Strategies to Reduce the Lethality of Intimate Partner Violence

Lunch and Learn
The Joyce Foundation
April 30, 2021
Implementation of State Policies to Prohibit Gun Purchase and Possession by DVRO Respondents

UNDERSTANDING AND INFORMING POLICY IMPLEMENTATION

A Case Study of the Domestic Violence Provisions of the Maryland Gun Violence Act

SHANNON FRATAROLI
Johns Hopkins Bloomberg School of Public Health

The Maryland Gun Violence Act, enacted into law in 1996, explicitly authorized courts to order batterers to surrender their firearms through civil protective orders. It also vested law enforcement with the explicit authority to remove guns when responding to a domestic violence complaint. In order to assess how these laws were implemented, we designed a case study and collected data from in-depth, key informant interviews, court observations, and relevant documents. We present findings from this study and recommend how to increase the likelihood that policies designed to separate batters and guns are implemented in a way that will result in greater protections for victims of domestic violence.

Keywords: policy implementation; firearms; domestic violence

In 1996, Maryland enacted a law designed to remove guns from people who commit intimate partner violence. The law empowered judges to issue protective orders requiring batterers to surrender their firearms (Maryland Gun Violence Act of 1996a) and vested police with the authority to remove guns when responding to a domestic violence complaint (Maryland Gun Violence Act of 1996b). Whether these provisions affect the safety of domestic violence victims depends on how they are implemented. This article reports the findings of an implementation study of the Maryland Gun Violence Act and considers the policy implications of this research.

Firearms play a large role in domestic violence, as detailed elsewhere in this special issue, and figure prominently in fatal abuse. From 1990 to 2002, intimate partner violence is a significant threat to the public’s health and safety. Women are at greatest risk. An estimated 11,277 women were murdered and some 690,000 were assaulted by their intimate partners in 2013 in the United States. The National Intimate Partner and Sexual Violence Survey suggests that 35.6% of women in the United States have experienced intimate partner violence at some time in their lives. Firearms figure prominently in this violence. Most intimate partner homicides involve firearms, and women are at least twice as likely to be murdered by intimate partners using firearms as by knives using any weapon. Abusers with firearms are 5 to 10 times as likely to kill their victims as are those without firearms.

Abusers with firearms also use them in novel ways. About 3.3% of women report that an intimate partner has threatened them with a firearm. Firearms-owning abusers are 7 to 8 times as likely as are other to threaten their partners with firearms and are less likely to do so with other weapons. Among California women in shelter, two thirds of those who came from households with firearms reported that their partner used a firearm against them, most often as a threat.

To help prevent such violence, federal statute prohibits the purchase and possession of firearms by persons subject to domestic violence restraining orders issued at hearings where both parties are present. By 2008, 32 states required and 20 states authorized courts to order respondents to surrender their firearms for the duration of the order. Many states extend these prohibitions to include ex-partners.

In California, domestic violence restraining order respondents must surrender their firearms to a law enforcement agency or sell them to a licensed firearms retailer within 24 hours after the order is served. They must file a report with the court documenting compliance within 60 days. Since 2007, respondents have been required to surrender their firearms immediately if a law enforcement officer makes a demand for them.

Firearm prohibitions for domestic violence offenders, beyond the prohibition on purchases from licensed dealers, have rarely been enforced. In this study, we report a process assessment of a pilot initiative in San Mateo County and Butte County, California, during which domestic violence restraining order respondents were screened for firearm ownership or possession and an effort was made, at the time restraining orders were served or soon thereafter, to recover firearms from respondents believed to have them.

Research and Practice

Identifying Armed Respondents to Domestic Violence Restraining Orders and Recovering Their Firearms: Process Evaluation of an Initiative in California

Garen J. Wintemute, MD, MPH, Shannon Frataroli, PhD, MPH, Barbara E. Ciarelli, Katherine A. Vitessa, PhD, MPH, and Daniel M. Welte, ScD, MPH

Objective: We evaluated a law enforcement initiative to domestic violence restraining orders for firearm recovery.

Methods: The initiative was implemented in San Clara County from 2007 through 2010. We used doc screening process and recovery efforts in individual cases.

Results: Screening relied on an archive of interviews and petitioner interviews; no single source was responsible (11.7% in San Mateo County) recovered from 119 (22.7%) of them. In Butte C were linked to firearms 260 firearms were recovered. Nonresponse occurred most often when orders denied having firearms. There were no injuries.

Conclusions: Recovering firearms from persons restraining orders is possible. We have identify changes that may improve the screening process. Larger implementation trials are needed.

Firearm Removal/Recovery in Cases of Domestic Violence


Wintemute et al. | Page 2
Multiple Case Study of Jurisdictions Implementing Gun Dispossession
## Sampled States’ Policies that Restrict Gun Possession by Domestic Violence Offenders

<table>
<thead>
<tr>
<th></th>
<th>Civil DVRO firearm restriction</th>
<th>Civil DVRO relinquishment specified</th>
<th>Criminal restraining order with firearm restriction</th>
<th>Criminal restraining order relinquishment specified</th>
</tr>
</thead>
<tbody>
<tr>
<td>State 1 (D)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>State 2 (R)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State 3 (D)</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>State 4 (R)</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Findings

- Four jurisdictions with populations >200,000 in four states included
- 16 people interviewed
  - Law enforcement (police, sheriffs, parole and probation, prosecutors, judges)
  - Advocates
- Attended meetings and conducted site visits
Select Findings

- Emphasis on criminal protective orders

- Implementation was happening in the four jurisdictions with very different policy

- Two Models of Implementation Infrastructure
  - Independent (States 1 and 2)
  - Coalition (States 3 and 4)
Implications for Policy and Practice

• Implementation requires deliberate action
• Implementation is happening in diverse contexts
• Implementation strategies include several sources for identifying whether newly prohibited people possess guns
• Implementation leadership was common among the four jurisdictions
• Implementers have deep expertise in and a commitment to IPV
• Implementation processes are tailored to the local context
Implications for Research

- Consider implementation when evaluating gun violence prevention policies
- Develop metrics for assessing implementation
- Increase the value of research to policymakers and practitioners
Many Thanks

Shannon Frattaroli

SFratta1@jhu.edu