

## Vermont Council on Domestic Violence

**To:** Rep. Maxine Grad, Chair  
Rep. Charles Conquest, Vice-Chair  
Members of the House Committee on Judiciary

**From:** Heather Holter, Coordinator, Vermont Council on Domestic Violence  
**Re:** H. 422  
**Date:** March 13, 2017

Thank you for giving me the opportunity to testify by phone yesterday, to express the Council's support of H.422 which requires a law enforcement officer to confiscate a dangerous or deadly weapon from a person who is arrested or cited for domestic assault.. Please accept the following additional information and citations in support of my testimony.

### **Confiscation of a dangerous or deadly weapon from a person who is arrested or cited for domestic assault**

The Vermont Council on Domestic Violence has long supported recommendations that would remove weapons from the hands of perpetrators of domestic violence. The Council supports such legislation because:

- **There is a direct correlation between access to firearms and the risk of domestic violence homicide.** According to a multisite case control study on risk factors for femicide in abusive relationships, "gun availability still had substantial independent effects that increased homicide risks...these effects were due to gun-owning abusers' much greater likelihood of using a gun in the worst incident of abuse..."<sup>1</sup> In researching his book, *Why Do They Kill? Men Who Murder Their Intimate Partners*, David Adams found that when questioned, the men reported that "the relative availability of a gun made it easier to kill"<sup>2</sup> Additionally, Adams found that 78% of these perpetrators said they would not have killed if a gun had not been available".<sup>3</sup>
- **The time immediately following separation is the most dangerous for victims of domestic violence.** According to a National Crime Victimization Survey, "the victimization rate of women separated from their husbands was about three times higher than that of divorced women and about 25 times higher than that of married women."<sup>4</sup>

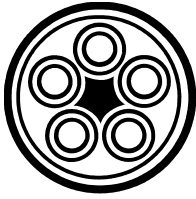
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<sup>1</sup> Jacquelyn C. Campbell et al., "Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study," *American Journal of Public Health* 93. No. 7 (July 2003)

<sup>2</sup> David Adams, *Why Do They Kill? Men Who Murder Their Intimate Partners* (Nashville, TN; Vanderbilt University Press, 2007), 14

<sup>3</sup> *Ibid.*, 13

<sup>4</sup> <https://www.bjs.gov/content/pub/pdf/FEMVIED.PDF>



## Vermont Council on Domestic Violence

Canadian data from 2007-2011 shows that “a woman’s risk of being killed by a legally separated spouse was nearly 6 times higher than her risk from a legally married spouse.”<sup>5</sup>

- **Vermont is not safe for victims of domestic violence.** Vermont is a small state with a relatively small population, and it is often touted as a very safe state to live in. However, victims of domestic violence are not safe if law enforcement come to their homes, and do not confiscate weapons—in fact, they are left more vulnerable than ever. **And, victims ultimately lose faith in a criminal justice system that is designed to come to their aid.**

### Vermont Domestic Violence Fatality Review Commission Report and Recommendations

As a long-time member of the Vermont Domestic Violence Fatality Review, I have had the honor each year of sitting down with Vermont’s medical examiner and law enforcement partners to review the stories behind each homicide that has taken place in our state. When the Commission convenes its first meeting of the year, the whole group determines which homicides should be counted as domestic violence homicides according to our statutory definition.

### Domestic Violence Suicide in Vermont

The Commission also collects information about domestic violence suicide, but these deaths are recorded separately in our reports.<sup>6</sup>

In 2015, the Commission reviewed its first suicide in detail. In this case, a victim of domestic violence took her own life. A week before she committed suicide, her husband was charged with domestic assault. Had this legislation been in effect, the gun she used to commit suicide might not have been available to her.

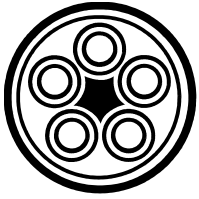
### Domestic Violence Homicide in Vermont

Your committee heard testimony from family members about a victim who lost her life when her husband, who had recently been charged with domestic assault, acquired a firearm from a family member and murdered her. Family members and law enforcement both expressed a desire for broader search capability. I have found this to be a common theme—in all the years I have served on the Domestic Violence Fatality Review Commission, no one has ever testified to wishing that less had been done—it is nearly always clear that a more comprehensive intervention might have made the difference and saved a life.

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<sup>5</sup> <http://www.statcan.gc.ca/pub/85-002-x/2013001/article/11805/11805-3-eng.htm>

<sup>6</sup> <http://ago.vermont.gov/assets/files/Criminal/2016%20DV%20Fatality%20Report.pdf>



## Vermont Council on Domestic Violence

### **Recommendations for limiting abuser's access to weapons**

Over the years, the Commission has heard similar stories from family members who lost their loved ones when firearms were not confiscated after a domestic assault, or acquisition of a relief from abuse orders. Abusers were able to retrieve firearms from the home, from family members, or friends in order to carry out homicide, suicide and sexual assault. These families ultimately help us to see what can be done to prevent future harm and loss of life.

Recommendations for change in policy and procedure crafted by the Domestic Violence Fatality Review Commission often require big changes in policy, practice, and sometimes statute. This bill is a good example of legislation that will shift law enforcement practice in support of victim safety. Similar shifts in the culture of policing have led us to where we are today, living in a society where domestic violence is no longer tolerated as a “family problem” but a crime.

I applaud the efforts of your committee to lead Vermont in joining the 13 states that already grant law enforcement officers the authority to confiscate weapons from the scene of a domestic violence incident.

### **The Vermont Council on Domestic Violence**

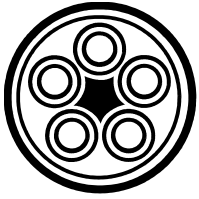
The Vermont Council on Domestic Violence (Council) was created in 15 VSA chapter 21, subchapter 4, 1171-with broad representation from state and community stakeholders in order to coordinate statewide responses to domestic violence. The Council makes recommendations for changes in state programs, laws, administrative regulations, policies, and budgets related to domestic violence.

### **Council Relationship with the Fatality Review Commission**

The Vermont Council on Domestic Violence has a statutory obligation to work with the Vermont Domestic Violence Fatality Review Commission (Commission) and to further it's recommendations.

The Commission is charged with:

- examining the trends and patterns of domestic-violence related fatalities in Vermont;
- identifying barriers to safety, the strengths and weaknesses in communities, and systemic responses to domestic violence;
- educating the public, service providers and policy makers about domestic violence fatalities and strategies for intervention and prevention; and
- recommending policies, practices and services that will encourage collaboration and reduce fatalities due to domestic violence.



## Vermont Council on Domestic Violence

### **Council Support for H. 422**

The Council on Domestic Violence is a large group, and the diversity and breadth of members' experience is what makes the Council unique. The Council makes our decisions using a consensus model—placing an integral emphasis on gathering and sharing information, rich discussion, and debate. There were 30 Council members present on December 6, 2016 and 20 members agreed to support this confiscation of a dangerous or deadly weapon from a person who is arrested or cited for domestic assault. Ten members “stood aside” from the vote, due to the limitations imposed for members representing State agencies or the Judiciary.<sup>7</sup> There were no members in disagreement.

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<sup>7</sup> *Stand Asides:* Hon. Barb Zander (Family Court), Hon. Joel Page (Family Court), (Ellie Breitmaier (VT Dept. for Children and Families), Rick Bates (VT Dept. Of Corrections), Kathleen Pearl (Court Clerk), Kathryn Kennedy (VT Family Bar), Sara Kagle (VT Legal Aid), Carolyn Hanson (Attorney General's Office), Hannah Elle Myers (VT Commission on Women), Cara Cookson (VT Center for Crime Victim Services).