

**How to Reduce Gun Violence Against Women Who Are Victims of
Intimate Partner Violence in Durham, North Carolina**

*Creating A Policy Solution to Improve the
Status of Gender Equity in North Carolina*

Samia Noor

Commission on the Status of Women Scholar

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INTRODUCTION

If you turn on the news channel or browse the internet on any given day, you're likely to find a news story about gun violence. Gun violence has become a growing issue across the country. From mass shootings to everyday violence, it is evident that there needs to be a change in the way that guns are handled. However when interpreting patterns to see if there are any commonalities among shootings, it appears that gender is linked with gun violence. Men tend to be the primary perpetrators of gun violence and 86% of male mass shooters have a history of domestic violence. Given that gun violence is a gender equity issue, it is pertinent to explore solutions to protection women from further gun violence.

This research study aims to answer the question: How can gun violence be reduced at the intersection of intimate partner violence (IPV) in Durham County, North Carolina? Research for this study was conducted through literature reviews, a comparative analysis between North Carolina gun and domestic violence policies and those policies in California, and qualitative interviews with several domestic violence advocacy organizations in Durham County. Interviewees were asked questions about their respective organization's procedures and policies relating to gun violence and domestic violence victims, what they think are barriers to protecting victims against gun violence in Durham, and their opinions about gun violence in Durham and how to prevent it. This research study aligns with the Beijing Declaration Platform for Action, specifically with their goals #8 (uphold the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, as well as the Declaration on the Elimination of Violence against Women and the Declaration on the Right to Development) and #29 (prevent and eliminate all forms of violence against women and girls).

Following this data collection, the research study presents a single policy solution that could be implemented to reduce gun violence against women at the intersection of IPV.

CURRENT STATUS OF GUN VIOLENCE AND IPV IN NORTH CAROLINA

North Carolina has rising rates of gun violence that reflect a need for policy change to combat the problem. Between the years 2002 to 2011, 11,163 people were killed because of gun violence in North Carolina, which is more than all U.S. combat deaths in the wars in Iraq and Afghanistan.¹ This makes gun violence one of the leading causes of death for people in the state. Someone is killed with a gun in North Carolina every eight hours: in 2011 alone, there were 1,154 gun deaths in the state.² However, when the focus on statistics is shifted from general gun violence to gun violence with intimate partner violence, the issue becomes a gender equity issue. Domestic violence fatalities are common in North Carolina, accounting for nearly 25% of the annual homicides in the state.³ In 2011, 55% of domestic violence homicides involved a gun, and within these homicides 60% of the victims were women.⁴ In an abusive relationship if there is a gun present in the household then the chances of the partner being shot increases by 500%.⁵

The focus site of this research study is Durham, NC, where gun violence is an issue that receives a lot of attention. One Durham law enforcement officer stated that they get “at least one or two” calls about gun violence every day. Every month, 52 women across the United States are shot and killed by their partners.⁶ In Durham the rate of women shot and killed by their partners has averaged to around 3 to 5 women per year.⁷ While Durham’s gun violence is less than the national average, Durham is a mid sized city that accounts for nearly 1% of the national average of women shot and killed by their partners. This signifies that gun violence and domestic

violence in Durham is a pressing issue. Focusing on reducing the intersection of the two can help alleviate the rates of overall gun violence against women.

ANALYSIS OF CURRENT NORTH CAROLINA STATE LAWS RELATING TO IPV AND GUN VIOLENCE

Current state laws and policies in North Carolina make it difficult for women to receive protection against potential intimate partner abusers. This is because when a domestic violence incident is reported, and law enforcement officers arrive on the scene they can only confiscate any weapons that are actually pieces of evidence or if the victim requests that the weapon be taken away to feel safer.⁸ However, when the weapon is confiscated and held at the law enforcement office, there are no restrictions that prohibits the abusers from retrieving their weapon. This policy is problematic because if the abuser is not arrested and the victim is still in contact with the abuser, the abuser would have lethal means to attack the victim. Additionally, when the weapon is not considered a piece of evidence and/or the victim does not request the weapon be removed, law enforcement officers are not required to search for a weapon to remove it from the abuser's possession. This is a barrier to preventative protection for victims in abusive relationships because with the weapon still present, there is an immense safety risk for the victims.

Domestic Violence Protective Orders (DVPOs) are also difficult to get in North Carolina. DVPOs, also known as 50B orders, are issued when victims believe they need legal protection to remain safe from their abuser. However, getting a DVPO is both a lengthy process and emotionally difficult process, and victims are often not able to bring themselves to go through the burdensome process. To obtain a DVPO, victims must painstakingly recount their

experiences with their intimate partner abusers in front of a judge who determines if they should receive legal protection.

In North Carolina there are restrictions on what type of relationships qualify to obtain a DVPO. If the victim is in a relationship with a partner of the same sex and they have not lived together, then she is not eligible to receive a DVPO.¹¹ If the victim does not have a clearly defined relationship with her abuser, such as if the victim is being stalked, then she also is not eligible to file for a DVPO.¹² This exclusion creates barriers for protection and safety measures for victims from their intimate partner abusers.

However, some relief does exist for individuals that are excluded from filing for DVPOs / They are eligible to receive a less forceful Restraining Order (50C).¹³ Unlike the more robust DVPOs, 50C's have limited protection for individuals, and do not allow law enforcement to arrest abusers for violating the order. This leaves victims who are forced to get 50C orders instead of DVPOs vulnerable to continued harm from their abusers.

One law enforcement officer interviewed for this research project commented that once a victim goes through the process to obtain a DVPO, the DVPOs are often granted because Durham does have several judges who are willing to listen to the victim carefully and consider their situation.⁹ Still, the rates for victims going through the process to obtain a DVPO are generally low.¹⁰ Therefore, depending on DVPOs to provide adequate protection to victims of IPV and reducing gun violence is impractical.

LETHALITY ASSESSMENT PROGRAM

In October 2019, North Carolina Attorney General, Josh Stein, proposed adoption of a statewide Lethality Assessment Program. This program gives law enforcement officers a set list

of researched questions to use when assessing if the victim at the scene of a domestic violence call needs to be connected to domestic violence service providers.¹⁴ This procedure was first established in North Carolina through InterAct in Wake County, and from there has been used in five other counties in North Carolina.¹⁵ InterAct has trained hospitals and law enforcement agencies in Wake County to assess the situational lethality for domestic violence victims.¹⁶ Stein found the program to be effective in several of the counties which it had been used in and recommended a statewide version of it. While the effects of the statewide version of the program won't be known for some time, this is a step in the right direction. Studies show that fatalities in domestic violence are often preceded by multiple episodes of contact between law enforcement officers and the victim. When victims are connected to services, they are able to access resources to become more safe and learn more about any legal protections available to them. If victims can connect with services earlier on in their abusive relationship, it likely lowers the number of potential domestic violence homicides.

ANALYTIC COMPARISON WITH OTHER STATES' LAWS

In 2016, Prosecutor's Against Gun Violence, a national organization co-founded by the Los Angeles City Attorney and New York City District Attorney, released a report that outlined best practices for reducing gun violence by domestic violence abusers. The report released these key findings:

- women killed by their abuser often have contact with law enforcement within one year of being murdered;
- removing firearms from potential domestic abuser killers dramatically would change the number of killings;
- restricting firearm access to domestic abusers reduce domestic violence homicides by 25%.¹⁷

In North Carolina, authorities are not required to remove firearms from homes where domestic violence abusers reside. The law enforcement can be authorized to do so by judges with Restraining Orders (50C) or DVPOs (50B), but they are not required to.¹⁸ Judges must issue orders of firearm removal when they deem it appropriate, and they can issue either an implicit or explicit order. If the order is explicit, the judge require that firearms be removed from the domestic abuser's possession.¹⁹ Explicit orders are used in many states, such as California and Virginia. However, for the states that have ability to execute implicit orders, such as North Carolina, Delaware and several other states, law enforcement officers are not required to remove the firearm from the abuser's possession. If the order is implicit, then if the law enforcement officer does not retrieve the firearm (i.e. the abuser states they do not have the firearms at their residence) they will not go through other methods to obtain the firearms.

In contrast, in California law enforcement officers are able to use other methods to remove firearms, such as administrative databases and other relevant criminal justice sources to investigate the abuser's access to firearms, copies of restraining orders to review the narrative of abuse submitted by petitioners, and in some cases, even interviews with the petitioners.²⁰ These methods enable law enforcement officers to go through multiple legal and administrative means to remove firearms from the abusers. While these methods cannot always guarantee that the abuser's firearms will be removed from the home, in California the law enforcement officers do have the power to be able to protect the victim from domestic violence with guns.

ANALYSIS OF UNC ENFORCEMENT STUDIES

A study conducted at the University of North Carolina Chapel Hill, analyzed the enforcement rates of DVPO firearms removal in North Carolina. In this state, county sheriff

officers are responsible for ensuring that abusers are served with a DVPO.²¹ The sheriff's offices' with which the study worked demonstrated that while there is often an initial attempt by the sheriffs' offices to remove firearms from the home of an abuser when they have a DVPO, there are several barriers that prevent their efforts from being successful.

One of the main barriers is that a DVPO respondent (the abusers) is not always able to be found in a timely manner to be notified that they are being served a DVPO. About 25% of the time, the sheriff's office must make multiple attempts to contact the respondent of the DVPO.²² This prolongs the process of removing their firearms; and the longer the process takes the longer that the victims seeking the DVPO are at risk of harm. Another barrier is that there are no clear and standardized guidelines across North Carolina counties for how to proceed when the respondents of the DVPO refuse to surrender their firearms.²³ A member of the Durham sheriff office recounted that "there's nothing that can be done, unless we have a search warrant, to retrieve the respondent's firearms if they do not hand it over to us."²⁴ Since there are no guidelines set into place for how to proceed, it leaves the sheriff's office up to their own discretion. According to the study in which the sheriff offices participated they used the following methods to remove firearms when a respondent did not voluntarily give up their firearms:

- give the defendant the opportunity to provide proof they turned the firearm over to someone else for safekeeping;
- make another attempt to collect firearms;
- document that the defendant states that there are no weapons in his possession.²⁵

Durham County does not have a singular method to proceed with when the respondent states that there are no weapons, and this allows for there to be a loophole for effective enforcement of DVPO firearm removal.

ANALYSIS OF QUALITATIVE INTERVIEW DATA

Part A: Addressing Gun Violence Policy

An employee that works for a statewide nonprofit that focuses on domestic violence services and policy work commented on the difficulties of getting anti-gun violence legislation passed in North Carolina. This individual said that “as long as you have a Republican party in power, it will be hard to change things.”²⁶ This because given that gun violence has developed into a partisan issue and organizations such as this nonprofit have difficulties implementing policy change, it is important to shift the narrative of gun violence away from partisanship. In this individual’s view, gun violence should be addressed as a human rights violation not as a partisan issue. Because gun violence is so often deeply connected with domestic violence, it should be seen as a gender equity issue. Removing partisanship from the discussion about guns and focusing instead on it being a gender equity, solutions that address domestic violence and gun violence should have a greater chance of receptivity and perhaps of being made into law.

The employee in this nonprofit also stated that because many of the organization’s recent pushes for anti-gun violence policies at the state level have been resisted by Republican politicians, they were beginning to shift their focus on community based awareness campaigns of domestic violence services.²⁷ This employee said that she believes community awareness is a key part of shaping a preventative domestic violence culture in.²⁸ Community organizing and awareness about the services available to survivors of abuse can be an effective method to ensure the safety of survivors. This because many victims may not know of the legal and professional services that are available to them in their community, at little or no cost.

Part B: Addressing DVPO Issues

According to an individual that conducts research on IPV and gun violence in North Carolina commented on the issues that arise from the process of obtaining DVPOs. The individual stated that “most [DVPO] orders do get granted, but not a lot of people go through it at all.”²⁹ There are a few attractive appeals of a DVPO, it is a civil court order so it is less expensive (whereas a criminal court order is more expensive), and it guarantees legal protection to the victim. However, the process to obtain a DVPO is very lengthy because there are multiple parts to it. First, there must be a hearing between the abuser and judge, then the Sheriff’s Office must serve all the court paperwork to the abuser, and then a court date will be set for both the plaintiff and defendant to attend.³⁰ The researcher claims that the process is “very burdensome on the victim. Many people take multiple attempts to start the process, because of how difficult it gets.”³¹ Victims have to stand in front of their abuser and recount their abuses in a courtroom to prove to the judge that they deserve protection. This process is very difficult for many of the victims and the thought of it deters many victims from going through with the process. While in Durham the many of the DVPOs are granted, the individual states it is “unclear how reliably judges grant these orders.” Because of this, the researcher recommended that the best method to ensure the safety of survivors would be to have a statewide standardized training for judges to grant DVPO orders effectively. This would ensure victims in every county across North Carolina has a more equitable chance of getting their DVPO granted.

Two individuals from a Durham law enforcement agency recounted that gun violence is a huge issue in Durham. However, gun violence at the intersection of IPV is not as common as

compared to other parts of North Carolina. There have been four instances of domestic violence homicide in Durham that involved a gun in 2019.³² One of the individuals stated that in Durham, when law enforcement officers arrive at a domestic violence scene “the best practice is to secure any firearms that are in sight that would be evidence, and there is an opportunity for individuals in that residence to turn over any firearms.”³³ The victim can let the officers know there is a firearm in the residence, or the abuser can voluntarily hand over the gun.³⁴ However, as mentioned previously, the issue with this is that the firearm can be collected by the abuser from the law enforcement station. So in Durham, unless a DVPO issued, the abuser still has access to the guns that they already own. Additionally, the victim is not made aware that they have the option to have the law enforcement officers remove the firearms if they request.

Since in California it has been found effective to remove firearms for victim at the scene of a domestic violence situation, this policy could be implemented in Durham and should have similar effects. A member of a Durham law enforcement agency stated that “I think it would be a good thing [to remove firearms when at a DV situation]. Anytime we can help to keep someone safe and reduce violence, it’s always a step in a positive direction. It’s also helpful for law enforcement to use that. However, without there being a law in place to allow us to search or remove firearms, we can’t just do it without the law or policy.”³⁵ Both individuals from the law enforcement agency commented that while DVPOs are helpful in removing firearms, they do have their limits. One stated “that even with a protective order, it does not give us the right to search someone’s house.”³⁶ Therefore, there needs to be a policy put into place that allows law enforcement officers to best protect victims from further abuse by removing firearms at the domestic violence scene, and in many cases prevent the incident in the first place.

In order to better assess the stats of Durham's gender equity and gun violence, this research study also looked at counties surrounding Durham to see what policies and programs relating to IPV and gun violence are in place that may be effective reducing this type of violence. An individual who works at a parenting program for domestic abusers in Wake County discussed the benefits of having a program that helps domestic abusers change their lifestyle and actions. This program aims to protect children from extended childhood trauma from their parent's abusive relationship, and typically the male participants are there by court order. This individual commented that one of the most effective policies to reduce gun violence in domestic violence cases would be to have "middle school and high school prevention and education to demonstrate what a healthy relationship looks like."³⁷ She explained that while there are agencies in each county to provide services to women experiencing domestic abuse, providing education at an earlier age can help prevent domestic violence from occurring.³⁸

KEY FINDINGS AND POLICY PROPOSAL

After analyzing state laws, policies, and interviews with key figures in Durham County, this research study discovered one could conclude the following: firearm removal policies in cases of DV Durham County are currently not as effective as they could be, there is a need for better enforcement mechanisms for domestic violence policies in law enforcement agencies. Furthermore, there needs to be a focus on preventative measures to reduce the potential of domestic violence homicides. In light of these findings, I suggest a two-pronged policy proposal could be beneficial: 1) institute a stricter firearm removal policy and 2) implement a strong domestic violence prevention education in Durham Public Schools health courses.

Instituting a stricter firearm removal policy in Durham County would reduce the access to firearms for domestic abusers and therefore reduce the rate of domestic violence homicides. It might not be possible to institute a policy as rigorous as the one in California, where law enforcement officers are required to search homes to remove firearms. Gun rights advocates here have a stronger voice in North Carolina, and it may not be the most practical policy to introduce. Additionally, many of the gun owners in Durham do not have their firearm registered. This would make it harder for law enforcement to track down a firearm if the abuser. However, since there is a discrepancy between firearm removal orders from judges in DVPOs and the amount that are removed, law enforcement officers should have a standard procedure for what to do when abusers do not turn over their firearms. One standard procedure that could be effective is to have the abuser certify under oath that they do not have their firearms, make them verbally aware of the consequences of not turning over their firearms, and then have officers research through databases what firearms the abuser has or is licensed to have. These are policies that are already put into place in other states, such as California, and could be helpful in reducing gun violence in cases of DV for Durham to adopt.

Additionally, law enforcement agents that work in domestic violence situations should be trained to make sure the victim at the scene is aware of resources available to them regarding legal assistance and community-based services moving forward. There is a chance if the situation is not lethal enough in the moment, it could potentially develop into one from that point forward. Therefore, there are key elements that victims should be made aware of even if they don't qualify for assistance through the Lethality Assessment Program:

- contact information of nearby DV service providers;

- if there are weapons in the household, they can file for a DVPO to remove them

Finally, instituting a domestic violence prevention module in the required health courses in Durham Public High Schools will help set the ground for prevention in the next generation of relationships. The domestic violence prevention module should include the following: recognizing the patterns of a healthy and unhealthy relationship, signs of domestic abuse, and how to get help if they are in an unhealthy relationship.

Ultimately, combining preventative tactics such as early education and community awareness with firearm removal policies, gun violence against women in Durham can potentially be reduced. North Carolina should follow the model of other states to protect their women and promote gender equity, and the reduction of violence against women.

End Notes

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