

**Georgia
Commission on
Family
Violence**

Family Violence & Firearms in Georgia

January 2023

TABLE OF CONTENTS

INTRODUCTION AND OVERVIEW	1
<i>Overview of the Problem (e.g., fatality review findings, analysis of the law)</i>	1
<i>Purpose and Objectives of the Project</i>	3
<i>Data Collection Approach</i>	4
CORE QUESTIONS WITH GROUP RESPONSES	5
SCENARIOS WITH DISCUSSION QUESTIONS	8
<i>Scenario #1</i>	9
<i>Scenario #2</i>	11
<i>Scenario #3</i>	14
<i>Scenario #4</i>	17
CONCLUSIONS AND RECOMMENDATIONS	19
<i>Policy Conclusions</i>	19
<i>Policy Recommendations</i>	20
<i>Procedural Conclusions</i>	21
<i>Procedural Recommendations</i>	21
<i>Training Conclusions</i>	22
<i>Training Recommendations</i>	22
ACKNOWLEDGEMENTS	24
REFERENCES AND REPORT NOTES	25
APPENDICES	26
1. <i>Regional Groupings of Participants for Dialogue Sessions</i>	26
2. <i>Listing of Six Regional Dialogue Sessions: Participants by Stakeholder Type</i>	27
3. <i>Community Response Partners Dialogue Session Worksheets</i>	28

INTRODUCTION AND OVERVIEW

The Georgia Commission on Family Violence (GCFV) was created by the Georgia General Assembly in 1992 to create a comprehensive state plan for ending family violence in Georgia. The mission of GCFV is to provide leadership to end family violence by promoting safety, ensuring accountability, and improving justice for generations to come. GCFV is led by 37 appointed Commissioners and a staff of eight and is administratively attached to the Georgia Department of Community Supervision. Some of GCFV's better known projects are the state's Annual Family Violence Conference, certification and monitoring of Family Violence Intervention Programs (FVIPs), the Family Violence Fatality Review Project, Support for Survivors of Murder-Suicide Project and statewide support of family violence task forces.

In order to meet its legislative charge related to the study and evaluation of needs, priorities, programs, policies, and the accessibility of services relating to family violence in Georgia, GCFV also monitors family violence incidence trends and the statutory environment of family violence. That focus has led to numerous initiatives to assess and address the problem of domestic abusers' access to firearms in Georgia involving both the U.S. Attorney's Office for the Northern District of Georgia (USAO-NDGA) and GCFV. During 2022, the partnership prompted an opportunity for research under the Project Safe Neighborhoods initiative of the USAO-NDGA, with the purpose of determining how abusers' access to firearms affects the safety of family violence victims, family violence responders, and Georgia communities at large.

During the summer of 2022, a project team was assembled to implement the project, and research and planning began, culminating in six regional discussions on abuser access to firearms which took place in August 2022. This report summarizes the descriptions, opinions and suggestions of a range of professionals engaged in domestic violence response who participated in the regional discussions - from law enforcement, prosecutors, community supervision, and other abuser accountability professionals, to the staff and judges of the courts, and victim advocates. Participant opinions should be considered widely applicable statewide, as the communities they represent contain a cross-section of rural, suburban, and urban communities of varied socioeconomic, political and cultural backgrounds.

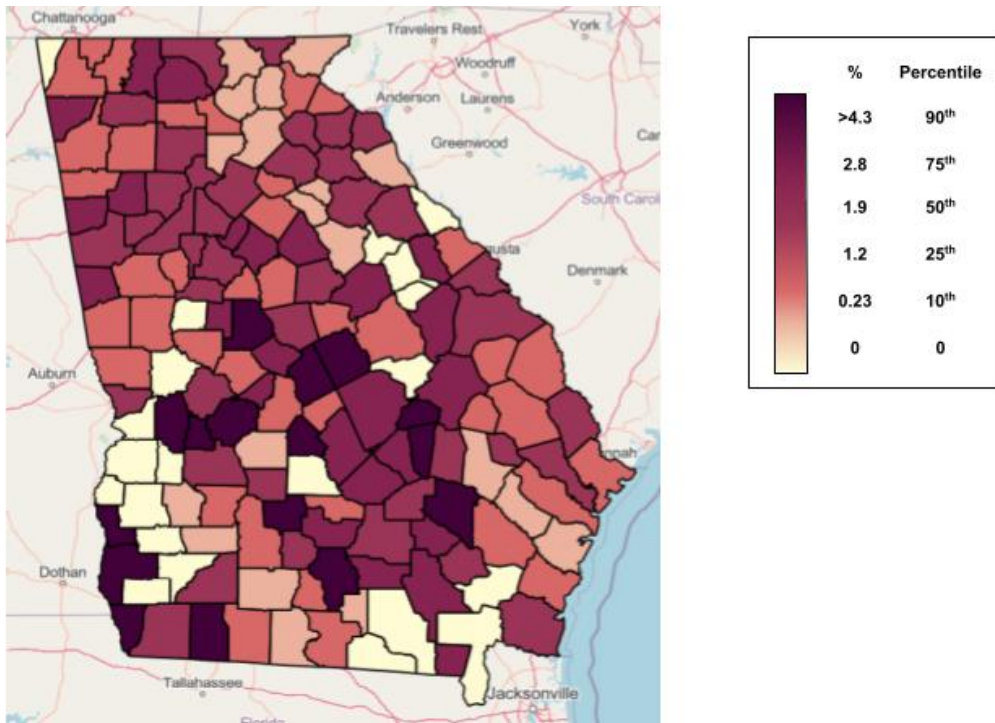
Overview of the Problem

When a known abuser gains access to firearms, the risk of further harm or even death escalates tremendously – but not only for the victim of domestic violence.¹ It also rises exponentially for first responders like law enforcement, community supervision professionals, and for other emergency responders. As we have seen repeatedly in recent events, firearms-related domestic violence incidents can threaten the community's safety (including the life of the abuser).

Lethality in Domestic Violence Situations: Research has well-documented that the presence of a firearm in a domestic violence situation is an important indicator of increased lethal risk, along with stress factors such as suicide threats, depression, substance abuse, financial insecurity, stalking behaviors and threats against children or pets.² According to the Department of Justice's Bureau of Justice Statistics there is a 500% increase in the risk of homicide when an abusive intimate partner has access to a firearm³, and Georgia research by Saltzman et al. shows domestic violence incidents that involve a firearm are 12 times more likely to result in death than those involving no firearm.⁴ Research by GCFV's Family Violence Fatality Review Project (2022) has concluded that when firearms are involved in domestic violence cases, lethal risk is high and getting worse over time, presenting a significant issue statewide:

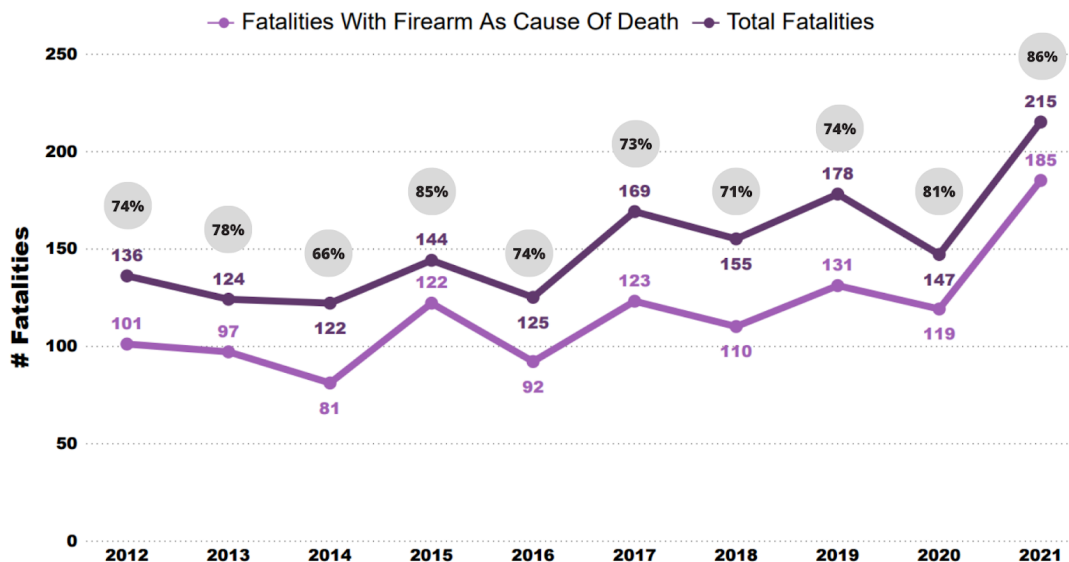
- During 2021, Georgia law enforcement reported 1,096 domestic violence incidents which involved firearms.

- Firearms-involved incidents represented only 2.57% of all reported incidents, but a disproportionate 86% of domestic violence-related deaths in 2021 were by firearm.
- Between 2018-2021, an average of 2% of all domestic violence incidents involved firearms with some areas reporting rates at more than 10 times the state average.



- Georgia lost 1,161 individuals to fatal domestic violence incidents that involved firearms between 2012 and 2021.
- Firearms were the cause of death in 76.6% of fatal domestic violence incidents in Georgia during that 10-year period.
- Between 2012-2021, there was a 59% increase in domestic violence fatalities but an 85% increase in fatalities with a firearm as the cause of death, meaning that the presence of a firearm during an incident was disproportionately impactful on the rate of fatalities.

Family Violence-Related Fatalities 2012-2021



Inconsistencies in Georgia Law: The ongoing evaluation of domestic violence fatalities within Georgia has attributed at least some of the danger in these cases to inconsistencies in Georgia’s state laws pertaining to firearms. The Official Code of Georgia (O.C.G.A.) differs from other state codes and with the federal law on the subject of abuser access to firearms. In fact, Georgia is one of only 10 states that has not reconciled its laws to align with the federal law in this area.⁵ This gap, between Georgia and federal laws, makes it more difficult for local law enforcement to act when they encounter a prohibited abuser in possession of an illegal firearm, forcing Georgia law enforcement to either take no action or depend on federal officers for a response. This abuser-benefitting loophole in the Georgia law is not new; in its capstone report summarizing research on Georgia domestic violence fatalities between 2004-2018⁶, the Georgia Domestic Violence Fatality Review Project noted a key goal for improving Georgia’s response to domestic violence was to “utilize all legal means to restrict abuser access to firearms.” The report found that “consistent strides have been made by stakeholders... But as a state we have failed to comprehensively address the fundamental issue that would reduce the number of deaths in our communities: abuser access to firearms.”

- Thirty-nine states prohibit firearms possession by an abuser subject to a domestic violence protective order, including all the southeastern states except Georgia.⁷
- Twenty-one states require any court issuing a protective order to require the abuser to surrender all firearms – but not Georgia.⁷
- Twenty-seven states prohibit firearms possession for any individuals convicted of gun-related or violent misdemeanors – but not Georgia.⁸
- The Lautenberg Amendment (1996) to the federal Gun Control Act of 1968 [18 U.S.C. section 922 (g)(8)], prohibits individuals convicted of a qualifying misdemeanor crime of domestic violence or who have a qualifying protective order against them from purchasing or possessing firearms or ammunition. This prohibition allows a federal officer (e.g., ATF) to intervene to take possession of firearms. However, relationship restrictions on the federal level make it more difficult to prohibit abusers whose relationship with the victim does not or has not included marriage, a child in common, or parties that have resided together.⁹
- Georgia Code, O.C.G.A. section 16-11-131 (b), restricts firearms access for convicted felons, however: “A person who is on probation as a felony first offender or has been convicted of a felony in Georgia, or anywhere else in the United States, is prohibited from receiving, possessing, or transporting any firearm.”

In Georgia, the emphasis is apparently on protecting the rights of law-abiding gun owners, but there is less clarity about who is *excluded* from the right to bear arms. This lack of clarity complicates decisions for Georgia law enforcement who need to act when an abuser is allegedly in possession of firearms.

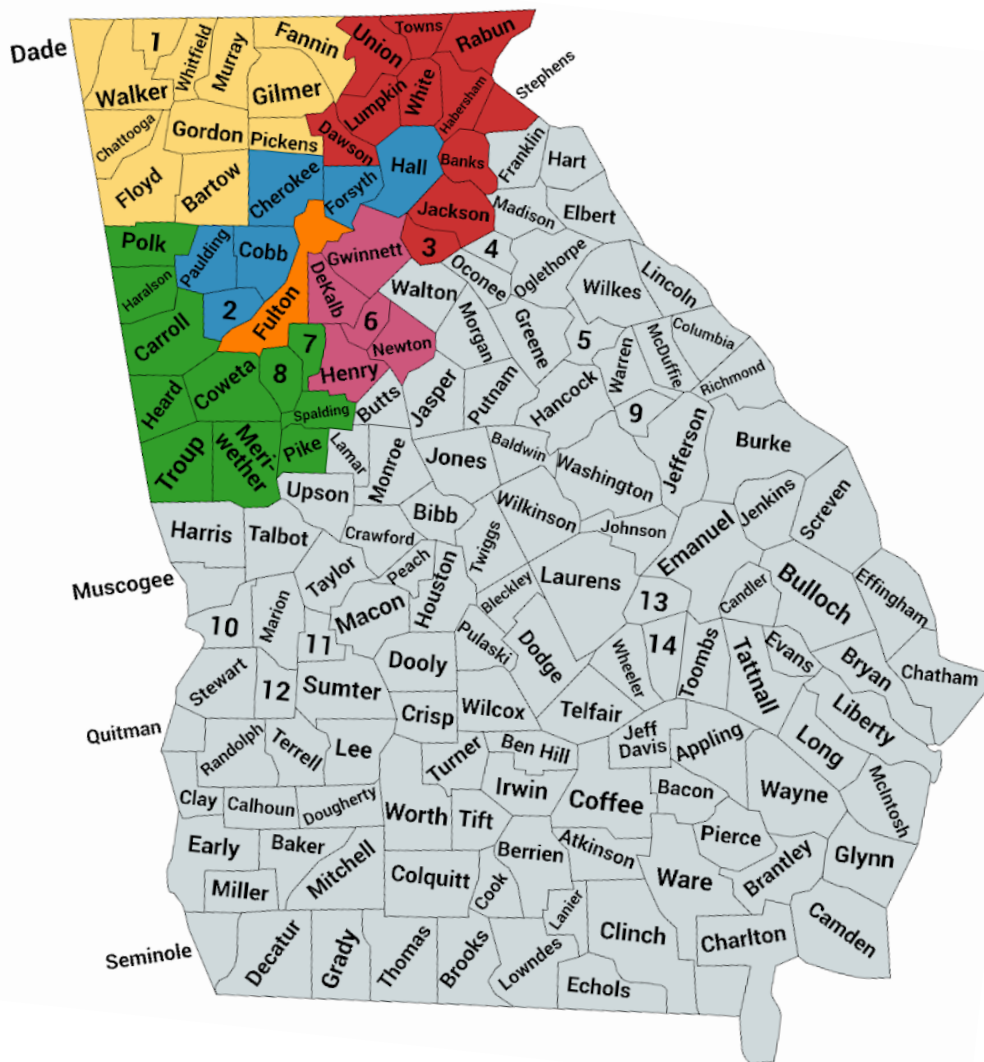
Purpose and Objectives of the Project

The goal of this project, determining how abusers’ access to firearms impacts Georgia, led the project staff to seek an understanding of how communities respond when firearms are involved in domestic violence. Our intent was to engage multidisciplinary professionals across the spectrum of crisis response in an active dialogue about how cases are being handled in their counties and communities. The objectives of these dialogues were to:

- Determine how professionals’ roles in crisis response can affect their understanding of state and federal law about abuser access to firearms;
- Gauge local response processes in firearms-related domestic violence cases;
- Obtain recommendations from local professionals on any need to adjust laws, policies or procedures; and
- Identify training opportunities and initiate conversations about agreements and protocols that might enhance the safety of Georgia’s communities.

Data Collection Approach

The project team divided the 46-county service area of the U.S. Attorney for the Northern District of Georgia into six regions, by assessing commonalities and differences within communities in the area. Experts in fields of practice related to domestic violence response were identified within each region. Participant experts, representing both their agency and their profession at large, were offered a video orientation about abuser access to firearms and used an online survey to provide project staff a sense of their perspective on the key variables of case studies, which hinged on a domestic abuser attempting to or successfully obtaining a firearm. Finally, the project team convened six dialogue groups for three-hour sessions that included 58 expert participants. Data was collected during the dialogue sessions using discussion and instant polling. From that, project staff prepared a detailed summary of each discussion topic, drawing from all the data sources to prepare this report.



The graphic above illustrates the six regions which were identified for discussion sessions, with red representing the Northeast region, yellow the Northwest region, blue the North Atlanta region, green the West region, orange the Atlanta region, and pink the South Atlanta region.

CORE QUESTIONS WITH GROUP RESPONSES

Each regional dialog session began with a series of seven broad questions designed to open up the conversation and generate discussion. There were a few outliers, but the vast majority of the respondents’ perspectives agreed on these broad questions. The project team explored the participants’ awareness of the issue and its effects on performance in their professional role in protecting their communities. Participants were also asked to reveal something about their thinking on the main issue – that of keeping firearms out of the hands of abusers. The following responses include a chart which details the feedback to each question, including the level of agreement and the region from which the participants’ answer originated.

Responses by Group to Question #1

“There’s a gap between Georgia and federal law on firearm possession in domestic violence cases. How well do you think the people involved understand this gap?” Project staff also explained that “the people involved” meant “those partners in a community’s crisis response.”

Question 1	Northeast	Northwest	North Atlanta	West	Atlanta	South Atlanta	All Regions
Not at all	2	0	4	0	0	1	7
Not much	5	5	1	6	9	1	27
I’m not sure	1	0	0	0	0	1	2
A little	1	2	1	1	1	5	11
A great deal	0	0	2	0	1	0	3

- **Analysis of Responses:** The South Atlanta group seemed to believe there is more awareness of this issue in their area of the state than the other groups did. Still, the group saw a need for more information on the gap between state and federal law, even in their area.
- **Conclusions:** Sixty-eight percent of the 50 respondents who answered this question believed there was not much understanding of the gap between Georgia code and federal law on firearm possession in domestic violence cases among people involved in crisis response in their communities.

Responses by Group to Question #2

“How much does this gap affect your role in protecting the domestic violence victim?”

Question 2	Northeast	Northwest	North Atlanta	West	Atlanta	South Atlanta	All Regions
Not at all	0	0	0	0	0	0	0
Not much	0	0	0	0	0	0	0
I’m not sure	0	0	0	0	4	0	4
A little	3	4	1	2	1	3	14
A great deal	6	3	7	6	5	5	32

- **Analysis of Responses:** There was a great deal of agreement among the groups on the importance of sharing more information about the gaps in Georgia and federal laws.
- **Conclusions:** Almost all of the 50 respondents (46, or 92%) said they think the impact of not knowing about the gaps in the legal situation hurts their performance in protecting victims of domestic violence in their professional roles.

Responses by Group to Question #3

“Rate your agreement with the following statement. Keeping guns out of the hands of abusers is essential to protecting victims in Georgia.”

Question 3	Northeast*	Northwest	North Atlanta	West	Atlanta	South Atlanta	All Regions
Strongly Disagree	0	0	0	1	0	0	1
Disagree	0	0	0	0	0	0	0
Neither Agree nor Disagree	0	0	0	0	0	0	0
Agree	9	0	0	1	0	3	13
Strongly Agree	0	8	8	6	9	5	36

* Note: The first group rank-ordered questions 3, 4, and 5. They thought all were important. To preserve the vote structure, all responses from the Northeast region will be categorized as agree.

- **Analysis of Responses:** One person from the West Georgia group (or 2% of all respondents) strongly disagreed in a way that all 49 other participants did not, suggesting that an abusers’ possession of guns was not a factor in protecting domestic violence victims. Based on the voting mechanism, project staff is not aware of what field this person represents. However, this response may also have been a misunderstanding of the question or an error in casting the vote.
- **Conclusions:** Again, there seemed to be overwhelming agreement. Forty-nine respondents (or 98%) said that keeping guns out of the hands of abusers will protect domestic violence victims.

Responses by Group to Question #4

“Rate your agreement with the following statement. Keeping guns out of the hands of abusers is essential to protecting public safety in Georgia.”

Question 4	Northeast*	Northwest	North Atlanta	West	Atlanta	South Atlanta	All Regions
Strongly Disagree	0	0	0	0	1	0	1
Disagree	0	0	0	0	0	0	0
Neither Agree nor Disagree	0	0	0	1	0	0	1
Agree	9	1	0	0	0	1	11
Strongly Agree	0	6	8	6	10	7	37

* Note: The first group rank-ordered questions 3, 4, and 5. They thought all were important. To preserve the vote structure, all responses from the Northeast region will be categorized as agree.

- **Analysis of Responses:** One person in the Atlanta group (or 2% of all respondents) said they strongly disagreed that abusers having possession of guns jeopardized public safety. One such vote, like the one in the previous question, might be attributable to an error in voting.
- **Conclusions:** The respondents seemed to agree overwhelmingly (49 respondents, or 98%) that keeping guns out of the hands of abusers will protect the public. However, one person in the Atlanta region went against the consensus (if this was a reliable vote and not an error in casting the vote).

Responses by Group to Question #5

“Rate your agreement with the following statement. Keeping guns out of the hands of abusers is essential to protecting those who respond to domestic violence in Georgia.”

Question 5	Northeast*	Northwest	North Atlanta	West	Atlanta	South Atlanta	All Regions
Strongly Disagree	0	0	0	0	0	0	0
Disagree	0	0	0	0	0	0	0
Neither Agree nor Disagree	0	0	0	0	0	0	0
Agree	9	0	0	0	0	3	12
Strongly Agree	0	7	8	8	10	5	38

* Note: The first group rank-ordered questions 3, 4, and 5. They thought all were important. To preserve the vote structure, all responses from the Northeast region will be categorized as agree.

- **Analysis of Responses:** There was a great deal of agreement among the groups that abusers with access to guns present a threat to domestic violence responders.
- **Conclusions:** There was overwhelming agreement that keeping guns out of the hands of abusers protects responders in Georgia, with 76% (38) of respondents strongly agreeing and 24% (12) agreeing to that effect. None of the respondents disagreed with this assertion, not even the two outliers who disagreed with guns being a threat to victims and the public in response to earlier questions.

Responses by Group to Question #6

“Rate your agreement with the following statement. Keeping guns out of the hands of abusers is essential to protecting abusers in domestic violence cases in Georgia.”

Question 6	Northeast*	Northwest	North Atlanta	West	Atlanta	South Atlanta	All Regions
Strongly Disagree	*	0	0	0	0	0	0
Disagree	*	0	0	1	0	1	2
Neither Agree nor Disagree	*	0	0	4	0	0	4
Agree	*	3	0	3	4	6	16
Strongly Agree	*	3	8	0	6	1	18

* Note: This question was developed after the meeting of the Northeast region, so no responses were recorded.

- **Analysis of Responses:** This question generated modest disagreement among the respondents, more than the other five questions in this series. In the West and South Atlanta regions there was what might be seen as some ambivalence about the risks presented to abusers themselves by possessing firearms.
- **Conclusions:** Fully 85% (34) of all 40 respondents to this question believed that the risks extend to the abusers who own firearms – perhaps reflecting knowledge about the incidence of suicide among abusers who use firearms against domestic violence victims.

Responses by Group to Question #7

“Do you believe that having a state firearms restriction in cases of domestic violence would reduce the incidence of domestic violence fatalities where you practice?”

Question 7	Northeast	Northwest	North Atlanta	West	Atlanta	South Atlanta	All Regions
No	2	0	0	1	0	0	3
Yes	7	7	8	7	10	9	48

- **Analysis of Responses:** Two participants from the Northeast region and one from the West region disagreed – saying that firearms restrictions would not reduce the incidence of fatalities among domestic violence victims in their areas. But these three respondents represented only 6% of the 51 votes cast.
- **Conclusions:** Fully 94% of all 51 respondents to this question agreed that having a state firearms restriction in domestic violence cases would reduce the incidence of fatalities in their areas.

SCENARIOS WITH DISCUSSION QUESTIONS

The project team developed four challenging scenarios to drive the discussions among the participants of all six groups. These scenarios reflect adjustments along a spectrum of potential outcomes, which allowed project staff to determine if the presence of state or federal firearms prohibitions or other factors would impact community responses. Participants were prompted to articulate their understanding of how federal and state firearms prohibitions might affect the case, how reporting and response procedures (i.e., investigation and safety planning) work in their communities, and how court orders take shape in similar circumstances. Above all, the groups’ reactions to the scenarios highlighted how their community responses varied in the face of differing attitudes and protocols around firearms prohibitions.

The project team addressed each scenario one at a time and asked participants to first review the scenario, then answer each of the questions following the scenario with their own brief narrative. Participants were instructed to assume the incidents in the scenarios took place in their county in Georgia, and that the victim and abuser were residents there. Participants were informed that the scenarios used male pronouns for abusers and female pronouns for victims, and that this was not intended to minimize the diversity of relationships in which abuse occurs, but rather to reflect Georgia data which indicates 69.99% of reported incidents include a male offender and 69.61% of incidents include a female victim (GCFV Family Violence Fatality Review Project, 2022). After each participant shared a written response, project staff facilitated dialogue to encourage elaboration using the following questions:

- “What happens next in your community?”
- “How does handling it this way affect your ability to protect the community in your role?”
- “Are you aware of which agencies in your community receive notice that an issue has emerged on a pre-purchase background check?”
- “In your community, would the victim who obtained the Temporary Protective Order (TPO) against the abuser become aware that they had attempted to purchase a firearm? How is that victim notified and by whom?”
- “Do orders in your community include specific measures to address firearms access?”
- “Would the way your community handles this situation be impacted by whether the abuser was subject to federal firearms prohibitions?”
- “What, if any, actions would be taken to locate a fourth firearm?” (Scenario #3)

SCENARIO #1

“An abuser who is under a 12-month Family Violence Temporary Protective Order (TPO) goes to a gun shop to buy a firearm. He completes all the necessary paperwork and undergoes a background check through the National Instant Criminal Background Check System (NICS), as required prior to purchase. The background check process generates a ‘hit’ due to the TPO having been entered into the Protective Order Registry and NICS confirms the details of the protective order with the originating agency. It is determined that the abuser and victim met the required relationship status and other qualifications that trigger the federal firearms prohibitions. The order states that the abuser ‘shall not possess or purchase a firearm or ammunition as restricted by federal law under 18 U.S.C. § 922(g).’ The abuser’s firearm purchase is denied.”

The circumstances explained in Scenario #1 allegedly meet the relationship requirements under federal firearms law, suggesting that if a firearm purchase were made NICS would detect it. This scenario was selected by the project team to assess the presence of any uniform communication protocol that would advise a victim and/or law enforcement when an abuser under a protective order attempts to obtain a firearm in violation of the order and of the firearms possession prohibitions under the Lautenberg Amendment. More generally, this scenario seeks to determine what happens if an abuser who is under a protective order in a domestic violence case attempts to purchase a firearm from a licensed seller.

Scenario #1 Group Responses

The six groups were in a great deal of agreement that this situation is not one they are organized to deal with. Many of the participants simply did not know what happens in their counties when similar circumstances present themselves. An equivalent number said that “nothing happens,” while suggesting that this lack of awareness could significantly raise the risks to domestic violence victims and the public. They attributed the increased risk to the fact that the abuser, denied the weapon through legitimate means, would likely be frustrated and angry – perhaps at the victim – and would almost certainly go out and find a firearm illicitly. In that case, there is now a known abuser in the community with a firearm, carrying a grudge, and looking for retribution. The participants believed this made Scenario #1 one of the highest risk scenarios in the study, primarily because it is possible that no professionals involved in domestic violence response would ever be made aware of the problem. Without knowledge of the abuser’s attempt to obtain a firearm, service providers are helpless to advise a victim about the increased risk to their safety, and law enforcement has no reason to be on alert.

Many of the participants, who are highly knowledgeable in their fields, simply did not know how the federal background check process works, how information flows, or who would be notified if NICS¹⁰ revealed a “hit.” Law enforcement seemed to know more about this process than victim advocates or prosecutors. According to law enforcement participants, under the usual conditions when an abuser who is under a protective order attempts to purchase a firearm from a licensed seller, the firearms seller completes and submits the proper form to NICS. NICS finds the protective order and notifies the Federal Bureau of Investigations (FBI) of the existence of a protective order, who notifies the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in Washington D.C., who notifies the ATF’s field office, who notifies local law enforcement. In a parallel process to the ATF-local law enforcement connection, a few participants said the District Attorney’s office is notified by the U.S. Attorney’s Office, which likely learns about the issue from ATF. In this event, the District Attorney’s victim advocate would reportedly notify the victim of the abuser’s attempt to access a firearm.

Participants discussed additional problems with the federal background check process and the communications associated with it, including:

- A “delayed denial,” in which the NICS process takes over 72 hours and the abuser is sold the firearm by default since the background check cannot render a timely and official “no.” In delayed denials, the threat lies in the response time. There may be a day or two during which the abuser has possession of a prohibited firearm and nobody in the community knows it – unless a victim becomes aware and reports it, or the possession is revealed to local law enforcement “through the grapevine.”
- The lack of adequate communication among community response partners. In those counties where partners have few formal channels of communication about abusers who attempt or successfully obtain a firearm, the informal “grapevine” network may fill that gap. But informal communication channels were reported by participants only in smaller communities. The greatest danger seems to be that the victim is rarely notified that the abuser has attempted or been successful in obtaining a firearm in violation of the federal law.

Some participants believed that the licensed seller’s refusal to sell the firearm to the abuser increases the victim’s safety because it provides warning to the abuser that he is being observed. This perspective seems to ignore the likelihood that an abuser who violated an order against them would simply find a weapon elsewhere. The sentiment that victim safety could be improved also ignores the importance of safety planning. If a victim is made aware of the increased risk presented by the abuser’s attempt to obtain the firearm, they would have an opportunity to prepare a plan that may offset the risk. Of course, this step may also rely on the victim either having knowledge of how to create a safety plan for those circumstances or being referred to an advocate for assistance.

Most participants reported that this situation is not safe and raises the risk level on not only the victim, but also to first responders and the community at large. Not knowing about the abuser’s attempt to purchase a firearm was described as “terrifying” by many participants. The groups cited recent mass shooting events nationwide as examples of the negative impact that a similar lack of information has had on community safety.

Further discussion included the fact that if local law enforcement had notice of the abuser’s violation of the protective order and law, their response in this scenario would depend a great deal on the priority placed on this scenario. If there were other matters considered more critical in waiting, the officer might (or might not) attempt to convince the abuser to simply comply with the order rather than take action to escalate abuser accountability or notify the victim of the issue. One law enforcement professional who participated in the dialogue said this scenario represented purely a federal matter, and therefore local law enforcement would decline to act. The participants largely agreed that in many communities no criminal case would be initiated in response to this scenario. In contrast, many advocates, legal professionals and court staff indicated they would like to know of the abuser’s attempt to circumvent the civil court order, to potentially pursue the abuser for contempt.

Patterns Among the Six Regions

It appears there were no significant differences among regions in the ways they share information about this particular kind of incident. There are differences in the attitudes various communities take to balancing Second Amendment rights¹¹ with potential or known threats to victims. A couple of participants noted that local law enforcement or a magistrate judge might be influenced by the belief that many people own firearms to protect themselves, including abusers and domestic violence victims.

In every discussion there was a clear consensus that if the abuser was under supervision by the Georgia Department of Community Supervision (DCS) there would be a provision against possessing firearms in the

abuser's terms of supervision (probation or parole), and there would be very little hesitation among DCS officers to enforce a search and enact an arrest of a violator. This agreement meant that the greatest under-addressed risks for this scenario would be among cases where there were violations of civil orders of protection and/or where the abuser was not under active supervision.

What Action Should be Taken in Georgia?

Post-discussion, many of the participants indicated they intended to immediately firm up their understanding of what happens in similar situations in their counties, and to develop information-sharing protocols with their local partners. It is apparent that more information needs to be circulated about the provisions of the federal law, how the federal background check process works, and how local crisis response teams have organized themselves to share information or data on firearm purchase attempts among known abusers. Some participants called for developing a formal mechanism or a model process for sharing information on these incidents, especially with victims and advocates, who need time to work out a safety plan.

SCENARIO #2

"An abuser who is under a 12-month Dating Violence Temporary Protective Order (TPO) goes to a gunshop to buy a firearm. He completes all the necessary paperwork and undergoes a background check through the National Instant Criminal Background Check System (NICS), as required prior to purchase. The background check process generates a 'hit' due to the TPO having been entered into the Protective Order Registry and NICS confirms the details of the protective order with the originating agency. Because the abuser and victim never lived together, had a child together, and were never married, it was determined that he did not meet the required relationship status to trigger the federal firearms prohibitions under 18 U.S.C. § 922(g)(8). However, the order required that the abuser, 'surrender any and all firearms to the County Sheriff's Office for safekeeping and not possess any thereafter for the duration of the order.' The abuser's firearm purchase is approved."

The circumstances explained in Scenario #2 are largely the same as those in Scenario #1, except the abuser and victim never lived together, did not have a child together, and were never married. This scenario was selected to examine the risks raised when the firearms prohibitions under federal law are not engaged because the situation fails to meet the relationship requirements (as they stood before June 2022) and therefore the abuser's gun purchase is allowed. This scenario affords the opportunity to again assess the presence of any uniform communication protocol to advise a victim and/or law enforcement of the abuser's purchase of the firearm, to discuss how commonly protective orders in these communities include specific prohibitions against firearm possession, and to determine the likelihood that firearm surrender would be enforced in communities.

Scenario #2 Group Responses

The six groups expressed agreement that this is a problem they are not equipped to deal with. The participants did not appear to have a process for dealing with cases such as the one proposed in the scenario. They reported there is no formal procedure for notifying law enforcement in this case, particularly given that the firearm purchase was approved when there was no NICS "hit," and it appeared to the group that this would mean there would be no local awareness of the purchase. Participants believed that any action taken would depend on someone (e.g., a victim, a family member, or a friend) calling 911 or otherwise contacting law enforcement to report the firearm. Similar to Scenario #1, the groups reported that informal, word-of-mouth reports happen more in smaller communities, where people are more likely to know the abuser, the victim and maybe a law enforcement officer. Some participants misinterpreted this scenario as "a federal situation," perhaps misreading the dating violence provision as not included in Georgia law. Whether local law enforcement considers the

scenario a federal situation or not, may not matter; there would likely be no action taken because there is no official prompt in this scenario to officially engage local or federal law enforcement because the firearm purchase was approved.

Most of the participants indicated that they had no idea what would happen in this situation. Many said that nothing would happen, and therefore the risks to the victim would be higher. The abuser now has a gun, despite the protective order's provision to surrender firearms, and no one knows about it. That said, the groups' law enforcement participants said that in many counties – but not all counties – if there are specific prohibitions against possessing firearms in the order, they would attempt to secure those weapons when they first served the order. It is also possible that if anyone learns about the firearms after the TPO was served and notifies law enforcement, they might go out to do a “knock and talk,” in which they attempt to recover the firearms from the abuser voluntarily. In this circumstance, however, group participants who worked in law enforcement reported that if the abuser denies having any firearms, they would likely be powerless to follow through with any action – what one participant called a fear-inducing “honor system.” However, these participants indicated that if there was a waiver of the abuser's Fourth Amendment rights¹² on file, an additional search would be virtually guaranteed. Across the groups there was uniform agreement that without a Fourth Amendment waiver, in this scenario there would be little cause provided to officers to allow them to search – and waivers of this type are infrequent in most counties of North Georgia.

Nearly all participants stated that the victim who obtained the TPO would not become aware of the abuser's attempt to purchase a firearm or the potential threat it posed to their safety. Historically, a dating violence relationship would not have generated a NICS “hit” when a protective order was in place, which means there would be no predictable way that responders in the community would be notified of the issue. Further, there is no incentive for the firearm seller themselves to engage law enforcement. Officers might only become aware of the issue if the abuser posts or brags about the purchase publicly. Fortunately, according to participants, if an officer obtains an abuser's weapons at the time of service of the TPO or later under a voluntary surrender, law enforcement is fairly reliable in providing notification to the victim and/or advocate.

Most participants reported that if the abuser keeps the firearm, the risks to the victim and to public safety would be higher than in Scenario #1. More than one participant also pointed out that this scenario also provides a heightened risk of abuser suicide than the earlier scenario, as the abuser was given a firearm without the delay implied by an initial denial. Generally this unfettered access to a firearm, despite the history of relationship abuse, leaves law enforcement without cause to respond, advocates unable to safety plan, and the community completely unaware of the danger in their presence. This scenario seemed to stir up the most anxiety among participating responders, because the lack of information is critical. One participant noted that “the onus is on the gun shop owner now.” Another relayed that the only possible relief under the current law seemed to be informally establishing better relationships with firearms vendors who might be encouraged to report such incidents if they know about a buyer's history of abuse. There seemed to be consensus that, as things stand right now, victim notification in such a scenario would be a matter of luck, depending entirely on informal communications built on personal relationships between partners engaged in domestic violence response and the community at large.

The participants were divided about how commonly TPOs include specific prohibitions against firearm possession. The responses were mixed, and all regions seemed affected similarly:

- A few participants said they did not know the language typically contained in the orders, suggesting there is some training needed about the varied relief possible under a TPO.

- A few participants said, “no, the judge does not use specific language in our orders.” In some counties it was reported that the judge will simply refuse to include firearms prohibitions, even if requested by the victim advocate, civil attorney or prosecutor. These judges were described as allowing their personal positions on the Second Amendment to influence decisions that had significant impacts on victim and public safety.
- A few participants also noted that the outcome of what is included in a TPO depends largely on which judge hears the evidence and noted that decisions vary among judges even in a single jurisdiction. Some judges will include a firearms prohibition, but only if a firearm was involved in the presenting claim of domestic violence, or if the case involved a significant degree of risk for lethality.
- A few participants said “yes,” the orders are specific in all cases. In these courts, the judge includes boilerplate language used in federal cases in all domestic violence protective orders that appear on their docket, civil or criminal. In these jurisdictions it was relayed that, at the time of an Ex Parte TPO the victim advocate asks the court to add the phrase, “the respondent/abuser will not possess firearms” to the order. For 12-month orders in those jurisdictions, all TPOs automatically include boilerplate language prohibiting the possession of firearms. In at least one court there are also Fourth Amendment waivers signed as a condition of the protective order to support post-adjudication enforcement of the firearms prohibition.

Participants agreed that in this scenario, to have any hope of getting a law enforcement response to firearms issues in a civil case, the orders in place should specifically prohibit firearms. Without that, unless a waiver of the abuser’s Fourth Amendment rights are in place, law enforcement is limited in its ability to secure those weapons without a search warrant – which could be difficult to obtain without specific language which points to a violation of the TPO. Fortunately, felony criminal cases in Georgia are different. If the offender has a criminal record and is under DCS supervision, the presence of a Fourth Amendment waiver would allow community supervision officers or allied law enforcement to conduct a search. If a weapon is found at that time, the offender would be arrested and their probation or parole would be revoked, adding to the longer-term safety of the victim. Participants, including DCS officers, noted that Fourth Amendment waivers are “profoundly helpful” in protecting victims.

Patterns Among the Six Regions

Unlike Scenario #1, based on the circumstances in this case, community responses seemed to be differentiated at least somewhat by region. In the Northwest region there seemed to be a more widespread commitment to using specific firearm prohibitions and Fourth Amendment waivers than in other regions. This treatment seemed to be modeled after the orders used in drug accountability courts throughout the state. In the North Atlanta region, there was a strong sense that Second Amendment rights would dictate against specific orders prohibiting firearm possession; a prosecutor noted that in their service region magistrate judges will simply refuse to order these prohibitions and that newer judges are more resistant to the recommendation than more senior ones. In the South Atlanta region, some courts may issue specific orders against firearm possession, but not in dating violence cases. In the Atlanta region, when an advocate can assist the victim in providing evidence of firearms issues, there may be a petition for the sheriff’s office to seize firearms and federal language may even be bolstered by special conditions being added to the order. However, it was also revealed that judges in the Atlanta region seldom demand Fourth Amendment waivers in civil cases, even though they are regularly a part of orders in criminal cases.

What Action Should be Taken in Georgia?

There was agreement among the groups that Georgia should change its law to come closer to matching the federal law. In particular, those adjustments might include dating violence among the types of relationships covered by firearms prohibitions and standardizing the mechanisms for reporting violations of protective orders when attempting to obtain a firearm. There was widespread support for more information or training on

developing information-sharing protocols and raising awareness of best practices being implemented by some communities to that effect. There are working approaches in some counties that specifically prohibit the possession of firearms under orders of protection, and some participants suggested that their own courts might do well to adopt some of these approaches. Some also made a case for increasing training opportunities for advocates and court personnel on both the benefits of spelling out prohibitions in orders of protection, and the risks of failing to monitor firearm possession.

While it appears there is a good deal of variation in the use of Fourth Amendment waivers in civil cases, there are lessons being learned from accountability courts where there is an expectation for closer monitoring and follow-up for defendants. These lessons may help domestic violence courts increase abuser accountability, such as including firearms prohibitions *specifically* in orders and scheduling compliance review dates at which the abuser is required to provide proof that they have turned their weapons over for safekeeping.

There was some speculation among participants that in some counties, local law enforcement might be reluctant to recover firearms from abusers citing their lack of storage space. If that turns out to be true, there might be an effort to determine the problem's significance, as well as to learn more about how firearms storage works in suburban Atlanta, where firearms storage is allegedly made available for other jurisdictions.

SCENARIO #3

“A victim contacts you and informs you she is concerned that her abuser has access to a firearm and she may be in danger. This afternoon, when the victim returned to her car after running errands, she found a used paper shooting target on her windshield. She recognized the target as identical to the targets used by her abuser. The victim recently obtained a Temporary Protective Order (TPO) against her abuser, which required the abuser to turn over all firearms for safekeeping when the order was served. The victim explains that when she obtained the TPO, she completed a form which included a description of the location of the four firearms the abuser owned and where they were kept. At the time of service, deputies obtained three of the four firearms and the abuser told them the fourth did not exist.”

The circumstances explained in Scenario #3 resemble the previous two scenarios in that there is a specific TPO addressing firearms access, and it is implied that there is a qualifying relationship between the abuser and the victim which would trigger firearms prohibitions. There is also sufficient information and concern to cause the victim to get law enforcement involved. This scenario was selected to determine what responses take place in Georgia communities when an abuser, under a protective order that requires the surrender of firearms, appears to maintain possession of at least one weapon and then acts in a manner that seems to overtly violate the order. This scenario also affords the opportunity to assess what efforts are taken by law enforcement when there are inconsistencies surrounding the abuser's access to firearms reported by the victim and abuser.

Scenario #3 Group Responses

The six groups agreed that law enforcement's quick and thorough response is key to addressing victim safety and abuser accountability. The immediate safety of the victim and community depends largely on local law enforcement's capacity to respond and the priority it assigns to the report. A fast law enforcement response depends on an immediate call to 911, and is important to evidence preservation which could prove vital in efforts to hold the abuser accountable. Participants also acknowledged that advocates and other service providers can prove important to this process, namely in their ability to support the victim so they feel

comfortable contacting law enforcement for assistance. Participants discussed the fact that many victims would shy away from making a report for fear of provoking an abuser they know can be threatening and/or dangerous. But there was also some indication that because the victim went forward to get the TPO prior to the incident described in the scenario, it speaks to an increased willingness to report abuse – especially if the victim experienced a supportive interaction with the court and service providers.

There was also general agreement that the scenario provided sufficient information (e.g., a potential TPO violation, a shooting target that implies a threat, and the potential existence of a fourth firearm) to indicate a high likelihood that law enforcement would initiate a response. Participants felt that response would be “step one” in lowering the risk to the victim, while the domestic violence program helps the victim establish a safety plan. Law enforcement participants were convinced that a case such as Scenario #3 would not be considered an inconvenience or a low priority because of the potential risk level, even if local law enforcement’s capacity to respond was stretched thin.

Participants agreed that the longer-term risks to the victim and the public would depend on the effort made to pursue evidence of the alleged crime, obtaining a search warrant, locating the fourth firearm, and perhaps detaining the abuser. Further law enforcement action might require surveillance, which raises the question of local law enforcement’s capacity to investigate if there are many other high-risk cases competing for their attention and limited capacity. Law enforcement participants indicated they would pursue this as a separate, new charge of stalking or aggravated stalking if the abuser failed to cooperate, which would allow a new search warrant to be issued. It is common, according to participants in the groups, for an abuser to deny they have another gun. Even if the initial visit doesn’t prove the shooting target was the abuser’s and if potential evidence needed to prove the crime was eliminated, participants agreed that any immediate police action would protect the victim in the short-term. However, proof of the abuser’s firearm possession or evidence that the abuser placed the shooting target on the car would support at least a contempt filing, if not a new criminal charge. Both options would extend the victim’s safety.

Participants agreed that securing the fourth firearm might be difficult to accomplish unless there is a warrant or a Fourth Amendment waiver in place. Participants also relayed that efforts to locate the weapon might depend on which officers respond, since it would essentially be at their discretion. Most law enforcement participants indicated this scenario represents a serious turn of events, which would make it necessary to respond with at least a consensual encounter with the abuser. At a minimum, during that encounter, if the abuser claimed they sold the fourth firearm, the investigating officers would follow up by contacting the alleged buyer and obtaining additional warrants needed to conduct more thorough searches.

Advocates and legal professionals said there should be a higher priority placed on these cases by law enforcement, but almost all our participants said they know law enforcement agencies are stretched beyond normal capacity now. Scarcity of resources, in particular law enforcement’s time, was discussed with some law enforcement officers indicating that, despite it, they still see these cases as serious enough to justify some extra effort. According to advocates in our groups, many victims report experiencing officers encouraging victims to reach out to law enforcement again and return to the court to seek a protective order. Unfortunately, advocates relayed that while a warm referral to additional resources is vital, it also signaled a slowdown in the investigative response, because it allowed overburdened officers to assume the case would be addressed by another community responder, freeing the officer to move on to other cases competing for their attention. It was generally agreed that once an advocate gets involved, their continued pressure on the system’s partners acted as a “sealer” that fills in the gaps in what can be a disjointed system of protection.

Participants agreed that the presence of a specific firearm prohibition or a Fourth Amendment waiver in an order helps tremendously; it appears to go beyond making an investigation more efficient – it frames the intervention as an entire community’s priority to protect. Non-law enforcement participants were more skeptical of law enforcement’s ability to respond promptly and to retrieve the firearm. The advocates who participated acknowledged that the best they could do would be to get the victim into shelter or create a more comprehensive safety plan, and that the report of the incident would begin that process if the victim was connected to a domestic violence program. It was universally agreed that law enforcement would play a key role in referring the victim for additional services.

There was wide agreement that the entire system of community response to domestic violence is overburdened and it is not law enforcement alone that faces this issue. The court in at least one county said it is handling as many as 50 domestic violence cases a day, which obviously mitigates against giving the fullest possible attention to each and every case. Any delays in case procedure increase the likelihood that the risks are also on the rise. While there was agreement that a follow-up hearing to address firearms concerns would be important, it was unlikely to occur largely due to resource shortages within Georgia’s court systems.

Most participants believed that the scenario depicted a case at high risk and escalating. However, the victim’s risk level was deemed highest at the time of the 911 call, and if law enforcement responds in a timely manner her risk goes down as law enforcement pursues the evidence and advocates work with the victim on a safety plan. It was continually agreed by all participants that an aggressive law enforcement response is the key. If law enforcement secures the gun and the court imposes penalties on the abuser, then her risk level may remain low. But if law enforcement’s response is ambivalent (e.g., distrusting of or minimizing the victim’s report, or referring the victim to a domestic violence program or the court with no additional followup), then the risks are likely to escalate once again. At that point, the circumstances include a disgruntled abuser – presumably still with access to a firearm – and a protection system that has broken down. The group generally expressed that they believe the message sent when the system fails to respond quickly and thoroughly is that the community will not act on the abuser’s threats. Some noted this would raise the lethality risk level for everyone in the community, including first responders and the abuser himself – making this the highest risk level described in any of our scenarios so far. Ultimately, it appeared that safety would depend a great deal on how enforceable the order of protection was, how equipped law enforcement was to respond quickly, and whether enough evidence could be identified to authorize a deeper search for the fourth firearm or enact an arrest.

There was a general degree of confusion about the applicability of the federal relationship requirements in this case. When asked if the community’s response would be different if the federal firearms prohibition was applicable in this scenario, many participants said they were “not sure.” Some said they “didn’t think so.” Several mentioned the need for more information about the federal position on domestic violence firearms cases. One participant said plainly that federal law would not apply because the target on the windshield was used to intimidate the victim, and that the federal law prohibits firearms and ammunition – it does not prohibit targets. Some participants believed that if the federal law applied, ATF would be contacted by local law enforcement, and noted that law enforcement agencies typically have good relationships with ATF, DEA and FBI personnel.

There seemed to be a broadly held assumption that the federal agencies have a great deal of available resources to help in such cases, but other participants believed that the federal assets have limited time to help at the local level. These participants seem to conclude that once the situation was known, the federal prohibitions in effect or whether law enforcement agencies were involved did not really matter – because the risk level is high enough to warrant local law enforcement engagement, which is what ensures safety. One victim advocate summed it up

by saying that local partners sometimes have to be creative in working around the lack of local procedures or a shared protocol.

Patterns Among the Six Regions

The descriptions about what usually happens in this scenario were nearly universal. Perhaps the greatest differences appeared to be in the degree of overload for any given local law enforcement agency, and how that might affect responses in such cases. In the South Atlanta region, law enforcement resources are stretched thin but the participants felt they would consider this scenario a serious priority. Another disparity seemed to be in whether a community's leaders have aligned behind a shared vision for how to respond to firearm violations and how to integrate best practices into court processes that impact response. Variations even exist within regions. For example, in the South Atlanta region, in Newton County the District Attorney reportedly always requests a Fourth Amendment waiver for offenders but that does not usually happen in DeKalb or Rockdale Counties. Some participants believed the way a court handles violations of orders could overcome some shortfalls in Georgia's code, but at present how courts consider these violations varies widely.

What Action Should be Taken in Georgia?

As in the previous scenarios, many participants asked for more information about the state and federal statutory environments for firearms possession particularly in a situation with the specifics of the case described here. There is an obvious need for local partners engaged in the community response to domestic violence to share how they respond to a range of incidents so that everyone is on the same page, and perhaps lead to future improvements in information-sharing. Many participants also asked for information on successful approaches to addressing these issues that have been implemented in other jurisdictions. There also seemed to be agreement that local leaders within these partnerships have an opportunity to clarify the community's commitment to the priority status of firearms-related reports and to require that specific actions be justified in such cases. It seemed to be universally agreed this method would build inter-agency commitment. Further, if the teams really do consider the role of the victim advocate to be the community response coordinator in these cases, then spelling that out in a manner that ratifies those relationships and duties might be helpful for a coordinated community response to reported firearms-involved domestic violence incidents.

SCENARIO #4

"A victim contacts you and informs you she is concerned that her abuser has access to a firearm and she may be in danger. This afternoon, when the victim returned to her car after running errands, she found a used paper shooting target on her windshield. She recognized the target as identical to targets used by her abuser. The victim also observed a social media post by a mutual friend of the abuser, which showed the abuser holding a gun at the shooting range. The image was posted this morning. The abuser is a convicted felon, stemming from an incident of abuse against the victim."

The circumstances explained in Scenario #4 closely resemble that of Scenario #3, but there is a change in the evidence with the inclusion of a social media post containing a photo. This scenario was selected to discuss the importance of evidence as a factor in determining whether firearms prohibitions are enforced. Unlike some of the other scenarios, Scenario #4 also allows the participants to assume that Georgia law would prohibit firearm possession by the abuser, because the abuser is a convicted felon. This means that while federal law may also be in play, community responses can be assessed within a continuum of options which clearly includes Georgia law.

Scenario #4 Group Responses

All six groups were in a great deal of agreement that the lethality of the situation described is considerably more obvious in this case, making what happens next more predictable. The potential presence of DCS supervision and some photo evidence created far fewer “I don’t know” responses among participants regarding the question of what would happen in their communities. There was nearly universal agreement that reporting this incident would initiate a law enforcement response. The consensus was that law enforcement would respond quickly by finding the abuser and visiting the gun range, collecting video evidence and testimony. A call to DCS would also establish the abuser’s supervision status and bring DCS resources into the investigation. Any evidence, on the basis of the allegation and the photo themselves, would probably result in the abuser’s arrest. The photo alone was enough for most participants to say law enforcement would obtain a search warrant for a convicted felon in possession of a firearm, although there would need to be some work done to establish the age and reliability of the photo. The participants agreed that because the scenario likely involves new felony behavior law enforcement would be likely to coordinate their actions with the District Attorney’s office and possibly with the U.S. Attorney’s Office. However, importantly, the prosecutors in the groups seemed to agree that what seems like a “slam dunk” to law enforcement would still be challenging for the prosecution to establish the alleged crime occurred.

The participants agreed that since the abuser is a convicted felon, if the abuser was under supervision through DCS there would certainly be a search of the abuser’s home, vehicle and other properties for the weapon, ammunition, targets, social media posts, or other affiliated evidence. The group again discussed the importance of a Fourth Amendment waiver which could allow DCS to conduct an expedited search even before officers responding to the victim’s report could obtain a search warrant. Participants employed by DCS relayed that the photo alleged to exist in the scenario might be enough for DCS to hold the offender accountable for a technical violation, even if there was not enough evidence to petition for new charges. DCS participants were confident that this would, at a minimum, hold the abuser accountable and possibly get a firearm off the streets – both of which would have positive implications for victim safety. All participants agreed that even if new charges fall short of a criminal conviction, the temporary attention the abuser received would help protect the victim for a short time.

Participants rated Scenario #4 as posing the highest risk of all the circumstances discussed. This is surprising given that the fact pattern of alleged abuse is identical to that of Scenario #3. Like the prior scenario, this is a high-risk case for both the victim and the public from the moment it becomes known, through the surrender of the firearm and the incarceration of the offender – at which time the risks might be contained for a period of time. But if the case disposition eventually falls short of a conviction, the risk for all will escalate again, relaying the message that the abuser’s behavior is acceptable if the abuser goes without accountability.

There was consensus that the presence of new evidence had a significant impact on the available responses. Participants agreed that if no photo was found there would be little probable cause for an arrest, let alone for holding the abuser in contempt for non-compliance with an order. They also agreed without the photos the likelihood of obtaining a search warrant was identical to that of Scenario #3, again relying heavily on voluntary disclosures by the abuser.

Patterns Among the Six Regions

Because the abuse alleged within this scenario was identical to that of Scenario #3, the groups’ responses were largely in line with those reported earlier. Where variation existed between this and the prior analysis, was in the groups’ overestimation of risk in this scenario compared to that of virtually identical Scenario #3. The apparent distinguishing factor that made Scenario #4 an effective tool for assessing the impact of applicable firearms prohibitions was that this description was clearer than the others that Georgia law would prohibit the abuser, as

a convicted felon. Overwhelmingly across all regions, participants estimated this case to be the most dangerous but also the most actionable. This supposition connects responders' ability to do something about the problem with their assessment of the level of risk, which is not entirely accurate. The abuse alleged in this scenario was the same as in Scenario #3, so the risk level was theoretically identical. Misaligning the risk level of a scenario with the ability to take action which holds the abuser accountable is a practice that more often than not will leave the victim in unsafe circumstances.

What Action Should be Taken in Georgia?

A consistent thread among all four scenarios was the need for stakeholders to become more aware of action that could be taken to prohibit abuser access to firearms, particularly given participants' confusion over when Georgia versus federal law would address the abuser's behavior. There also seemed to be agreement that domestic violence service providers are powerless to do anything, unless the victim initiates the contact or they receive a referral from law enforcement. Participants relayed the need to enhance the coordinated community response to domestic violence, given that so many of the actions to be taken require strong working relationships which may not currently exist. One participant pointed out that safety planning "takes a village," referring to coordination among the domestic violence programs, law enforcement, and prosecutors, among others. These relationships between multidisciplinary agencies could be improved through engaging community task forces against domestic violence or through community protocols akin to Sexual Assault Response Team community protocols which are implemented by statutory requirement in every community in Georgia. Early involvement of victim advocates, whether they be community-based or systems-based, is vital when efforts are being made to hold an abuser accountable, as victim safety and offender accountability are essentially two sides of the same coin and must be treated with equal value.

CONCLUSIONS AND RECOMMENDATIONS

Policy Conclusions

As the project scenarios got more advanced, project staff noted that there was greater clarity about the proper crisis response among the participants. This was attributed to the abuser acting out more overtly, generating clearer evidence (e.g., social media postings), and making the need for an immediate law enforcement response more obvious. But in several ways the scenarios all challenge the existing statutory framework for crisis response in domestic violence cases involving firearms in Georgia. First, many experienced and knowledgeable participants simply did not know when and how the federal background check submission, review and notification process works. There was also a widespread lack of knowledge about the differences between Georgia's code and those of other states and the federal law.

There is also an absence of Georgia policy on the role of licensed firearm sellers in reporting purchase attempts in cases where there is a known history of domestic violence (regardless of what a NICS search returns). There is also a well-known, nationwide gap in policies dealing with unlicensed firearm transactions and their role in domestic violence, and this might be a reflection of the range of attitudes about firearm possession in general in Georgia. In all of the scenarios relayed to group participants, the risk to the victim and to the community (including responders) was raised by the lack of information about the law and by the absence of established protocols for information-sharing among individuals and agencies engaged in domestic violence response within Georgia communities. When people aren't sure what to report and to whom, it increases the probability that an armed abuser with a history of domestic violence is out in the community intentionally violating a court order, and no one is aware of the need for an immediate law enforcement response.

Policy Recommendations

- There was reasonably broad agreement among participants (i.e., “this is something we discuss all the time”) that there should be changes in Georgia law to bring state code into line with the federal law on possession of firearms by abusers, particularly as they pertain to TPOs and misdemeanor crimes of domestic violence. Fortunately, the scenarios revealed relatively few challenges for the policy framework currently in place in Georgia when the abuser is a convicted felon.
- Unifying the inclusion of dating violence or intimate partner violence in Georgia’s criminal and civil statutes would extend important protections to victims in relationships recognized in the recently signed (as of June 25, 2022) Bipartisan Safer Communities Act on the federal level. This would also unify procedures surrounding TPOs, where relief now varies between order types (family violence, dating violence, and stalking) and relationship types. Aligning relief along these lines would allow accurate risk assessment by the abuse alleged, rather than by focusing on the relationship status of the involved parties. As the law is currently written, even when an identical fact pattern of abuse is alleged, relief by the courts and remedies by law enforcement would depend largely on if a person was in a dating relationship or married. These adjustments would also clear up some confusion about which cases demand a timely law enforcement response.
- Victim notification of an abuser’s attempted or successful effort to obtain a firearm in violation of the law(s), was identified as a priority area for improvement by project participants. Unfortunately, the practice is also reportedly rare, as there exists a lack of policy obligating victim notification at this time. Creating policies and practice for notifying victims about an abuser’s access to firearms would represent an important step towards increasing victims’ safety and reducing domestic violence homicides in Georgia.
- Principally, mandating that domestic violence protective orders prohibit possession of firearms and obligate the surrender of firearms by the abuser, along with identifying which relationships are covered by state and federal firearms prohibitions, would provide systems responders with a clearer understanding of what legal action could be taken to hold the abuser accountable in this regard. However, court responses appear to vary widely in response to the issues surrounding abuser access to firearms. Some judges use accountability court approaches to monitor abusers’ compliance, while others reportedly refuse to cooperate with requests from victims, advocates, and/or prosecutors to even include restrictions on firearm possession or requests for voluntary surrenders, citing the Second Amendment rights of abusers.

The project staff consider these differences to be policy positions, rather than procedural nuances; that makes the possible solutions more a matter of leadership and direction-setting than figuring out the nuts-and-bolts of protective orders. Georgia should share research on the effectiveness of practices such as specific prohibitions, and examine the advantages or disadvantages of granting the courts specific authority to require firearms prohibitions and/or surrenders in certain civil cases (e.g., those involving firearms or high risk of lethal violence) by state statute. Standardized approaches to protective orders in firearms-related cases would also encourage more uniformity in the ways courts order and follow up on abusers’ compliance with firearms prohibitions. Expansion of domestic violence courts and evaluation of the effectiveness of existing accountability court-styled dockets for domestic violence cases could provide important lessons for such changes.

- There is great and hidden danger when a widespread assumption exists that all firearms purchases are through licensed sellers obligated to participate in the background check process, or that a rejected purchase attempt by a licensed seller will lower the risks to a victim. Establishing policies to narrow existing gaps in abusers’ access to firearms through unlicensed transactions is vital to community efforts to increase abuser accountability and victim safety. And further, creating a policy that encourages reporting by licensed firearm sellers who believe an abuser is attempting to obtain a firearm, would fill an obvious gap in crisis response that currently leaves communities without knowledge of increased risk.

Procedural Conclusions

A fully coordinated community response is essential for keeping domestic violence victims and communities safe when firearms are involved. Among project participants, there was consensus on the need for more and better communication among partners in the community response system. There are questions about what information different partners might be permitted to share, but clearly local teams can improve information-sharing throughout these cases. Victim notification is a crucial element of risk assessment and safety planning for both the victim and the community. Communities should take steps to ensure that victims are informed about actions by the abuser that potentially jeopardize their safety, so they can adjust their safety plan accordingly. That means information-sharing protocols must ensure that the first person to hear about an abuser's attempt to obtain a firearm either contacts the community responder most able to reach the victim, or contacts the victim directly and makes a warm referral to an advocate.

A common thread through all these scenarios is the importance of specifying firearm prohibitions in protective orders, along with protocols for securing surrendered firearms and securing waivers or other means of enhancing enforcement of the orders when there is a threat by an abuser. The key to victim safety is often a rapid response that can establish probable cause connecting the abuser to a firearm, so that the weapon can be secured and the abuser detained, if necessary. Participants made it clear that the existence of a specific order against possessing firearms enhances law enforcement's ability to protect victims in the short-term and prosecution's ability to obtain a conviction in the longer-term. The existence of a TPO that is specific about restricting possession of firearms, or even that contains a Fourth Amendment waiver, may be the core of an effective approach to victim safety. However, there is a great deal of disparity in how Georgia's courts use specific firearms prohibitions.

Procedural Recommendations

- To address the need for more and better communication among partners in the community response system, leaders within the space (e.g., victim advocacy organizations, law enforcement, prosecutors, or courts) should convene dialogue sessions among the local partners to "get everyone on the same page." They should conduct conversations about the processes and procedures, priorities and capacities of each partner in the local response system. This is particularly important when ongoing cases require collaboration beyond the initial incident report, such as during an investigation and after protective orders are in place. The scenarios used in the dialogues under this project would offer a good point of departure for such discussions. Appendix three provides case scenario worksheets containing the questions from the regional dialogues, which can be utilized to guide these discussions.
- Georgia should identify communities that have developed strong partnerships and information-sharing practices that pertain to abuser access to firearms and examine what makes them successful. Pilot test sites to extend these innovations into other locations could be utilized.
- Local procedures should reflect a concern for those abusers who already own firearms. A broader base of community ownership of this issue is vital. Communities should supply enough person power to directly address abusers known or thought to be in possession of firearms at all available opportunities to address the issue. These individuals should possess the tools to protect survivors while pursuing evidence and prosecution. Perhaps better community support would make it more likely that violations of orders would be reported officially rather than haphazardly through informal relationships, and that law enforcement in some locations would be less likely to drop these cases to a lower priority for lack of manpower to respond.
- In a related idea, law enforcement could make it part of their approach to build closer working relationships with firearm sellers, to build trust and a network of information sources for learning about abusers' firearms

violations. While the idea may face some challenges because of prevailing attitudes about Second Amendment rights, group participants were confident these relationships could be nurtured. Some said, “without the sellers it’s hard to know what those abusers are doing.”

- Community responders should share the research on domestic violence lethality with judges handling these cases around the state. An evidence-based approach could improve how courts use their discretion in including specific firearm prohibitions in protective orders. Model practices could be developed to include suggested guidelines on when to use specific prohibitions, and the language successful courts use. Data should be gathered and shared on what approaches work in a range of fact patterns. The goal would be to convince some skeptical judges to try criteria for applying these orders, and to offer them some model language and processes for entertaining recommendations from advocates and prosecutors. These approaches would address when to use specific language in criminal cases, Ex Parte and 12-month TPOs, as well as waivers of Fourth Amendment rights.
- Many participants believed the domestic violence response system is overloaded with cases. Georgia can develop an acceptable system of priority setting – a triage approach that includes additional safety measures based on risk level. One suggestion was to manage the additional workloads with better information technology solutions, such as automated notifications when an abuser is released from jail or status updates about TPO service (e.g., VINELink). Routine use of ankle monitors on high-risk offenders may also reduce ongoing risk for the victim and community.

Additional procedures which prioritize longer-term accountability and supervision for violent or repeat offenders should also be considered. DCS participants noted regular violent repeat offender meetings that bring prosecutors together with law enforcement, as an opportunity to decide whether to pursue criminal cases in situations that might bring mandatory minimum sentencing to those convicted of armed crimes. This approach can result in longer sentences, akin to federal cases, and may serve as a framework to reduce caseloads for many community responders for longer periods of time – as problematic abusers who are removed from the community also represent reduced risk for victims and reduce accompanying repeat calls for service respectively.

- There should also be incentives for conducting compliance hearings, such as additional funding for new court and advocacy positions to follow up on higher-risk cases. Ideally advocates would have sufficient time to work out safety plans, to keep the court updated about compliance in firearms cases, and to coordinate with local law enforcement for help in planning for victim safety.
- Georgia should study whether there is a problem with local law enforcement’s ability to store surrendered firearms. If limited storage space is affecting an agency’s ability to secure these weapons, then it might also be affecting its ability to confiscate them. Apparently, there are working arrangements between Fulton County and suburban departments in the area which have allowed shared firearms storage. Similar space-sharing agreements in other locations could benefit both victim and community safety.

Training Conclusions

None of the policy or procedure improvements listed above are possible without a great deal of public education and evidence-based skills training among partners engaged in the response to domestic violence. Project participants made it clear that there are gaps in the knowledge base of even experienced partners among Georgia’s local crisis response teams. The situation requires a consolidated approach to educating the community and training the partners on the approaches known to be effective elsewhere.

Training Recommendations

- Georgia needs a public education campaign, the goal of which should be to motivate people to take firearms-involved domestic violence issues seriously. The intent would be to build support for making these

cases a higher priority for local law enforcement, and to educate the public about the need for aligning Georgia's firearms laws with the relevant corresponding federal law. The campaign should build up community awareness about the risks of firearms by presenting prevention and early recognition methods in the schools, faith communities, and other public venues as well as differentiating between Second Amendment rights and restrictions that are necessary for abusers not considered to be “lawful gun owners.” As a side benefit, greater public understanding of the issue could lead to greater support for the resources needed to staff community crisis response components, including law enforcement, prosecution, legal services and domestic violence service providers.

- Georgia also needs to develop and implement a training program for community responders that would clarify the way the federal NICS system works, and suggest model protocols for partners to address issues when a prohibited abuser attempts to obtain a firearm. That training should share recent research on the risks and lethality factors, as well as the incidence trends among these cases in Georgia. An important training topic would be information about successful collaboration models that function effectively when reporting and sharing information during investigations and safety planning processes. This might extend to a facilitated approach to negotiating agreements for local information-sharing.

ACKNOWLEDGEMENTS

Project Staff

“Family Violence & Firearms in Georgia” was written by Doug Bailey (President, Performance Vistas, Inc.) and Niki Lemeshka (Program Manager, GCFV). Project planning, research, surveys, and dialogue sessions were created and conducted by Doug Bailey, Niki Lemeshka, and Raye Rawls (Senior Public Service Associate, J.W. Fanning Institute for Leadership Development, University of Georgia). Data analysis was provided by Doug Bailey.

Special Thanks

Project staff would like to relay our special thanks to the numerous partners without whom this project would not have been successful, including:

- The United States Attorney’s Office for the Northern District of Georgia for their ongoing support of our work to address abuser access to firearms. Particular thanks go to U.S. Attorney Ryan K. Buchanan, former U.S. Attorney BJay Pak, and Assistant U.S. Attorney Jessica Morris.
- GCFV Data Analyst Samar Abdelmageed and GCFV Fatality Review Project CoordinatorCarolynn Brooks for their subject matter expertise and supplemental research and data.
- GCFV staff and Commission members, particularly GCFV Executive Director April Ross.
- Georgia Department of Community Supervision staff for their ongoing administrative support of GCFV special projects. Particular thanks go to DCS Commission Michael Nail, Chief Financial Officer Olivia Duke, Budget Director Afia Smith, Accounting Director Kelly Martin, and Accounting Manager Teresa Loggins.
- The numerous stakeholders who assisted project staff in recommendations for and invitations to participants in the dialogue sessions.

Particular thanks go to the participants of the six dialogue sessions which formed the backbone of this project. Without their generosity of time, subject matter expertise, and willingness to work collaboratively to address abuser access to firearms, this project would not have been possible. Dialogue participants included:

Nilufar Abdi-Tabari	Suzanne Dow	Debora Johnson	Megan Pulsts
Andrea Alabi	Ashley Dykes	Jeff Johnson	Dalia Racine
Melissa Arthur	Morgan Evans	Jesse Jones	Nicolle Ramsey
Michael Beckom	Jessica Foster	Melina Lewis	Nicole Santos
Michele Bedingfield	Chris Futch	Nicole Huseman	Melissa Sizemore
Josh Bell	Kate Gaffney	Alex Manning	Charles Sperling
Pamela Bettis	Cynthia Gibson	Tanisha McAuley	Lebryan Sperling
Charles A. Brooks	Zak Golowich	Teresa Millsaps	Katie Strayhorn
Jessica Butler	September Guy	Cindy Morris	David Studdard
Keisha Chambless	Karen Hammer	Barbara-Lee Palmer	Angela Taylor
Clarence E. Cox III	Todd Hayes	Kristin Parker	Kelsey Taylor
Tommie DeGonzague	Jerome Hooper	Kim Parrish	Millicent Taylor
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Dilma Dosreis	Tyshawn Jackson	Beth Peters	Kimberly Waldon
	Rosa James	Erin Pritchett	

Financial Support

This project was supported by Grant No. 2019-GP-BX-0029 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

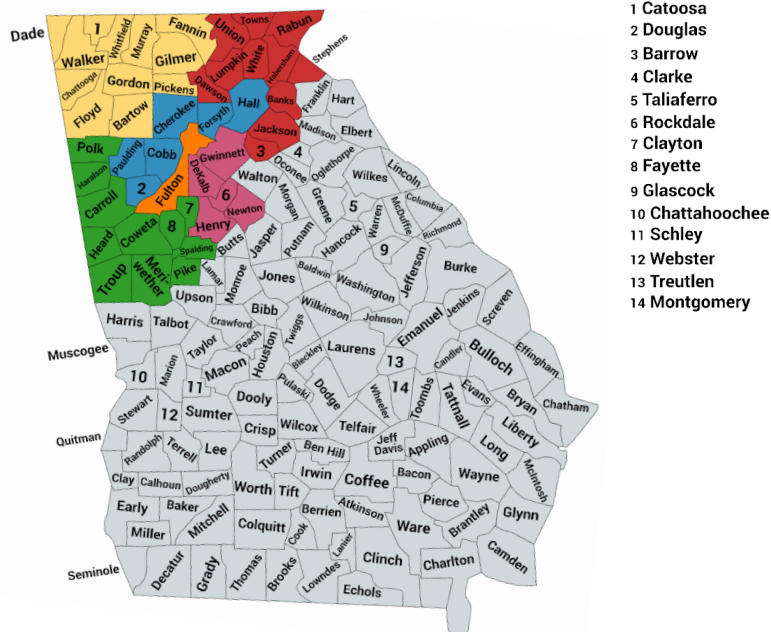
REFERENCES AND REPORT NOTES

1. Throughout this report we use the term “victim of domestic violence” or “victim,” largely to reflect the circumstances of victims of domestic violence, family violence, intimate partner violence, dating violence and stalking. Numerous terms were used throughout project discussions interchangeably with each variation reflecting commonalities in the dynamics present in abusive relationships, even while the relationships between the victim and abuser varied. To avoid bogging down conversations while pursuing legitimate differences in the ways the terms are defined in policy and statute, we use “domestic violence” to refer to all of these situations.
2. Campbell, J. (2017). Presentation deck on the Danger Assessment in Practice, at the Georgia Commission on Family Violence 23rd Annual Conference, Athens, Ga., November 7, 2017.
3. Bureau of Justice Statistics (2013). <https://www.bjs.gov/content/pub/pdf/ipvav9311.pdf>
4. Saltzman, L. E., Mercy, J. A., O’Carroll, P. W., Rosenberg, M. L., & Rhodes, P. H. (1992). Weapon involvement and injury outcomes in family and intimate assaults. *JAMA*, 267(22), 3043–3047.
5. While the federal law pertaining to abuser access to firearms is multifaceted, Georgia is one of a decreasing number of state outliers which does not require similar prohibitions in their state laws. According to National Coalition Against Gun Violence/ Educational Fund to Stop Gun Violence/ Alliance for Gun Responsibility Foundation/ Prosecutors Against Gun Violence’s website www.disarmdv.org (2022, November 10), only 11 state laws that fail to require prohibition of abusers’ access to firearms after adjudication at a final protective order hearing. Those states include: Arkansas, Georgia, Idaho, Kentucky, Mississippi, Missouri, North Dakota, Ohio, Oklahoma, South Dakota, and Wyoming. And according to the Giffords Law Center to Prevent Gun Violence (2022, November 10), only 17 state laws have no firearms prohibition for abusers convicted of domestic violence misdemeanors. Those states include: Alaska, Arkansas, Florida, Georgia, Idaho, Kentucky, Michigan, Mississippi, Missouri, Montana, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Wisconsin and Wyoming (<https://giffords.org/lawcenter/gun-laws/policy-areas/who-can-have-a-gun/domestic-violence-firearms/>). This means that only 10 states have neither of these key prohibitions of the federal firearms laws pertaining to domestic violence codified in state law: Arkansas, Georgia, Idaho, Kentucky, Mississippi, Missouri, North Dakota, Ohio, Oklahoma, and Wyoming.
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7. Disarm Domestic Violence. (2022). Protective orders + firearms prohibitions. National Coalition Against Gun Violence/Educational Fund to Stop Gun Violence/ Alliance for Gun Responsibility Foundation/Prosecutors Against Gun Violence. <https://www.disarmdv.org/>
8. Keck, D. & Nichols, A. (2022, May 19). *OVW grantee firearms webinar series: Intersection of domestic violence and firearms part 2/3* [training video]. Battered Women’s Justice Project. https://www.preventdvgunviolence.org/resources/intersection_dv_firearms_webinar.html
9. The Bipartisan Safer Communities Act, enacted in June 2022, extends the prohibition beyond the relationship requirements of the Lautenberg Amendment to the Gun Control Act to include dating relationships, prohibiting someone convicted of a misdemeanor crime of domestic violence as part of a dating relationship from purchasing or possessing a firearm for at least five years.
10. NICS is the National Instant Criminal Background Check System. According to the Federal Bureau of Investigations, “NICS conducts background checks on people who want to own a firearm or explosive, as required by law. ...When a person tries to buy a firearm, the seller, known as a Federal Firearms Licensee (FFL), contacts NICS electronically or by phone. The prospective buyer fills out the ATF form, and the FFL relays that information to the NICS. The NICS staff performs a background check on the buyer. That background check verifies the buyer does not have a criminal record or isn’t otherwise ineligible to purchase or own a firearm. Since launching in 1998, more than 300 million checks have been done, leading to more than 1.5 million denials.” (Retrieved on 2022, November 10 from: <https://www.fbi.gov/how-we-can-help-you/need-an-fbi-service-or-more-information/nics>)
11. According to the Bill of Rights Institute, “the second amendment states, ‘A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.’” It notes that “Second amendment advocates conclude that a ‘well-regulated militia’ was not to have the government restrict gun rights, but to have an armed citizenry to stand up to a tyrannical government....Those who want to limit its scope...believe that ‘well-regulated’ means ‘reasonably limited’ and ‘militia’ refers to a standing army.” (Retrieved on 2022, November 10 from: https://www.billofrightsinstitute.org/ttv/key-issues/second-amendment?gclid=CjwKCAjwvsqZBhAIEiwAqAHEla__U4cyk3BOO_0zD3wiNusSNoFulkGgcRn3yT_q8X0xNFAdh0taRoCV5AQAvD_BwE) These two perspectives were recognized by our participants as actively influencing the positions people take on whether abusers should have access to firearms, and under what circumstances.
12. According to RC Phillips, “the Fourth Amendment provides that individuals are entitled to be secure against unreasonable searches and seizures, but Fourth Amendment provisions are not absolute or consistently applied in all circumstances. ... An important variance from normal search and seizure rules occurs when a subject agrees to waive his or her Fourth Amendment rights. Under certain circumstances, the freedom of parolees and probationers may be conditioned on an agreement that law enforcement, parole agents, and probation officers be allowed to search and seize a subject’s person and possessions without probable cause and without a warrant. These “fourth waiver” searches are often based on the theory that a parolee or a probationer has consented in advance to waiving his or her constitutional rights to be free from searches and seizures without a warrant and without probable cause.” (Retrieved on 2022, November 10 from: <https://www.ojp.gov/ncjrs/virtual-library/abstracts/fourth-waiver-searches>)

APPENDICES

1. Regional Groupings of Participants for Dialogue Sessions

Northeast Region	Northwest Region	North Atlanta Region
<ul style="list-style-type: none"> • Banks • Barrow • Dawson • Habersham • Jackson • Lumpkin • Rabun • Stephens • Towns • Union • White 	<ul style="list-style-type: none"> • Bartow • Catoosa • Chattooga • Dade • Fannin • Floyd • Gilmer • Gordon • Murray • Pickens • Walker • Whitfield 	<ul style="list-style-type: none"> • Cherokee • Cobb • Douglas • Forsyth • Hall • Paulding
West Region	Atlanta Region	South Atlanta Region
<ul style="list-style-type: none"> • Carroll • Clayton • Coweta • Fayette • Haralson • Heard • Meriwether • Pike • Polk • Spalding • Troup 	<ul style="list-style-type: none"> • Fulton 	<ul style="list-style-type: none"> • DeKalb • Gwinnett • Henry • Newton • Rockdale



2. Listing of Six Regional Dialogue Sessions: Participants by Stakeholder Type

Stakeholder Type	Northeast	Northwest	North Atlanta	West	Atlanta	South Atlanta	Total Participants
Sheriff's Office or Police Department	1	0	1	0	0	1	3
Solicitor-General's Office	0	0	1	2	3	3	9
District Attorney's Office	3	1	2	1	5	2	14
Community Supervision (Probation/Parole)	1	1	0	1	1	0	4
Family Violence Intervention Program (Abuser Intervention)	1	1	0	0	0	2	4
Judge	0	1	1	0	1	1	4
Court Staff	0	0	1	0	1	0	2
Legal Aid	1	1	1	2	1	0	6
Family Violence Program (Victim Services)	3	3	2	2	1	1	12
Total Participants	10	8	9	8	13	10	TOTAL: 58 participants

3. Community Response Partners Dialogue Sessions: Worksheets and Scenarios for Discussion

Introduction

In order to benefit communication among the partners engaged in the coordinated community response to domestic violence, community leaders (e.g., victim advocacy organizations, law enforcement, prosecutors, or courts) should convene dialogue sessions among their partners to “get everyone on the same page.” They should conduct conversations about the processes and procedures, priorities and capacities of each of the partners in the local response system. This is particularly important when ongoing cases require collaboration beyond the initial report, such as during an investigation and after protective orders are in place. The scenarios used in the dialogues under this project would offer a good point of departure for such discussions. This worksheet includes case scenarios and questions utilized in the regional dialogues, with discussion questions for leading these sessions within Georgia communities.

Instructions for the Session Facilitator

Ask the participants to review each of the following four scenarios, then be prepared to discuss their answers to the questions that follow each scenario. Participants should assume that these hypothetical incidents have taken place in their community in Georgia. They should also assume that all the parties are residents there. Please note that in the scenarios male pronouns are used for abusers and female pronouns are used for victims. This is not intended to minimize the diversity of relationships in which abuse occurs, but rather to reflect Georgia data which indicates a male offender and female victim in 70% of reported incidents.

Background on Scenarios

Scenario #1: The circumstances explained in Scenario #1 are alleged to meet the relationship requirements under federal firearms law, suggesting that if a firearm purchase were made it would be detected by the National Instant Criminal Background Check System (NICS). This scenario is intended to assess the presence of any uniform communication protocol that would advise a victim and/or law enforcement when an abuser under a protective order attempts to obtain a firearm in violation of the order and of the firearms prohibitions under federal law. More generally, this scenario seeks to determine what happens if an abuser who is under a protective order in a domestic violence case attempts to purchase a firearm from a licensed seller.

“An abuser who is under a 12-month Family Violence Temporary Protective Order (TPO) goes to a gun shop to buy a firearm. He completes all the necessary paperwork and undergoes a background check through the National Instant Criminal Background Check System (NICS), as required prior to purchase. The background check process generates a ‘hit’ due to the TPO having been entered into the Protective Order Registry and NICS confirms the details of the protective order with the originating agency. It is determined that the abuser and victim met the required relationship status and other qualifications that trigger the federal firearms prohibitions. The order states that the abuser ‘shall not possess or purchase a firearm or ammunition as restricted by federal law under 18 U.S.C. § 922(g).’ The abuser’s firearm purchase is denied.”

- What happens next in your community?
- How does handling it this way affect your ability to protect the community in your role?
- Are you aware of which agencies in your community receive notice that an issue has emerged on a pre-purchase background check?
- In your community, would the victim who obtained the TPO against the abuser become aware that they had attempted to purchase a firearm? How is that victim notified and by whom?

Scenario #2: The circumstances explained in Scenario #2 are largely the same as those in Scenario #1, except the abuser and victim never lived together, never had a child together, and were never married. This scenario was selected to examine the risks raised when the firearms prohibitions under federal law are not engaged because the situation fails to meet the relationship requirements (as they stood before June 2022, when the Bipartisan Safer Communities Act gun safety law was signed into federal law) and therefore the abuser’s gun purchase is allowed. This scenario affords the opportunity to again assess the presence of any uniform communication protocol to advise a victim and/or law enforcement of the abuser’s purchase of the firearm, to discuss how commonly protective orders in these communities include specific prohibitions against firearm possession, and to determine the likelihood that firearms surrender would be enforced in communities

“An abuser who is under a 12-month Dating Violence Temporary Protective Order (TPO) goes to a gunshop to buy a firearm. He completes all the necessary paperwork and undergoes a background check through the National Instant Criminal Background Check System (NICS), as required prior to purchase. The background check process generates a ‘hit’ due to the TPO having been entered into the Protective Order Registry and NICS confirms the details of the protective order with the originating agency. Because the abuser and victim never lived together, had a child together, and were never married, it was determined that he did not meet the required relationship status to trigger the federal firearms prohibitions under 18 U.S.C. § 922(g)(8). However, the order required that the abuser, ‘surrender any and all firearms to the County Sheriff’s Office for safekeeping and not possess any thereafter for the duration of the order.’ The abuser’s firearm purchase is approved.”

- What happens next in your community?
- How does handling it this way affect your ability to protect the community in your role?
- Do orders in your community include specific measures to address firearms access? What are they?
- Is the notification process in this scenario any different than the one we discussed in Scenario 1? If so, how is it different?

Scenario #3: The circumstances explained in Scenario #3 resemble the previous two scenarios in that there is a specific TPO addressing firearms access, and it is implied that there is a qualifying relationship between the abuser and the victim which would trigger firearms prohibitions. There is also sufficient information and concern to cause the victim to get law enforcement involved. This scenario was selected to determine what responses take place in Georgia communities when an abuser under a protective order that requires the surrender of firearms appears to maintain possession of at least one weapon and then acts in a manner that seems to overtly violate the order. This scenario also affords the opportunity to assess what efforts are taken by law enforcement when there are inconsistencies surrounding the abuser’s access to firearms reported by the victim and abuser.

“A victim contacts you and informs you she is concerned that her abuser has access to a firearm and she may be in danger. This afternoon, when the victim returned to her car after running errands, she found a used paper shooting target on her windshield. She recognized the target as identical to the targets used by her abuser. The victim recently obtained a Temporary Protective Order (TPO) against her abuser, which required the abuser to turn over all firearms for safekeeping when the order was served. The victim explains that when she obtained the TPO, she completed a form which included a description of the location of the four firearms the abuser owned and where they were kept. At the time of service, deputies obtained three of the four firearms and the abuser told them the fourth did not exist.”

- What happens next in your community?
- How does handling it this way affect your ability to protect the community in your role?
- Would the way your community handles this situation be impacted by whether the abuser was subject to federal firearms prohibitions?
- What, if any, actions would be taken to locate the fourth firearm?

Scenario #4: The circumstances explained in Scenario #4 closely resemble that of Scenario #3, but there is a change in the evidence with the inclusion of a social media posting of a photo. This scenario was selected to discuss the importance of evidence as a factor in determining whether firearms prohibitions are enforced among the groups. Unlike some of the other scenarios, Scenario #4 also allows the participants to assume that Georgia law would include a prohibition against firearms possession by the abuser, because the abuser is a convicted felon. This means that while federal law may also be in play, community responses can be assessed within a continuum of options which clearly includes Georgia law.

“A victim contacts you and informs you she is concerned that her abuser has access to a firearm and she may be in danger. This afternoon, when the victim returned to her car after running errands, she found a used paper shooting target on her windshield. She recognized the target as identical to targets used by her abuser. The victim also observed a social media post by a mutual friend of the abuser, which showed the abuser holding a gun at the shooting range. The image was posted this morning. The abuser is a convicted felon, stemming from an incident of abuse against the victim.”

- What happens next in your community?
- How does handling it this way affect your ability to protect the community in your role?
- How would the response be different if a photo of the abuser holding a firearm did not exist?

Community Response Partners Dialogue Sessions: Worksheets and Scenarios for Discussion

Instructions for the Session Participants

Review each of the following scenarios, then be prepared to discuss their answers to the questions that follow each scenario. You should assume that these hypothetical incidents have taken place in your community and that all the parties are residents there.

Scenario #1

“An abuser who is under a 12-month Family Violence Temporary Protective Order (TPO) goes to a gun shop to buy a firearm. He completes all the necessary paperwork and undergoes a background check through the National Instant Criminal Background Check System (NICS), as required prior to purchase. The background check process generates a ‘hit’ due to the TPO having been entered into the Protective Order Registry and NICS confirms the details of the protective order with the originating agency. It is determined that the abuser and victim met the required relationship status and other qualifications that trigger the federal firearms prohibitions. The order states that the abuser ‘shall not possess or purchase a firearm or ammunition as restricted by federal law under 18 U.S.C. § 922(g).’ The abuser’s firearm purchase is denied.”

- What happens next in your community?
- How does handling it this way affect your ability to protect the community in your role?
- Are you aware of which agencies in your community receive notice that an issue has emerged on a pre-purchase background check?
- In your community, would the victim who obtained the TPO against the abuser become aware that they had attempted to purchase a firearm? How is that victim notified and by whom?

Scenario #2

“An abuser who is under a 12-month Dating Violence Temporary Protective Order (TPO) goes to a gunshop to buy a firearm. He completes all the necessary paperwork and undergoes a background check through the National Instant Criminal Background Check System (NICS), as required prior to purchase. The background check process generates a ‘hit’ due to the TPO having been entered into the Protective Order Registry and NICS confirms the details of the protective order with the originating agency. Because the abuser and victim never lived together, had a child together, and were never married, it was determined that he did not meet the required relationship status to trigger the federal firearms prohibitions under 18 U.S.C. § 922(g)(8). However, the order required that the abuser, ‘surrender any and all firearms to the County Sheriff’s Office for safekeeping and not possess any thereafter for the duration of the order.’ The abuser’s firearm purchase is approved.”

- What happens next in your community?
- How does handling it this way affect your ability to protect the community in your role?

- Do orders in your community include specific measures to address firearms access? What are they?
- Is the notification process in this scenario any different than the one we discussed in Scenario 1? If so, how is it different?

Scenario #3

“A victim contacts you and informs you she is concerned that her abuser has access to a firearm and she may be in danger. This afternoon, when the victim returned to her car after running errands, she found a used paper shooting target on her windshield. She recognized the target as identical to the targets used by her abuser. The victim recently obtained a Temporary Protective Order (TPO) against her abuser, which required the abuser to turn over all firearms for safekeeping when the order was served. The victim explains that when she obtained the TPO, she completed a form which included a description of the location of the four firearms the abuser owned and where they were kept. At the time of service, deputies obtained three of the four firearms and the abuser told them the fourth did not exist.”

- What happens next in your community?
- How does handling it this way affect your ability to protect the community in your role?
- Would the way your community handles this situation be impacted by whether the abuser was subject to federal firearms prohibitions?
- What, if any, actions would be taken to locate the fourth firearm?

Scenario #4

“A victim contacts you and informs you she is concerned that her abuser has access to a firearm and she may be in danger. This afternoon, when the victim returned to her car after running errands, she found a used paper shooting target on her windshield. She recognized the target as identical to targets used by her abuser. The victim also observed a social media post by a mutual friend of the abuser, which showed the abuser holding a gun at the shooting range. The image was posted this morning. The abuser is a convicted felon, stemming from an incident of abuse against the victim.”

- What happens next in your community?
- How does handling it this way affect your ability to protect the community in your role?
- How would the response be different if a photo of the abuser holding a firearm did not exist?



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