



# DOMESTIC VIOLENCE INFORMATION

Task Force on Community Safety and  
Firearm Suicide Prevention

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Domestic Violence Homicides in Oregon

Firearm Involvement + Oregon Practices

Hidden Homicides

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This presentation contains discussions and references: domestic violence, including intimate partner violence and familial violence; emotional abuse; and sexual abuse; and suicide.

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# DOMESTIC VIOLENCE & HOMICIDE/ SUICIDE IN OREGON

& Firearm Related Information

# Between 2013 and 2022, 386 Oregonians died due to DV-related homicide<sup>1</sup>



Those who died were primarily **women** (56%), **white** (77%), and **ages 25-64** (64%).



**12%** of those who died were **under 18**; of these minors, **71% were killed by a parent**



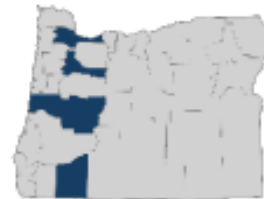
**39%** of those who died were killed by their **spouse or intimate partner**



**52%** of these DV-related homicides involved a **firearm**, primarily **handguns**



**83%** of these DV-related homicides occurred in a **house or apartment**



**54%** of these DV-related homicides occurred in **5 of Oregon's 36 counties\***

\* Multnomah, Lane, Washington, Jackson, and Marion

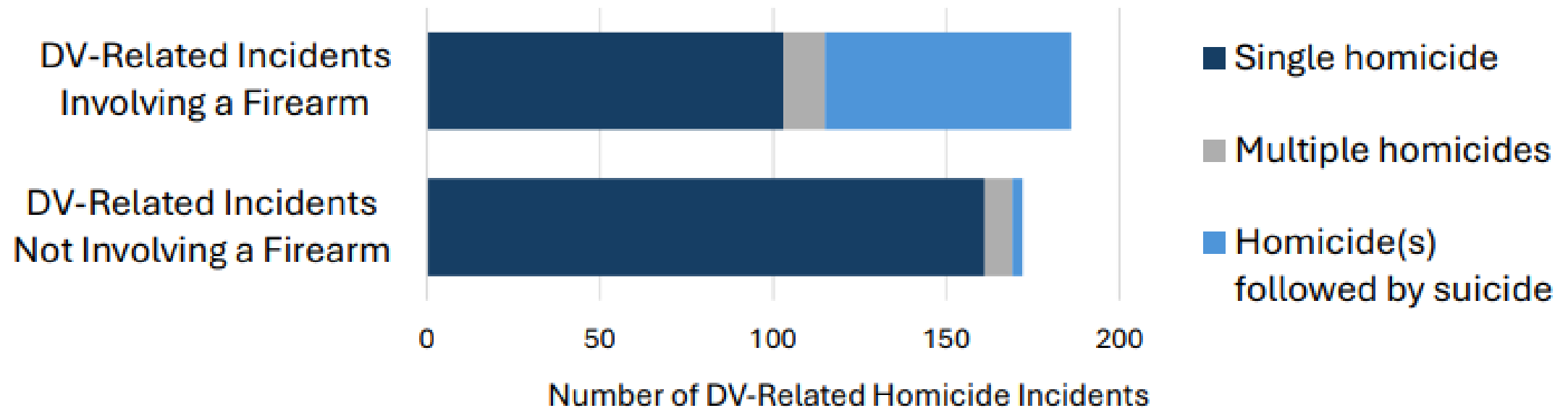


# FIREARM INVOLVEMENT

The presence of a firearm in intimate partner violence situations is associated with 5 times greater risk of intimate partner homicide.

52% of all DV-related homicides in Oregon from 2013-2022 involved a firearm, primarily handguns.

## DV-related homicide incidents involved multiple deaths (often including the death of the DV perpetrator) more frequently when firearms were involved<sup>3</sup>



# DV HISTORY AS PREDICTIVE INDICATOR - MASS VIOLENCE

## Domestic Violence and Mass Violence

**Many mass violence incidents are either directly related to DV or perpetrated by individuals with histories of DV**

- **59% of mass shootings** that occurred in the U.S. between 2014-2019 involved the **death of the perpetrator's intimate partner or family member.**<sup>1</sup>
- **35% of perpetrators of public mass shootings** (i.e., those that occurred in public locations) in the U.S. from 1996-2024 **had a history of DV.**<sup>2</sup>

OHSU Gun Violence Prevention Research Center

[www.theviolenceproject.org/mass-shooter-database](http://www.theviolenceproject.org/mass-shooter-database)




# DV & FIREARM DISPOSSESSION

Statutory Requirements




# FEDERAL LAW: “QUALIFYING PROTECTIVE ORDER”

- Hearing: The order was issued after a hearing and the respondent:
    - Received actual notice of the hearing and
    - Had an opportunity to participate or did participate in the hearing.
  - Intimate Partner Relationship
  - Restrains Future Conduct
  - Credible Threat Finding or Physical Force Prohibition
- 



# STATE LAW: ORS 166.255 PROTECTIVE ORDER

- Order Issued:
    - 1) Was issued, continued, or remains in effect by order or operation of law after the person received notice of an opportunity to be heard
    - 2) Requested hearing, but did not attend or withdrew request
    - 3) Did not request a hearing in the time period in which it was available
  - Restrains future conduct
  - Family or household member or a child of the person
  - Credible threat finding
- 

# QUALIFYING OREGON ORDERS

## Family Abuse Prevention Act (FAPA) Order

- Abuse within 6 months
- Immediate/ present danger
- Between family/ household members

## Elderly Persons and Persons with Disabilities Prevention Act (EPPDPA) Order

- Abuse (broader definition) to include verbal, financial) within 6 months
- Immediate/ present danger
- Petitioner is 65+/disabled
- \*Requires that relationship finding was made

## Stalking Order


- 2 or more unwanted contacts
- Reasonable apprehension for personal safety
- \*Requires that relationship finding was made


## Other Orders/ “Foreign” Restraining Order

- Depends on relationship and credible threat finding




# FEDERAL LAWS: USC 922(G)(9) “QUALIFYING DV MISDEMEANOR”


- In 1996, Congress amended the Gun Control Act again in the “Lautenberg Amendment”.
  - 18 USC 922 (g)(9) made it a federal crime for a person convicted of a **“qualifying misdemeanor crime of domestic violence”** to possess a firearm or ammunition.
- 



# FEDERAL LAW: “QUALIFYING CRIME OF DOMESTIC VIOLENCE”

## Qualifying relationship between the parties

- Current or former spouse, parent, or guardian of the victim
  - A person with whom the victim shares a child in common
  - A person who was cohabiting or had cohabited with the victim as a spouse, parent, or guardian;
  - A person similarly situated to a spouse, parent, or guardian of the victim
  - **A person who has a current or recent former dating relationship with the victim**
- 




# FEDERAL LAW: “QUALIFYING CRIME OF DOMESTIC VIOLENCE”

## Statutory elements of the crime are met

- Has as an element:
  - The use or attempted use of physical force or
  - The threatened use of a deadly weapon.



## Procedural requirements

- Represented by counsel or knowingly waived right to counsel
  - Jury trial or knowingly waived
  - Doesn't apply if conviction expunged; person pardoned or rights restored
- 



# STATE LAW: ORS 166.255 “QUALIFYING DV MISDEMEANOR” + STALKING

- Qualifying Misdemeanor AND
- At the time of the offense, family or household member OR a parent or guardian of the victim

or

- Stalking under ORS 163.732 (*not violation of stalking order*)
- 

# STATE LAW: “QUALIFYING DV MISDEMEANOR”


## ORS 166.255(3)(f): “Qualifying misdemeanor”

- Has as an element use or attempted use of physical force or threatened use of a deadly weapon.
- Deadly weapon means any instrument, article, or substance specifically designed for and presently capable of causing death or serious physical injury. ORS 161.015




# WHAT CRIMES ARE “QUALIFYING MISDEMEANORS”?

**As related to 18 USC 922 (g)(9),** the FBI designated six Oregon crimes which qualified:

- ORS 163.160 – Assault in the Fourth Degree
  - ORS 163.187 – Strangulation
  - ORS 163.435 – Contributing to the Sexual Delinquency of a Minor
  - ORS 163.445 – Sexual Misconduct
  - ORS 166.025 – Disorderly Conduct
  - ORS 166.190 – Pointing Firearm at Another
- 




# WHAT CRIMES ARE “QUALIFYING MISDEMEANORS”?

- Despite the FBI designation, and recent US Supreme Court cases like *U.S. v. Castleman*, the US Attorney’s Office has historically only considered Assault DV and Strangulation DV (or attempts thereof).
  - There is so specific list of convictions that fall under the state definition (ORS 166.255). Most frequently based on convictions for Assault DV and Strangulation DV.
  - **They must be pled correctly to include the elements.**
- 



# FIREARM DISPOSSESSION REQUIRED




If a “qualifying protective order” or a “qualifying misdemeanor” or stalking → the court SHALL order dispossession of firearms



ORS 166.259 (convictions) and ORS 166.256 (court orders)



# FIREARM DISPOSSESSION

- Requires that court enter an order stating prohibition AND to dispossess and to file declaration
  - Defendant/ Respondent is required to dispossess within 24 hours of order
    - Failure to file declaration = contempt
    - Dispossession to LE agency, gun dealer, third party
    - Background check exceptions do not apply
  - Defendant/ Respondent is required to file declaration within 2 judicial days of order
    - Possession exemption: ordered within 24 hours, unloaded, transporting to dispossess
- 

# FAILURE TO COMPLY WITH FIREARM DISPOSSESSION DECLARATION

If convicted of a **qualifying DV misdemeanor OR stalking OR subject to a restraining order** under applicable circumstances → Defendant/ Respondent must file a declaration within 2 judicial days of becoming subject to the court order

- Failure to file declaration → contempt
- If you can establish PC for a SW that person still has firearms → A Misdemeanor (ORS 166.255)

# DISPOSSESSION OF FIREARMS

Third Party (Family Member, does not waive background check)

- Sign a declaration acknowledging prohibitions

Law Enforcement Agency

- RETURN: ORS 166.257 (convictions); ORS 166.540 (protective orders)

Gun Dealer

# PROHIBITED POSSESSION OF FIREARMS/ AMMUNITION (ORS 166.255)

## UNLAWFUL TO POSSESS FIREARM/ AMMUNITION IF:

### Conviction for **qualifying domestic violence misdemeanor**

- Has as an element of the crime the use or threatened use of physical injury; threatened use of a deadly weapon
- Perpetrator is a “family or household member” or a parent or guardian of the victim

### Conviction for stalking under ORS 163.732 (*not* violation of stalking order)

- *This does NOT have a relationship requirement*

**CLASS A MISDEMEANOR**

# PROHIBITED POSSESSION OF FIREARMS/ AMMUNITION (ORS 166.255)

## UNLAWFUL TO POSSESS FIREARM/ AMMUNITION IF:

Subject of a **restraining order** that:

- Was issued or continued after a hearing for which the person had actual notice and during the course of which a person had an opportunity to be heard
- Was issued, continued, or remains in effect by order or operation of law after the person received notice and
  - Requested a hearing but did not attend
  - Requested a hearing and withdrew the request before the hearing occurred
  - Did not request a hearing during the time period in which the opportunity was available



QUESTIONS?



# “HIDDEN HOMICIDES”

# DEFINITION AND CONCEPT

**Hidden Homicides** refer to deaths that appear to be suicides, accidents or undetermined but may actually be homicides disguised or staged to look non-criminal.

This often occurs in the context of domestic violence, where the abuse may have opportunity, motive and familiarity with the victim and may try to conceal the crime


Alliance for Hope International/ Justice Project  
[www.allianceforhope.org/justice-project](http://www.allianceforhope.org/justice-project)






# WHY IS THIS IMPORTANT?

Premature classification of a death as a suicide without full investigation can let perpetrators evade justice



Law enforcement/ Medical examiners coming to a quick conclusion of suicide or accident where there is a history of domestic violence, including strangulation, control and coercive behavior may miss a homicide.



The Alliance asserts there could be hundreds to over a thousand such cases across the United States where signs are missed



a program of Alliance for HOPE International

## TEN FACTORS OF A SUSPICIOUS DEATH IN INTIMATE PARTNER VIOLENCE RELATIONSHIPS

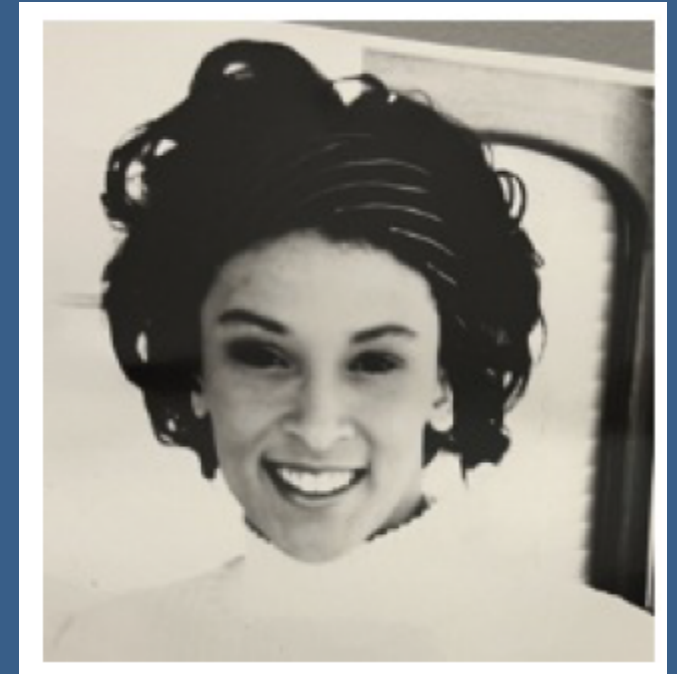
- 1. Victim dies prematurely/unexpectedly
- 2. Appears to be a suicide or accident scene
- 3. One partner wanted to end the relationship
- 4. Prior history of domestic violence (or coercive control)
- 5. Victim found dead in home or place of residence
- 6. Victim found by current or previous partner
- 7. Prior history of strangulation/suffocation against partner (including previous relationships)
- 8. Partner is the last to see the victim alive
- 9. Partner has control of the crime scene before the police arrive
- 10. Crime scene altered in some way

# “JOANNA’S LAW” (2024-2025)

SB 989/ “Joanna’s Law” codified the Ten Red Flag factors that should be evaluated.

Ensures that family members have the right to access records and pursue independent reviews.

Encourages law enforcement and medical examiners to conduct comprehensive investigations – *especially when there is a history of domestic violence*



Joanna Lynn Hunter  
October 27, 1974 – October 6, 2011

# FIRST SUSPICIOUS DEATH LAW

## “JOANNA’S LAW”

Joanna’s Law was sponsored by Alliance for HOPE International.

First statute in the country to set standards for addressing and investigating suspicious death cases where there is a death after a prior history of domestic violence.

Passed unanimously in the CA Senate and Assembly.

**CALIFORNIA -  
SB 989**

Went into effect on  
Jan 1, 2025

# PURPOSE & IMPACT

“Making sure that common sense becomes common practice.”

- Jerry Fineman, Riverside County Assistant District Attorney (retired); Alliance for HOPE International Webinar

The law is intended to raise awareness, improve investigations of suspicious deaths, and prevent offenders from avoiding accountability.

Raises standards. Assures that we are doing a better job at responding to/ intervening.

Recognizes that these domestic violence homicides are particularly susceptible to staged crime scenes.

# ADDITIONAL RESOURCES

## **IMPLEMENTING CALIFORNIA'S SUSPICIOUS DEATH LAW WEBINAR:**

<https://www.allianceforhope.org/training-institute-on-strangulation-prevention/resources/implementing-sb989-californias-first-in-the-nation-suspicious-death-law-joannas-law>

## **JOANNA'S LAW: FIRST RESPONDER TRAINING VIDEO:**

<https://www.allianceforhope.org/training-institute-on-strangulation-prevention/resources/joannas-law-sb-989-first-responder-training-video-by-sacramento-pd>

## **POLICE 1 ARTICLE: IMPLICATIONS FOR LAW ENFORCEMENT:**

<https://www.police1.com/investigations/californias-senate-bill-989-tackles-hidden-homicides-implications-for-law-enforcement>

## **LOTS!! OF WEBINARS (DV & STRANGULATION)**

[https://www.allianceforhope.org/training-institute-on-strangulation-prevention/resources?filters\[audience\]=all&filters\[programs\]\[0\]=2&filters\[resource\\_types\]\[0\]=webinar&filters\[sort\]=newest\\_first](https://www.allianceforhope.org/training-institute-on-strangulation-prevention/resources?filters[audience]=all&filters[programs][0]=2&filters[resource_types][0]=webinar&filters[sort]=newest_first)



# EXPECTED LEGISLATION IN OTHER STATES

Possible legislative currently discussed in Arizona, New York, Illinois, possibly others

There will be a similar bill proposed in Oregon in the 2026 Session  
(Sponsored by Sen. Sara Gelsner-Blouin)



# THANK YOU

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