Analysis of the Strength of Legal Firearms Restrictions for Perpetrators of Domestic Violence and their Association with Intimate Partner Homicide

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Analysis of the strength of legal firearms restrictions for perpetrators of domestic violence and their association with intimate partner homicide

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Based on the research:


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Presentation Outline

- Firearms and intimate partner homicide (IPH)
- Brief lit review
- Brief description of research
- Findings
- Implications

*I will take questions throughout the presentation.*
Guns are used in the majority of intimate partner homicides

There is a five-fold increase in risk of homicide when a violent intimate has access to a gun.

Sources: Campbell et al. 2003; FBI SHR 2015
Federal Gun Control Act

• Explicitly prohibits two groups of batterers from purchasing or possessing firearms
  ◦ Those convicted of misdemeanor domestic violence crimes (Section 922(g)(9))
  ◦ Those currently under domestic violence restraining orders (Section 922(g)(8))

  ◦ Versions of these two laws are present in many states
Evidence – domestic violence restraining order gun restrictions

- Three longitudinal studies of state-level DVRO gun prohibitions are consistent in finding that these laws are associated with reductions in intimate partner homicide committed with guns, and total intimate partner homicide

No discernable substitution effect

Sources: Vigdor & Mercy, 2003, 2006; Zeoli & Webster, 2010
Estimated reductions in IPH in association with state-level DVRO firearm prohibitions

- 19% reduction in total IPH and 25% reduction in IPH committed with firearms in large cities
- 8% reduction in total IPH and 9% reduction in IPH committed with firearms in states

Sources: Vigdor & Mercy, 2006; Zeoli & Webster, 2010
Domestic violence restraining order firearm restrictions

- Are particularly important because DVROs are initiated by the victim, and are not dependent on decisions to charge offenders under a qualifying criminal statute, or upon offender’s guilty plea or guilty verdict.
Basic research question

- Are firearm restrictions for domestic violence offenders associated with IPH levels?

- Important to understand the basics of the research design to understand whether results are trustworthy
  - This will be brief
Approach to answering the research question

- **Interrupted time series design using 45 states from 1980-2013**
  - 5 states removed due to chronic non-reporting to the Supplementary Homicide Reports (FL, KS, KY, MT, NE)
- **Unit of analysis: state-year**
- **Outcome variable: Intimate partner homicide victim counts (aged 14 and up) from SHR**
The Interrupted Time Series Design

- $O =$ observation (number of IPHs in a state-year), $X =$ law introduction

- State 1: $O_1 \ O_2 \ O_3 \ O_4 \ X \ O_5 \ O_6 \ O_7 \ O_8$
- State 2: $O_1 \ O_2 \ X \ O_3 \ O_4 \ O_5 \ O_6 \ O_7 \ O_8$
- State 3: $O_1 \ O_2 \ O_3 \ O_4 \ O_5 \ O_6 \ O_7 \ O_8$
- State 4: $O_1 \ O_2 \ O_3 \ O_4 \ O_5 \ O_6 \ O_7 \ X \ O_8$

And so on….
Controlled for other factors

• What other state-level factors are associated with intimate partner homicide?
  ◦ % divorced, % married, TANF for family of 4, % in poverty, educational ratio of women to men, % of suicides committed with guns, non-intimate adult homicide rate, ratio of police officers to population, VAWA STOP grant funding

• Also controlled for state, and a national-level time trend
Laws we tested

• Firearm restriction laws
  ◦ Domestic violence restraining order firearm restrictions (and provisions)
  ◦ Violent misdemeanor firearm restrictions
  ◦ Stalking firearm restrictions

• Purchase restriction implementation laws
  ◦ Permit to purchase
  ◦ Universal background check
  ◦ Point of contact background check states
Findings for domestic violence restraining order (DVRO) gun restrictions
USC 922(g)(8) Restrictions

- Protection Order will qualify for firearm prohibition if it meets these requirements:
  - Hearing with actual notice and an opportunity to participate;
    - Ex parte (also called emergency or temporary) orders DO NOT qualify
  - Relationship requirement: current or former spouse or cohabitant; had a child together
    - Dating partners often DO NOT qualify
  - Finding that the defendant poses a credible threat to the physical safety of an intimate partner; OR
  - Explicit prohibition of the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury.
Variations in state DVRO firearm restriction laws

- Whether dating partners are included in restriction (22 states*)
- Whether ex parte orders are included in restriction (16 states*)
- Whether the respondent can be required to surrender firearms already in his/her possession (21 states*)

*out of 45 states in the analysis
Any DVRO firearm restriction

- When we simply whether ANY state-level DVRO firearm restriction was associated with intimate partner homicide:
  - State restraining order firearm prohibition law was associated with a 10% reduction in IPH and a 14% reduction in firearm IPH
Association of DVRO provisions with IPH and gun IPH compared with no state DVRO firearm restriction law$^a$

<table>
<thead>
<tr>
<th>Total IPH</th>
<th>Gun IPH</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>State has DVRO law and...</strong></td>
<td><strong>State has DVRO law and...</strong></td>
</tr>
<tr>
<td>Dates not covered</td>
<td>Dates not covered</td>
</tr>
<tr>
<td>---</td>
<td>--</td>
</tr>
<tr>
<td>Dates covered</td>
<td>Dates covered</td>
</tr>
<tr>
<td>11%</td>
<td>14%</td>
</tr>
<tr>
<td>Ex parte not covered</td>
<td>Ex parte not covered</td>
</tr>
<tr>
<td>---</td>
<td>12%</td>
</tr>
<tr>
<td>Ex parte orders covered</td>
<td>Ex parte orders covered</td>
</tr>
<tr>
<td>12%</td>
<td>16%</td>
</tr>
<tr>
<td>No relinquishment law</td>
<td>No relinquishment law</td>
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</tr>
<tr>
<td>Relinquishment law</td>
<td>Relinquishment law</td>
</tr>
<tr>
<td>---</td>
<td>13%</td>
</tr>
</tbody>
</table>

$^a$ Each provision tested in a separate model (ie, 6 models represented)  
$^b$ Associated reductions reported only for those estimates that reached statistical significance at $p < .05$
Summarized:

- When dating partners are covered under state DVRO firearm restriction, there was an associated 11% reduction in IPH and a 14% reduction in firearm IPH.

- When ex parte orders are covered under state DVRO firearm restriction, there was an associated 12% reduction in IPH and a 16% reduction in firearm IPH.

- When state laws authorizes or mandates relinquishment, there was an associated 13% reduction in firearm IPH.
Findings for misdemeanor crime of (domestic) violence gun restrictions
Misdemeanor crimes of violence

• Federal law, and many states, prohibit purchase/possession by those convicted of misdemeanor crime of domestic violence
  ◦ Relationship of current/former spouse, guardian, child in common, cohabited with/similarly situated as spouse/parent/guardian

• Some states have no relationship requirement
Violent misdemeanor restrictions associated with reductions

- State laws prohibiting those convicted of a violent misdemeanor (regardless of relationship) were associated with a 24% reduction in IPH and a 27% reduction in firearm IPH.

- State laws prohibiting those convicted of misdemeanor domestic violence were not associated with IPH, but were associated with an 18% increase in firearm IPH.
Possible explanations for finding

• Detection of disqualifying records
  ◦ Misdemeanor crimes of violence are often not identifiable by relationship of victim & offender in the background check system
  ◦ Purchase may be allowed unless relationship is irrelevant to the disqualification

• Domestic violence offenders often commit other violent crimes, so may be prohibited for non-DV reasons
Stalking misdemeanor & felony firearm restrictions

- Very narrow definition of these laws: presence of state law that extends firearm restrictions to all or a majority of stalking convictions
  - So, if a state requires a previous stalking conviction to qualify for felony or misdemeanor firearm restriction, for example, it is not considered to have this law

- No significant association detected.
Findings for purchase restriction implementation
Purchase restriction implementation

- Federal law: licensed firearm dealers must perform criminal background check before sale. No requirement for private sales.
- For states that have no additional background check requirements, would-be purchaser can buy a gun from a private seller without a background check.
Universal background check

- Licensed dealers: perform background check at point of sale
- Private sellers: Have licensed dealers perform a background check on buyer before sale
Permit to purchase

- Buyer must obtain a permit to purchase a gun (handgun)
- Permit is given by local official (law enforcement) after they conduct background check
- Must present permit to licensed dealer or private seller to buy the gun
Purchase restriction implementation laws

- State permit to purchase law associated with 11% reduction in IPH.
- No significant findings for universal background checks or point of contact states.
DVRO restriction + permit to purchase

- When a state had both a permit to purchase and DVRO firearm restriction, there was an associated reduction of 16% in IPH compared to having a DVRO firearm restriction in a state without permit to purchase.
Implications

- Obvious implications for policy recommendations
- Also implications for law enforcement, prosecutors, and judges
Implications for law enforcement

- EXPLAIN what a DVRO is, the firearm prohibition, and how to obtain a DVRO to partner-victimized individuals
- ASK about suspect’s use of and access to guns
- RECORD info on guns in police report, in addition to other details of the violence
Implications for criminal justice system

- Ensure that those prohibited from gun possession relinquish their guns.
- Charge suspects under statutes that qualify for firearm restrictions
  - Update background check system to better identify disqualifying misdemeanor domestic violence convictions
Summary of results

- When states covered a broader group of high-risk individuals, there were associated reductions in IPH
  - Ex parte orders, dating partners, violent misdemeanants
- When states had the power to compel firearm relinquishment, there were associated reductions in firearm IPH
- Permit to purchase laws to prevent gun sales to prohibited persons associated with reductions in IPH.
THANK YOU!!!

QUESTIONS?