

PROBLEM STATEMENT:

Concern towards intimate partner violence (IPV) offenders' with access to firearms and public safety continues to increase. Research finds that firearm accessibility among offenders increases the lethality factor for a victim by 5 to 8 times (Price 2014). Additionally, 20 percent of IPV homicides take place outside of the home (VPC 2015), increasing the likelihood that individuals who are not in the relationship may become victims. To improve the safety of IPV victims and the safety of the public at large in Georgia, the state must become more proactive in addressing IPV offenders' access to firearms.

Federal law prohibits possession of a firearm by those convicted of domestic violence-related misdemeanors and by those subject to a domestic violence protective order. Enacting and implementing a corresponding state law will strengthen the state response from the judicial system and law enforcement to ensure greater protection for victims and the public at large.

The Problem

The CDC has labeled intimate partner violence, previously referred to as domestic violence, "a public health issue affecting many women and men in the United States" (NISVS 2010). According to the National Network to End Domestic Violence (NNEDV), women are between 90 and 95 percent more likely to experience intimate partner violence than men (2016). In addition to prevalence, IPV also presents higher rates of fatality, particularly for women. In 2014, 1,613 females were murdered by males in the United States (VPC 2016). Further examination of these intimate partner murders shows that 63 percent of these women were either categorized as being the wife (including common-law and ex) or girlfriend of the offender (VPC 2016). Overwhelmingly, the means of death of these intimate partner homicides is by firearms in approximately 57 percent of the cases.

Statistically, about one third (1/3) of DV related homicides are murder-suicides. In the United States, 72 percent of all murder-suicides involve an intimate partner, and 94 percent of the victims of these murder-suicides are female. The Georgia Coalition Against Domestic Violence (GCADV) has reviewed data for more than 10 years on IPV-related deaths in the state of Georgia. According to their findings, between January 2010 and December 2015, 38 percent of firearm related incidents in Georgia were murder-suicides. Interventions aimed at suicide prevention may help lessen the high number of deaths associated with perpetrator suicide.

DV perpetrators pose a danger not only to their intimate partners but also to other individuals. In Georgia on average, 15 percent of individuals killed in firearm related intimate partner homicide incidents are secondary victims (GCADV). Secondary victims are defined as those who are not in the intimate partner relationship. These include children, parents of intimate partners, friends, new partners, other relatives, and innocent bystanders. In Georgia, from January 2010 through December 2015, almost 70 secondary victims were killed and another 44 were shot or seriously injured. The location of these homicides is not restricted to the home, occurring in community parks, malls, and the homes of relatives, thereby, increasing the actual *and* potential victim count.

Intimate partner homicide is a layered problem that requires a multifaceted approach for resolution. Prohibitive legislation is a logical and necessary next step for prevention, protection and public safety.

The Impact

In incidents where an order of protection is not obtained, a single IPV incident can cost the victim an estimated \$35,000. This number can include medical expenses, legal expenses, victim services, or damage/loss of property (Logan et al. 2012). Many of the services and costs accrued are supplemented with taxpayer dollars and government funding through court proceedings and supportive programming. According to one source, obtaining a simple order of protection will provide significant savings (Logan et al., 2012) for the victim as well as the general public.

Research demonstrates that lethality risks increase for women in instances where: 1) they are attempting to leave the relationship, 2) where their abuser has previously used a gun to threaten or strike them, 3) increased stress exists in the relationship, or 4) if the victim is being stalked (Goralski, 2013; Price 2014; VPC, 2015; Zeoli & Frattaroli 2013). The immediate accessibility of a firearm allows for a more impulsive reactionary response. However this risk of impulsive violence (VPC 2015) increases for both the intimate partner and the public depending on the setting.

The Violence Policy Center's publication, "*American Roulette*" offers a snapshot of murder-suicide in the United States. It holds that 46% of those types of deaths involve what are termed "family annihilators." A family annihilator is defined as one who kills the intimate partner, children, and other family members before killing themselves (VPC 2015). When paired with a firearm, the impulsive act can rapidly increase the number of victims. When paired with the 20 percent of IPV homicides that take place outside of the home (VPC 2015), intimate partner deaths move from consideration as a home issue to one of public safety where nearly one quarter of incidents are happening in public domains.

Between 2010 and 2015, almost 530 deaths have resulted from intimate partner murder or murder/suicides by firearms in Georgia, representing 70 percent of the total intimate partner deaths in the state. The death toll from firearms in intimate partner murder includes intimate partners as well as parents, children, neighbors, friends, other relatives, co-workers, and bystanders in the vicinity of the attack. According to Violence Policy Center's publication "When Men Kill Women" (2016), Georgia ranks as the 8th worst in the nation and consistently ranks within the top 10 at the rate at which men kill women in single victim homicides, most of which are intimate partner-related.

Nationally, most intimate partner homicides are committed by those who already have documented histories of abuse (Zeoli & Bonomi). This is consistent with a subset of data reviewed by the Fatality Review Project, which reviews a snapshot of DV homicides in Georgia. According to the Fatality Review, between 2004 and 2015, law enforcement had the most contact with both victims (80 percent) and perpetrators (84 percent) five years prior to the homicide (GCADV 2015). IPV perpetrators were involved with Prosecutors 55 percent and Superior, Magistrate or State courts 38 to 39 percent (GCADV 2015). The high percentages of individuals who are in contact with the legal system before an intimate partner homicide presents opportunity to remove firearms from volatile situations that can turn deadly with an impulsive reaction.

SOLUTIONS:

There is general consensus that women are far more likely to be killed by an intimate partner than their male counterparts. There is also consensus that the presence of a firearm in the hands of already violent offenders is a public safety hazard. Codifying into state law the federal law prohibiting possession of a firearm by those who have been convicted of a domestic violence misdemeanor or who are subject to a domestic violence protective order can impact the safety of IPV victims as well as the safety of the public at large. Understanding the lethality risks of IPV calls for an acknowledgment and correction of the legal oversights that can cost a victim their life. Collective action and thoughtful implementation is needed for effective solutions (NISVS, 2010) to ensure victims receive adequate support and protections while perpetrators are held accountable for their actions. Current solutions include legislation, requirements to arm the victim, protective orders, and various secondary IPV intervention services.

Existing Solutions

Legislation. In 1968, the federal government passed the Gun Control Act (18 USC 922 (g)) which regulated firearms, including sales. The Violence Against Women Act (VAWA 1994) and the Lautenberg Amendment (1996) made it illegal for a person who was subject to a protective order or convicted of a misdemeanor domestic violence offense to carry a firearm. Both of these amendments address particular characteristics of intimate partner violence. However, federal legislation is difficult to implement at the state and local level, because federal agents are responsible for enforcing federal laws.

Georgia has made strides in legislation with regards to domestic and family violence (O.C.G.A 19-13-1) and stalking (O.C.G.A 16-5-94). Understanding factors of lethality including the danger associated with strangulation and stalking are positive signs that lawmakers have recognized the importance of protection for victims of abuse and are ready to take action. Even with those changes, there are still more than 100 individuals dying each year because of IPV related gun violence in Georgia. Currently, gaps exist between federal and Georgia state law. This makes implementation cumbersome in local and state courts and law enforcement (Price 2014), where IPV cases originate and where, with proper authority, officers can remove firearms before a homicide occurs.

Arm the Victim. Several states, including Oklahoma, Nebraska, Kentucky, Ohio, and Michigan, have adopted legislation that requires those petitioning for civil orders of protection to obtain permit or license to carry a firearm. There is no evidence that supports that firearms in the hand of victims decreases the likelihood of intimate partner homicide (Zeoli & Bonomi). In fact, a woman having her own gun is more likely to have her own gun used on her (Zeoli & Bonomi; VPC 2015). Furthermore, states that have implemented these laws show no precedents or leniency for women who use those weapons defending themselves (Jacobsen et al. 2007). Women who do use weapons to defend themselves typically end up serving more time than male abusers because there are no mandates mitigating sentences.

Orders of Protection. Orders of protection can be temporary, emergency, or permanent. They are designed to limit physical abuse by restricting contact between a victim and abuser. The violation of the orders presented in a protective order is grounds for criminal charges. Despite

the consequences, once an order of protection is established, officers can have difficulty enforcing the order (Nichols 2013; Rutkow et al 2009) due to lack of clarity, misinterpretation by law enforcement, and disregard by abusers. It has been recorded that nationally as high as 43 percent of orders have been violated and resulted in a 21 percent increase in violence in those cases (Nichols 2013). Further, restraining orders, while providing benefits in existing cases, have not been proven to prevent batterer-based recidivism (Nichols 2013), meaning the batterer is likely to repeat offend with another intimate partner.

Intimate Partner Violence Services. According to the Georgia Criminal Justice Coordinating Council, domestic violence service providers in Georgia received more than 53,400 crisis calls in federal fiscal year 2016 (CJCC 2016). Victims of intimate partner violence need various services as they work to rebuild their physical, mental, emotional, family, and economic health. Services are currently offered in all fifty states toward helping provide education, mental and physical health, shelter, and other supports that promote autonomy and self-advocacy (Barner & Carney 2011). The largest challenges with services are their reach when compared with the numbers of those fleeing IPV situations. An additional area for continued growth is the implementation of services for batterers.

Proposed Solution

Introduction of Solution. Multifaceted approaches to firearms in the hands of abusers seem to have improved outcomes in intimate partner homicides. This includes evidence-based growing support for a combination of laws that prevent firearm possession from those subject to protection orders, laws that prevent purchase and possession of firearms by misdemeanants, and laws that enable confiscation of firearms by law enforcement (Vigdor & Mercy 2006; Zeoli & Bonomi; Zeoli & Frattaroli 2013). Broadening the state law will give necessary authority to state and local law enforcement officers to remove firearms at the moment of confrontation in some cases.

Although some reports show that prior weapon use and firearm possession do not increase recidivism (Folkes et al 2012), there is overwhelming evidence demonstrating the severity of IPV is increased by firearms. Professional agencies such as the CDC and the American Psychiatric Association (APA) acknowledge the dangers to the American public of having firearms in the wrong hands. With increased mass shootings, the APA's 2014 position stated that banning criteria should include "conduct demonstrating heightened risk of violence or suicide, whether or not the person has been diagnosed with a mental disorder" (ADA 2014).

Precedents also exist in the United States Supreme Court for support of firearm relinquishment laws from violent convicted intimate partner offenders (Rutknow et. al 2009; Goralski 2013). Overwhelming support from the Supreme Court can uphold decisions that are challenged by offenders on the state level.

Achieving comprehensive effective family violence law requires the removal of firearms from convicted misdemeanants as well as relinquishment for those who are under a protective order when the judicial system encounters them initially.

Application of Solution

Options for effectively reducing firearm usage in intimate partner homicides include proposing and supporting legislation that will have impact on abusers while maintaining the safety of victims and the public at large. Passing legislation requires state-specific statistics and evidenced-based research. More research is needed in Georgia to give credence to the push for legislative changes.

Georgia-specific research that can have an immediate impact includes the following:

- 1) Examining Georgia data to determine criminal background of perpetrators in domestic violence homicide
- 2) Determining the effectiveness of firearm relinquishment in counties where the practice is already in place
- 3) Locating funding or existing programming available to assist with relinquishment of firearms by perpetrators
- 4) Researching IPV causal factors to work toward identifying interception points
- 5) Determining the effectiveness of IPV batterer programs on recidivism to support court-mandated completion of batterer intervention programs.

Future Direction / Long-Term Focus

To eradicate IPV in the future, stricter focus should be placed on the sale and availability of firearms through third party dealers. These dealers currently are not required to participate in state background checks. In addition, some thought should be given to establishing risk factors of an increased likelihood for IPV murder-suicide. This information can be used to train law enforcement on how to recognize potentially volatile situations where firearms should be removed immediately.

RESULTS/CONCLUSION

High rates of IPV homicides are occurring as a result of the difficulty of implementing current federal statues prohibiting convicted IPV offenders and those under an order of protection from possessing a firearm. The Supreme Court, CDC, and the APA, in recognition of the national crisis, have all responded with favorable statements and actions vis-à-vis removal of firearms from violent perpetrators.

When examined in tandem with relinquishment provisions, states are finding success in a reduction of IPV deaths attributed to firearms. The commonality for these states is stronger legislation. Georgia can improve their national ranking and save lives by enacting legislation which codifies federal law.

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