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Abstract

Persons under certain domestic violence restraining orders are prohibited by federal law from purchasing and possessing a firearm. Little is known about their gun purchases. Using administrative data from one U.S. state, we linked 794,426 restraining orders with 1,388,724 handgun purchase applications. Findings suggest that restrained persons are not a less law abiding group in general, but they appear to be repeatedly or serially abusive to intimate partners. Their handgun purchase rates were highest after the order expired.

Disciplines

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Comments

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Keeping guns out of the hands of abusers:
Handgun purchases and restraining orders

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ABSTRACT

Persons under certain domestic violence restraining orders are prohibited by federal law from purchasing and possessing a firearm. Little is known about their gun purchases. Using administrative data from one U.S. state, we linked 794,426 restraining orders with 1,388,724 handgun purchase applications. Findings suggest that restrained persons are not a less law abiding group in general, but they appear to be repeatedly or serially abusive to intimate partners. Their handgun purchase rates were highest after the order expired.

INTRODUCTION

Intimate partner violence (IPV) results in nearly two million injuries and more than 1,500 deaths annually in the United States.^{1,2} Firearms figure prominently in these assaults: households in which IPV has occurred may be more likely to contain a handgun,³ intimate partner assaults involving a firearm are twelve times more likely to result in death than those involving other weapons or bodily force,⁴ firearms are the most common weapon in IPV homicides,¹ and, for women, IPV is more likely to result in injuries and deaths than violence by strangers.⁵

The Violent Crime Control and Law Enforcement Act⁶ prohibits the purchase and possession of firearms by persons under certain domestic violence restraining orders. (A restraining order, also called a protective or stay-away order, is a court order that limits one person's behavior to protect another.) A recent ecological study documented a 7% reduction in intimate partner homicides in states with domestic violence restraining order firearm prohibitions.⁷ The authors, unable to assess how well the laws were implemented and enforced, cautioned that the full effect of the law may not be evident.

This study examines the history of firearm purchase by individuals under a restraining order and whether existing purchase and possession prohibitions keep firearms out of the hands of batterers. Little is known at present.

METHODS

Data come from two statewide databases of the California Department of Justice. The first, the Domestic Violence Restraining Order System (DVROS), is a computerized database of all restraining orders issued in California. Established in 1991, its primary purpose is to allow

law enforcement to determine whether a person who applies to purchase a firearm is under a restraining order; multiple types of restraining orders (temporary, emergency, etc.) are included. All DVROS records from May, 2003 through November, 2005 were obtained. The second is the log of all handgun purchase applications (including private party transfers), which is known as DROS (Dealer's Record of Sale). DROS does not indicate whether each application resulted in a sale, thus, comprises a proxy for purchases and intent to purchase from a legal source. Because almost half of handguns have been acquired in the previous 5 years,⁸ about half of traced firearms were purchased in the previous 6 years,⁹ and because the restraining order data began in 2003, we used DROS records starting with 1998.

We linked the 794,426 DVROS records with the 1,388,724 DROS records. We calculated descriptive statistics to speak to five previously unaddressed research questions: How many handguns should have been relinquished?, How do handgun purchases of restrained persons compare to those of the general population?, Are restrained persons prevented from purchasing a handgun, as the law intends?, What is the basis for denying handgun purchase applications of restrained persons?, And, finally, do patterns of handgun purchase change when restraining orders expire? Because these are population data, statistical tests associated with samples are not indicated.

RESULTS

As shown in Table 1, 9,694 persons applied to purchase 17,720 handguns between 1998 and 2005 before coming under a restraining order during a 31-month period in 2003-2005; 95.0% of the applications were approved. Based on prior research about firearm purchases⁸ and the findings herein, about 80,000 legally purchased guns should have been relinquished by Californians who came under a restraining order during a recent 31-month period. Some

unknown portion of the guns likely was sold, given away, stolen, or otherwise no longer in the buyer's possession, and guns obtained illegally are not taken into account, thus, the estimate should be viewed solely as an approximation.

The handgun purchase patterns of to-be-restrained persons closely resemble those of the general California population. In each group, nearly two-thirds applied to buy one, 30% applied to purchase 2-5, and 4-5% applied for 6 or more handguns. Currently and previously restrained persons applied to purchase fewer handguns than the other two groups.

When person time at risk is calculated, the rates at which individuals applied and were approved to purchase a handgun were highest for California residents overall followed by formerly restrained persons, persons who became restrained, and those currently under a restraining order (Table 2).

Denial rates were higher among those who were under a restraining order at some point in the study period. Denials were highest for currently-restrained persons suggesting that a substantial proportion are prohibited from acquiring handguns legally. Restrained persons, compared to the general population, had a higher proportion of denials based on misdemeanors and other restraining orders and a lower proportion based on felony convictions and the one-handgun-a-month law (data not tabled).

DISCUSSION

Persons under a restraining order are less likely than others to apply to purchase a handgun. They may be aware that they are legally prohibited from doing so, at least in part, because of the prohibition being clearly stated on the restraining order itself. Nonetheless, nearly half of the purchase applications they filed were approved following a background check. This system shortcoming may have been related to a lack of procedural specificity, a problem which

may be ameliorated through recent legislation which specified the court as the party responsible for entering restraining order information into the database within one business day.¹⁰

Findings suggest that restrained persons are not a less law-abiding group than the general population of handgun buyers, but that, based on a pattern of multiple restraining orders, they repeatedly abuse the same or a series of intimate partners. People are more likely to apply to purchase a handgun after their restraining order expired than before it was issued. The motivation for doing so can not be ascertained in these data.

Moreover, although a substantial number of firearms should be relinquished by persons who come under a restraining order (~2,600/month in the one state we studied), anecdotal reports suggest that few are relinquished.¹¹⁻¹³

Our preliminary work (unpublished data) suggests that only 7.9% (n=23) of victims of intimate partner homicide (1.8% of male victims and 9.4% of female victims) in California in 2004 were protected by a restraining order at the time they were killed. An additional 1.4% of female intimate partner homicide victims had an expired restraining order. A firearm was used to kill 48.1% of those without an active restraining order, 43.5% of those with an active restraining order, and 50.0% of those with an expired restraining order. It appears that at least some portion of restrained persons continues to have guns and to use them to fatal means.

Conclusions

The ability of domestic violence restraining orders to prevent gun-related threats and assaults rests almost entirely in the implementation of, enforcement of, and compliance with the associated firearm purchase and possession prohibitions. State laws are required, and a substantial number of states have yet to pass enabling legislation.^{7, 11} The passage of legislation

to ensure that federal law more fully reaches its potential to reduce gun-related threats and fatal and nonfatal injuries by intimate partners merits effort.

But legislation is not enough. Despite having some of the most stringent gun laws in the nation, a lack of political will, resource limitations, and a lack of awareness about the gravity of domestic violence prevent adequate implementation and enforcement of firearm restrictions related to domestic violence in California.¹² These barriers are not unique to one state^{13, 14} nor insurmountable (e.g., although not without some problems, law enforcement agencies impound vehicles and seize and store illegal drugs, therefore, with adequate resources, systems can be instituted to seize, receive, and store the guns of persons under a restraining order). Practices that may improve compliance yet do not require substantial resources have been identified.^{12, 15} In particular, on-going monitoring of relevant databases is important, as is careful thought about how to ensure that firearms are relinquished by or removed from batterers.

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For the interested reader, a more detailed version of this manuscript is available from the authors.

Contributors

KA Vittes conducted all analyses, helped interpret the findings, and led the writing. SB Sorenson conceived of, secured funding for and supervised implementation of the research, and drafted parts and edited the manuscript.

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Preliminary findings from the study were presented at the 134th meeting of the American Public Health Association, Boston, MA November 6-8, 2006.

Human Participants Protection

The University of Pennsylvania Social and Behavioral Sciences Institutional Review Board reviewed and approved this study.

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