

Pilot study finds ways to better screen and recover guns from domestic violence offenders

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More intensive screening to identify firearm owners among individuals who are subject to domestic violence restraining orders, and streamlining processes to recover guns at the time those restraining orders are served could help enforce existing laws that prohibit these offenders from having firearms, a pilot study conducted by violence prevention experts at the University of California, Davis, and the Johns Hopkins Bloomberg School of Public Health has found.

The initiative, developed by law enforcement officers in San Mateo County and Butte County in California with consultation from the California Department of Justice and study authors, developed and assessed processes that could potentially improve firearm-recovery rates among individuals with domestic violence restraining orders. The study was published online Dec. 12 in the *American Journal of Public Health*.

"Intimate partner violence is a significant threat to the public's health and safety, especially for women, and firearms play a prominent role," said Garen Wintemute, director of the UC Davis Violence Prevention Research Program and lead author of the study.

"Women are at least twice as likely to be murdered by partners using a firearm than by strangers using any weapon," he said. "Abusers with firearms are five to eight times more likely to kill their victims than those without firearms. Firearm-owning abusers also are nearly 8 times

more likely to threaten partners with firearms. We need to do more to disarm known [offenders](#) to prevent violence."

According to the Federal Bureau of Investigation crime database, an estimated 1,127 women were murdered and some 605,000 were assaulted by their partners in the U.S. in 2011. In addition, nearly 36 percent of U.S. women participating in the National Intimate Partner and Sexual Violence Survey said they have experienced violence at some time in their lives.

"Existing federal and state statutes addressing firearm possession among individuals subject to domestic violence restraining orders are one step in assuring that people who are violent toward their intimate partners don't have access to guns," said Shannon Frattaroli, faculty with the Johns Hopkins Center for Gun Policy and Research and a study co-author. "Our study is instructive for states and localities interested in assuring those laws are enforced."

Currently, federal and state statutes prohibit the purchase and possession of firearms by persons subject to domestic violence restraining orders. Many states authorize or require courts to order offenders to surrender their firearms for the duration of the order. But these statutes are not enough, even in states with particularly strict requirements, the authors say.

In California, for example, offenders must surrender their firearms to a law enforcement agency or sell them to a licensed firearms retailer within 24 hours after the order is served, and file a receipt with the court to document compliance within 48 hours. Since 2007, they also must surrender their firearms immediately if a law enforcement officer makes a demand for them.

Yet, it has been difficult to enforce these laws, beyond preventing

offenders from purchasing firearms from licensed retailers.

"Identifying armed offenders and recovering their firearms in a timely, comprehensive and efficient manner is a challenge," Wintemute said.

"Some restraining orders are never served. Records of firearm ownership are incomplete. Owners may simply deny possessing firearms, and it may be impossible to determine if they are telling the truth. But it is possible to begin developing broad recommendations for implementation that can be tailored to the specific circumstances of states and counties across the country."

For the study, Wintemute and colleagues at UC Davis and the Center for Gun Policy and Research at the Johns Hopkins Bloomberg School of Public Health, worked with local detectives to track their efforts to identify and disarm individuals with firearms among those served with domestic violence restraining orders in San Mateo County between May 2007 and June 2010 and in Butte County between April 2008 and June 2010.

During this time, San Mateo County detectives reviewed 6,024 restraining orders on 2,973 individuals and linked 525 perpetrators to firearms (17.7 percent overall, 19.7 percent for males and 8.3 percent for females), which resulted in 119 offenders surrendering one or more of their firearms. Of the estimated 1,978 restraining orders that Butte County detectives reviewed, they served and maintained records on 305 orders to 283 respondents. Among those 283 respondents the detectives identified 88 offenders with links to firearms (31.1 percent overall, 33.3 percent for males and 16.3 percent for females) and recovered one or more firearms from 45 offenders. Almost all recovered firearms in both counties (622 of 665) were taken into custody by [law enforcement](#) agencies, with the remainder being sold to licensed retailers.

"In this study, firearm transaction records and court documents each

identified only 40 percent to 50 percent of offenders with firearms," Wintemute said. "With only 10 states archiving any firearm transaction records for 10 years or longer, most states will need to rely on court records and interviews with victims."

In addition to using all available sources of information to identify firearm owners, the authors found that it was important to ensure that the personnel who serve [domestic violence](#) restraining orders to individuals who own or possess firearms are able to recover those firearms at the time the order is served. They also recommend having search warrants available when an offender believed to possess firearms does not surrender them.

"This study represents a step in the right direction, but larger-scale studies will be needed to determine optimal procedures for screening and recovering firearms, assessing the incidence of adverse events and determining the effects on rates of violence," Wintemute said.

Provided by UC Davis

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