

DOMESTIC ABUSE PROTECTIVE ORDERS AND FIREARM ACCESS IN RHODE ISLAND



SEPTEMBER 2015

EXECUTIVE SUMMARY

Domestic abusers pose an elevated risk to their partners when they have access to firearms: When a gun is present in a domestic violence situation, it increases fivefold the risk of homicide for women.¹ Between 2008 and 2012, 28 percent of Rhode Island women killed by intimate partners were shot to death, according to an Everytown analysis of FBI data.²

To reduce domestic violence homicides, it is important to prohibit people subject to final domestic abuse protective orders from possessing guns, and to require them to turn in any guns they already have to law enforcement or a licensed gun dealer for the duration of the order. Federal law prohibits people under final domestic abuse protective orders from buying or possessing guns,³ but it does not provide a mechanism to ensure that abusers turn in the guns they already own.

In Rhode Island, when a victim of abuse obtains a final domestic abuse protective order, federal law usually prohibits the abuser from buying or possessing firearms, meaning that he will fail a background check if he tries to buy a gun. But under current state law, although the court that issues the protective order can require the prohibited abuser to turn in his guns, it is not required to do so.

To understand how effectively current law protects victims of domestic abuse in the state, Everytown examined final domestic abuse protective orders issued by Rhode Island courts between 2012 and 2014. This analysis of court records suggests that courts in Rhode Island rarely require abusers to turn in their firearms, even when the orders prohibit them from possessing firearms under federal law and there is evidence they have access to guns and pose a lethal risk to victims.

This analysis of court data suggests that existing Rhode Island law does not sufficiently protect domestic abuse victims from the threat of armed abusers. Fifteen states fill the gap in federal law by requiring abusers who are subject to final domestic abuse protective orders to turn in their guns for the length of the order.⁴ Rhode Island can join this group by passing legislation which would keep guns out of the hands of domestic abusers by requiring that they turn in their guns when they become prohibited from having them.

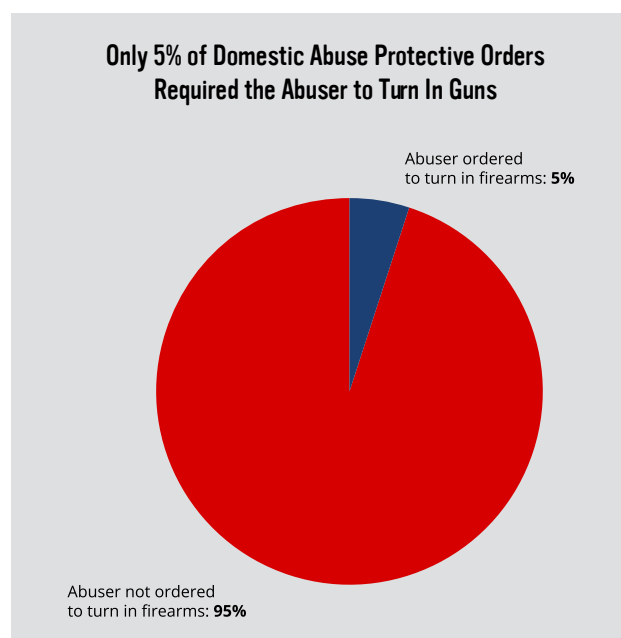
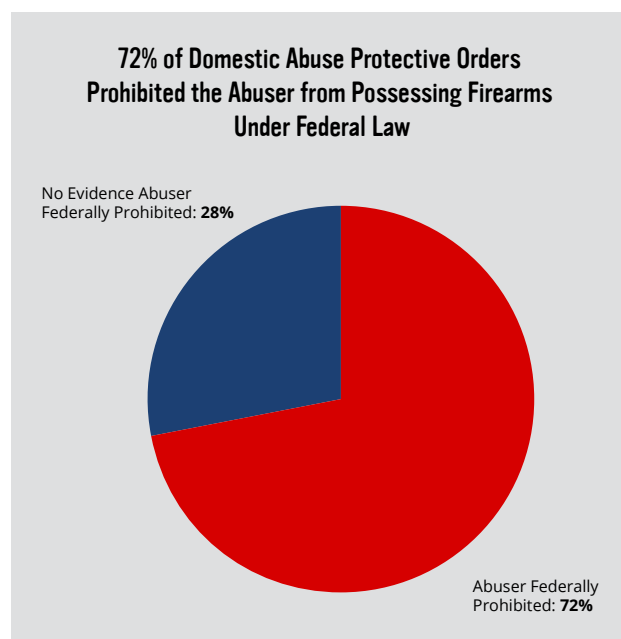
➤ **Firearms are frequently a factor in Rhode Island domestic abuse cases.** Nearly 1 in 4 of the final orders were precipitated by petitions that contained evidence showing a firearm was present or that the abuser threatened to use one against the victim.

➤ **Many complaints indicated a heightened risk of homicide.** Almost 40 percent of final domestic abuse protective orders were precipitated by complaints that described abusive behavior matching at least one “lethality risk factor”— criteria that epidemiologists have consistently linked to domestic violence homicides.⁵

➤ **Courts rarely ordered abusers who were subject to final protective orders to turn in their firearms.** Among more than 1,600 reviewed final protective orders, courts required abusers to turn in their guns in just five percent of cases (84 in total). Even when the written records indicated a firearm threat, courts ordered abusers to turn in their guns in less than 13 percent of cases; as a result, 325 abusers who appeared to have access to firearms were not ordered to turn them in.

➤ **Even abusers prohibited by federal law were rarely ordered to turn in their firearms.** Based on an analysis of the relationship between the abuser and the victim, 72 percent of final protective orders prohibited the abuser from buying or possessing firearms under federal law. Yet courts were no more likely to order abusers who were prohibited by federal law to turn in firearms than abusers who were not.⁶

➤ **The rate at which courts ordered abusers to turn in their guns varied substantially across the state’s court systems,** from a low of 2 percent (Washington County Family Court) to a high of 53 percent (Washington County District Court).



BACKGROUND: LIMITING ABUSERS' ACCESS TO FIREARMS

Domestic abuse affects the lives of thousands of Rhode Islanders. According to the Rhode Island Judiciary Administration, police responded to nearly 8,000 domestic abuse calls and made over 5,500 domestic abuse-related arrests in 2012, the most recent year for which data is available.⁷ And hundreds of victims of abuse in Rhode Island also apply for protective orders through the state's court system.

Firearms play a particularly insidious role in domestic abuse. One study in California found that about two-thirds of victims of abuse in houses with guns reported that their partners had used the weapons against them, most often by threatening to shoot or kill them.⁸ Additionally, guns make it more likely that domestic abuse will turn into murder: When a gun is present in a domestic violence situation, it increases fivefold the risk of homicide for women.⁹ Between 2008-12, 28 percent of Rhode Island women killed by intimate partners were shot to death, according to an Everytown analysis of FBI data.¹⁰

A final protective order is a critical tool for shielding domestic abuse victims from further violence, in part because it can require the abuser to turn in his or her firearms for the duration of the order. Federal law prohibits intimate partners subject to final protective orders from buying or possessing guns, and 15 states — including Connecticut, Massachusetts, New Hampshire, and New York — require that people subject to final domestic abuse protective orders turn in their guns for the length of the order.

DOMESTIC ABUSE PROTECTIVE ORDERS IN RHODE ISLAND

In Rhode Island, a victim of domestic abuse can seek a protective order by filing a complaint with a clerk in either Family Court or District Court.¹¹ The person alleging abuse (the “petitioner”) identifies the person accused of abuse (the “respondent”), defines the nature of their relationship, and describes the abuse, including whether the respondent has threatened or harmed the petitioner with a weapon. The complaint prompts the petitioner to seek specific types of relief, including a request that the respondent turn in all their firearms to local police.

Once the complaint is filed, a judge determines whether the petitioner faces an immediate threat of harm.¹² If so, the court may immediately issue a temporary protective order—effective for up to 21 days—and schedule a hearing.¹³ The court then issues a summons notifying the respondent of the temporary order and the upcoming hearing.

At the hearing, the petitioner and respondent each may testify, present evidence, and call witnesses. Both may be represented by counsel. If the evidence establishes that the respondent has subjected the petitioner to domestic abuse,¹⁴ the court may issue a protective order barring the respondent from contacting, assaulting, molesting, or interfering with the petitioner for up to three years. The order may also instruct the respondent to immediately vacate a shared household, and a Family Court protective order may award the petitioner custody of minor children or child support payments.¹⁵

When a judge issues a protective order after a hearing (i.e., a final order), the respondent in that order is automatically prohibited by federal law from buying or possessing guns for the length of the order, provided the petitioner and respondent are intimate partners as defined by federal law.¹⁶ Federal law does not provide a mechanism to ensure that prohibited abusers turn in the guns they already own. **Current Rhode Island law allows a court to order the abuser to turn in all firearms in his possession, care, custody, or control — but does not require the court to do so.**¹⁷

THE PROCESS FOR OBTAINING A DOMESTIC ABUSE PROTECTIVE ORDER IN RHODE ISLAND



THE PETITIONER FILES A COMPLAINT, INCLUDING A WRITTEN STATEMENT ALLEGING ACTS OF DOMESTIC ABUSE.



A JUDGE DECIDES WHETHER TO ISSUE A TEMPORARY PROTECTIVE ORDER. IF SHE DOES, SHE SCHEDULES A HEARING.



THE COURT HOLDS A HEARING WHERE BOTH PARTIES MAY BE REPRESENTED BY COUNSEL.



THE JUDGE DECIDES WHETHER TO ISSUE A FINAL PROTECTIVE ORDER. **IF SHE DOES, SHE DECIDES WHETHER TO ORDER THE RESPONDENT TO TURN IN FIREARMS:**



THE JUDGE DOES NOT ORDER THE RESPONDENT TO TURN IN FIREARMS.



THE JUDGE ORDERS THE RESPONDENT TO TURN IN FIREARMS. THE RESPONDENT MUST TURN IN ANY GUNS HE OR SHE POSSESSES WITHIN A SPECIFIED TIME.

detained, without notice because it clearly appears that specific facts shown by affidavit or by the affidavits and probable injury, loss or damage make a notice not to be served on a hearing but it will correctly a hearing to show the hardship. (2) Does such order to enforce on the 20th order.

The above from any other judge or the Family Court, setting out of 10 facts or circumstances alleged

3-1-13

Date

before me ALLEY in the County of PROVIDENCE in the State of RI
Notary, 7th day of April A.D. 2013.

Michelle L. Laperriere
Deputy Notary

Print Name _____

I, D. NO _____


WHITE COUNTY
GREENE HARTFORD
YELLOW BLUE EMERSON
MAYNARD
FALL PLUMET
OCEAN FALLS

DOCUMENT 2: WRITTEN STATEMENT

Everytown then analyzed the petitioner's written statement to look for evidence that the respondent possessed or had threatened the petitioner with a firearm, and to determine whether the respondent had exhibited behaviors matching any lethality risk factors.

Below, the petitioner wrote that the respondent had threatened to “blow [her] head off,” and had forced her to “lay on the floor of his apartment [and] put a gun to [her] head.”

He was going to have me murdered that it only takes one phone call. In the past he told me that he will blow my head off, stab me in my heart and leave me to die. Snap my neck, crush my wind pipe. I would meet his parents (they are no longer living). He stabbed me in my chest with a knife broke my skin. Made me lay on the floor of his apartment put a gun to my head. Said he could put a bullet in my head and leave me there to dead and he would leave Rhabe Island. He would terrorize my family if I moved

 STATE OF RHODE ISLAND
FAMILY COURT

DOMESTIC ABUSE
☐ PLAINTIFF
☒ AFFIDAVIT
P.C. NO. _____

Please Print - _____

On Jan 30 2013 I went to _____ job to get money for my girls. He told me he wanted to take the girls to New York. I told him no. He then told me by this time next week I would be dead/murdered. I said I was going to the police station. He told me that his cops brother be with me 24 hrs. He came to my drivers side window started punching it. I notice it broke so I wanted get broken he told me in my home later my daughters out of the house that my heart would stop tonight. The next day I have me remembered that it only takes one snap call in the past he told me that he will blow my heart off stab me in my heart and leave me to die. Snap my neck, crush my wind pipe. I would meet his parents if they are no longer living. He stabbed me in my chest with a knife prick my shin. Made me lay on the floor of his apartment put a gun to my head. Said he could put a bullet in my head and bleed me down the road and my whole life blood. Served the would terrorize my family if I moved neighbor with me the would terrorize my family I stayed so long because I was told he with it. He also told me that he would get me back to murdered because people _____

SIGNATURE OF PLAINTIFF: _____ DATE: 3-1-13

USE DURING COURT BUSINESS HOURS (AFFIDAVIT)

I am in _____ In the County of _____
Plaintiff's Office _____ AD 978

Russell M. Peterson

DISTRIBUTION WIFE - JUDGE FILED - JUDGE
COUNSEL - DIST. CLERK FOSTER - PLAINIFF

DOCUMENT 3: PROTECTIVE ORDER

Finally, Everytown reviewed each judgment to assess whether the respondent had been ordered to turn in firearms.

Below, the judge circled numbers 1 and 2 to order the respondent to refrain from contacting, assaulting, molesting, stalking, cyberstalking, harassing, or otherwise interfering with the petitioner, and to stay out of the petitioner's household. The judge crossed out number 4 to clearly indicate that he or she **would not** order the respondent to turn in his firearms.

ADJUDGED AND ORDERED

1. The Defendant is restrained and enjoined from contacting, assaulting, molesting, stalking, cyberstalking, harassing, or otherwise interfering with the Plaintiff at home, on the street, or elsewhere.

2. The Defendant shall vacate forthwith and remain out of the household located at of the Plaintiff.

~~3. The Defendant shall surrender possession of all firearms to on or before _____~~

5. This restraining order is to remain in full force and effect until March 21, 2016. (Review on 6/20/16)

STATE OF RHODE ISLAND

AND PROVIDENCE PLANTATIONS

FAMILY COURT **JUDGMENT PROTECTION FROM ABUSE**

County Providence		Case Number <div style="background-color: black; width: 100px; height: 20px;"></div>	
PLAINTIFF			
First [redacted]	Middle [redacted]	Last [redacted]	Gender F
			RACE [redacted]
			DATE OF BIRTH [redacted]
			RELATIONSHIP Children
DEPENDANT			
First [redacted]	Middle [redacted]	Last [redacted]	
Address [redacted]			
Dyings Testing Features CAUTION: 1. Firearms			

DEPENDANT'S IDENTIFIERS

Gender M	RACE [redacted]	DATE OF BIRTH [redacted]
HEIGHT [redacted]	WEIGHT [redacted]	EYES [redacted]
HAIR [redacted]	SCARS [redacted]	TOOTH [redacted]
DRIVERS LICENSE NUMBER [redacted]		SOCIAL SECURITY NUMBER [redacted]

This case comes to be heard on the Plaintiff's Complaint for Protection from Abuse on March 21, 2016 before Judge/Referee Magistrate/Judge: [redacted] and after hearing it is ordered and adjudged the Plaintiff's Complaint for Protection from Abuse is granted and the defendant is ordered.

ADJUDGED AND ORDERED

1. The Defendant is restrained and enjoined from contacting, assaulting, molesting, stalking, cyberstalking, harassing, or otherwise interfering with the Plaintiff's, former, or the spouse, or otherwise.
2. The Defendant shall immediately relinquish possession of the household owned at of the Plaintiff.
3. The Defendant shall surrender possession of all firearms to the court or to the law.
4. The restraining order is to remain in full force and effect until March 21, 2016. (Review on 6/20/13)

Entry: [redacted] (Judge/Referee/Judge)

File Order Clerk: [redacted]

Date: 6/20/13

Entered by (Judge/Clerk): [redacted]

Date: 3/21/13

ADDITIONAL ORDERS ATTACHED

By requesting the complaint, but does not appear at the hearing, the clerk of the Family Court shall mail the order.

Under oath and under penalty of perjury, I, [redacted], the Defendant, do hereby certify that the information provided is true and correct.

THE PARTIES AND THE SUBJECT MATTER WHERE IT ISSUED THIS PROTECTIVE ORDER. THE DEFENDANT'S OPPORTUNITY TO BE HEARD IN THIS CASE SHALL BE PRESERVED BY THE COURT'S ORDER.

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RESULTS

Everytown’s analysis of Rhode Island final protective orders suggests that domestic abusers who are subject to final protective orders in the state and prohibited from possessing guns under federal law are rarely required to turn in their firearms.

Firearms are frequently a factor in Rhode Island domestic abuse cases. Nearly 1 in 4 final orders were precipitated by a complaint that indicated a firearm risk: explicitly mentioning the presence of a firearm, describing how the abuser had threatened to use a gun against the victim, or specifically requesting that the court order the abuser to turn in his firearms.²⁰

Almost 40 percent of victims’ requests for protective orders included strong indicators that their abusers posed a lethal danger. In 633 cases, victims described abusive behavior matching at least one “lethality risk factor” — a set of criteria that epidemiologists have consistently linked to homicide — including threats to kill, strangulation, recent separation from their partners, or the presence of a firearm in the home. Yet of these cases where there was evidence that the abuser posed a lethal danger, courts ordered them to turn in their guns in only 61 cases (10 percent).

Courts in Rhode Island rarely order abusers who are subject to final protective orders to turn in their firearms. Of the 1,609 final protective orders reviewed, courts required just five percent of abusers to turn in their guns (84 cases). Even in cases where written records provided evidence of a firearm threat, courts ordered the abusers to turn in their guns just 13 percent of the time. Three hundred twenty-five abusers who appeared to have access to firearms were not ordered to turn them in.

Even abusers prohibited by federal law were rarely ordered to turn in their firearms. Based on an analysis of the relationships between abusers and victims, 72 percent of final protective orders prohibited the abuser from possessing firearms under federal law. But courts were no more likely to order abusers who were prohibited by federal law to turn in firearms than abusers who were not: only 5.2 percent of each group were ordered to turn in firearms. Further, while abusers in Family Court were almost twice as likely to qualify for federal prohibition as abusers in District Court, Family courts — which issued 89 percent of all final domestic abuse protective orders — were far less likely than District courts to order federally-prohibited abusers to turn in their firearms.

The rate at which courts ordered abusers to turn in their guns varied substantially across counties. Whereas six courts ordered abusers to turn in their firearms less than 9 percent of the time overall, two courts ordered abusers to turn in their guns at significantly higher rates: Washington County District Court (53 percent) and Kent County District Court (40 percent). These courts appeared particularly attuned to ordering abusers to turn in their guns when a victim’s file mentioned a firearm. In such cases, Washington County District Court ordered abusers to turn in their firearms 67 percent of the time and Kent County District Court ordered abusers to turn in their firearms 47 percent of the time.

	DISTRICT COURT				FAMILY COURT			
	TOTAL FINAL PROTECTIVE ORDERS	ORDERED TO TURN IN FIREARMS	INCLUDED EVIDENCE OF A FIREARM	ORDERED TO TURN IN FIREARMS	TOTAL FINAL PROTECTIVE ORDERS	ORDERED TO TURN IN FIREARMS	INCLUDED EVIDENCE OF A FIREARM	ORDERED TO TURN IN FIREARMS
Providence County*	108	5	21	2	1022	31	202	20
Newport County	12	1	6	1	68	2	10	0
Washington County	17	9	3	2	94	2	42	2
Kent County	47	19	15	7	241	15	75	14

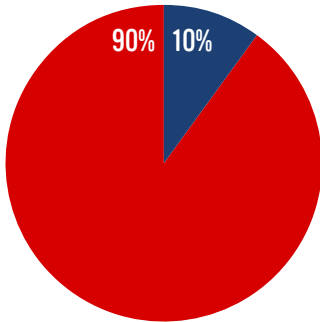
*Courts in Providence County also hear domestic abuse protective order proceedings originating in Bristol County.

COURT-BY-COURT RESULTS: SHARE OF CASES INDICATING A FIREARM RISK THAT RESULTED IN ORDER THAT ABUSER TURN IN GUNS

■ Abuser Not Ordered to Turn In Firearms

■ Abuser Ordered to Turn In Firearms

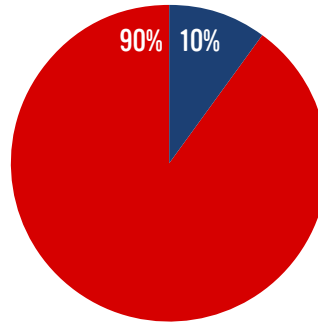
Providence County District Court



19

ABUSERS IDENTIFIED AS
A FIREARM RISK BUT NOT
ORDERED TO TURN IN FIREARMS

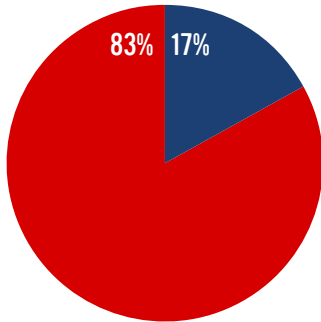
Providence County Family Court



182

ABUSERS IDENTIFIED AS
A FIREARM RISK BUT NOT
ORDERED TO TURN IN FIREARMS

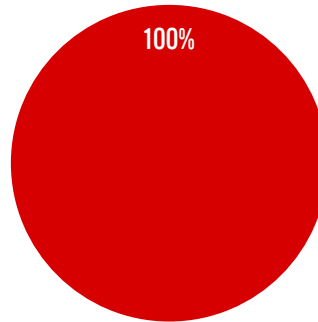
Newport County District Court



5

ABUSERS IDENTIFIED AS
A FIREARM RISK BUT NOT
ORDERED TO TURN IN FIREARMS

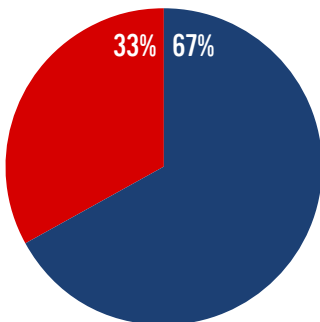
Newport County Family Court



10

ABUSERS IDENTIFIED AS
A FIREARM RISK BUT NOT
ORDERED TO TURN IN FIREARMS

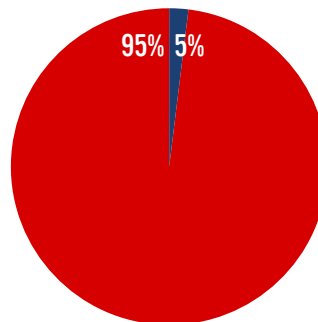
Washington County District Court



1

ABUSER IDENTIFIED AS
A FIREARM RISK BUT NOT
ORDERED TO TURN IN FIREARMS

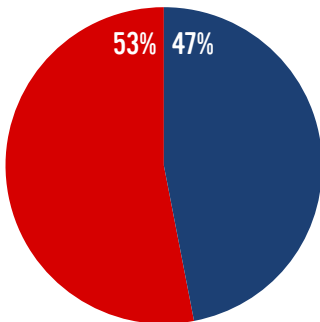
Washington County Family Court



40

ABUSERS IDENTIFIED AS
A FIREARM RISK BUT NOT
ORDERED TO TURN IN FIREARMS

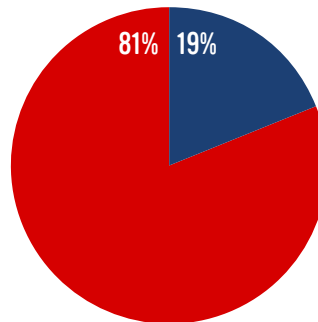
Kent County District Court



8

ABUSERS IDENTIFIED AS
A FIREARM RISK BUT NOT
ORDERED TO TURN IN FIREARMS

Kent County Family Court



61

ABUSERS IDENTIFIED AS
A FIREARM RISK BUT NOT
ORDERED TO TURN IN FIREARMS

CASES

The firearm threats described in the case files were often stark, yet in most cases they did not result in orders requiring abusers to turn in their guns:

- In 2013, a woman from Chepachet filed a request for a protective order in Providence Family Court against her 44-year-old former boyfriend. In her written statement, the woman described “aggressive and harassing” behavior and noted that “he owns a gun and I’m afraid he will show up at my new house and kill me and the children...one time he took the gun to his head and threatened to kill himself.” The woman requested that the court order her former boyfriend to turn in his firearms. Although the court issued a protective order, it did not order the former boyfriend to turn in his firearms.
- In 2012, a woman from Providence filed a request for a protective order in Providence Family Court against her 28-year-old estranged husband. In her written statement, the woman described how he broke into her new home that she shares with their young children, and, after threatening her life, “told me that he was going back to his truck to get a gun to kill me.” The woman requested that the court order her estranged husband to turn in his firearms. Although the court issued a protective order, which prohibited the estranged husband from possessing firearms under federal law, it did not order him to turn in his firearms.
- In 2013, a woman from Providence filed a request for a protective order in Providence Family Court against her 50-year-old former boyfriend and the father of her two young daughters. In her written statement, the woman wrote that during an argument, the former boyfriend “made me lay on the floor of his apartment and put a gun to my head. Said he could put a bullet in my head and leave me there...” The woman requested that the court order her former boyfriend to turn in his firearms. The court issued a protective order, which prohibited the former boyfriend from possessing firearms under federal law, but it did not order him to turn in his firearms.

- In 2013, a woman from North Kingston filed a request for a protective order in Washington Family Court against her 27-year-old estranged husband. In her written statement, the woman described how her husband “had their children and refused to give them back. He called me later that night and threatened to come to my house and shot [sic] me.” The woman requested that the court order her estranged husband to turn in his firearms. Although the court issued a protective order, which prohibited the estranged husband from possessing firearms under federal law, it did not order him to turn in his firearms.

Although they only did so in a minority of cases, courts can and did order some abusers to turn in their firearms:

- In 2012, a woman filed a request for a protective order in Providence Family Court against a man she had previously dated and with whom she had a child. In her written statement, she described an argument in which the man told her he was going to “get his gun” and that “she was going to get it,” and she requested that the court order him to turn in his guns. When it issued the protective order, prohibiting the man from possessing firearms under federal law, the court also instructed the man to turn in his guns to the local police department.

RECOMMENDATIONS

This analysis of court data suggests that existing Rhode Island law does not sufficiently protect domestic abuse victims from the threat of armed abusers. Rhode Island courts rarely require abusers to turn in their firearms, even when they are under protective orders that prohibit them from possessing firearms under federal law and there is evidence that they have access to guns and pose a lethal risk to victims.

Fifteen states have closed this loophole by creating a procedure for courts to follow that requires all abusers subject to final domestic abuse protective orders to turn in their guns for the length of their orders. States that restrict access to firearms by those under domestic violence restraining orders, including by requiring them to turn in guns, see a 25 percent reduction in intimate partner gun homicides.²¹

Comprehensive legislation that requires domestic abusers to turn in their firearms would keep guns out of dangerous hands and protect Rhode Island women and families. Rhode Island policymakers should bring state law in line with federal law by enacting legislation that prohibits people subject to domestic abuse protective orders and people convicted of domestic violence crimes from possessing guns. The state should further protect victims by requiring domestic abusers to turn in their firearms to law enforcement or licensed gun dealers upon becoming prohibited.

NOTES

1. J.C. Campbell, S.W. Webster, J.Koziol-McLain, et al., "Risk factors for femicide within physically abuse intimate relationships: results from a multi-state case control study," 93 Amer. J. of Public Health 1089-97 (2003).
2. Everytown analysis of FBI Supplementary Homicide Reports, 2008-12, available at: <http://bit.ly/1yVxm4K>. During that period, 5 of 18 Rhode Island women murdered by their intimate partners were killed with guns.
3. Federal law prohibits people subject to final domestic abuse protective orders from possessing guns only when the abuser and victim are "intimate partners"-current or former spouses, parents of a child in common, or current or former cohabitants--or when the victim is the child of the abuser or of the abuser's intimate partner. 18 U.S.C. § 922(g)(8), 18 U.S.C. § 921(a)(32).
4. See Cal. Fam. Code § 6389; Colo. Rev. Stat. § 13-14-105.5; Conn. Gen. Stat. § 29-36k(a); Haw. Rev. Stat. Ann. §§ 134-7(g), 134-7.3(b); 725 Ill. Comp. Stat. 5/112A-14(b)(14.5)(B); 750 Ill Comp Stat 60/214(b)(14)(a)(3); Iowa Code § 724.26(4); Md. Code Ann. Fam. Law § 4-506(f); Mass. Gen. Laws ch. 209A, § 3B; Mass. Gen. Laws ch. 140, § 129D; Minn. Stat. § 518B.01, Subd. 6(g), (h); N.H. Rev. Stat. Ann. § 173-B:5(l); N.Y. Crim. Proc. Law §§ 530.14(5)(a-b), 6(a); N.Y. Fam. Ct. Act § 842-a(5); N.Y. Fam. Ct. Act § 842-a(6); N.Y. Penal Law § 400.05(6); N.C. Gen. Stat. § 50B-3.1; Tenn. Code Ann. § 36-3-625(a-b); Wash. Rev. Code Ann. § 9A.41.800(3); Wis. Stat. §§ 813.12(4m), 813.122(5m).
5. Jill Messing and Jonel Thaller, "Intimate Partner Violence Risk Assessment: A Primer for Social Workers," British Journal of Social Work (2014) 1-17.
6. Federal law prohibits domestic abusers subject to final protective orders from possessing firearms only when the abuser and victim are "intimate partners"-current or former spouses, parents of a child in common, or current or former cohabitants--or when the victim is the child of the abuser or of the abuser's intimate partner. Federal law does not prohibit domestic abusers subject to final protective orders from possessing firearms when the victim is the abuser's non-cohabiting dating partner, sibling, parent, grandparent, or roommate.
7. Rhode Island Judiciary, "Domestic Violence and Training Unit Statistics," available at: <http://1.usa.gov/1S9Ta6f>.
8. Susan B. Sorenson and Douglas J. Wiebe, "Weapons in the Lives of Battered Women," 94 Am. J. Pub. Health 1412-1413 (2004).
9. J.C. Campbell, S.W. Webster, J.Koziol-McLain, et al., "Risk factors for femicide within physically abuse intimate relationships: results from a multi-state case control study," 93 Amer. J. of Public Health 1089-97 (2003).
10. Everytown analysis of FBI Supplementary Homicide Reports, 2008-12, available at: <http://bit.ly/1yVxm4K>
11. Petitioners suffering from domestic abuse at the hands of a cohabitant or dating partner seek relief in District Court. R.I. Gen. Laws § 8-8.1-1(5). Petitioners suffering domestic abuse at the hands of a present or former family member seek relief in Family Court. R.I. Gen. Laws § 15-15-1(2).
12. R.I. Gen. Laws §§ 8-8.1-4(a)(2); 15-15-4(a)(2).
13. R.I. Gen. Laws §§ 8-8.1-4; 15-15-4.
14. Rhode Island code does not specify a burden of proof applicable in domestic abuse protective order proceedings. The Rhode Island Supreme Court has indicated that issuance of a protective order is proper when "a fair preponderance of the evidence" establishes that the respondent has committed domestic violence upon the petitioner. Thibaudeau v. Thibaudeau, 947 A.2d 243, 247 (R.I. 2008).
15. R.I. Gen. Laws §§ 8-8.1-3(a)(1); 15-15-3(a)(1); R.I. Gen. Laws §§ 8-8.1-3(a)(2); 15-15-3(a)(2).; R.I. Gen. Laws § 15-15-3(a)(3-4).
16. Federal law prohibits people subject to final domestic abuse protective orders from possessing guns only when the abuser and victim are "intimate partners"-current or former spouses, parents of a child in common, or current or former cohabitants--or when the victim is the child of the abuser or of the abuser's intimate partner. 18 U.S.C. § 922(g)(8), 18 U.S.C. § 921(a)(32).
17. R.I. Gen. Laws §§ 8-8.1-3(a)(4); 15-15-3(a)(5).
18. The other files had reportedly been moved to an off-site archive facility, been sealed by judicial order, gone missing, or were otherwise unavailable. Occasionally, different case file numbers represented duplicate files of the same case. Everytown reviewed but ultimately excluded two additional files because the judge did not sign the final order, and one file because a copying error made the final order illegible.
19. In each Family Court, as well as Newport and Washington District Court, Everytown was allowed to make the copies of the files themselves. For Kent and Providence District Court, office policies required court staff to make the copies for Everytown.
20. This measurement may undercount the number of cases where a victim indicates to the court that an abuser threatened her with a firearm. The Family Court complaint forms offered the victim a formal opportunity to mark a box indicating that the abuser had threatened her with a weapon and asked her to specify which kind of weapon, but the District Court complaint forms did not contain a similar opportunity for victims to make a formal note of a weapons threat.
21. A Zeoli and D Webster, "Effects of domestic violence policies, alcohol taxes and police staffing levels on intimate partner homicide in large US cities," Journal of Injury Prevention, 2010, available at <http://bit.ly/1qbHZxG>.