has opened the safe and retrieved the firearm to keep on his person. He has not pointed it at any of us or made any verbal threats, it was just the act of taking it out of the safe itself that was very frightening.”



“My ex-husband would consistently leave loaded and unlocked handguns (approximately 3) in plain sight around our home, but specifically always had one next to his bed on evenings where he would approach me for sexual contact.”



“My ex-husband told me I could leave him. As I got up to head out of the room, he simply said you won’t make it to the door. I heard the gun click. He grabbed me and fired it out in our bedroom between my feet. There was a hole in our floor. I stayed for months after that because I knew he would end my life if I ever tried to leave him again”



“Every time we would argue he would then grab his gun and load it and run to make me scared that he was going to kill himself. He did this in front of my 8-year-old daughter. One time he actually went outside and fired the gun into the air to make me believe that he had actually done it.”

Domestic Violence-Related Firearm Prohibitions

Federal Law – 18 U.S.C. 922(g)

Persons with these statuses are prohibited under federal law from ship, transport, possess, or receive firearms or ammunition:

- (1) A felony conviction
- (2) A fugitive from justice
- (3) Illegal drug use or addiction
- (4) Has been found by a court to have a mental disability
- (5) Not being a U.S. citizen and not in the U.S. legally; not having permanent resident status in the U.S.
- (6) Dishonorably discharged from the military
- (7) Has renounced their U.S. citizenship
- (8) Is subject to a domestic violence protection order (DVPO)**
- (9) Has been convicted of a misdemeanor crime of domestic violence (MCDV), including against a person in a dating relationship (MCDV(DR))**

Federal Law – 18 U.S.C. 922(g)(8)

A qualifying domestic violence protection order:

- Relationship:
 - current or former spouse
 - current or former cohabitant
 - child in common
 - child of protected person or person subject to order
- Due process: Hearing for which person subject to order had notice and opportunity to participate
- Order prohibits either harassing, stalking or threatening an intimate partner or child of intimate partner or respondent or engaging in conduct that would place an intimate partner in reasonable fear of bodily injury to the intimate partner or to the child of intimate partner or respondent
- Either there was a finding of a credible threat to the physical safety of intimate partner or the child of intimate partner or respondent or order expressly prohibits use, attempted use or threatened use of physical force against intimate partner or child of intimate partner or respondent that would reasonably be expected to cause bodily injury

Federal Law – 18 U.S.C. 922(g)(9)

A qualifying
misdemeanor
domestic
violence
conviction:

- Misdemeanor under federal, state, tribal, or local law
- Has as an element the use or attempted use of physical force or threatened use of a deadly weapon
- Relationship:
 - current or former spouse, parent, guardian of the victim
 - current or former cohabitant as spouse, parent, guardian to the victim
 - child in common
 - similarly situated to a spouse, parent, guardian of the victim
 - **current or recent former dating relationship***
- Due process:
 - represented by an attorney or knowingly and intelligently waived right
 - if offense requires jury trial, received jury trial or knowingly and intelligently waived
- Conviction has not been expunged or set aside, defendant has not been pardoned or had civil rights restored

Federal Law – 18 U.S.C. 922(g)(9)

What is a
“dating
relationship?”

a) a “relationship between two individuals who have or have recently had a continuing serious relationship of a romantic or intimate nature”

b) to be determined based on consideration of the

- length of relationship;
- nature of relationship;
- frequency and type of interaction between individuals involved in relationship.

*Not a “casual acquaintanceship” or “ordinary fraternization”

Duration of Federal Firearm Prohibitions and Exemptions

Domestic Violence Protection Orders:

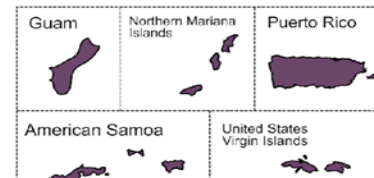
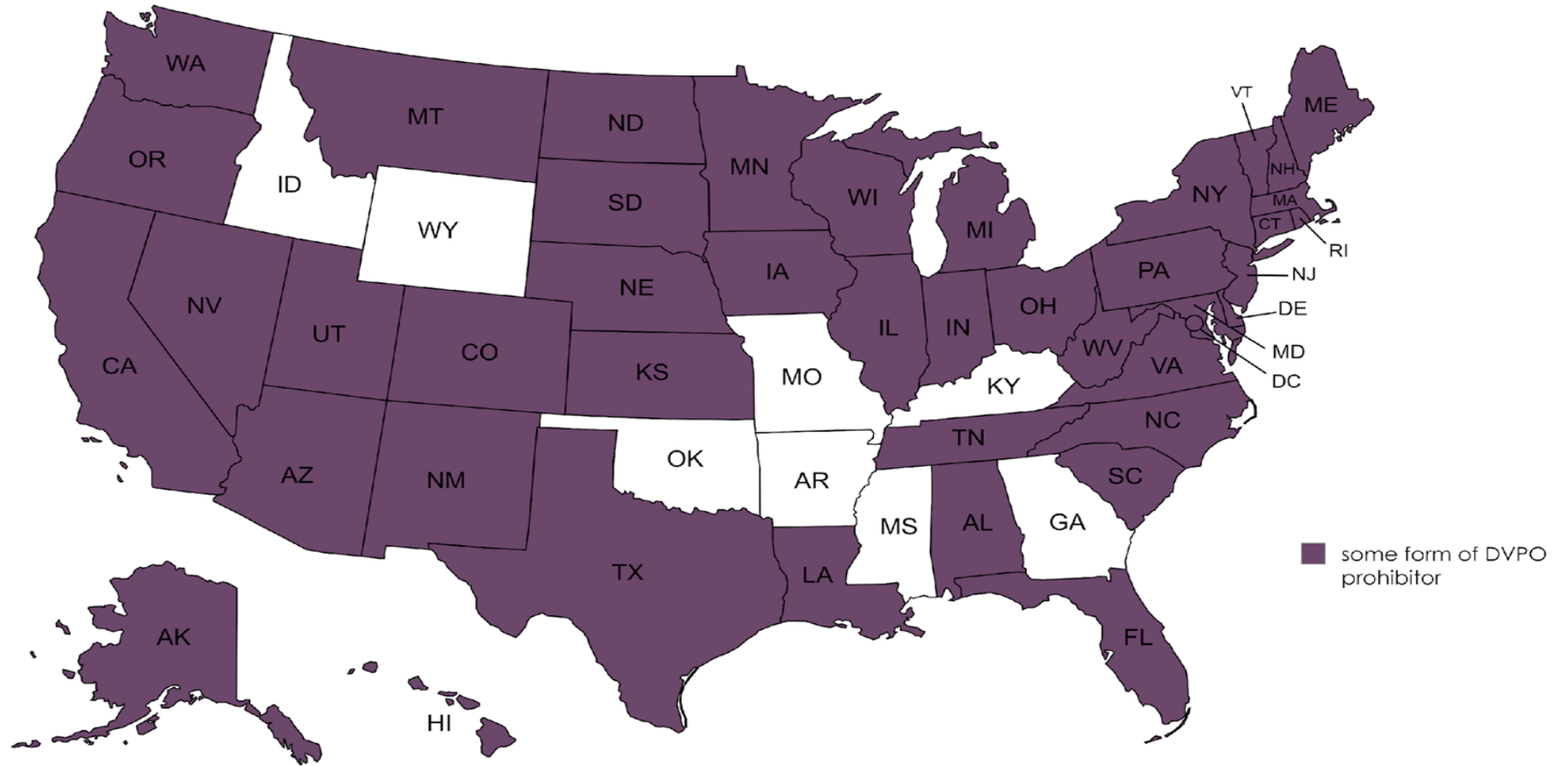
- Prohibited while order is in effect
- Official use exemption

Misdemeanor DV Convictions:

- Date of conviction
 - involving **dating relationship**: on or after 6/25/2022
 - involving **other qualifying relationships**: any time
- Duration of prohibition
 - involving **dating relationship**: 5 years (unless additional dating violence misd. conviction, subsequent conviction involving use or attempted use of physical force or threat with deadly weapon, or other prohibition)
 - involving **other qualifying relationships**: permanent (unless conviction disrupted)
- No official use exemption

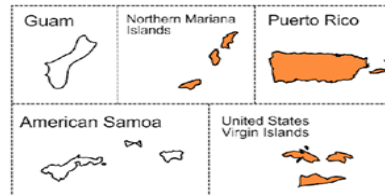
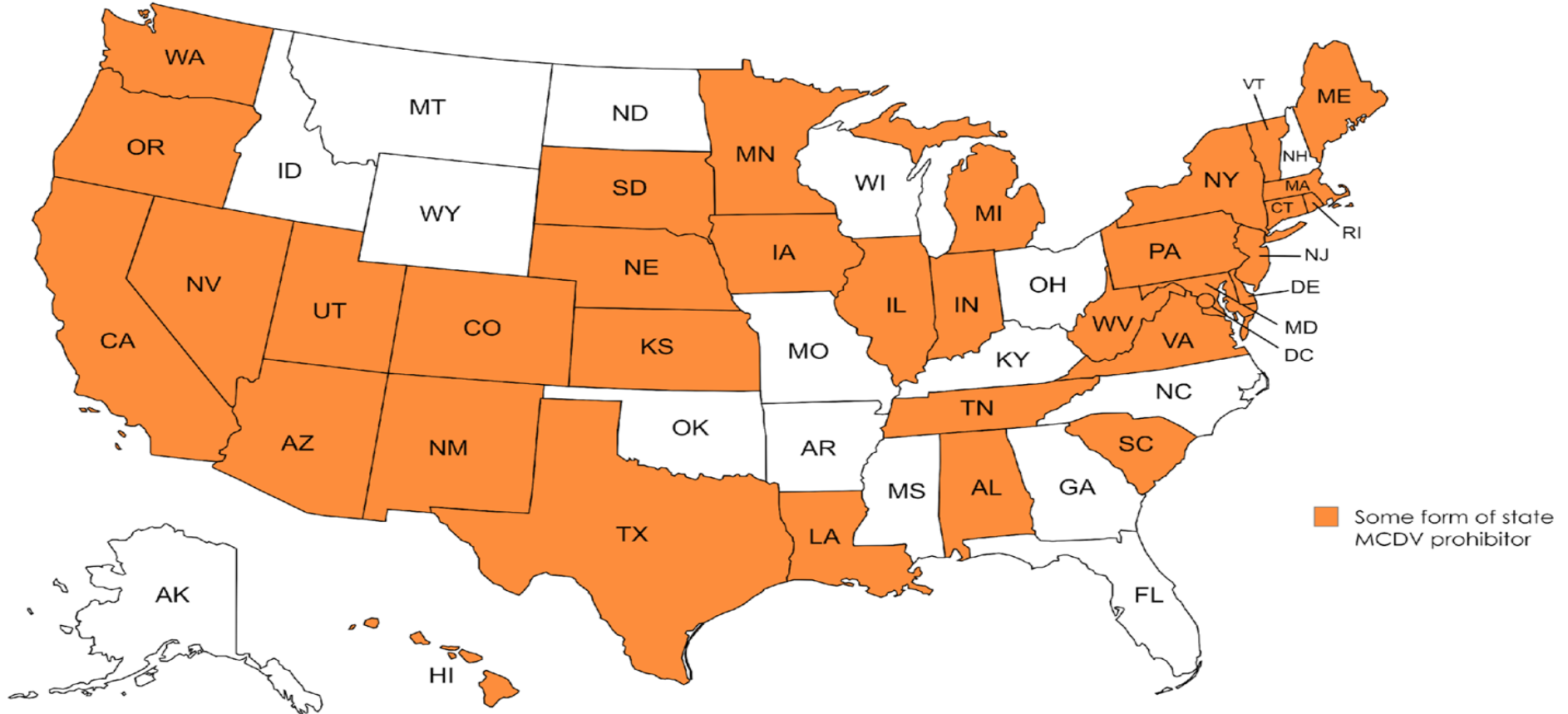
State Firearm Prohibitors

Domestic Violence Protection Orders



State Firearm Prohibitors

Misdemeanor Crimes of Domestic/Dating Violence





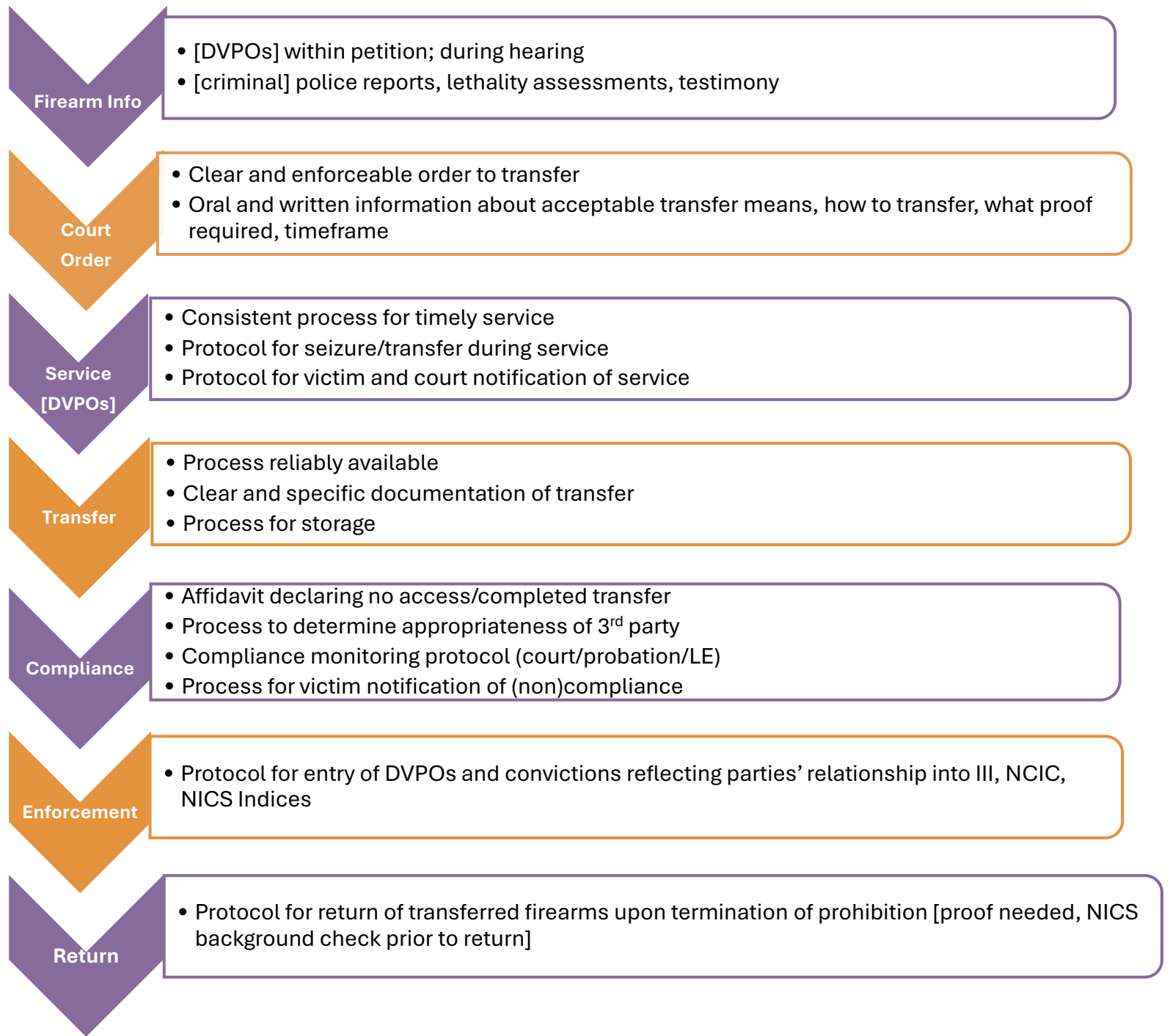
FIREARMS RELINQUISHMENT IN CASES INVOLVING INTIMATE PARTNER VIOLENCE

How to Structure Effective Protocols for Your Community

The intersection of intimate partner violence and firearms violence is all too often lethal. Research shows that requiring a partner found to have committed violence against an intimate partner to quickly relinquish firearms significantly reduces the number of intimate partner homicides. Effective firearms relinquishment protocols require a multidisciplinary approach. To help state, tribal, and local courts respond effectively to firearms violence in intimate partner violence cases, this document provides guidance for state, tribal and local courts, law enforcement, prosecutors, probation officers, and victim services advocates.



Elements of Firearms Relinquishment Protocols






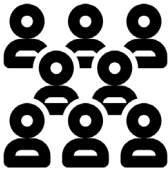




Firearm Relinquishment Reduces IPV Homicide









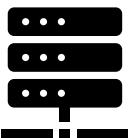

An analysis of data for 45 states between 1980-2013 demonstrated that domestic violence protection orders that require relinquishment of firearms is associated with a **12% reduction** in intimate partner homicides.

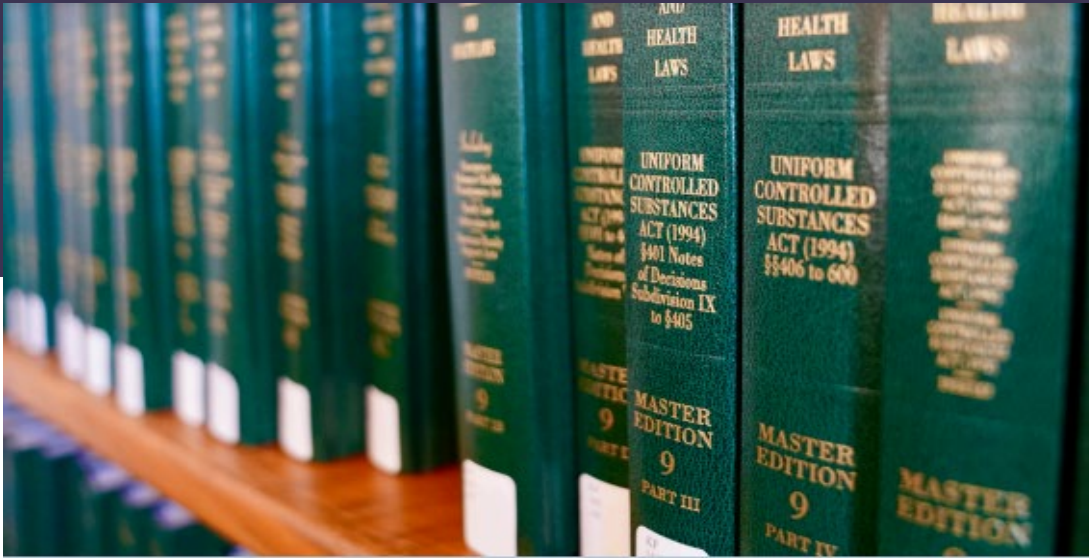
Extreme Risk Protection Orders (ERPOs) **and how they differ from** **Domestic Violence Protection** **Orders (DVPOs)**

Differences between Domestic Violence Protection Orders and Extreme Risk Protection Orders

	DVPOs	ERPOs
Purpose	 <p>To protect named family/household member survivor from further abuse/harm</p>	 <p>Prevent someone at risk of harm to themselves or others from possessing of firearm/ammunition</p>
Who can Petition?	 <p>Individuals linked by children, dating history, cohabitation, or marriage, blood relation</p>	 <p>Law enforcement or prosecutor for order; Family/household member or medical professional for investigation</p>
Standard	 <p>Preponderance of the evidence</p>	 <p>Investigation = good faith belief Ex parte = probable cause Final = clear and convincing</p>
Who is protected?	 <p>Protects named family/household member</p>	 <p>General public & the respondent</p>

Differences between Domestic Violence Protection Orders and Extreme Risk Protection Orders

	DVPOs	ERPOs
What protections?	 Comprehensive list of restrictions	 Firearm access prohibited
Duration	 Final orders: up to one year, possibility of extension	 Final orders: 6 months to indefinite
Enforcement	 Protected person or law enforcement can seek enforcement	 Prosecutor or law enforcement only; firearm seizure by warrant
Prevention	 Databases: NICS & NCIC	 Databases: NICS



UNDERSTANDING THE
DIFFERENCE
BETWEEN A
DOMESTIC VIOLENCE
PROTECTION ORDER
AND AN EXTREME RISK
PROTECTION ORDER

The National Resource Center on
Domestic Violence and Firearms

April 2024



Safety Planning

Safety Planning with Victims

What threats have taken place?

Full discussion on firearms with client

Addressing threats/imminent danger

Importance of listening to the victim

- What is the victim most concerned about regarding the abuser's access to firearms?
- What kinds and number of firearms does the abuser have access to? What related items (e.g., ammunition) should be addressed?
- Who else's safety should be planned for? E.g., children, other family members, friends, co-workers.

Safety Planning with Victims

Identifying allies and resources

Remedies to discuss

Discussing relocation

Evaluation of updating safety plan

- Requiring abuser to relinquish firearms
- Monitoring abuser compliance
- Ensuring that law enforcement know of any firearms prohibitions

We are here to help!

Technical Assistance and Consultations



Resource Library

On-Demand and Custom Training

Policy Analysis

www.NRCDFV.org





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What We Do

The National Resource Center on Domestic Violence and Firearms (NRCDFV), funded by the Office on Violence Against Women, U.S. Department of Justice, is operated by the Battered Women's Justice Project. The NRCDFV provides expertise, training, consultation, and technical assistance to prevent abusers use of firearms violence against victims and survivors of domestic violence, their children and their families, first responders, and communities. There is no one-size-fits-all recommendation and the NRCDFV specializes in providing tailored support to meet each community's unique needs.

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VIOLENCE G

Over several months in
conducted site visits in
with the specific goal of
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Community Spotlights

Addressing the intersection of domestic violence and firearms through federal, state, and tribal laws available requires a multi-disciplinary approach reflective of the individual community. Many communities across the country are already leading the way by developing practical and effective strategies to implement and enforce domestic violence-related firearm prohibitions.



Contact Us

Remember that email is not a secure form of communication. We are unable to provide direct legal representation or advice in individual cases. We are not a crisis line. If you need immediate assistance please call the National Domestic Violence Hotline.

National Resource Center on
Domestic Violence and Firearms:
1-800-903-0111, ext. 1
info@nrcdvvf.org

National Domestic Violence Hotline:
TTY 800-787-3224, 800-799-7233
thehotline.org

Topic*



Name*

Agency/Organization

Role*



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Message*:

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