



Invited Commentary

A commentary on domestic firearm violence against women (2018–2021)



ARTICLE INFO

Keywords

Domestic violence

Firearm violence

Domestic firearm violence

COVID-19

ABSTRACT

The COVID-19 pandemic has exposed some of our best and worst qualities as a country. This commentary on “Domestic Firearm Violence Against Women (2018-2021)” discusses weaknesses in federal legislation and proposes ways for states to fill these gaps.

As our country continues to tackle the aftermath of the COVID-19 pandemic, we are frequently reminded of the severe and long-lasting public health implications it generated. While some were the direct result of the morbidity and mortality of the virus itself, others were brought on by the restrictions that were necessary to contain this novel disease. The physical, mental, economic, and social disruptions of the pandemic exacerbated numerous social vulnerabilities, many of which were present long before the chaos. The disproportionate effect that the pandemic had on victims of domestic violence once again demonstrated how an alarming pre-existing public health crisis was intensified by the stressors of the COVID-19 crisis.

As healthcare professionals, we often feel a duty to protect vulnerable populations. It's why we frequently support COVID-19 restrictions like social distancing, mandatory masking, and stay-home orders when they are necessary. So why do we repeatedly fail to protect victims of domestic abuse, and what can we do in the future to prevent it? As the authors have demonstrated here, we can start by supporting laws that aim to prevent domestic firearm abuse. Admittedly, gun safety regulations may not prevent every domestic abuse injury, but they can certainly be the difference between life and death for numerous victims of abuse.

This article demonstrates that states with less restrictive gun laws experienced higher incidents of domestic firearm violence during the COVID-19 pandemic compared to states with more restrictive laws. However, federal rather than state firearm regulations are generally more relevant to cases of domestic violence. For example, the Gun Control Act of 1968 and the Violence Against Women Act of 1994 prohibit the purchase or possession of a firearm by anyone who has been convicted of a crime of domestic violence. Although these laws historically were associated with decreased domestic violence homicide rates, recently, the incidence of domestic firearm violence has increased. This escalation is partly due to the following fundamental gaps in federal legislation, emphasizing the need for supplemental regulations:

- Federal law mandates universal background checks, yet these are only required for licensed gun sellers, making them far from universal. In many states, unlicensed private sellers can transfer firearm ownership with no obligation to follow this mandate. Currently, 21

states have attempted to close this legislative gap by instituting background checks beyond the federal mandate. Sixteen of these states have expanded it to include all gun sales.

- Since 1968, federal law has prohibited individuals charged with a felony crime from purchasing or possessing a firearm. In 1996, this ban was expanded to include people convicted of misdemeanors of domestic violence. Unfortunately, federal law has a narrow definition of crimes of domestic abuse. In response to this oversight, thirty-four states have passed laws that broaden the definition of domestic violence. For example, many states now include offenders convicted of stalking crimes and have expanded the definition to include offenses against individuals who had any type of past relationship with the offender.
- Although federal legislation prevents individuals convicted of domestic abuse crimes from purchasing or possessing a firearm, the federal mandate provides no standard mechanism to ensure relinquishment of previously owned firearms. In many states, defendants are simply told they are prohibited from owning firearms, but no further action is taken to ensure that all firearms are removed from the offender's possession. In response to this gap, many states have passed laws outlining standard protocols that facilitate the removal of firearms from those convicted of domestic abuse-related crimes. Studies have shown that states with strict relinquishment laws are linked to a 16 % reduction in domestic firearm homicides [1]. Unsurprisingly, studies have also demonstrated that domestic abuse victims report feeling safer after the successful removal of firearms from their abuser [2].

Initially, closing these gaps appears straightforward. Doing so garners popular bipartisan backing, with over 81 % of surveyed Americans favoring legislation to prohibit individuals who commit domestic violence from owning firearms [3]. Yet deep political and cultural divides intermittently threaten our ability to protect this vulnerable population. Even as we write this commentary, the United States Supreme Court is deliberating on the case of the United States v. Rahimi to determine the constitutionality of federal laws that prohibit individuals with domestic violence restraining orders from possessing firearms. This case stems from a U.S. Court of Appeals ruling which reversed the

<https://doi.org/10.1016/j.sopen.2024.02.004>

Received 7 February 2024; Accepted 14 February 2024

Available online 20 February 2024

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indictment of Zackery Rahimi. In 2019, Rahimi was issued a restraining order after assaulting his girlfriend. Over the course of the next two years, Rahimi was involved in several more shooting incidents, ultimately prompting the police to search Rahimi's home. During this search, police discovered that he illegally possessed a rifle and a pistol. Rahimi was charged with breaking federal laws that prohibited him from owning firearms. Rahimi appealed the charges, arguing that laws prohibiting domestic violence offenders from possessing guns were unconstitutional. The Court of Appeals initially dismissed his appeal but later upheld it citing the Supreme Court's decision in *New York State Rifle & Pistol Association v. Bruen*, which ruled that New York state's handgun licensing laws were unconstitutional. The Bruen ruling was based on the precedent that courts should uphold firearm restrictions only when there was a tradition of such regulation in U.S. history. Although no decision has been made yet, it does appear that a majority of Supreme Court Justices are concerned about the consequences of reversing federal domestic firearm violence restrictions, highlighting our country's common desire to protect vulnerable populations. At a time when it can seem that the rights of gun owners can threaten the safety of victims of domestic violence, it is crucial for us to remember that bipartisan legislation has helped reduce domestic violence in the past, and we believe it can do so again in the future.

The COVID-19 pandemic has exposed some of our best and worst qualities as a country. This article highlights how social isolation during this period exacerbated domestic firearm violence against women and how we continue to contend with the healthcare crisis of domestic firearm violence against women as a society.

CRediT authorship contribution statement

Linda M. Schutzman: Conceptualization, Resources, Writing –

original draft. **Peter C. Jenkins:** Writing – review & editing.

Declaration of competing interest

The authors report that there are no financial disclosures or personal relationships with people or organizations that could influence their work.

References

- [1] Zeoli AM, McCourt A, Buggs S, Frattaroli S, Lilley D, Webster DW. Analysis of the strength of legal firearms restrictions for perpetrators of domestic violence and their associations with intimate partner homicide. *Am J Epidemiol* 2018;187(7):1449–55.
- [2] Vittes KA, Webster DW, Frattaroli S, Claire BE, Wintemute GJ. Removing guns from batterers: findings from a pilot survey of domestic violence restraining order recipients in California. *Violence Against Women* 2013;19(5):602–16.
- [3] Barry CL, Webster DW, Stone E, Crifasi CK, Vernick JS, McGinty EE. Public support for gun violence prevention policies among gun owners and non-gun owners in 2017. *Am J Public Health* 2018;108(7):878–81.

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