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Date: March 10, 2017

Domestic Violence is a terrible occurrence. It affects both men **and** women in the state of Vermont.

The annual Domestic Violence Fatality Review Commission report gives a disturbing story of how dangerous Vermont is, but the analysis is a muddy, one-sided, interpretation of domestic violence homicides in Vermont.

Each year the study uses archival data going back into the early 1990's as "proof" how dangerous Vermont is for our women.

Totals are given for individual markers, how many responsible parties of each sex, how many victims of each sex, towns, manner of death, and suicides, but without ANY correlation as to which data belongs where. The report only addresses domestic violence **homicides**, not domestic violence in general.

The 2016 report shows that 52% of all Domestic Violence homicide victims were female. Again, this is using data that goes back to 1994 when Vermont ranked the 4th safest state in the nation. Violent crime was higher and the average murder count was DOUBLE what it was in 2015 (public FBI data only goes back to 1999).

In 2015, Vermont was ranked THE SAFEST STATE by FBI statistics for the 3rd consecutive year.

Contrary to testimony heard by your committee the domestic violence homicide trend since 2006 has changed. MEN have been the predominant victims of domestic violence homicides in the last decade.

In fact, THIRTY (30) MEN have been killed in domestic violence homicides in Vermont over the last 11 years, while 22 Women have lost their lives. Even though men make up 58% of domestic violence homicide victims over the last decade, testimony is given to make you believe that ONLY women are being killed by men, and in epidemic proportions.

The unfortunate truth is, men AND women are both victims.

To make their case for bills like H.422 the lobbyists omit the correlation between statistical data, responsibility, and causation.

In fact, if we look at the actual domestic violence homicides in Vermont, we will see an increasing number of WOMEN killing people in domestic violence incidents.

If we look at the 2016 Domestic Violence Fatality Review Commission report the data reads:

**2015:**

**16 Homicides, 6 Domestic, 6 by Firearm**

**Victims: 4 Female, 2 Male**

**Responsible Party: 1 Female, 3 Male**



Statistically, that tells us nothing more than domestic violence homicide in Vermont is in the single digits.

But, what does the data MEAN? None of the Domestic Violence Fatality Review Commission reports ever break down the actual correlations for each year's totals.

**We have to read public news reports to get the truth.**

One woman was killed by a man in 2015.

Two men each shot another man.

THREE of the female victims of domestic violence were killed by a SINGLE female shooter, who later stalked and killed social worker Lara Sobel.

That single female shooter, using a stolen firearm, was responsible for 25% of ALL homicides in the state of Vermont in 2015 and 75% of the female victims of domestic violence!

That data runs 180 degrees counter to everything the proponents of this bill state as the reason they support it.

Unsurprisingly, the Domestic Violence Fatality Review Commission did NOT choose to use THAT case to analyze in their report as it did not fit the narrative. Instead, with barely a paragraph of information, they chose to review the suicide of a domestic violence victim.

They did choose however to include in their notes that a suicide in connection with one of the homicides was by firearm. What they chose not to tell the public was that the suicide occurred in KANSAS after the murder suspect was cornered by law enforcement after a police pursuit.

The goal of all these reports are to demonize firearms, and men. They are extremely convincing.

Every year since 2007, the Domestic Violence Fatality Review Commission presents "recommendations" to prevent domestic violence.

**In 2009, the Commission recommended that abusers be restricted from having access to firearms, even for hunting, and in 2010, the recommendation included allowing law enforcement to search an offender's home for firearms.**

In 2014, the Policy Director of the Vermont Network Against Domestic and Sexual Violence (Sarah Kenney) testified in favor of H.735, a "fee" bill, that included EIGHT PAGES outlining the process by which firearms, ammunition and other weapons were to be stored, fees applied, returns processed, and even forfeits sold, during all phases of a Relief From Abuse order. So, even after an order ended, defendants who couldn't pay the outrageous fees for storage, forfeited all their firearms to the state for sale after 90 days! H.735 was a confiscation bill.

In 2015, the report included a follow-up that a new law regarding their 2009 recommendation for firearm relinquishment had been passed into law (2014, Act 191).

Testimony given by the Policy Director of the Vermont Network in support of H.422 wastes no time in pushing the “men with guns are dangerous to women” card.

Testimony states, “Adding the removal of weapons at the scene of a crime is necessary, because the most dangerous time for a victim is when she reaches out for help.”



This statement *implies* two things;

- 1) when there is a 911 call for domestic violence, a woman is the victim, and,
- 2) that law enforcement officers that arrive on the scene of a crime are not allowed to confiscate weapons. As most law enforcement officers will tell you, ANY weapons at the scene of a crime ARE confiscated immediately and without question!

Press releases by the Vermont State Police indicate that one third of the thirty arrests for domestic assault in the first 9 weeks of 2017, are **women**.

What H.422 attempts do is allow *unwarranted* searches of the ENTIRE property and mandate the confiscation of ALL dangerous weapons, including firearms and ammunition, found *anywhere* on the property. This would also include firearms, ammunition and weapons from the **VICTIM**, other family members, and other people who either reside at the location, such as tenants, or people who are just visiting! Just imagine the chaos a domestic violence call by a neighbor, annoyed by loud music during a family reunion, would cause!

The unwarranted search of the property is unconstitutional under Article 11<sup>th</sup> of the Vermont Constitution.

Testimony continues with “Statistics show that women who leave their batterers are at a 75% greater risk of being killed by their batterers than those who stay.”

This “fact” is all over the internet on almost every domestic violence page, but my research leads me to believe the quote originates from the 2005 paper by the Southwest Center for Law and Policy. The quote was adapted from a list developed by Barbara Hart of the Pennsylvania Coalition against Domestic Violence in **1997** using data from Pennsylvania! The same paper from 2005 also includes the line “Women are most likely to be murdered when attempting to report abuse or to leave an abusive relationship.” That quote was taken from Angela Browne’s 1987, ***When battered women kill***. These quotes and associated “rates” are pushed constantly by the Joyce Foundation-funded, anti-gun organization, the Violence Policy Center.

Please note that violent crime in the US during the 1990s was 40% higher across the board than it is now. Again, we have national archival reports from 20 and 30 years ago being used as justification for enacting new laws in Vermont today.

Logic dictates that any statement that old be evaluated with care, and reflection on the lowest national violent crime rates of today. We are expected to believe that of all the abusive relationships that ended in 2015 in Vermont, there was a 75% chance **each** would end in the death of the woman.

According to Appendix I of the *Judiciary Statistics for fiscal year 2015*, there were **3,202** Protective Orders for Relief from Abuse in Vermont in 2015. If we assumed that most of those relationships were abusive and those requester's LEFT their partner since they required a Relief from Abuse Order to feel safe, and that previous 75% risk "fact" was accurate, we would literally have over **two thousand** partners murdered each year in Vermont!



Remember, there was ONE woman killed by her male partner in 2015.

If there are so many bad relationships in Vermont it should warrant legislation for further funding into mental health and couples counselling BEFORE relationships disintegrate, and maybe even funding for relationship education in schools.

The other problem with submitted testimony is that it is repeated over and over that Vermont ONLY allows the confiscation of firearms from a person subject to a FINAL Relief from Abuse order, or following a conviction of a violent crime under federal law.

Actually, firearms and other weapons can also be confiscated after a TEMPORARY "Relief from Abuse" order is signed.

In fact, the Policy Director for the Vermont Network even introduced **Form 400-00152T**, the "Temporary Order Relief from Abuse" as evidence.

Page 2, "9. Until further order of the court or until this order expires, \_\_\_\_\_ shall hold the following weapons belonging to Defendant: \_\_\_\_\_"

9a. Delivery of the weapons shall be made in the following manner: \_\_\_\_\_"

The 2009 DOMESTIC VIOLENCE FATALITY REVIEW COMMISSION report even stated, "***It is settled law in Vermont that District Court Judges have the authority to prohibit defendants in relief from abuse proceedings to possess firearms based on the Vermont relief from abuse statute.***" The report cites *Benson v. Muscari*, 172 VT 1 (2001) as proof.

As confirmed by the spokesperson from the Vermont Defender General's Office, law enforcement can **already** confiscate any and all weapons in the vicinity of any crime scene, domestic or not, and during a temporary or permanent Relief from Abuse order.

There is also a Vermont **Form 0152B**, dated 12/2014, titled, "Motion for Order to Release Firearms."

Link: <https://www.vermontjudiciary.org/eforms/Form%20152B.pdf>

This form indicates that even when a protective order ends, ***the defendant has to petition the government*** to get his or her firearms and ammunition back!

One would assume that existing statute would not be altered by H.422 regardless what the bill states.

In 2015, Governor Shumlin signed **S.141** (Act 14) into law which prohibits people convicted of domestic violence from possessing firearms.

See 2/6/2016, Washington Times, "Vermont Restricting Domestic Abusers' Access to Guns"  
<http://www.washingtontimes.com/news/2016/feb/6/vermont-restricting-domestic-abusers-access-to-gun/>

During the H.735 and S.141 hearings, law enforcement testified that there *wasn't* a "storage problem," yet, here we are 2 years later and law enforcement testifies that they don't have enough storage space for firearms they have already confiscated!

This presents a logical question. Why is H.422 being promoted as "we need this bill because law enforcement doesn't take away guns" when law enforcement says they have **so many** confiscated guns they need to rent more storage space?



New Hampshire's laws were used as an example to emulate, however, they are virtually identical to Vermont as both states allow the discretion of the court to confiscate firearms and other weapons for temporary orders. New Hampshire requires confiscation of firearms for the duration of a PERMANENT order, but NOT other dangerous weapons, while the Vermont court makes the determination on confiscation of firearms for permanent orders as well.

In New Hampshire, confiscation of "other" weapons must have probable cause to believe they have not been relinquished and the court must issue a search warrant to search the property for the SPECIFIED weapons, only AFTER a active restraining order was VIOLATED!

The other difference is that New Hampshire doesn't charge the defendant a "fee" to get his or her personal property back. New Hampshire statute, CHAPTER 14 - PROTOCOL 14-16, states the charge for storage "**may not exceed the actual cost of storage.**"

When we investigate those **3,202** new Protective Orders for Relief from Abuse in Vermont in 2015 we are told they were absolutely necessary to protect our women, this appears to be a consistent number, year after year.

However, the same documentation shows in 2015, of those 3,202 new requests, 3,175 were processed by the courts. Of those, **2,047 (64.5%)** were DENIED (773), DISMISSED (912) or WITHDRAWN (362). Of the remaining 1,104 RFAs, 367 were contested, 422 agreed on a settlement, and the remaining **315** were uncontested. **Only 10 percent (315) out of 3,202 orders were granted as requested!**

So, TWO THIRDS of all new Relief from Abuse orders in Vermont are invalidated each year, but 75% (2,402) were initially signed.

The years 2012 through 2016 show an average of 66.3% of requests being **unjustified**.

Imagine the resources needed to search a property and confiscate every firearm, all ammunition, every kitchen knife, axe, hammer, scissors, trophy, chair, golf club, fork, pencil, chain, tire iron, can of gasoline, garden tool, and anything else that can possibly be used as a deadly weapon, only for an order that is dismissed or withdrawn before a court date? Who is going to fund this?

If we use statistics from the Vermont Crime On-Line website, for 2015 there were 481 felony cases of domestic abuse. Adding those to the 2,402 RFAs signed by the courts, and using a lowball average of 100 dangerous weapons per household, that could potentially extrapolate out to **288,300 weapons** that would be REQUIRED to be confiscated!

The responding officers who have a difficult enough job now, will need to become a moving service as well to transport hundreds of dangerous items, by themselves, in their patrol car, possibly in the middle of the night, while trying to investigate the incident, interrogate witnesses, control the scene, restrain the offender, and maintain vigilance for their OWN SAFETY!

H.422 makes no mention of proper handling of items by law enforcement. Are we to assume that a priceless collection of vintage collectible firearms will not be piled in the back of a cruiser if that is the only method of transport available?

If we assume that law enforcement **will** apply a high standard of respect for all items seized, but without proper moving and storage equipment, safety will be problematic at best.

Proper care would entail: searching, seizing, safely packing, transporting, unpacking, sorting, photographing, cataloging, inventorying, and caring for those **two hundred and eighty eight thousand items**. That is in addition to proper handling of the suspect and all required paperwork!



Just a reminder, photographing, inventorying and cataloging of firearms is registration.

Also according to H.422, if weapons are not used as evidence and are not restricted by a Relief from Abuse order, **all** of those confiscated items will have to be removed from inventory, loaded back into vehicles by officers and returned to the owners in the same condition they were in when confiscated, **WITHIN FIVE DAYS!**

How on earth are law enforcement going to transport, catalog, and store two hundred and eighty eight thousand dangerous weapons, some of them TWICE within five days, each and every year?

**So, let's recap:** Convicted domestic abusers in Vermont are **already** prohibited from firearms ownership, federal law **already** restricts their purchase of new firearms, permanent AND temporary protection orders **already** regulate confiscation of firearms, and there is **already** a storage law in place.

### **Yet:**

- 1) A policy you are told isn't in effect, has actually existed for at least sixteen years...
- 2) A law, which you are being told doesn't exist, has been in statute since 2014...
- 3) A procedure you are told you need to pass into law is already procedure in Vermont...

What is wanted is carte blanche to search and seize private property that is not evidence in a crime, in an unconstitutional manner, in the hopes of preventing a "future crime."

**Please put H.422 back on the wall and stop wasting the legislature's time and tax-payer money, on an anti-gun political agenda.**

In Liberty  
Bob DePino  
Vice President: Gun Owners of Vermont