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ERPO and Domestic Violence

December 10, 2020

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exist in all 50 states. The difference is that ERPOs are one-hundred percent about access to firearms, whereas domestic violence restraining or protective orders offer a wider range of protection. They are different but often complementary tools.

As states began passing ERPO laws, some of my contacts in the domestic violence world started reaching out to ask, what does this mean for victims of domestic violence? Because ERPOs may be available to law enforcement, healthcare providers, employers, and school administrators, not just to family or household members (as is the case with DVROs), individuals would file an ERPO and the person experiencing domestic violence would learn about it after the fact. For example, law enforcement might be called to a home multiple times, and in response to the repeat visits a law enforcement officer might decide, “I’ve been here a bunch, nothing is happening. I’m concerned. I’m going to file an ERPO to protect this person.”

ERPOs are absolutely a tool for addressing domestic violence. But an ERPO may not be the best tool at a particular point in time. We want to make sure that ERPO use does not contradict the plans or instincts of victims

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decided the risk of disarming an abuser is too high, because it might cause that abuser to become more violent. When I'm speaking with stakeholders on the ground about ERPO implementation, I talk about the necessity for communication among stakeholders, particularly for law enforcement and domestic violence advocates and domestic violence victims or survivors, to work together closely to ensure that the safety and autonomy of the victim or survivor is prioritized. And to remember that in all states, DVROs are available for people experiencing domestic violence—although they do not always include prohibitions on gun purchase and possession or requirements to surrender firearms.

That being said, I've worked with survivors who have told me they wished an ERPO had been available to them in the past, because they didn't want an order that would include the provisions that are available with DVROs, such as requiring their partner to leave the house they share, forbidding contact, or denying their partner access to their children. They didn't want those things, but they did want the guns out of the house because it was important for their family's safety. And not every state has firearm relinquishment laws for DVROs. Not every state that has relinquishment of firearms for domestic violence is

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from a dangerous domestic violence situation.

Nearly 1 million women in the US have been shot or shot at by an intimate partner, and about 4.5 million women have been threatened by a gun in their lifetimes. That is based on self-reporting, so we assume there are more. We tend to focus almost exclusively on people who are killed, but domestic violence perpetrated with firearms is so much more than that. When the victim or survivor knows the firearm is there and available, that affects the dynamics of the relationship. We hear how this plays out: in the middle of an argument, the abuser takes out the firearm and casually starts cleaning it, or just lays it on the table so it is easily accessible. I don't think we even understand the full effect that firearms have in these relationships.

My strong preference is for states to enact robust domestic violence protection order firearm relinquishment laws and assure those laws are implemented well. However, ERPO may be the tool that is available, or is what will be passed in the legislature, and we want people working in the domestic violence space to know that it is available to them. It is so important to remove firearms from people who are violent toward their intimate partners

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Access to firearms at that point in the relationship is particularly dangerous. ERPO is a tool that directly addresses that lethal risk by providing a means to temporarily remove guns when there is a clear risk of violence.

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