



Dynamics of Intimate Partner Gun Violence and Promising Practices to Implement Policies Aimed at Reducing Firearm Lethality

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BWJP

CHANGING SYSTEMS
TRANSFORMING LIVES



LEGAL APPROACHES

NATIONAL CENTER ON LEGAL APPROACHES
TO PREVENT FAMILY VIOLENCE



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VIOLENCE IN RELATIONSHIPS



ADVOCACY

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CHANGE AND ADVOCACY



RESTRAINING ORDERS

NATIONAL RESTRAINING ORDER CENTER



GLOBAL RIGHTS

CENTER ON GLOBAL RIGHTS
FOR WOMEN



Agenda

Lethality Risk of Firearms Within
Intimate Partner Violence (IPV)

Dynamics of Intimate Partner Gun
Violence

Using the Law to Address IPV
Firearm Risk

Implementation and Enforcement
Challenges and Promising Practices



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

When a firearm was used in the most severe IPV incident it was 41x more likely to end in homicide.

More broadly, IPV incidents in which abuser uses a firearm is 12x more likely to result in homicide than incidents involving other weapons or bodily force.



Year over year, firearms are used to commit more than half of all intimate partner homicides in the U.S.



Oregon homicide data is similar to national data:

52% of all DV-related homicides committed with a firearm.

68% of female intimate partner homicide victims are killed with a firearm.

Disproportionate Impacts

 American Indian/Alaskan Native women

 Black women

 Pregnant/postpartum women




Impact on Secondary Victims

 > **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.

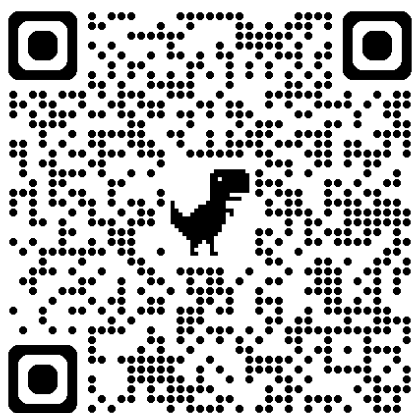
 Firearm fatalities are leading cause of law enforcement line of duty deaths.

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

Murder-Suicide

-  ~1,200 deaths per year in the U.S. are the result of murder-suicide.
-  9 out of 10 murder-suicides involve a firearm.
-  65% of murder-suicides involve an intimate partner.

Common Forms of Non-Fatal Firearm IPV



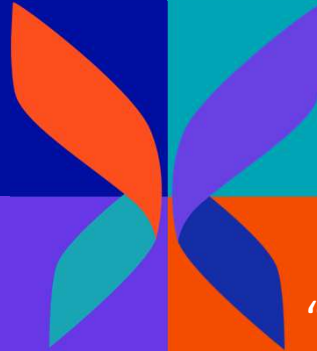
- Verbal threats to use a gun to harm
- Leaving a gun out to create feelings of fear
- Pointing a gun at partner or others
- Waiving a gun around
- Shooting at/near partner or others
- Threats of suicide
- Cleaning gun to create a feeling of fear

“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.”



The Law at the Intersection of Domestic Violence and Firearms

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Federal Law – 18 U.S.C. 922(g)

Persons with these statuses are prohibited under federal law from shipping, transporting, possessing, or receiving 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 an intimate partner/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))**

Domestic Violence Protection Order Firearm Prohibition

Federal Law [18 USC 922(g)(8)]

- Relationship
 - Current/former spouse
 - Current/former cohabitant
 - Child in common
 - Child of protected person or person subject to order
- Due process
 - Hearing
 - Notice and opportunity to be heard
- Restrains future conduct
 - Harassing, stalking, threatening *or*
 - Engaging in conduct that would place one in reasonable fear of bodily injury
- Finding of credible threat or expressly restrains use, attempted, use *or* threatened use of physical force against IP that would reasonably be expected to cause bodily injury

Oregon Law [ORS 166.255(1)(a)]

- Relationship
 - + sexually intimate relationship
 - + adults related by blood or marriage
- Due process
 - Noticed hearing and opportunity to participate *or*
 - Issued by operation of law after notice of opportunity to request hearing and did but did not appear or did not request within proscribed time
- Restrains future conduct: stalking, intimidating, molesting or menacing
- Finding of credible threat



Domestic Violence Misdemeanor Conviction Firearm Prohibition

Federal Law [18 USC 922(g)(9)]

- Misdemeanor under federal, state, tribal, or local law
- Includes element of use or attempted use of physical force or threatened use of a deadly weapon
- Relationship
 - Current/former spouse, parent, guardian of victim
 - Current/former cohabitant as spouse, parent, guardian of victim
 - Child in common
 - Similarly situated to spouse, parent, guardian of victim
 - Current/recent former dating relationship
- Due process
 - Legal representation or waiver
 - Jury trial, if required, or waiver
- Remains a conviction
 - Cannot have been expunged, set aside, pardoned or had civil rights restored



Oregon Law [ORS 166.255(1)(b)]

- Misdemeanor that has as an element use or attempted use of physical force or threatened use of a deadly weapon
- Relationship
 - + sexually intimate relationship
 - + adults related by blood or marriage
 - dating
 - “similarly-situated”
- Due process
 - Legal representation or waiver
 - Jury trial, if required or waiver
- Remains a conviction
 - Cannot have been set aside, expunged, or pardoned




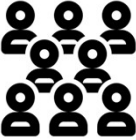


ORS 166.255(1)(c) prohibits someone convicted of stalking



Extreme Risk Protection Orders (ERPO)

-  Civil protection order that addresses risk respondent will harm themselves or others
-  Can be a useful tool for survivors of IPV but is not a substitute for a DV protection order

Domestic Violence Protection Orders v. Extreme Risk Protection Orders

	PPOs	ERPOs
Purpose	 To protect named survivor	 Prevent possession of firearm/ammunition by someone at risk of harm to self or others
Who can Petition?	 Individuals linked by a child, dating history, cohabitation or marriage	 family or household member, law enforcement
Standard	 Preponderance of the evidence	 Ex parte and final: clear and convincing evidence

Domestic Violence Protection Orders v. Extreme Risk Protection Orders

PPOs

Who is protected?



Protects named survivor & children

What protections?



Comprehensive list of restrictions

Duration



2 years (subject to termination/modification or renewal)

ERPOs



General public & the respondent



Firearm access prohibited





Final: 1 year
(subject to termination/
modification or renewal)

Implementation and Enforcement

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Implementation/Enforcement

-  Relinquishment/surrender of firearms previously possessed
-  Denial of attempted purchases of new firearms

Firearm Relinquishment

Federal Law

SILENT

Oregon Law [ORS 166.256; 166.259]

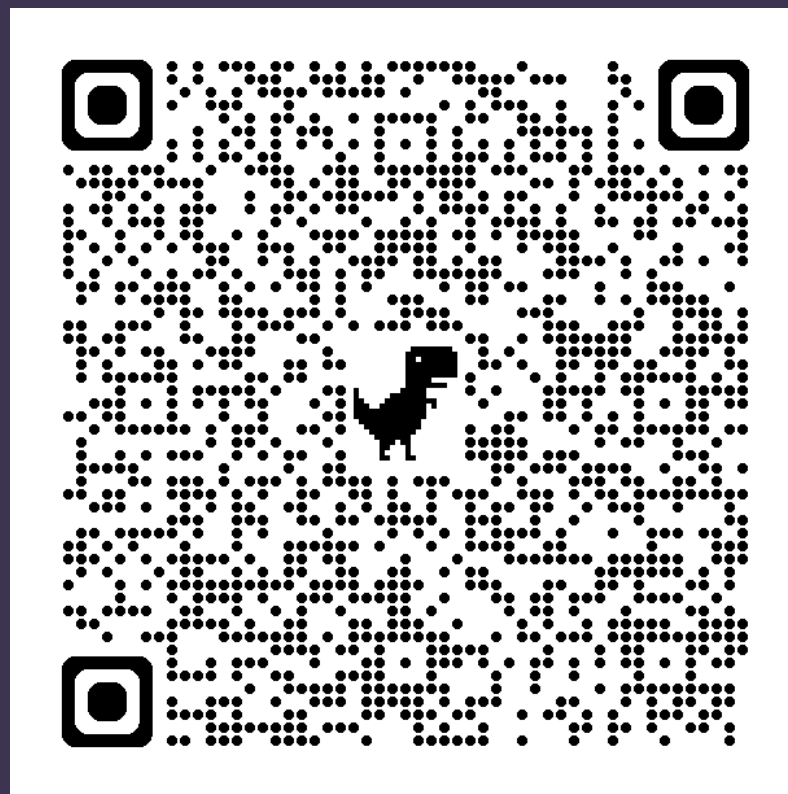
- Court must indicate in qualifying PO/judgment of conviction that respondent is prohibited from possessing firearm/ammunition
- Court must issue an order requiring respondent to transfer firearms in their possession and file a declaration establishing compliance
- Relinquishment process:
 - Transfer firearms within 24 hours to law enforcement agency, gun dealer, or third party* who must provide proof of transfer specifying weapons received
 - Third party must also provide a declaration under penalty of perjury attesting they understand respondent is prohibited and third party will be subject to criminal penalty if they allow access to the firearm during the prohibition
 - Within 2 days of order respondent file declaration under penalty of perjury attesting firearms/ammunition has been transferred, or are not in possession of any, or asserting 5th A right against self-incrimination.



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 person 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.



Barriers to Effective, Consistent Relinquishment

- Lack of established procedures
- Lack of coordination/clear roles
- Lack of resources
- Lack of will
- Unclear enforcement authority



An analysis of data from 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.

Firearm Background Checks

- Oregon is a “point of contact” state
- Background checks for sale/transfer of firearms done by OR Department of State Police – initial response within 30 minutes
- DSP must report attempted/denied purchases to all federal, state, local law enforcement agencies and district attorneys with jurisdiction over place of attempted purchase and attempted purchaser's residence

Oregon State Police Firearm Purchase Denial Data

5-Year BREAKDOWN OF OREGON FIREARMS TRANSACTIONS DENIED BY CATEGORY						
CATEGORY	DENIED DETAIL	2021	2022	2023	2024	2025
MENTAL HEALTH	MENTAL HEALTH ADJUDICATION ¹	100	139	96	98	90
	WANTED PERSON					
	OUTSTANDING FELONY WARRANT	26	40	41	36	26
	FUGITIVE FROM JUSTICE	47	18	21	16	24
	CONVICTED OF A FELONY	1,069	1,237	973	1,456	1,045
	PRE-TRIAL FOR A FELONY CRIME	119	74	68	66	62
	ASSAULT IV CONVICTION WITHIN LAST 4 YEARS	60	52	34	38	40
	RECKLESS ENDANGERING CONVICTION WITHIN LAST 4 YEARS	89	76	70	70	68
	MENACING CONVICTION WITHIN LAST 4 YEARS	37	25	19	18	29
	STRANGULATION CONVICTION WITHIN LAST 4 YEARS	4	5	3	2	0
	INTIMIDATION II CONVICTION WITHIN LAST 4 YEARS	0	0	1	1	0
	RESTRAINING ORDER	54	66	70	45	57
	PROBATION	385	380	307	344	353
	CONVICTED WITHIN LAST 4YRS FELONY WHILE A JUVENILE	27	36	29	47	61
	DISHONORABLE DISCHARGE FROM ARMED FORCES	7	7	0	4	2
	NON-U.S. CITIZEN	61	76	68	89	73
	CONVICTED DOMESTIC ABUSE*	528	796	472	552	477
	CONVICTED FELON/INSANITY	0	0	0	0	0
	CONVICTED MISD/INSANITY	0	0	0	0	0
	OTHER STATES MISD DISQUALIFIER	5	9	4	2	7
	UNLAWFUL USER CONTROLLED SUBSTANCE	45	56	52	50	71
	FEDERAL FLAG (IFFS)	1	0	0	1	2
	NICS INDEX	2	0	15	4	1
	OREGON COURT FIREARM PROHIBITION	38	37	32	41	27
	CONVICTED STALKING**	6	5	4	4	3
	TOTAL DENIED TRANSACTIONS	2,678	3,134	2,379	2,984	2,518
STOLEN GUN	FIREARM HIT AGAINST POSSIBLE STOLEN GUN	124	186	169	181	163





<https://www.oregon.gov/osp/Docs/2025%20FICS%20Unit%20Overview.pdf>





NICS Background Check Denials for Firearm Purchases

Reason for denial	2018	2019	2020	2021	2022	2023	Totals (2018-2023)
Domestic Violence Prohibitor (All)	19,751	21,366	36,392	31,604	26,030	23,671	158,814
Protection/Restraining Order for Domestic Violence	6,359	7,151	11,815	10,597	9,271	8,783	53,976
Misdemeanor Crime of Domestic Violence Conviction	13,392	14,215	24,577	21,007	16,759	14,888	104,838

Importance of focusing on attempted purchases of prohibited domestic abusers

-  Potential warning sign of an escalation or imminent threat of violence
-  Risk that the individual will attempt to obtain a firearm through other means
-  May require updated safety planning for the survivor
-  The attempted purchase itself may constitute a new crime

Two key ways to intervene

-  Follow up with attempted purchaser
-  Provide notice and offer support to the survivor

SAMPLE

- Brady Indicator (BRD) field
- Protection Order Condition

SUMMARY OF PROTECTION ORDER: INFORMATION FOR NICS R

Court/Case Information	
Case Number:	Date of Issuance:
County and State:	Date of Expiration:
Name of Court:	Court Contact Name:
Court Contact Phone:	Court Contact Email:

For the purposes of reporting to the National Instant Criminal Background Check (NICS), the following information related to the protection order issued by the [X] collected and reported to state and federal firearms regulatory authorities, pursuant to statute(s), if applicable and federal statute 18 U.S.C. 922(g)(8).

Defendant/Relationship Information

Respondent's Full Name: _____ DOB: _____ SSN: _____

Respondent's Known Address(es): _____

Respondent's Known Alias(es): _____

Protected party is a:

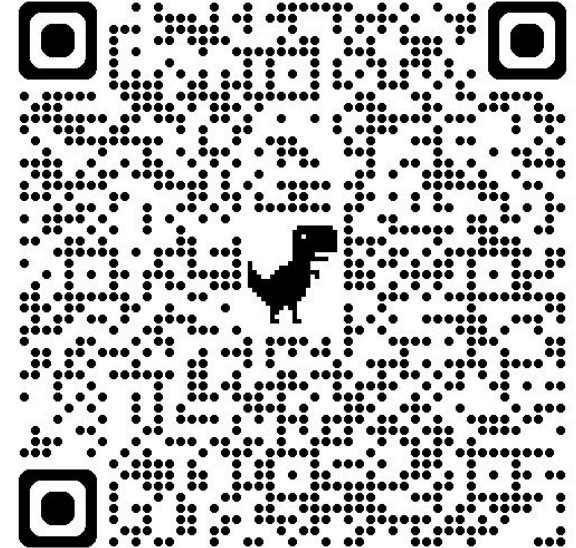
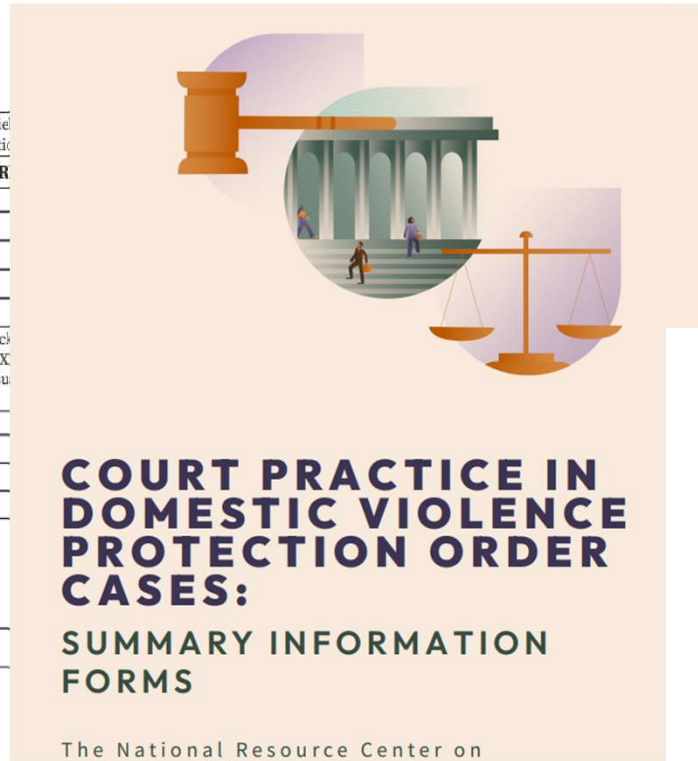
- current or former spouse or cohabitant of the Respondent;
- person with whom the Respondent shares a child in common;
- child of Respondent's intimate partner; or
- child of the Respondent

Notice and Hearing Requirements

- A hearing on the protection order was held on _____ (Date) in _____ [XXX] Court, and
- Respondent had notice of the hearing:
 - Advised in court on _____ (Date) of the scheduled hearing date.
 - Served with notice on _____ (Date).
- Respondent appeared at the protection order hearing held on _____ (Date) in _____ [XXX] Court. OR
- Respondent did not appear at the protection order hearing held on _____ (Date) in _____ [XXX] Court.

Terms of the Order

- The Court has (check all that apply):
- Restrained the Respondent from harassing, stalking, or threatening an intimate partner or child of either Respondent or their intimate partner or from engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury.
 - Found the Respondent represents a credible threat to the physical safety of the Petitioner or child of either Petitioner or Respondent.
 - Prohibited the Respondent from the use, attempted use, or threatened use of physical force against the Petitioner or child of either Petitioner or Respondent that would reasonably be expected to cause bodily injury.
 - Ordered the Respondent to relinquish any firearms or ammunition to [law enforcement agency/ _____] (other suitable) _____ within _____ hours.



SAMPLE

SUMMARY OF CONVICTION FOR MISDEMEANOR CRIME OF DOMESTIC VIOLENCE: INFORMATION FOR NICS

Court Information

Case Number:
 State of:
 County of:
 Name of Court:
 Court Contact Name:
 Court Contact Phone and Email:

For the purposes of reporting to the National Instant Criminal Background Check System (NICS), the following information related to the conviction for a misdemeanor crime of domestic violence entered by the [XXX] Court is collected and reported to regulatory authorities, pursuant to [state statute(s), if applicable] (9).

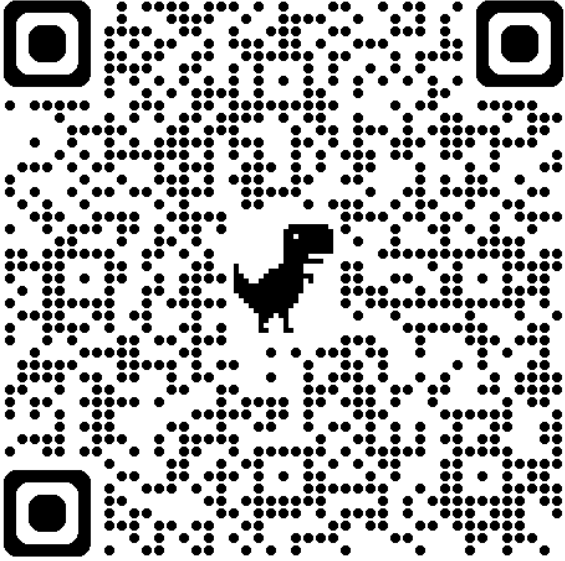
Defendant Information

Defendant's Full Name (and known aliases) and DOB:
 Defendant's Known Address(es):
 Defendant's SSN:

For relationship information below, identify whether the defendant is a current or former spouse, parent, guardian, or cohabitant of the victim; person with whom the victim shares a child in common; person similarly situated to a spouse, parent or guardian of the victim; or a current or recently former dating partner.

Crime(s) Convicted (include subsection if applicable)	Date of Conviction	Is an element of this statute the use of physical force OR the use, attempted use, or threatened use of a deadly weapon (regardless of the defendant's specific conduct underlying the case)?	Relationship of Defendant to Victim (see note above)
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	

COURT PRACTICE IN MISDEMEANOR CRIMES OF DOMESTIC AND DATING VIOLENCE CASES: SUMMARY INFORMATION FORMS



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Lisa Geller, et al., The role of domestic violence in fatal mass shootings in the United States, 2014-2019. 8 Inj. Epidemiol. 1, 38 (2021)

2023 End-of-Year Preliminary Law Enforcement Fatalities Report, National Law Enforcement Officers Memorial Fund (2024), <https://nleomf.org/wp-content/uploads/2024/01/2023-EOY-Fatality-Report-FINAL.pdf>

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Thank You