

Strengthening laws which take guns out of the hands of domestic abusers will help prevent future mass shootings.



Last week a gunman killed 26 and wounded 20 in a Baptist Church in Sutherland Springs, Texas. Like many mass shooters, the gunman, Devin Kelley, had a record of domestic abuse. [Sierra Smucker](#) writes that the irrefutable link between domestic abuse and mass shootings means that lawmakers now need to focus on new and stronger measures, as well as strengthening existing ones, which would remove firearms from the possession of abusers.

[Twenty-six people were killed](#) and approximately twenty more injured on Sunday, November 5, 2017, when a twenty-six year old man opened fire during morning services at First Baptist Church in Sutherland Springs, Texas. The identified perpetrator, Devin Kelley, served in the Air Force at a base in New Mexico, but was court-martialled in 2012 on charges of assaulting his ex-wife and child. He received a “bad conduct” discharge in 2014 for this incident.

While devastating, another mass shooting in the United States is [unsurprising](#). With enough guns for [each adult](#) and the weakest gun regulations of any [similar county](#) in the world, the United States leaves its citizens open to the risk of mass homicide.

Also unsurprising is the profile of the perpetrator: a domestic abuser with access to a gun. Policy makers (both gun rights and gun violence prevention advocates) have long acknowledged that domestic violence and firearms are a deadly combination. However, because established federal and, in this case, state policies prohibit abusers from purchasing or possessing firearms, questions remain about how Kelley obtained the weapons he used to kill so many.

Links Between Domestic Violence and Mass Shootings

The link between domestic abuse and homicide are irrefutable. Abusive partners are responsible for [the majority of female homicides](#) in the United States. Abusers’ access to firearms increases the risk that domestic abuse will turn into murder. More than half of all women killed by intimate partners between 2001 and 2012 were [killed with guns](#). The presence of a firearm greatly increases the likelihood that domestic violence will turn into [domestic homicide](#).

Domestic abuse is also intimately connected to mass shootings. Not only do domestic homicides often claim the lives of more than one person, research reveals that over half of mass shootings (defined as over 4 murders in once incident) are preceded by domestic abuse. An analysis by the gun violence prevention group, [Everytown for Gun Safety](#), found that from 2009 to 2016, over half of cases (54 percent) of mass shootings were related to domestic or family violence.

Policies that Protect Citizens from Potential Mass Shooters with Domestic Violence Offenses

Congress acted over 20 years ago to strengthen gun laws in the United States and prevent some domestic abusers from buying guns. [Federal law](#) bars individuals convicted of domestic violence or who are served with a domestic violence restraining orders from owning or purchasing firearms. [State lawmakers](#) also adopted mirroring legislation which empowers local law enforcement and judicial officials to implement federal regulations.

Why Didn’t These Laws Work in the Case of the Recent Shooting in Texas?

Because of weak points in the system, there are several ways someone with a history of domestic abuse can obtain a firearm despite federal and state regulations. Each of these factors could have allowed Kelley to possess and use firearms in Texas:

1. **Weak Relinquishment Requirements:** Following a conviction or being served with a domestic violence restraining order, a perpetrator is required to surrender his or her firearms to law enforcement officials. However, not all states explicitly require or set up a system for ensuring a perpetrator actually follows through with this order. [New research](#) suggests that relinquishment requirements can greatly increase the effectiveness of established federal and state policies that ban abusers from owning or possessing firearms. Without these policies, it is difficult to ensure abusers don't keep guns they already have.
2. **Gaps in the Background Check System Data:** Once the guns the perpetrator already owns are confiscated, the federal and state background check system (if a state has its own) must be updated with the information about the perpetrators' conviction/restraining order to ensure he or she cannot buy more guns after the conviction. Some organizations, like the military, according to [recent reports](#), may not update the federal database with information about domestic abuse.
3. **Loopholes in the Background Check System:** Not all gun sales require a background check. Gun shows, internet sales, and private transfers allow some [40 percent of gun purchasers](#) to buy firearms without going through a background check.
4. **Lack of Resources for Enforcement:** For sales from sellers that do not require a background check, the only thing standing in the way of a perpetrator obtaining a firearm is the threat of prosecution if he or she is caught. This mechanism is particularly weak as federal and state law enforcement officials are already overburdened, and if they are not required to regularly check abusers' homes for illegal firearms, they have little incentive to do so.

The Importance of Addressing Homicide-Suicides in Mass Shootings and Domestic Violence

These weak points are complicated by the fact that many domestic violence and mass shooting perpetrators may not live long enough to face prosecution. Existing domestic violence and firearms policies rely on a self-enforcement mechanism where the perpetrator hands over his firearms or refrains from buying a firearm from an unlicensed dealer to avoid possible prosecution in the future.



"Yes, it is long past time to take it" by Patrick Feller is licensed under [CC BY 2.0](#)

However, many perpetrators, like Kelley, may not expect to live long enough to fear future punishment. In a [working paper](#), my coauthor and I found that a high percentage of male intimate partner homicide perpetrators commit suicide after killing their intimate partner. While it is difficult to make generalizations about mass homicide perpetrators due to the small sample size, a [high percentage](#) do kill themselves or are killed in the process of committing the mass shooting.

These findings suggest that existing policies might not serve as mass homicide prevention just as they fail to prevent intimate partner homicide-suicides. For abusers and mass shooters contemplating killing others as well as themselves, the threat of a prison term would have no deterrent value. These results suggest that policies that rely on the threat of future prison sentences or fines for not complying with firearm related regulations are unlikely to prevent the next mass shooting.

What We Need to Do

To ensure existing policies are “fit for purpose,” we must strengthen our national background check system. If prohibited purchasers can buy firearms from gun shows or online sellers, we will never successfully implement a firearm ban for certain criminals. Moreover, communication between state, federal, and military organizations needs to be automated so that there is less possibility for gaps in the data on criminal records in the national background check system.

To address gaps in existing policy, lawmakers must appreciate the impotence of deterrent based policies for addressing mass shootings and intimate partner homicides because perpetrators often commit suicide. To save the lives of intimate partners and their families as well as future victims of mass shootings, policy makers in state capitols need to pass laws that remove firearms from the possession of abusers instead of laws that increase the penalty for breaking the law in the future.

Some states already have stronger policies than Texas that aim to do exactly that:

1. Twelve states authorize or require surrender of guns and/or ammunition after conviction of a domestic violence misdemeanor or a domestic violence related restraining order. Some states, like [California](#), go so far as to provide a search warrant to law enforcement if an abuser does not surrender his firearms within 48 hours.
2. [Eighteen states](#) require or allow police to remove firearms from the sites of domestic violence incidents. The strongest state laws, such as the one passed by New Jersey in 2017, require police officers to remove firearms once a protective order is issued.
3. Finally, some states have programs that train law enforcement officials to encourage [voluntary relinquishment of firearms](#). While these programs are developed as part of a larger effort to implement existing laws, policy makers should consider such programs when determining how to better execute broader bans on firearms by domestic abusers.

While passing gun regulations have never been easy, the recent successful passage of domestic violence and firearms policies in South Carolina, Louisiana, and other states with powerful gun rights groups suggests it may be possible. Perhaps the issue of domestic violence related mass shootings will create a rare point of [bipartisan consensus](#) that can lead to greater protection for American citizens from firearm violence.

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Note: This article gives the views of the author, and not the position of USAPP – American Politics and Policy, nor of the London School of Economics.

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Sierra Smucker is a PhD student at Duke University's Sanford School of Public Policy, and a former Visiting Research Student the LSE US Centre. Her research, work, and teaching explore the ways in which less-advantaged groups gain access to political power and influence in important policy debates. Focusing on the role of social movements and the political feedback effects of policy making, Smucker looks at the politics of the policy process and how the state can influence who has access to power. She has particular expertise in the politics of gun reform in the United States and policy addressing violence against women.