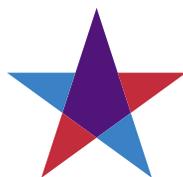


BEYOND BULLET WOUNDS

***GUNS IN THE HANDS
OF DOMESTIC
ABUSERS***



BRADY
UNITED AGAINST GUN VIOLENCE

In this report, you can expect to read information and stories, sometimes graphic, concerning domestic violence — including sexual abuse — and gun violence, plus their effects on different communities. The report focuses on the intersection of gun violence with both domestic and intimate partner violence (DV and IPV, respectively). When referring to studies or other sources, we use the term used in the cited source. Otherwise, we use “domestic violence” as an umbrella term to cover all forms of intimate partner and family violence.

Do you or someone you know need help or a safe place? There are confidential, easily accessible resources available. Contact the National Domestic Violence Hotline at 1-800-799-SAFE or go to thehotline.org to chat without having to say a word. The National Sexual Assault Hotline at 1-800-656-HOPE is available to victims and survivors and can refer you to a local crisis center.

ABOUT BRADY

Founded in 1974, Brady works across Congress, courts, and communities, uniting gun owners and non-gun owners alike, to take action, not sides, and end America's gun violence epidemic. Our organization today carries the name of Jim Brady, who was shot and severely injured in the assassination attempt on President Ronald Reagan. Jim and his wife Sarah led the fight to pass federal legislation requiring background checks for gun sales. Brady continues to uphold Jim and Sarah's legacy by uniting Americans from coast to coast — red and blue, young and old, liberal and conservative — against the epidemic of gun violence.

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EXECUTIVE SUMMARY

In the United States, the lethal relationship between domestic violence and firearms is startling. Firearms are the weapons of choice for domestic violence homicides; female intimate partners are more likely to be murdered with a gun than by all other means **combined**.¹ Since 2010, the rate of intimate partner homicides involving guns has been **increasing**² after declining for decades. At the same time, incidents involving other weapons are falling. The presence of firearms can also turn interpersonal crimes, like stalking, deadly. The mere presence of a gun in an abusive relationship both intensifies the dynamics of control and coercion and escalates violence directed toward the victim.

While anyone can experience or perpetrate domestic violence, structural, societal, and community factors often lead to disparities among those who experience domestic violence most frequently and to what extent. A person's racial or ethnic identity, immigration or socioeconomic status, sexual orientation, gender, and disability — among other factors — impact their likelihood of experiencing this form of violence. Risks associated with domestic violence are also increased during periods of national crisis, such as the COVID-19 pandemic.

Federal laws provide some protection against gun-related domestic violence, but not enough. Some states have stepped in to fill those gaps, but shortcomings remain — **raising international human rights concerns**.³ Through stories, studies, and statistics, this report will shed light on the unique lethality of guns in domestic violence incidents; the existing laws and their many loopholes; policies and laws intended to reduce incidents of domestic violence and save lives; disparities among communities experiencing domestic violence; the effects of COVID-19 on this violence; and the international human rights implications.

This report includes narratives of domestic violence experiences, but there are also countless stories behind each statistic cited. Behind every number in this report, there is incomprehensible trauma, there is a person whose life or safety could have been — or still can be — protected, and there are lessons to be learned.

INTRODUCTION

In the United States, where one-third of women and one-quarter of men⁴ are victims of physical violence at the hands of an intimate partner in their lifetime, the issue of domestic violence cuts across racial, gender, economic, sexual, generational, and religious divides. The number of individuals who experience this type of violence, and are killed in its course, is horrific. Every 16 hours⁵ in America, a woman is killed with a firearm by an intimate male partner, and more than 20 people⁶ in the U.S. are abused by their intimate partner each minute. Ten million people experience domestic and intimate partner abuse every year. Millions of domestic violence survivors confront extensive physiological and psychological harms.⁷ Post traumatic stress disorder (PTSD), anxiety, lingering physical injuries and conditions, housing instability, and job insecurity⁸ can all affect survivors both during and after their abuse, making it harder to leave an abusive situation and to stay independent once

free. Domestic violence can also victimize those who aren't the direct target; child victims and witnesses experience unique and lifelong effects, which often lead to instability and impact emotional development.⁹

There is an intricate and tragic interplay between gun violence and domestic violence. Firearms play an integral role in the strategies of harm and control employed by many abusive persons and are a significant risk factor in the violent escalation from domestic violence to intimate partner homicide (IPH). Victims of domestic violence cross racial, ethnic, gender, and sexual identity lines, and the lives of all are significantly more endangered when a gun is involved. Combating domestic violence requires a holistic approach including accessible services, education, and legislation — all of which are vital to protect survivors and decrease the number of new victims.

ONE-THIRD OF WOMEN AND ONE-QUARTER OF MEN ARE VICTIMS OF PHYSICAL VIOLENCE AT THE HANDS OF AN INTIMATE PARTNER

DOMESTIC VIOLENCE AND FIREARMS IN THE U.S.

The mere presence of a gun is a key factor in turning abusive partners into killers.

- A perpetrator’s direct access to guns during a domestic violence incident increases the likelihood of a female victim’s homicide compared to other acts of violence by **11 times**.¹⁰
- **More than a quarter**¹¹ of all homicides in the U.S. are related to domestic violence, and a firearm is involved in over **one half**¹² of these murders.
- Female victims of intimate partner homicides are **more likely to have been shot**¹³ than to have died by any other means.
- Between 1980 and 2008, **two-thirds of victims murdered by a spouse or ex-spouse were killed by guns**.¹⁴ For women, that number was even higher; about **70% of women murdered**¹⁵ by their spouse or ex-spouse during that time were killed by guns.
- In 2016, **1 out of every 3 women murdered**¹⁶ was killed by an intimate partner with a gun.
- While guns are easily purchased in many parts of the United States, quick and easy access to firearms in the home make domestic violence more deadly: Women who were killed by a spouse, intimate partner, or a close relative were **seven times more likely to have lived in homes**

with guns.¹⁷

- The Danger Assessment, a tool used to predict the likelihood of IPH, found that women who were threatened or assaulted with a gun or other weapon were **20 times more likely**¹⁸ to be murdered than other women.
- Women whose partners threatened them with murder were **15 times more likely** than other women to be killed.
- Fatalities are not the only tragedies wrought by guns in these situations: **13.6% of American women alive today**¹⁹ — around 25 million — have been threatened by a domestic abuser with a firearm.

Despite the increased risk of escalation in homes with guns, there are no federal firearm prohibitions for dating partners convicted of misdemeanor crimes of violence or misdemeanor stalking crimes, nor those subject to temporary restraining or protective orders. Even amongst prohibited purchasers, inadequacies in the available records allowed domestic abusers to pass background checks and obtain guns **over 6,700 times between 2006 and 2015**.²⁰

Firearm deaths related to domestic violence are not limited only to individual partner homicides. Shockingly, **60% of mass shooting events**²¹ — defined as an incident where at least four people excluding the shooter are shot — between 2014 and 2019 were either domestic violence attacks or perpetrated by those with a history of domestic violence. Mass shootings, which may appear unrelated to domestic violence on the surface, are often **committed by those with a record of domestic violence**.²² **The shooting at the Pulse**

nightclub²³ in Orlando that left 49 people dead was perpetrated by a man who beat and strangled his ex-wife throughout their marriage. The Sutherland Springs church shooter, who murdered 26 people with his gun, had been charged with assaulting his wife and fracturing his toddler stepson's skull.

Most mass shootings tied to domestic violence are acts of familicide: a parent, spouse, child, or sibling killing the rest of their family. In October of 2019,²⁴ a mother, her two daughters, and her son were shot dead in their Massachusetts home. Deirdre was 40 years old when her husband murdered their family, including 11-year-old Alexis and 9-year-old twins Kathryn and Nathaniel, before turning the gun on himself. Police reported no history of domestic abuse before the tragic shooting, though local reports noted that Deirdre's status as the family's sole breadwinner, coupled with her husband's struggle with unemployment,²⁵ may have been a stressor that led to the murder-suicide.

Deirdre's story is not an anomaly. Between 2000 and 2007, the FBI's supplementary homicide data indicated 961 multiple homicides involving family²⁶ members. Research suggests that virtually all²⁷ familicides are carried out with firearms.

The intersection of gun violence with domestic violence is not limited to homicides and physical injuries. A gun does not have to be fired to play

a traumatic role²⁸ in a domestic abuse situation. The mere presence of a firearm²⁹ can threaten, intimidate, psychologically abuse, and force compliance on a partner. In the heat of an argument, a partner or family member methodically and openly cleaning their gun can deter resistance³⁰ just as effectively as firing a shot.

COVID-19 PANDEMIC AND DOMESTIC VIOLENCE

Preliminary evidence suggests that domestic violence surges³¹ in times of national crisis, and the COVID-19 pandemic is no exception. The amalgamation of the pandemic, gun violence, and domestic violence illuminate how three distinct public health crises can amplify the dangers posed by each — and how their disparate impacts can compound on vulnerable communities.

The U.S. witnessed a major surge in gun sales during the pandemic. The week following the announcement that most of the U.S. would be entering lockdown, the FBI processed a record number³² of background checks for gun sales. From March to July of 2020, the FBI completed a staggering 17.3 million background checks³³ — 5.5 million more than the same period in 2019. In fact,

THE MERE PRESENCE OF A FIREARM CAN THREATEN, INTIMIDATE, PSYCHOLOGICALLY ABUSE, AND FORCE COMPLIANCE ON A PARTNER.

the FBI surpassed the previous **annual record**³⁴ for background checks in September 2020, with three whole months left in the year.

In a lethal overlap, the pandemic has exacerbated conditions that lead to and perpetuate domestic violence, including isolation due to lockdowns and periods of quarantine.. The pandemic also increased the number of people facing domestic violence-associated **risk factors**³⁵ such as economic uncertainty and instability. It also increased mental distress and diminished social connections — both of which can **impact**³⁶ the frequency and severity of domestic violence.

Further, the pandemic has reduced safeguards for victims of domestic violence. Economic independence, which has been **diminished**³⁷ by job loss and unemployment during the pandemic, is critical to a person’s ability to remove themselves from an unsafe environment. Public health restrictions intended to reduce viral spread have also **reduced**³⁸ access to alternative housing, including shelters, leaving many wanting to escape abuse with nowhere to go.

The impact of the pandemic has been felt most acutely by communities already more vulnerable to domestic violence and IPV. Economic instability

17.3M

From March to July 2020, the FBI completed 17.3 million background checks for gun sales.

and the loss of economic independence have **disproportionately affected**³⁹ communities of color, immigrants, and those without a college education. Social isolation and economic hardship may have also **contributed**⁴⁰ to domestic violence experienced by individuals of the LGBTQ+ community, who are **more likely**⁴¹ to be employed in industries highly-affected by the pandemic and thus exposed to these stressors. There is also an **increased risk**⁴² of children experiencing or being exposed to abuse in the home, with virtual learning preventing in-person safeguards.

Annual trends suggest that the pandemic’s increase in risk factors has indeed worsened domestic violence and IPV. Forty-eight states experienced increased calls to police or domestic violence hotlines, with some areas experiencing up to an **80% increase**⁴³ in calls compared to the previous year. There were also **higher rates**⁴⁴ of high-risk abuse, including the use of weapons, strangulation, stab wounds, and burns. This is especially worrisome, as these numbers are still likely underreported — experts **believe**⁴⁵ that the isolation imposed by quarantine periods, and quarantine with an abuser, may have contributed to victims being unable to, or deterred from, connecting to services. Additionally, rates of child abuse **increased**⁴⁶ even while teachers, counselors, and other mandatory reporters were less likely to see children in order to recognize and report signs of abuse.

Unsurprisingly, the National Domestic Violence Hotline **connected**⁴⁷ the pandemic and the concurrent surge in gun sales with a rate of 6% of callers between March 10th and March 25th being threatened with or harmed by a gun. The pandemic also caused court delays and case reprioritization, driving **concerns**⁴⁸ that domestic abusers could

maintain control of their firearms because courts were unavailable to issue or renew protective orders. The lack of efficient due process for domestic violence victims has led to compounding tragedies, as more than 2,000 people were **killed**⁴⁹ by domestic violence-related shootings in 2020 — a 4% **increase**⁵⁰ nationwide over 2019, with some states seeing relatively normal rates and others seeing significant spikes.

THE DISPROPORTIONATE IMPACTS OF DOMESTIC VIOLENCE ON VULNERABLE AND MARGINALIZED COMMUNITIES

While domestic violence can affect anyone, it is not experienced equally in America; certain communities are particularly vulnerable to the root causes and stress factors of such violence.

GENDER, DOMESTIC VIOLENCE, AND FIREARMS

Individuals of all genders experience domestic violence. While society often paints domestic violence as occurring between a cisgender man and a cisgender woman engaged in a heterosexual relationship, this is a vast oversimplification that erases the experiences of hundreds of thousands of victims and survivors. While this section focuses on the proportional effects of domestic violence

within male-female heterosexual relationships, a latter section is dedicated to the experiences of the LGBTQ+ community.

Women are not the only victims of domestic violence, but they do experience domestic violence at disproportionately high rates. **One in three women**⁵¹ will experience sexual violence, physical violence, and/or stalking by an intimate partner during their lifetime. In the past 10 years, **over 3,000 women**⁵² have been shot and killed by a spouse or intimate partner during an argument. From 1980 to 2008, female murder victims were almost **six times more likely**⁵³ than male murder victims to have been killed by an intimate partner.

The prevalence of firearms in America makes domestic violence more deadly for women. One analysis found that women who were threatened or assaulted with a gun or weapon were **20 times more likely**⁵⁴ to be murdered. The gun lobby **opposes**⁵⁵ many common-sense policies that would make victims and survivors safer, instead peddling a **fallacy**⁵⁶ that female victims would be safer if they bought guns to use for self-defense. This narrative is not only false, but deadly: When there is a gun in a home with a history of domestic violence, there is a **500% higher chance**⁵⁷ that a woman in that home will be murdered, and when comparing male interpersonal violence offenders to male interpersonal homicide offenders, direct access to a gun increases the likelihood of homicide by **over 1,000%**⁵⁸. Over the past decade, **two-thirds of victims**⁵⁹ murdered by a spouse or ex-spouse were killed by guns.

Firearms are used to execute more than physical acts of abuse in domestic violence scenarios. They also play a major role in establishing **coercive**

control⁶⁰ — a pattern of threats, violence, and humiliation used to undermine the autonomy of a partner or **family member**.⁶¹ Using a gun as a coercive tool is **almost exclusively**⁶² male intimate partner behavior. A **2017 study**⁶³ found that women who had been threatened with a gun — or who feared that their partner would use one against them — suffered more severe psychological symptoms than women who had endured other types of abuse.

Despite coercive control’s clear harm and proven link to violence, authorities do not usually recognize it — even with a weapon — as actionable under law. Courts very **rarely issue**⁶⁴ Domestic Violence Restraining Orders (DVROs) on the basis of non-physical threats, leaving women in precarious positions, as violence frequently escalates over days, weeks, or months. Moreover, women facing domestic violence are often **wary of calling the police**,⁶⁵ fearing retaliation from partners or inaction from officers, which leaves firearms unchecked in the hands of abusive people. Among women who did call the police, **one-third**⁶⁶ said they felt less safe after the subsequent intervention. Nearly half of respondents in a **2016 report**⁶⁷ felt police discriminated against them for a variety of reasons, including fearing a male officer siding with their male attacker. **Over half**⁶⁸ of respondents felt that not being the “perfect victim” (gender identity, criminal record, income level) would bias police against them. Additionally, **there is evidence**⁶⁹ indicating that domestic violence perpetration is more prevalent among law enforcement than in the general population, which could make a survivor **vulnerable to the police**⁷⁰ as well. These deterrents are especially acute for women of color who are often unfairly treated by law enforcement

and the justice system as a whole even outside the context of domestic violence responses; for some,

A SAFE PLACE

One common factor in the underreporting of gun-related domestic violence is a lack of trust in law enforcement, particularly for communities that have been mistreated by governmental institutions. This fear can be compounded by a lack of transparency about the steps that these institutions may take in response to such reports. However, disclosing gun-related domestic violence (DV) is critical to ensuring that the firearm is removed, which significantly decreases the chance of a lethal incident.

Luckily, on-the-ground DV organizations like Oakland’s A Safe Place (ASP) are doing invaluable work keeping clients and their children safe from gun-related DV through building trust with the aforementioned institutions and instilling knowledge in their clients. ASP uses a screening tool when clients first call for services that asks, among other questions, if a weapon has been used in an act of domestic violence and, if so, what type of weapon. However, ASP has observed that many clients do not immediately disclose gun usage, instead often confiding this information only after arriving at the shelter and receiving counseling. As ASP explains, this is due in part to fear about what such a disclosure may cause, including responses from law enforcement and courts — institutions that have historically mishandled DV responses,

especially in communities of color. Vivian, ASP's Program Manager, explains that clients want to keep themselves and their children safe — but due to institutional mistreatment, they aren't sure disclosure is the best way to do that.

In response, ASP got to work building back trust on behalf of these institutions to help their clients feel more comfortable disclosing gun-related DV. Vivian noted that many police training academies, for example, devote only 1.5 hours to DV issues — nowhere near enough time to gain a thorough understanding of this violence (for comparison, a [2016 study](#)⁷¹ found that, on average, 664 local police academies spend 38 hours of training on operating an emergency vehicle). ASP has helped to fill in this gap by training the Oakland Police Department (OPD) on the nuances of DV and best practices when responding to DV incidents. ASP even had a staffer reside at OPD's DV unit to offer guidance and continuing education as officers encountered IPV situations.

ASP's assistance has given OPD the tools to respond to reports of DV in an informed manner. It also allows ASP to provide total transparency to their callers and clients about what law enforcement responses look like. ASP hosts required 40-hour DV training sessions for its 24/7 hotline advocates. OPD joins these sessions to present how it handles calls reporting DV and various DV situations, including those where a gun is present. Consequently, ASP's advocates can give callers and clients a step-by-step guide through their options, including what will

happen if they decide to involve the police.

ASP also helps clients navigate the complicated court system. Alameda County, which includes Oakland, established a court in 2018 whose sole purpose is to address DV cases. Outside of the pandemic, ASP has staffers in that courthouse every day who explain and assist in the DVRO process, provide emotional support when needed through on-site counseling services, and guide clients that have faced gun-related DV through what will happen if they disclose the involvement of a firearm to the court. Vivian says that ASP is able to reassure clients, telling them not to be afraid to bring the presence of a gun up to the judge because the judge will be able to address it, keeping them safer.

The work that ASP has taken on to guide both clients and institutions protects their clients against gun-related DV. It not only ensures that institutions will respond to DV in a sensitive and informed manner, but empowers clients to make informed choices with the knowledge that they can rely on ASP every step of the way. This knowledge increases the likelihood that clients will feel comfortable disclosing and reporting gun-related DV, which in turn enhances the services ASP provides and increases the effectiveness of institutional responses. In sum, all parties benefit from ASP's work — but, most importantly, clients feel safer and more confident. As Vivian expressed: “When your clients leave with their shoulders squared with confidence, it makes it all worthwhile.”

RACE AND ETHNICITY, DOMESTIC VIOLENCE, AND FIREARMS

The horrors of domestic violence are experienced differently along racial and ethnic lines. People of color experience domestic violence at higher rates than their white counterparts, and experiences vary among different racial and ethnic groups as well. Despite the disparity in research and reporting on survivors of color, the differences are undeniable.

Black Americans

Black women disproportionately experience domestic violence and have an increased likelihood of dying due to it. Femicide — the homicide of women — is the leading cause of death in the U.S. among Black women aged 14 to 45 years, and 57% of femicides against Black women are committed with guns. Black women are twice as likely to be killed by a spouse, and four times more likely to be killed by a dating partner, than white women.

From slavery to Jim Crow to modern-day institutions, the U.S. has perpetuated racism, discrimination, and prejudice against Black Americans. This systematic mistreatment of Black people — and Black men in particular — has fed a cycle of domestic violence by normalizing violence. Economic and labor discrimination have led to disproportionate levels of unemployment and poverty in the Black community, and it is well-noted that stresses associated with finances and unemployment are contributing factors to domestic violence. A subscription to the idea of hegemonic masculinity — where men must fulfill the roles of breadwinner and head of household — amongst Black Americans exacerbates the effect that economic powerlessness can have on domestic

PAULETTA

Pauletta, like so many other survivors of intimate partner violence, wasn't certain that she was experiencing domestic abuse until she was in the hospital healing from five gunshot wounds — four of them to the head — inflicted by her husband in the hours before he died by suicide. The shooting was not an isolated incident, but rather the culmination of a pattern of physical, verbal, and financial abuse that Pauletta had endured throughout her marriage.

“I went through about every level of abuse imaginable. Up until that point, I didn't know I was in a domestic violence relationship; it wasn't what I was told and taught in my community.”

For much of Pauletta's young life, community elders, church leaders, and neighbors had set a dangerous precedent of ignoring abuse that happened outside the public eye. She witnessed domestic violence in her communities while growing up, but the pain was never met with police responses; instead, it was seen and treated as a deeply personal matter, not a crime that warranted the involvement of the authorities. She was told that, when a partner got physical, the best thing to do was pick something up and hit them back. However, when she found herself facing off against her husband for the first time in their relationship, that advice failed her.

“It didn't work. I wouldn't recommend

it. You can be at any level of anger and strike back at someone, but if the police are called you can go to jail — even though you're just protecting yourself."

The police only got involved in Pauletta's case after her husband tried to kill her. Though she had been shot in the head four times and in the arm once, she forced herself to stay on her feet and get out of the house. She managed to make it to a neighbor's house, pounding on several doors until someone was able to call for help. During her recovery, Pauletta spoke to advocates who helped her understand the level of violence she had faced. It was the first time she recognized that her experiences were not normal or healthy, that the abuse she had lived with was not okay. These conversations inspired her to become an advocate herself.

"I refuse to allow a victim to get killed, you know? I refuse."

The resolve Pauletta felt to keep others from enduring what she endured helped to give her the strength to deal with the unexpected aftermath of the shooting. Everyone seemed to know what had happened to her, and many treated her like she was already dead even as she returned home. The confrontation between her husband and the police that occurred after she had escaped had all but destroyed her house. The organizations that were supposed to provide assistance refused to help her fix her blown-out windows; she remembers one telling her that their giving

aid would be more likely if she had died and her family had been planning her funeral.

"I was supposed to roll over and die while he was shooting me. I would not."

Understandably, such unfair treatment may cause some to give up, but it shaped Pauletta into the relentless advocate she is today. While she originally focused her advocacy on general domestic violence, Pauletta has expanded into gun violence prevention as well. Part of this motivation was the way her husband acquired the weapon he used to attack her and kill himself. After her father, a firearms collector who passed away years prior to the attack, suffered a stroke that rendered him unable to shoot his guns, he asked his son-in-law to take the guns and turn them into the authorities. Unbeknownst to Pauletta or her father, however, her husband kept the weapons. It wasn't until the police tried to return to her the gun used in the shooting that Pauletta realized what had happened.

"This has to stop. Whether you get a gun legally or illegally, there is too much gun violence."

More than a decade has passed since she was shot in January of 2010, but Pauletta's dedication to helping victims and survivors has only grown. She is committed to providing help to those in desperate and dangerous situations and to reducing the number of domestic violence-related shootings. In addition to her day

job, Pauletta serves on the board of a domestic violence assistance organization, often paying out of her own pocket to keep safe individuals presently living her past experiences. In speaking with law enforcement officers on sensitivity to domestic violence, she believes there is still a long way to go to end the normalization of this type of violence, highlighting churches and law enforcement as two institutions particularly behind the times with regards to their understanding of DV. She also emphasizes the need for more counselors with specialized training to work with victims and survivors. Until then, and after, she will continue sharing her story to help spread awareness about domestic violence and gun violence — and to educate people on its consequences.

“No matter what phone call comes and who knocks on the door, I’m going to find a way to help.”

Black women **disproportionately**⁷² experience domestic violence and have an increased likelihood of dying due to it. Femicide — the homicide of women — is the **leading cause**⁷³ of death in the U.S. among Black women aged 14 to 45 years, and **57% of femicides**⁷⁴ against Black women are committed with guns. Black women are **twice**⁷⁵ as likely to be killed by a spouse, and four times more likely to be killed by a dating partner, than white women.

From slavery to Jim Crow to modern-day institutions, the U.S. has perpetuated racism, discrimination, and prejudice against Black Americans. This systematic mistreatment of Black

people — and **Black men in particular**⁷⁶ — has fed a cycle of domestic violence by normalizing violence. Economic and labor discrimination have led to disproportionate levels of unemployment and poverty in the Black community, and it is **well-noted**⁷⁷ that stresses associated with finances and unemployment are contributing factors to domestic violence. A subscription to the idea of **hegemonic masculinity**⁷⁸ — where men must fulfill the roles of breadwinner and head of household — amongst Black Americans exacerbates the effect that economic powerlessness can have on domestic violence.

Interviews with Black men with a history of domestic abuse also reveal the effect of trauma on patterns of abusive behavior. When prompted to **discuss**⁷⁹ life experiences that may have contributed to abusing someone else, many Black men cite PTSD, depression, and adverse childhood experiences. Increasing the quality of resources for communities, young Black men, and mental health care could contribute to reducing the risk of domestic violence in these communities.

Further, institutional discrimination creates barriers to reporting domestic violence and receiving aid. Black adults **report**⁸⁰ frequent discrimination — both interpersonally and across social institutions, including healthcare and the justice system — that **negatively affects their health and safety**.⁸¹ These significant barriers likely perpetuate high rates of domestic violence experienced by Black Americans, as they contribute to a lack of comfort with and trust in resources that could help them escape harmful environments and situations.

Asian Americans and Pacific Islanders

Asian American and Pacific Islander (AAPI) women experience significant rates of domestic violence-related death: Between 2004 and 2014, 57.8% of Asian femicide victims over the age of 18 were killed in IPV-related homicides. Only among Latin/Hispanic women was the rate higher, at **61%**.⁸² These numbers are likely to be worse today; a **survey**⁸³ conducted during the COVID-19 pandemic shows a **40% increase**⁸⁴ in gun sales to Asian Americans.

There are no comprehensive surveys of the role guns play in AAPI domestic violence homicides, but we can apply the general data about the impact of guns on escalating domestic violence situations in these communities. More than half of femicides are committed using guns, and more than half of AAPI femicides are domestic violence related. If these numbers are extrapolated (noting that there are undoubtedly factors for which we cannot control), as many as 25% of femicides in the AAPI community may occur at the intersection between domestic violence and gun violence.

Research into the number and complexity of factors leading to domestic violence in AAPI communities is **lacking**⁸⁵ at this point. Based on what we do know, there are certain obstacles to receiving aid that are prevalent throughout AAPI communities. For

example, data reported by the Asian Pacific Institute on Gender-Based Violence indicates that common **barriers** to direct services include language, immigration status, unavailability of services, transportation, gender, mental health, disabilities, and being in a same-sex relationship. A survivor's identity can make it difficult to seek aid where prevailing cultural attitudes encourage women to act as the peacemaker in relationships and sacrifice personal well-being for the sake of family dynamics. In addition, traditional western mental health strategies may be regarded as incompatible with social expectations placed on Asian-Americans by family and friends.

Hispanic/Latino(a)/Latinx/Latiné Americans

One in three **Latinas**⁸⁶ has experienced domestic violence in their lifetimes. Latina women experience the highest rate of domestic violence-related femicides of any ethnic or racial grouping. Of Latina homicide victims, **61%**⁸⁷ are killed by intimate partners — and **50%**⁸⁸ of these killings are committed with guns.

Latina women face barriers to reporting and support such as a lack of materials offered in a person's first language and social isolation which are exacerbated by increased rates of economic instability and poverty, making it more difficult to reach out to

LATINA WOMEN EXPERIENCE THE HIGHEST RATE OF DOMESTIC VIOLENCE-RELATED FEMICIDES OF ANY ETHNIC OR RACIAL GROUPING.

service providers. Perhaps most heinous are the legal barriers that many Latina women face. Fear of deportation among undocumented immigrant women — and fear of racism and anti-immigrant sentiment, regardless of documentation status — combined with sexism and misogyny from law enforcement officers **creates**⁸⁹ an impenetrable barrier to services and support for many Latina survivors of domestic violence.

Latino men face similarly **aggravating economic and societal factors**⁹⁰ as Black men. Unemployment and financial instability paired with constructions of masculinity that rely on provision as a proxy for manliness combine to create a particularly potent risk of increased domestic violence.

INDIGENOUS COMMUNITIES, DOMESTIC VIOLENCE, AND FIREARMS

There are currently **574**⁹¹ federally-recognized Indigenous tribes and groups in the U.S. Guns were introduced to Indigenous communities by European colonizers around the **1600s**.⁹² These guns were used against Indigenous people with great frequency, and Indigenous communities continue to be disproportionately impacted by gun violence. However, access to firearms is crucial in many of these communities, where guns are used for **subsistence hunting**⁹³ and relied upon to provide nutrition, food security, and economic stability. This necessity complicates the enforcement of firearm regulations across tribes, as does the nature of tribal governments and the structure of the Alaskan Native Corporations — which, as sovereign entities, regulate the “right to bear arms” on tribal land on an individual and independent basis. This can result in a lack of consistent gun regulation across tribes or a lack of regulation altogether.

The prevalence of gun-related domestic violence highlights the need for comprehensive tribal gun violence laws, especially as gaps in federal legislation place Indigenous women at **heightened risk**⁹⁴ of firearm death. As the National Indigenous Women’s Resource Center (NIWRC) **explains**:⁹⁵ “Protecting citizens’ rights to own guns and protecting victims of domestic and sexual violence are two separate issues, and they are not incompatible.” The figures across Indigenous groups are **staggering**:⁹⁶ On average, 55% of Indigenous women experience some form of domestic violence in their lives, making them 1.6 times more likely to experience domestic violence than their white counterparts. The murder rate for Indigenous women is **ten times**⁹⁷ the national average. Of homicides involving American Indians and Alaska Natives, **55.4%**⁹⁸ were at the hands of an intimate partner. In one study, **1 in 6**⁹⁹ Indigenous women reported that a partner had pulled or used a knife or gun on them. Identifying and disarming domestic violence perpetrators is critical to the survival of many Indigenous women.

While no comprehensive statistical analysis has been conducted regarding these disproportionate rates, a major theory rests on the abuse and subjugation European and American colonial powers have inflicted on Indigenous communities. This historical harm is **defined**¹⁰⁰ as the “massive, cumulative, and intergenerational trauma experienced by indigenous Americans, including loss of land; mass death through disease, famine, forced removal, and war; assimilative boarding school attendance; the banning of religious practices; forced sterilization; and intentional flooding and dumping of toxic materials onto indigenous lands.” The intergenerational nature of the cultural violence perpetrated against Indigenous

“THE ISSUE OF LACK OF ENTRY OF TRIBAL PROTECTION ORDERS IN STATE AND FEDERAL DATABASES IS A NATIONAL CRISIS.”

Judge Richard Blake, National American Indian Court Judges Association

communities may explain in part the **high levels of domestic violence experienced**¹⁰¹ by these groups. The aggressive implementation of patriarchal European and American norms on Indigenous tribes has also contributed to the erosion of the equitable societal positioning of women in many traditionally matrilineal Indigenous communities, further increasing Indigenous women’s vulnerability to domestic violence and IPV.

Further increasing the risk of domestic violence-related death, Native women also face **specific and continuous challenges**¹⁰² in the removal of weapons from abusers, even when these abusers are prohibited by U.S. law from owning or having a gun. This is due in part to tribes’ unreliable access to the federal databases that store information about prohibited individuals, which has **implications**¹⁰³ in both tribal and non-tribal settings. While the U.S. Department of Justice launched the Tribal Access Program (TAP) to respond to this flaw, not all tribes have access to the necessary databases through TAP. Further, not all orders or convictions are made available by tribal governments using TAP or other means. Indeed, in 2015, Judge Richard Blake, President of the Board of Directors of the National American Indian Court Judges Association, called the lack of entry of tribal protection orders in state and federal databases a **“national crisis.”**¹⁰⁴

The unique complexities of enforcing the law on tribal lands do not end there. Indigenous women who are victimized on tribal land face a

“jurisdictional maze”¹⁰⁵ — the location of the crime, the type of crime, the victim’s identity, and the perpetrator’s identity **all affect**¹⁰⁶ whether tribal, local, state, or federal law enforcement assumes jurisdiction. The victims who are able to navigate this maze are often let down by federal prosecutors. As Amnesty International has **found**,¹⁰⁷ federal prosecutors frequently decline to pursue cases of sexual violence committed against Indigenous women. In addition, the Violence Against Women Act (VAWA) currently fails to fully recognize the sovereign authority of tribes to convict non-members within tribal justice systems, and tribal court convictions only qualify under VAWA if they meet federal statutory requirements. These procedural hurdles result in a lack of accountability for perpetrators of domestic violence, and facilitate their access to guns — further imperiling the lives of Indigenous victims and survivors.

55%

55% of Indigenous women experience some form of domestic violence in their lives.

IMMIGRANT COMMUNITIES, DOMESTIC VIOLENCE, AND FIREARMS

Domestic violence against immigrant women has reached what some [researchers call](#)¹⁰⁸ “epidemic proportions.” One survey [found](#)¹⁰⁹ that the lifetime prevalence for domestic violence is twice as high for Latina immigrants than for the general U.S. population. Additionally, immigrant women from Asia, Central America, and the Caribbean all experience [higher levels](#)¹¹⁰ of domestic violence than their U.S.-born ethno-cultural identity counterparts.

Homicide reviews and analyses have consistently documented an [overrepresentation](#)¹¹¹ of immigrant and refugee women among IPV-related homicide victims, and one [study](#)¹¹² found that 41.4% of female immigrant IPH victims between 2003 and 2013 were killed with firearms. These higher IPV-related homicide rates may [indicate](#)¹¹³ inadequate response by institutions such as law enforcement and the courts. However, there is virtually no population-based data available for most immigrant and refugee groups, all of whom have essential differences, so the research on these rates is far from conclusive.

Although immigrant communities in the U.S. exhibit vast ethnic, racial, and cultural diversity, they almost invariably share characteristics that result in vulnerability to domestic violence. The act of immigrating itself can increase stress and other risk factors; indeed, some immigrant women report an increase in the likelihood and severity of domestic violence [after emigration](#)¹¹⁴ from a victim’s country of origin, which may be [particularly true](#)¹¹⁵ in countries like the U.S. where pressure to assimilate is high. Many immigrants and refugees are [especially vulnerable](#)¹¹⁶ to IPV’s exercise of

power and control due to factors such as isolation, dependency on spouses for legal status, and [socioeconomic marginalization](#)¹¹⁷. Additionally, language barriers, unfamiliarity with the legal system, and difficulties associated with assimilating into a new cultural context all contribute to the prevalence of IPV.

Concerningly, the United States’ increased interior immigration enforcement has played a role in the ability and/or desire of immigrant victims to seek aid. While VAWA allows self petitions designed to give survivors of domestic violence a path to citizenship not dependent on the sponsorship of an abusive person, such petitions have [decreased](#)¹¹⁸ nationwide by 8.3% — while increasing by 5.7% in areas where sanctuary policies limit contact with immigration enforcement officers. Additionally, immigrants fleeing oppressive regimes often have [little faith](#)¹¹⁹ in authorities’ ability or desire to help them — a mistrust which is exacerbated when emigrating from places where domestic violence is highly stigmatized.

LGBTQ+ COMMUNITY, DOMESTIC VIOLENCE, AND FIREARMS

Despite many depictions of domestic violence as a function of heteronormative gender dynamics, DV is experienced at alarming rates in LGBTQ+ relationships. Due to numerous factors, [including](#)¹²⁰ that sexual orientation and gender identity are not recorded on death certificates, nor traditionally by governmental systems that track injury and crime, there are wide gaps that need to be filled to advance knowledge about LGBTQ+ individuals’ experiences with gun-related domestic violence. There are also gaps in domestic violence literature concerning the experiences of non-binary, transgender, and gender

72%

72% of transgender homicide victims in the U.S. lose their lives to gun violence.

non-conforming individuals, in part because data is often flawed due to the misgendering¹²¹ of victims by the authorities.

One such wide gap identified¹²² by researchers is population-level information about the extent to which guns are used against LGBTQ+ people during IPV. However, even with the need for more research, the prevalence of domestic violence against — and gun homicides of — LGBTQ+ people suggest that firearms play a role in domestic violence-related killings in these communities. Domestic violence occurs in LGBTQ+ relationships at similar or higher rates¹²³ than in the general population. Lesbian, gay and bisexual women¹²⁴ and men experience forms of intimate partner violence at higher rates than their heterosexual counterparts. This is also true for transgender, non-binary, and gender non-conforming individuals' experience of domestic

violence as compared¹²⁵ to the general population and cisgender individuals. Further, among transgender individuals who were out to family members, one in ten¹²⁶ reported violence from a family member.

From 2017 to 2020, 72% of transgender American homicide victims lost their lives due to gun violence.¹²⁷ These numbers are on the rise,¹²⁸ and the risks of domestic violence-related homicide victimization are especially acute for LGBTQ+ individuals who also identify with other marginalized communities. In 2015, 77%¹²⁹ of LGBTQ+ homicide victims were people of color. Black transgender women — who live at the intersection of racism, sexism, homophobia, biphobia, transphobia, and unchecked access to guns — face particular risks¹³⁰ of such victimization, suffering violent killings at five times¹³¹ the rate of the general population. Although it is estimated¹³² that Black people make up just 16% of the trans adult population, Black women made up 91%¹³³ of transgender or gender non-conforming individuals killed with a gun or other means in 2019.

Unfortunately, many transgender and gender non-conforming individuals do not feel comfortable going to law enforcement regarding domestic violence. According to one survey,¹³⁴ 57% of respondents would not feel comfortable asking police for help

DESPITE DEPICTIONS OF DOMESTIC VIOLENCE AS A FUNCTION OF HETERONORMATIVE GENDER DYNAMICS, IT IS EXPERIENCED AT ALARMING RATES IN LGBTQ+ RELATIONSHIPS

if they needed it, and 58% indicated that they had been mistreated by the police within the previous year, including through verbal harassment, repeated misgendering, and physical and sexual assault.

CHILDREN, DOMESTIC VIOLENCE, AND FIREARMS

Children are frequently victims of domestic violence, whether they are abused by someone in their household or witnesses of abuse between family or other household members. In 2019 alone, child protective service agencies received **4.4 million**¹³⁵ reports of maltreatment for 7.9 million children. Over 700,000 of these reports were substantiated, and almost 2,000 of these children died — with most of the deaths being perpetrated by a caretaker.

When a victim of domestic violence has a child, the child is often used by the perpetrator to further assert control. One **common tactic**¹³⁶ involves using a gun to threaten the victim's children with harm or death if the victim does not comply. In **34%**¹³⁷ of cases where women were killed by their male (former) partners, the abusive partner had threatened to kill the family, and in 19% of cases, he specifically threatened to harm the children.

4.4M

In 2019 child protect services received 4.4 million reports of maltreatment, over 700,000 of which were substantiated.

Children are all too often killed in the context of domestic violence, and these homicides are frequently committed with guns. **Nearly 31%**¹³⁸ of gun homicides of children under the age of 13 are related to domestic violence. One **study**¹³⁹ identified 144 child victims of family murder-suicides in a six-year period; 74% of these incidents were preceded by domestic violence. Ninety-one percent of the slain children were killed **with a gun**,¹⁴⁰ and for 90% of the children who were present for the incident, a gun was used.

Tragically, a Boston Medical Center **study**¹⁴¹ found that, by age 6, 1 in 10 children had witnessed a shooting or stabbing, with **disproportionate**¹⁴² rates among races. The consequences of witnessing family gun violence are severe and long-lasting. When a young person is shot at, shot, or a witness to gun-related domestic violence, it can **result**¹⁴³ in long-lasting trauma, and it **doubles**¹⁴⁴ the likelihood of that child later perpetrating acts of violence. The **trauma**¹⁴⁵ of parental interpersonal homicide (IPH) manifests in children as severe physical, psychological, and emotional issues; the **impact**¹⁴⁶ of this trauma can extend into adulthood, and is **linked**¹⁴⁷ to youth suicidal behavior.

PEOPLE WITH DISABILITIES, DOMESTIC VIOLENCE AND FIREARMS

In the U.S., **23.8%**¹⁴⁸ of women and 20.1% of men have a **physical**¹⁴⁹ or **mental**¹⁵⁰ disability as classified by the **Americans with Disabilities Act**¹⁵¹ (ADA). People with disabilities have a **higher**¹⁵² lifetime prevalence of experiencing abuse than people without disabilities and are **more likely**¹⁵³ to experience many forms of domestic violence. A woman with a disability is **40% more likely**¹⁵⁴ to be abused than her non-disabled counterpart.

In 2008, **27%**¹⁵⁵ of violent crimes perpetrated by intimate partners were against women with disabilities, who experience **more frequent and more severe**¹⁵⁶ acts of violence.

More research is needed on gun-related domestic violence in these communities, but statistics suggest that rates may be high. One **study**¹⁵⁷ found that 15.2% of acute psychiatric inpatients had been hit, forced to have sex, or threatened or attacked with a weapon within the preceding 10 weeks. Another **study**¹⁵⁸ compared the prevalence of crime victimization in the National Crime Victimization Survey (NCVS) and among persons with severe mental illness (SMI), finding that the percentage of persons with SMI who were threatened with a weapon within a year was 15.5 times higher than the NCVS rate, and that nearly 17% of persons with SMI had been the victim of completed violence, compared to 1.49% overall. Finally, data from a U.S. crime **report**¹⁵⁹ shows that a higher percentage of people with disabilities were victims of violent crime carried out with a firearm than people without disabilities.

These communities' heightened vulnerability to domestic violence is a product of multiple factors.

High levels of physical **dependence**¹⁶⁰ on a partner or relative may increase the likelihood of abuse; additionally, disabled populations are more likely to experience poverty, social isolation, and perceived vulnerability by perpetrators. Women with disabilities also face particular **barriers**¹⁶¹ to reporting abuse, such as fear of losing child custody and a lack of attention from health care professionals. Police are also **less likely**¹⁶² to respond to reported violence against victims with disabilities compared to those without. Seeking support can be **difficult**¹⁶³ due to a lack of interpretation and transportation, architectural inaccessibility, and societal attitudes. Moreover, many people with disabilities **do not know**¹⁶⁴ they are being abused.

Domestic violence can also cause or exacerbate physical and mental disabilities for victims and survivors. Domestic violence is the **leading cause**¹⁶⁵ of injury to women between the ages of 15 and 44 in the U.S., and **evidence**¹⁶⁶ shows that people who experience domestic violence are more likely to suffer from chronic pain, chronic conditions, PTSD, anxiety, and other deleterious physical and mental health conditions.



DOMESTIC VIOLENCE IS THE LEADING CAUSE OF INJURY TO WOMEN BETWEEN THE AGES OF 15 AND 44 IN THE U.S.



LAWS AND POLICIES

Laws that address the intersection of gun violence and domestic violence are the first line of defense for preventing homicide and abuse for many victims and survivors. Over the last three decades, lawmakers at all levels of government have taken steps toward both protecting victims and survivors and averting further cases of domestic violence with firearms. However, the current state of federal law provides only a bare minimum level of protection, and while many states have worked to create their own means of deterrence, gaps remain.

In general, federal law provides overarching protections through domestic violence-related gun prohibitions. The Lautenberg Amendment, a 1996 addition to the Gun Control Act of 1968 (GCA), prohibits certain individuals convicted of domestic violence misdemeanors from owning or buying firearms or ammunition. Unfortunately, this prohibition extends only to current or former spouses, parents, cohabitants, or those who share a child in common. This categorically fails to reflect patterns of violence as well as changes in dating and marriage trends in the U.S. by not including current and former dating partners. It also fails to cover some types of intimate crimes that are associated with future acts of violence, such as stalking misdemeanors.

The GCA also prohibits persons subject to Domestic Violence Restraining Orders (DVROs) from possessing or purchasing firearms. The prohibition covers those restrained from “harassing, stalking or threatening” or “engaging in other conduct that would place an intimate partner [or child of the intimate partner] in reasonable fear of bodily injury.”

KATE RANTA

“My name is Kate Ranta, and in November of 2012, in the midst of a two-year-long contentious divorce and custody battle, my abuser showed up at my door. I knew I was in danger, and told the 911 operator on the other end of my cell phone that I needed help. My father and I tried our best to barricade my door, but suddenly three shots exploded through it. One of them struck me in the hand, which exploded in front of my face. As my ex-husband burst into the apartment firing, a bullet struck my father’s side, and another punctured my chest. All the while, my four-year-old son was begging his father to not kill me. I heard him say “Don’t do it, daddy. Don’t shoot mommy.” At that moment, I believed my life might end, as I lay bleeding profusely from my gunshot wounds. All three of us survived, but my father and I have lifelong physical complications from our wounds, and all three of us have been diagnosed with PTSD. My son, William, will live with this reality for his entire life. My abuser received two 60-year sentences for trying to murder us, but women across the country are in danger every day because of the lax gun laws in this country for domestic violence survivors.

A year before he showed up at my door that fateful day, I took out a temporary restraining order against my husband, because I was afraid. While the police seized his six firearms, they warned me that he could go out and buy another one the very next day, despite the restraining

order. To this day, many states don't prevent domestic abusers under temporary restraining orders from purchasing or possessing firearms because of gaps in the law and gaps in the way those under restraining orders are reported, and the Internet and gun shows makes it too easy for abusers to get a gun without a background check. I'm a domestic violence and gun violence prevention activist because no woman, no child, no family, should know the horror mine did. The fault lies squarely on the shoulders of abusive men with access to firearms. I won't stop until they are disarmed."

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has primary responsibility for enforcing these federal firearm prohibitions. However, because there are not enough ATF agents **readily available**¹⁶⁷ in every state to find and remove a prohibited abuser's gun in a timely fashion, this responsibility often falls on local officers responding to domestic violence incidents. This means that in states that do not have their own domestic violence-related gun prohibitors or removal procedures — and particularly those states that refuse to enforce federal domestic violence laws¹⁶⁸ — the federal government may be unable to step in and protect victims in time or at all.

While these federal laws provide a groundwork for preventing access to guns for domestic abusers, more must be done to protect victims and survivors. Many states have closed some of the loopholes left in federal law, adding safeguards and saving lives.

Boyfriend Loophole

Half of all intimate partner homicides are committed by **dating partners**¹⁶⁹ to whom the federal prohibitions often do not apply. Dating partners with histories of perpetrating abuse can buy and own guns through this colloquially-named "boyfriend loophole" when they would be otherwise prohibited if they were a spouse, co-habitant, or co-parent. If this loophole were closed on a national level, it could save the lives of **over 80 women**¹⁷⁰ every year.

Fortunately, **29 states**¹⁷¹ have enacted legislation that at least partially closes this loophole. Specifically, 24 states prohibit the purchase of guns by dating partners with a misdemeanor domestic violence conviction, and 28 prohibit dating partners subject to protective orders from buying guns.¹⁷² Unsurprisingly, these state laws are associated with a **significant decrease**¹⁷³ in intimate partner homicides.

Stalking Loophole

76% of women who are murdered by current and former partners, and 85% who survive a homicide attempt, are **stalked**¹⁷⁴ first. Indeed, studies have found that intimate partners engaged in stalking behaviors are **significantly more likely**¹⁷⁵ to kill their intimate partners than those who did not. However, in most states, stalking is a misdemeanor crime — and the federal prohibition does not apply to misdemeanor stalking convictions, allowing these individuals to buy and own guns.

Many states have stepped up to restrict gun access for such convicted individuals who pose a **high risk**¹⁷⁶ for future violence. Some states have created a felony crime of stalking to enable the federal

SOME STATES HAVE FURTHER ENACTED RESTRICTIONS FOR INDIVIDUALS CONVICTED OF ANY MISDEMEANOR, WHICH ARE ASSOCIATED WITH A 21% DECREASE IN INTIMATE PARTNER FIREARM HOMICIDE.

felony restriction on gun access to automatically apply; others have enacted laws prohibiting those convicted of misdemeanor stalking from accessing guns. Some states have further enacted restrictions for individuals convicted of any misdemeanor, which are **associated**¹⁷⁷ with a 21% decrease in intimate partner firearm homicide.

Temporary Restraining Orders

Under federal law, the DVRO prohibitor applies only to certain orders and to victims with certain relationships to the respondent. Temporary protective orders are often sought during emergency situations, such as when a victim is trying to leave a partner and needs help with safety. These can also be referred to as “ex parte” orders, meaning that the court issues the order without the perpetrator’s awareness when there is the possibility of immediate and irreparable injury. However, even though one U.S. study states that **as many as 70%**¹⁷⁸ of reported domestic violence injuries occur once victims leave the harmful relationship, federal law fails to protect these victims because the DVRO prohibition applies only to final protection orders.

Given the dangers DVRO petitioners face **leaving their abuser**,¹⁷⁹ some states have saved lives by enacting firearm restrictions that also apply to temporary or ex parte orders. States with such DVRO prohibitors **experience**¹⁸⁰ an associated 13% decrease in intimate partner homicides — and a 16% decrease in such homicides perpetrated with guns.

RACHEL DUNCAN

Rachel Renee Duncan was 25 years old when her ex-boyfriend walked into her place of business in Michigan and killed her before turning the gun on himself. Rachel did everything within the power of the law to protect herself from her killer, but it wasn’t enough. Rachel had been in an on-again, off-again relationship with her killer for about six years when she obtained a personal protective order (PPO) against him on March 4, 2018, because of his controlling, threatening, and violent behavior. In her petition, Rachel listed four pages of threats and harassment she had received, including alleging that he had fired a bullet at her apartment, installed spy software on her phone, and made threats to harm her or himself. Rachel had also called the police regarding his dangerous behavior. When the police responded, they confiscated his handgun with which he had threatened to kill himself. They also took him to a hospital where a doctor determined he needed inpatient treatment, but he was discharged after signing a form agreeing to participate in a treatment regimen.

Following the PPO, Rachel’s ex was legally prohibited from possessing a firearm. On March 26, he tried to complete a purchase

of a handgun at a licensed dealer, but the sale was declined after the background check revealed the PPO. He then drove to a licensed dealer, Total Firearms, that had a shooting range on its premises. Despite his prohibition, her killer walked into Total Firearms and was given a rental handgun and ammunition with no screening or background check. Background checks are not required for renting a gun at a range because it is not considered a “transfer” of the weapon as long as it remains on the premises — which this gun did not. The store failed to supervise him, allowing him to leave the range and walk out the front door with the rental handgun and ammunition. The store’s employees did not even realize that the handgun was missing until law enforcement arrived at the range to investigate. But it was too late, as he had already used the gun to kill both Rachel and himself.

Rachel’s mother, Gale Duncan, began working with Brady Legal in September 2020, filing a first-of-its-kind wrongful death suit against Total Firearms and several employees for their role in Rachel’s death. The lawsuit has since been settled.

Removal Process

While federal agencies have jurisdiction to remove guns found to be owned by prohibited individuals, federal law does not set a process for removing guns owned by domestic violence perpetrators once they become prohibited — putting victims and survivors

at risk when they most need¹⁸¹ protection (26%¹⁸² of spousal murders and 60%¹⁸³ of dating violence occurs after the victim has left the relationship).

Some states have enacted removal provisions to ensure that people who become prohibited due to domestic violence relinquish their guns. Seventeen states authorize or require the surrender of guns and/or ammunition after a domestic violence misdemeanor conviction, and 28 have enacted laws facilitating removal for DVRO respondents. These laws vary, but some include explicit instructions regarding to whom guns must be relinquished, a deadline for dispossession, and/or authorization for law enforcement to remove guns if they are not dispossessed accordingly. Relinquishment provisions not only make victims **feel safer**¹⁸⁴, but truly make them safer — studies show a 16% decrease¹⁸⁵ in intimate partner homicides in states with removal laws.

Charleston Loophole

Background checks for gun purchases are run through the National Instant Criminal Background Check System (NICS), which are conducted by the FBI or, in certain states, a state agency with NICS access. These “Brady Background Checks” save lives, preventing over 240,000¹⁸⁶ people with domestic abuse records from buying guns — and this figure is an undercount, as it does not include related felonies. However, one shortcoming known as default proceed, but commonly referred to as the Charleston Loophole, allows gun dealers to legally transfer a gun to a buyer if they do not receive a NICS determination within three business days. Default proceed sales are especially risky, as they are eight times¹⁸⁷ more likely to involve a prohibited purchaser than other background checks; the FBI

itself has **acknowledged**¹⁸⁸ that the current three-day default period allows for dangerous and deadly mistakes. Indeed, many default proceed cases require time and attention because the potential buyer has a long and complicated history. The issues that cause delays in processing many background checks are **particularly prevalent**¹⁸⁹ for individuals with histories of domestic violence due to challenges in determining whether a conviction or court order satisfies all required criteria for the federal prohibitions to apply. In fact, domestic violence convictions are the hardest to process for NICS: **30% of denials take longer than three business days**¹⁹⁰ to determine, whereas no other category has more than 20% of their denials taking so long. Between 2006 and 2015, **over 6,700 guns were transferred**¹⁹¹ to individuals convicted of misdemeanor domestic violence through the Charleston Loophole; in 2018, **22%**¹⁹² of cases where a gun was transferred this way to a prohibited purchaser involved someone prohibited due to domestic violence. On the other hand, if the default sale period were increased to a federal minimum of 20 days, **over 15,000**¹⁹³ domestic violence-related prohibited sales that occurred between 2006 and 2015 would have been prevented.

Steps Taken By States In Response

States have passed **various laws**¹⁹⁴ with the effect of reducing the number of prohibited individuals able to buy guns by default. Some of these laws prohibit dealers from transferring a gun until the background check clears, or an extended period of time elapses; some require individuals to obtain a license before buying a gun; and some have mandatory waiting periods for buyers. By giving more time for agents to determine a potential buyer's eligibility, these laws keep guns out of the hands of potentially dangerous

individuals. This saves lives — for example, state waiting period laws that delay the purchase of guns by a few days can **reduce**¹⁹⁵ gun homicides by 17%.

Private Sales

Another shortcoming in the federal background check scheme is that it applies only to guns being transferred by federally licensed gun dealers. With gun shows and private sales — and sometimes through the internet — **1 in 5 gun sales**¹⁹⁶ today is conducted without a background check. The internet loophole is exploited by prohibited individuals, including those with histories of domestic violence. **Nearly 1 in 9** prospective purchasers on the online gun market Armslist are prohibited from owning guns, and **96%**¹⁹⁷ of people prohibited from buying a gun who nevertheless purchased one did so through private sales.

Twelve states and the District of Columbia have closed the avenues that prohibited abusers often use by requiring “universal” background checks, including for guns sold privately or at gun shows. Ten states have also enacted laws that partially close this loophole. Research has found that state gun laws requiring background checks for all gun sales result in homicide rates **15%**¹⁹⁸ lower than states without such laws.

96%

96% of people prohibited from buying a gun who still purchased one, did so through private sales.

ZINA

Zina suffered for 10 years under the abusive hand of her husband before she found the strength and courage to leave him in October of 2012. Having endured his threats and assaults, Zina was well aware of the danger her husband posed, both to her and to her infant daughter. On October 18, 2012, Zina obtained a restraining order against him which, in addition to keeping him from approaching her for four years, made it a crime for him to possess a firearm.

A mere two days after the court order was handed down, her husband used a website called Armslist to connect with a private seller. Because Armslist facilitates sales between private buyers and private, non-retail sellers, there was no legal requirement for the site or seller to run a background check on him — a check which would have revealed him to be a prohibited purchaser.

On October 21, 2012, he entered Zina's workplace with the handgun he had purchased off Armslist and shot his wife. The shooting that ensued left three — including Zina — dead and several others injured. After police arrived on the scene, Zina's husband hid on the second floor before dying by gun suicide. Zina's eldest daughter, Yasmeen, was present for the shooting; supported and represented by organizations like Brady, she sought justice for her mother with a civil suit against Armslist for its dangerous business practices.

NICS Reporting Inadequacies

The NICS system is only as good as the information available to it, but the FBI cannot compel state and local officers to enforce federal regulatory schemes like the Brady Background Check system. Additionally, even in states with strong reporting rates, it can be difficult to assess whether the federal prohibition applies to different state misdemeanor convictions and protective orders due to their complicated requirements. These factors lead to gaps in the databases used to determine whether or not a gun buyer is prohibited, which can result in dangerous individuals obtaining guns.

The NICS Improvement Act offers states the opportunity to apply for grants to improve their reporting systems and has dramatically helped states that have opted in with reporting. Despite notable successes, the Act has not fixed NICS shortcomings entirely, compelling rather than requiring reporting and applications for grant funding. In 2020, **only 22 states**¹⁹⁹ applied for and received grant funding through the NICS Act Record Improvement Program, meaning less than half of our country's states are benefiting from this program and improving their reporting systems. There is also gross underreporting by states of federal domestic violence prohibitors. For example, **1 in 7**²⁰⁰ domestic violence shooters in Arizona was prohibited due to their criminal history or an active order of protection — but, as of December 2020, NICS showed **only three**²⁰¹ active misdemeanor domestic violence conviction records in the state. In 2014, there were **over 700,000**²⁰² state protection order records missing from the NICS database.

Four states²⁰³ have recently enacted laws to ensure records that fall within the federal domestic violence

prohibitors are submitted to the federal and state databases used for background checks. These laws foster a more thorough background check system and prevent domestic abusers from buying guns because their records were not reported. Additionally, 16 states and D.C. **bolster**²⁰⁴ federal law by enacting state-level background check requirements, adding safeguards that can help mitigate reporting concerns and save lives. States that perform background checks locally rather than relying solely on NICS have a **22% lower homicide rate**²⁰⁵ for people over 21.

Domestic Violence Laws and Human Rights

The current federal scheme fails to comprehensively protect victims and survivors from gun-related violence, violating their human rights.²⁰⁶ **Domestic violence**²⁰⁷, **IPV**²⁰⁸, and **gun violence**²⁰⁹ are all human rights issues, and, under international human rights law, governments are obligated to protect **“the rights of vulnerable groups, including victims of domestic violence, who are most at risk from misuse of a gun in the home.”**²¹⁰ In other words, it is the **government’s obligation**²¹¹ to pass laws protecting against these forms of violence and to enforce existing laws against reasonably foreseeable abuses by private actors — including by actively preventing gun access for domestic abusers who

will use them to violate a victim’s human rights. On several occasions, the United Nations has identified that the U.S. has **failed to protect**²¹² people from gun violence, including domestic violence, which has left millions of victims in fear for their lives, amounting to a violation of international human rights law.

Built upon treaties, international human rights law derives its force from the assent of powerful states. The U.S., however, has **ratified**²¹³ very few of the international human rights declarations and treaties that call for protection from — and the prevention of — domestic violence. Conversely, the U.S. has not ratified **several**²¹⁴ **treaties**²¹⁵ and **declarations**²¹⁶ that identify domestic violence as violations of women’s rights and freedoms, in particular the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The failure to ratify these treaties that would provide protections against domestic violence and gun violence — a fault which dates back to the American Declaration of the Rights and Duties of Man in 1948 — **undermines**²¹⁷ the ability of the U.S. to prevent and prosecute these forms of violence.²¹⁸ Only through the ratification of these crucial treaties can the U.S. truly show the international community its dedication to protecting its inhabitants from the scourge of gun violence and domestic violence in particular.

ON SEVERAL OCCASIONS, THE UNITED NATIONS HAS IDENTIFIED THAT THE U.S. FAILED TO PROTECT PEOPLE FROM GUN VIOLENCE, INCLUDING DOMESTIC VIOLENCE, WHICH HAS LEFT MILLIONS IN FEAR FOR THEIR LIVES, AMOUNTING TO A VIOLATION OF INTERNATIONAL HUMAN RIGHTS LAW.

FEDERAL REMEDIES

While a number of states step up to close gaps left by federal law, state efforts are far from uniform. Victims' rights and their safety should not be endangered as a consequence of the place where they live.

For these reasons, in addition to more robust state action, these federal solutions must be adopted to create uniform national protections against gun-related domestic violence:

Closing the Boyfriend Loophole

Federal law must be expanded to prohibit those convicted of misdemeanor violence against their dating partners or subject to DVROs. The U.S. House of Representatives has twice now passed a reauthorization of VAWA with a provision that closes this loophole, but it has not been enacted. Until it is, up to 50%²¹⁹ of victims and survivors will be endangered simply as a result of the nature of their relationship with their abuser.

Closing the Stalking Loophole

Federal law must address the lethal association between stalking and intimate partner homicide carried out with guns. Legislation preventing individuals convicted of misdemeanor stalking offenses from buying or owning guns would limit the capacity of would-be perpetrators of intimate partner homicide to acquire firearms. Once again, the U.S. House of Representatives has passed such legislation through VAWA reauthorization, but the Senate has yet to do the same.

Expanding the DVRO Prohibitor to Include Temporary and Ex Parte Orders

Federal law must provide assistance to victims and survivors when they are most at risk. The DVRO prohibition must also apply to temporary or ex parte orders as well as final orders for the most effective prevention of domestic violence-related gun homicides.

Adopting and Properly Implementing Firearms Removal Laws

Restrictions on the purchase and possession of guns for individuals with records of domestic violence are made much less effective when the individual's dispossession of guns that they already own is not guaranteed. Current bills, such as the Lori Jackson-Nicolette Elias Domestic Violence Survivor Protection Act²²⁰ (S 2169/HR 4139), introduced before both chambers of the U.S. Congress this session, offer hope. This legislation would expand the DVRO prohibition to include ex parte orders and provide grants to assist in the implementation and enforcement of this law, or for use by organizations offering continuing support to those facing domestic abuse.

Closing the Charleston Loophole

To prevent domestic abusers from purchasing guns by exploiting the complexities of their criminal histories and legal records, Brady advocates for a federal law that would allow more time to determine a potential buyer's status. The Enhanced Background Checks Act of 2021²²¹ (HR 1446) — introduced before the House in March — proposes such a solution by increasing the default sale period to a minimum of 20 days, a measure which would

reduce the number of guns sold to prohibited purchasers by the thousands.

Implementing Universal Background Checks

Background checks must be required for any gun purchase if we are to protect victims of domestic violence adequately. Without such a requirement, prohibited perpetrators can continue to turn to unregulated gun shows, internet retailers, social media, and local advertisements to buy firearms. Several states have passed laws to eliminate this loophole, but until it is closed on a national level, victims of domestic violence will continue to be vulnerable. A federal universal background check bill would not only be life-saving, but popular — about 90%²²² of Americans support implementing such requirements.

Ensure Comprehensive, Timely Reporting of Domestic Violence Prohibitors to NICS

The NICS system is only as good as the information available to the FBI; without thorough reporting, prohibited purchasers can slip through the cracks and buy guns. It is critical that states apply for NICS Act Record Improvement Program grants to improve reporting procedures nationwide and harmonize the federal and state systems.

Reauthorizing the Violence Against Women Act

VAWA, currently up for reauthorization before the 117th Congress, provides resources to local, state, and tribal governments, as well as nonprofits, to put toward providing comprehensive support for

those affected by domestic violence. The VAWA Reauthorization Act of 2021 includes several critical and groundbreaking provisions: expanded protections for dating partners and stalking victims, as well as a notification requirement for local and state law enforcement when an individual prohibited due to domestic violence or stalking has attempted to buy a gun. It also includes improvements to the authority of tribal law enforcement in situations involving Indigenous people being abused by non-tribe members, plus culturally-targeted intervention strategies to mitigate language barriers and immigrant-specific forms of coercive control. Finally, it provides paths for restorative justice for victims who wish to avoid carceral penalties for those who have abused them, as well as a notification requirement for local and state law enforcement.

Ratifying the Convention on the Elimination of All Forms of Discrimination Against Women

Despite its nominal support for the Convention, the U.S. has failed to ratify Committee on the Elimination of Discrimination against Women (CEDAW)²²³ in the 42 years since it was introduced. Ratified treaties are often unenforceable in the U.S., but ratifying this treaty would at least symbolically obligate the U.S. to follow the convention and ensure the equality of women under the law — including by securing a woman’s right to be free from violence and requiring law enforcement to treat victims and survivors with respect and understanding. While not all victims of domestic violence are women, ratifying CEDAW would ensure critical protections for one of the nation’s most vulnerable groups.

CONCLUSION

Domestic violence is a tragic reality for far too many that is exponentially more lethal in the U.S. than in other industrialized countries because of unfettered access to firearms. The absence of federal laws that are proven to protect against domestic violence-related homicides leaves millions of victims and survivors in extreme danger. Marginalized and vulnerable communities

are disproportionately impacted and threatened because of systemic issues increasing their vulnerability to domestic violence. If implemented, the policies outlined in this report would have a tangible impact in the lives of those at risk. There is no time to waste; our leaders must prioritize the safety of those exposed to domestic violence and enact these policies today.

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