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# Gun Violence Restraining Orders & Domestic Violence Restraining Orders: Best Practices for Advocacy and Implementation

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July 20, 2021

# Outline

- The intersection between guns and domestic violence
- The role of domestic violence in mass shootings
- Policies to protect victims of domestic violence
- Overview of gun violence restraining orders (GVROs)
- GVROs and DVROs: how do they differ?
- GVROs and equity
- Resources
- Questions?



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# The Intersection Between Guns & Domestic Violence - 1

- Nearly half of all women killed in the U.S. are murdered by a current or former intimate partner.
- There are about 4.5 million women in America who have been threatened with a gun and nearly 1 million women who have been shot / shot at by an intimate partner.
- Over half of all intimate partner homicides are committed with guns.
- A woman is 5 times more likely to be murdered when her abuser has access to a gun.



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# The Intersection Between Guns & Domestic Violence - 2

## *Global Comparisons:*

- Nearly 92% of all women killed by guns in high-income countries were American women.
- American women are 21 times more likely to be shot and killed than women in other high-income countries.

Citation: Grinshteyn & Hemenway (2019).

# Gun violence and domestic violence in California

- In 2019, there were 90 reported homicides in California where the contributing circumstance was a domestic violence argument.
- There were at least 1,126 reported homicides where the contributing circumstance was a domestic violence argument between 2010 and 2019.
- In 2019, there were nearly 3,000 gun deaths in California.

Citation: *Homicide in California 2019*. California Department of Justice. Available: [here](#).



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# The Intersection Between Domestic Violence & Mass Shootings

- 59.1% of mass shootings between 2014 and 2019 were DV-related and in 68.2% of mass shootings, the perpetrator either killed at least one partner or family member or had a history of DV.
- DV-related mass shootings were associated with a greater fatality rate. On average, only one in six people survive a DV-related mass shooting compared to one in three people for non-DV mass shootings.

Citation: Geller LB, Booty M, Crifasi CK. The role of domestic violence in fatal mass shootings in the United States, 2014-2019. *Inj Epidemiol.* 2021 May 31;8(1):38. doi: 10.1186/s40621-021-00330-0. PMID: 34053458; PMCID: PMC8165999.



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# The Intersection Between Domestic Violence & Mass Shootings

- Between 2014 - 2019, 55 perpetrators of 53 mass shootings died during the incident
  - 39 (70.9%) died by firearm suicide
  - 15 (27.3%) were killed by police, and
  - 1 (1.8%) died from an intentional overdose
- 36 of the 39 (92.3%) mass shooting perpetrators who died by firearm suicide were DV-related mass shooting perpetrators
- 42/65 (64.6%) DV-related mass shooting perpetrators died during the shooting and 85.7% died by firearm suicide

Source: Geller LB, Booty M, Crifasi CK. The role of domestic violence in fatal mass shootings in the United States, 2014-2019. *Inj Epidemiol.* 2021 May 31;8(1):38. doi: 10.1186/s40621-021-00330-0. PMID: 34053458; PMCID: PMC8165999.



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# Policies to Protect Victims of Domestic Violence

- Prohibiting persons who are convicted of misdemeanor crimes of domestic violence and persons subject to temporary and final domestic violence protective order from purchasing and possessing firearms.
- Requiring the removal of firearms from persons prohibited from purchasing and possessing firearms.
- Expanding the definition of misdemeanor crime of domestic violence to include misdemeanor stalking.
- Expanding the definition of intimate partner to include current and former dating partners that do not cohabitate or share children in common and persons who are in a sexual relationship or were in a sexual relationship.
- Removing firearms at the scene of domestic violence.



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# What are gun violence restraining orders (GVROs)?

- Gun violence restraining orders are also called extreme risk protection orders, extreme risk laws, “red flag” laws, among other names.
- The California legislature passed the GVRO into law in 2014 following a shooting in Isla Vista, CA, that left seven people including the shooter dead. Prior to the shooting, the shooter’s mother noticed he was behaving dangerously and asked law enforcement to intervene, but she was told that since her son was an adult and had not committed a crime, there was nothing they could do.
- California’s law went into effect on January 1, 2016.



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# What are gun violence restraining orders (GVROs)?

- In California, a Gun Violence Restraining Order (GVRO) is a civil order that temporarily prohibits an individual who poses a significant danger of causing injury to self or others from purchasing or possessing any firearms or ammunition. Under California law, law enforcement and family and household members are authorized to petition for a GVRO.
- In 2019, Governor Gavin Newsom signed bills passed by the legislature that 1) expand the length of time for a GVRO to up to five years, and 2) expand the list of petitioners to include employers, co-workers, and employees or teachers of a secondary or post-secondary school. These changes went into effect on September 1, 2020.



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# What are gun violence restraining orders (GVROs)?

- There are three types of GVROs:
  - Emergency GVROs,
  - Temporary GVROs, and
  - GVROs After Hearing.

Law enforcement may request an emergency GVRO over the phone outside normal court hours.

Law enforcement and immediate family members (including spouse, whether by marriage or not, domestic partner, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household) may petition for a temporary GVRO during court hours.

# What are gun violence restraining orders (GVROs)?

- An emergency GVRO and a temporary GVRO remain in effect until a hearing for a GVRO After Hearing, but no longer than 21 days, when both the petitioner and respondent may address the court. A GVRO After Hearing lasts one to five years and may be terminated prior to its expiration or renewed through court processes defined in the law.



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# Domestic Violence Restraining Order (DVROs) vs. Gun Violence Restraining Orders (GVROs)

## DVRO

- Give survivors of domestic violence a mechanism to protect themselves from further abuse.
- Can offer multiple types of provisions, including but not limited to, no contact provisions, stay away provisions, move out provisions, counseling provisions, and firearms provisions.

## GVRO

- Civil order that temporarily prohibits individuals at risk of harming themselves or others from purchasing and possessing firearms.
- Nineteen states and the District of Columbia have an extreme-risk law.



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## HOW ARE GVROS DIFFERENT?

### **Petitioners**

An immediate family member<sup>2</sup> and a law enforcement officer may petition for a **GVRO**.<sup>3</sup>

### **Protections**

**GVROs** offer one type of protection: They temporarily prohibit persons at risk of injury to self or others from purchasing or possessing firearms and ammunition for the duration of the order. GVROs require respondents to temporarily turn over firearms and ammunition to law enforcement or to a licensed firearms dealer.

## HOW ARE DVROS DIFFERENT?

### **Petitioners**

A current or former spouse, a current or former cohabitant, a person in a dating or engagement relationship with the respondent, a person with a child in common with the respondent, a minor child 12 years of age or older who has been abused by the respondent, any other persons related by consanguinity or affinity within the second degree, and a law enforcement officer may petition for a **DVRO**.

### **Protections**

**DVROs** may order various forms of relief from abuse, including but not limited to ordering the respondent to stay away from any person eligible for relief, refrain from entering the home of a person eligible for relief, and refrain from purchasing or possessing firearms; prohibiting the respondent from returning to the residence; and awarding temporary child custody.

Source: <https://americanhealth.jhu.edu/erpo-state/california>



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# CALIFORNIA GUN VIOLENCE RESTRAINING ORDER & DOMESTIC VIOLENCE RESTRAINING ORDER HOW DO THEY DIFFER?

What is the burden of proof?

What must be proven?

What factors may the court consider?

Source: <https://americanhealth.jhu.edu/erpo-state/california>

# Domestic Violence Restraining Order (DVROs) vs. Gun Violence Restraining Orders (GVROs)

GVROs only offer firearms protections by temporarily removing firearms from individuals at risk of harming themselves or others, whereas DVROs can offer multiple types of protections for individuals experiencing domestic violence. It is critical for family members, advocates, domestic violence survivors, and law enforcement to work together to decide the best course of action.



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# GVROs and equity

- It is critical to consider equity (racial equity, mental health equity, gender equity, etc.) in every step of the policy process.
- We can address racial equity and GVROs in the following ways:
  - Advocacy
  - Implementation
  - Evaluation



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# GVROs and equity

- **Advocacy**
  - Authentically engage stakeholders
  - Conduct a policy impact assessment
- **Implementation**
  - Form an implementation work group
  - Focus on community engagement, education, and access
  - Provide ongoing training to law enforcement
  - Create and provide culturally competent resources
- **Evaluation**
  - Data collection for equitable implementation
  - Research on the impact of extreme risk laws

# Resources: Disarm Domestic Violence

Disarm Domestic Violence is an interactive website that compares laws between states, presents statistics about gun violence, and provides information on the statutory process of firearm removal in cases of domestic violence protective orders.

Disarm Domestic Violence is for survivors, advocates, law enforcement, judges, researchers, and more.

[WWW.DISARMDV.ORG](http://WWW.DISARMDV.ORG)



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# Resources: Disarm Domestic Violence



## Protective Orders + Firearm Prohibitions

Select from the categories in the left-hand bar to view which states have certain policies, select a single state to learn more about that state's policies, or select more than one state to compare their policies.

**PROHIBITION**

Possession

Ex Parte

Final

Purchase

Ex Parte

Final

**RELATIONSHIP**

Domestic

Dating

**TYPE OF ORDER**

Ex Parte

Final

**JUDICIAL AUTHORITY**

Authorized

Required

**REMOVAL PROCESS**

Surrender

Seizure

Hybrid

**CALIFORNIA**

PROHIBITORS

● Possession ● Purchase

REMOVAL

● Dating ● Domestic

● Ex Parte ● Final

⌘ Authorized ⌘ Required

⌘ Surrender ⌘ Seizure

**LEARN MORE**  Compare



## CALIFORNIA



### Introduction

Over 9 million residents experience intimate partner violence in their lifetimes. Fortunately, many victims survive these traumatic events; however, California reported 1,126 homicides where the contributing circumstance was a domestic violence argument from 2010 to 2019. Although California doesn't report the mechanism of death, evidence suggests firearms are a significant contributing factor. An abuser's access to firearms can determine a victim's chances of survival; domestic violence firearm prohibitions and removal laws save lives.

California prohibits purchase and possession of firearms and ammunition by persons convicted of misdemeanor crimes of domestic violence and persons subject to ex parte and final domestic violence protective orders. California also requires removal of firearms from persons subject to ex parte and final domestic violence protective orders.

### Law

DOMESTIC VIOLENCE FIREARM PROHIBITIONS California Domestic Violence Firearm Purchase and Possession Prohibitions California prohibits the following from purchasing or possessing...

### How To Get Protection

What kind of domestic violence protective orders are available in California? California courts can issue three types of domestic violence...

# Resources: Bloomberg American Health Initiative



Bloomberg American Health Initiative

HOME STATE LAWS ERPO FAQ VOICES RESOURCES ABOUT

## EXTREME RISK PROTECTION ORDER: A TOOL TO SAVE LIVES

ERPO laws are helping to prevent gun deaths and protect communities. Their implementation – in 17 states and the District of Columbia – is part of a national effort to reduce the daily loss of life due to firearm violence, including gun suicide.

This evolving resource will be frequently updated to help implementers take action – and save lives.

[at three  
a man who grabbed  
to threaten to kill himself, his wife, and their young son in the car. His wife had overheard his distraught and  
on. A 28-year-old man who grabbed a gun case and threatened suicide. When his ex-girlfriend tried to call for help, he  
read into a wall. Police seized two handguns, two rifles, and a shotgun. A 35-year-old man who locked his wife in a car with his  
Department arrived on the scene and searched the car; they found a meth pipe along with two loaded firearms that did not belong to  
him. A 38-year-old man with a small arsenal and a history of domestic violence, whose wife suffered a serious laceration to her for  
a pistol, a Mosquito semi-automatic pistol, a Ruger .22, a Springfield 40 caliber pistol, a Remington-Union City 12-gauge shotgun, and an  
by text message that he wanted to shoot her in the head, then visited his fiancée's ex-boyfriend and threatened to kill him while not  
a handgun and an AR-15, the semi-automatic rifle frequently used by mass shooters. A 28-year-old ex-Marine who had developed a parani  
his ex-wife garage store with a loaded handgun, but called police before shooting anyone. A 38-year-old man who, while intoxicated (dr  
ting at raccoons and rats in his backyard. Terrified neighbors called police as bullets flew into their backyards. A 46-year-old man who  
family discovered he was molesting his grandchild. The man was arrested with the gun in his vehicle. A 35-year-old man who threatened  
his wife had overheard his distraught and crying in the bathroom, and locking his 40 caliber pistol. A 28-year-old man  
nd tried to call for help, he grabbed her by her hair, threw her on the ground, and pushed her head into a wall. Police  
man who locked his wife in a car with him, threatening her with a loaded firearm. When the Police Department arriv  
two loaded firearms that did not belong to him. He later surrendered a Glock  
nt kill  
), a Ruger rifle, a Mossberg shotgun, and an un  
-year-  
-friend and threatened to kill her. "A solid  
I saw  
A 25-year-old ex-Marine who had on  
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aw her on the ground, and pushed her he  
A wall  
ould the  
with a loaded firearm. When the Police  
"lived on the scene"  
an overheard a black man and a 38B  
red he might kill her. The man owned a F  
A handgun. A 48-year-old man who told hi  
A wife locked his name. The man surren  
that all males wanted to harm him. He har  
[at three times the legal limit], believ  
n who owned a .38 revolver and had  
med to kill himself, his wife, and their  
man who grabbed a gun case and threaten  
all. Police seized two handguns, two rif  
arrived on the scene and searched the c  
-year-old man with a small arsenal and a  
Mosquito semi-automatic pistol, a Ruger  
rage that he wanted to shoot her. In the  
an AR-15, the semi-automatic rifle frequ  
rfs store with a loaded handgun, but o  
one and rats in his backyard. Terrified  
discovered he was molesting his grandchild  
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if fiancée tried to call for help, he gr  
le man who locked his wife in a car with  
the two loaded firearms that did not b  
"he suffered a serious laceration to

<https://americanhealth.jhu.edu/implementERPO>

# Resource: A Working Guide to More Racially Equitable Extreme Risk Laws



## **A WORKING GUIDE TOWARDS MORE RACIALLY EQUITABLE EXTREME RISK LAWS**

Addressing racial equity in gun violence prevention policy and its implementation is crucial for working towards a more just and peaceful society. Extreme risk laws are a promising tool for preventing gun violence and are being rapidly adopted across the country. This guide provides lawmakers, advocates, implementers, and other key stakeholders with guidance towards more equitable extreme risk laws.

<https://www.csgv.org/wp-content/uploads/2021/04/Working-Guide-Towards-More-Racially-Equitable-Extreme-Risk-laws.pdf>



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# QUESTIONS?

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