



Trends in Firearms-Related Domestic Homicides and Aggravated Assaults Following the Protective Order Firearms Prohibition Law in Virginia, Fiscal Years 2014-2021

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Introduction

In 2016, the Virginia General Assembly enacted §18.2-308.1:4(B), which prohibits individuals subject to a civil family abuse final protective order from possessing firearms. The law, effective July 1, 2016, was primarily intended to reduce domestic violence (DV) incidents in which a person is threatened, harmed or killed by another with a gun. The person served with the protective order must, within 24 hours after being served, surrender any firearms in their possession to any person not prohibited from possessing a firearm. Failure to surrender such firearms is a Class 6 felony, punishable by a one-to-five-year prison sentence.

In 2020, the Virginia General Assembly passed legislation (effective July 1, 2020) that added additional provisions to the original 2016 firearms prohibition law. These additions strengthened the 2016 law by adding provisions to:

- Require that the subject of the protective order certify in writing to the court that they no longer possess a firearm within 48 hours of being served;
- Find a person who willfully fails to certify in writing to the court guilty of a Class 1 misdemeanor;
- Designate to the person served the order a local law-enforcement agency that can receive and store firearms;
- Make it a Class 4 felony for any person to sell, barter, give, or furnish any firearm to any person they know is prohibited from possessing or transporting a firearm.

This report examines trends in firearm-related domestic homicides and aggravated assaults over Virginia fiscal years (FY) 2014-2021. It compares trends during the three years before the 2016 firearms prohibition went into effect (FY2014-16) and the five years after the prohibition law went into effect (FY2017-2021). The trend also includes FY2021, the first year after the additional 2020 provisions went into effect. (Virginia's fiscal year is July 1 – June 30).

Only DV homicides and aggravated assaults are examined in this report. DV sexual assaults, robberies and kidnappings during this eight-year period were examined, but are not included in this report due to the small numbers/percentage of these incidents involving firearms. The FY2021 data is preliminary, and may be updated in subsequent reports.

The data used for this analysis comes from reports submitted by local law enforcement agencies to the Virginia Incident-Based Crime Reporting Repository System (VAIBRS), managed by the Virginia State Police. VAIBRS is fully-compliant with the National Incident-Based Crime Reporting System, and Virginia became a 100% incident-based UCR reporting state in 2005.

In this report, a DV homicide or aggravated assault is defined as one in which the reported relationship between the victim and the offender was either a former or current intimate partner or family member. In January 2019, a new domestic relationship code "XR," for ex-girlfriend or ex-boyfriend, became reportable for the first time in VAIBRS. The reporting of this new relationship did not result in an increase in the overall number of DV victims from FY2018 to FY2019, perhaps because the relationship was reported for only half of FY2019 (January-June 2019). However, this new relationship was reported for the entirety of FY2020 and resulted in an overall increase in the number of DV victims reported from FY2019 to FY2020. Just over half of the *increase* in the number of DV homicide and aggravated assault victims reported from FY2019-2020 was because of this new "XR" relationship.

Because the number of domestic homicide and aggravated assault incidents in each year is relatively small, this analysis does not attempt to make formal statistical comparisons between the number of incidents that occurred before and after the firearm DV surrender law became effective. Instead, it is intended to provide a look at trends before and after the law went into effect, and will serve as a baseline for further study when more data on these offenses are available.

Findings

During the eight-year period from FY2014 through FY2021 (preliminary), a total of 47,612 victims of DV¹ (all violent offense types) were identified in VAIBRS. Of these, 695 (1.5%) were reported as victims of homicide, and 22,733 (47.7%) as victims of aggravated assault.

Domestic Homicide Victims

Figure 1 below compares the *numbers* of domestic homicide victims involving and not involving a firearm in each year from FY2014 through FY2021.

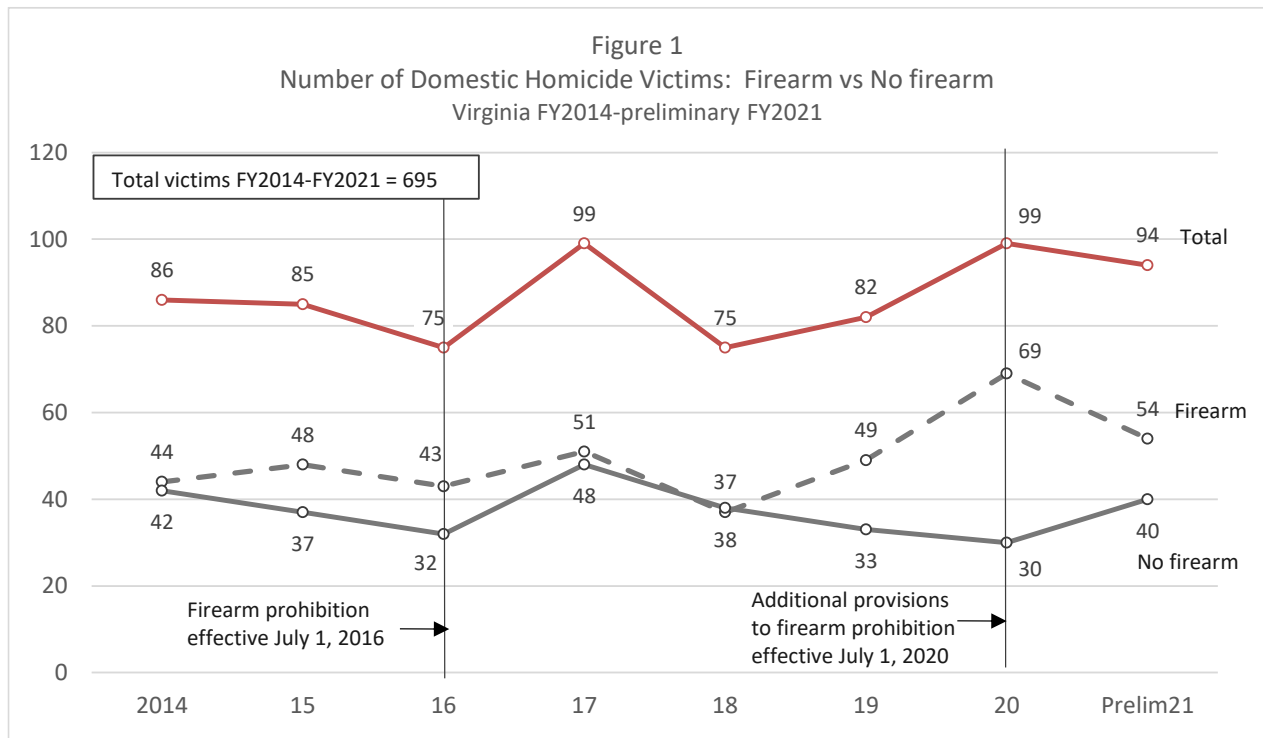


Figure 1 shows that:

- There was a total of 695 domestic homicide victims from FY2014 through FY2021 (an average of 87 victims per year).
- The annual number of DV homicide victims killed with a firearm ranged from 37 victims in FY2018 to 69 victims in FY2020.
- In all years but one (FY2018), there were more DV homicide victims killed with a firearm than killed without a firearm.
- The differences in the numbers of DV homicide victims killed annually with and without a firearm were relatively small through FY2018. The relative difference began increasing in FY2019, and increased more in FY2020, with the greatest difference occurring in FY2020.

¹Victims with a domestic relationship to the offender in a DV incident. Excludes victims with a non-domestic relationship to the offender in a DV incident.

- The number of DV homicide victims killed with a firearm increased, and then decreased, in the first two years after the firearm prohibition law went into effect (FY2017-2018), and then increased in each of the following years (FY2019-2020).
- The number of DV homicide victims killed with a firearm decreased in FY2021, the first year after the additional provisions to the DV firearm PO went into effect, but the number of DV homicide victims in FY2021 was still higher than the number in the first three years after the 2016 provisions went into effect.

Figure 2 below compares the relative *percentages* of DV homicide victims involving and not involving a firearm in each year from FY2014 through FY2021.

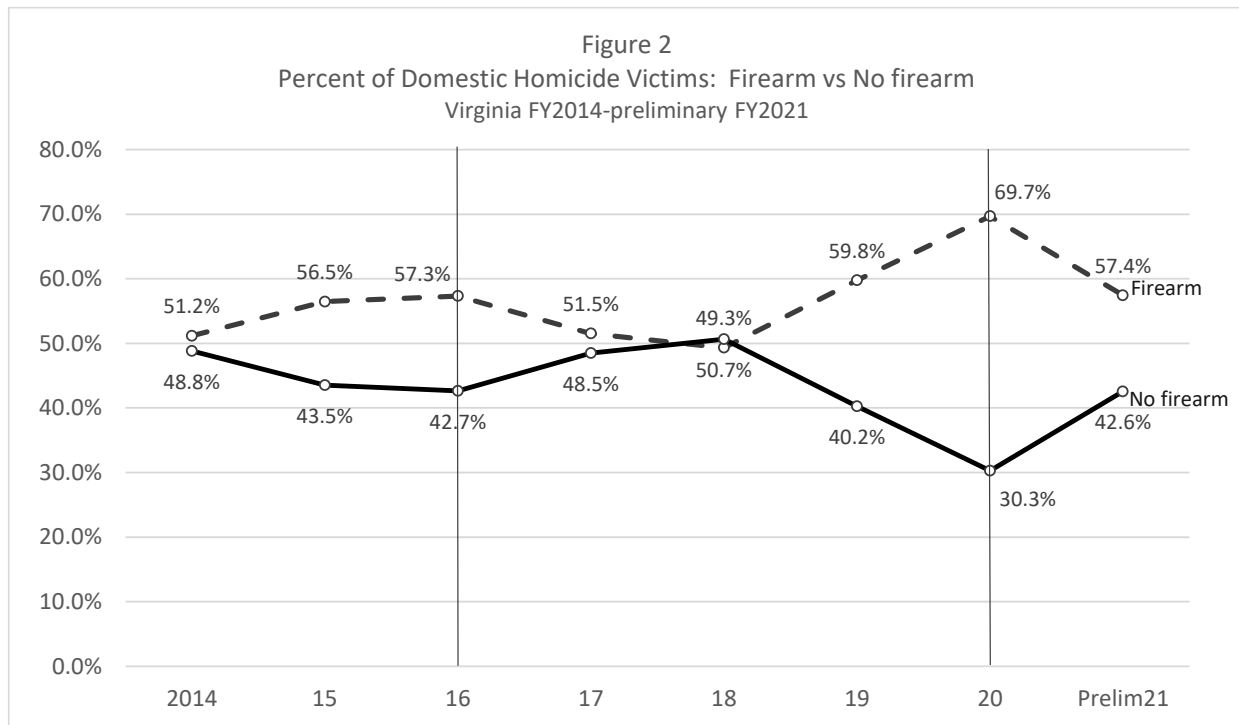


Figure 2, mirroring the trends shown in Figure 1, shows that:

- The percentage of DV homicide victims killed annually with a firearm ranged from a high of 69.7% in FY2020 to a low of 50.7% in FY2018.
- The percentage of DV homicide victims killed annually without a firearm ranged from a high of 49.3% in FY2018 to a low of 30.3% in FY2020.
- In all years but one (FY2018), a greater percentage of DV homicide victims were killed with a firearm than killed without a firearm.
- The percentage of DV homicide victims killed with a firearm decreased from 67.7% in FY2020 to 57.4% in FY2021.

Domestic Aggravated Assault Victims

Figure 3 below presents the *numbers* of DV aggravated assault victims involving and not involving a firearm in each year from FY2014-2021.

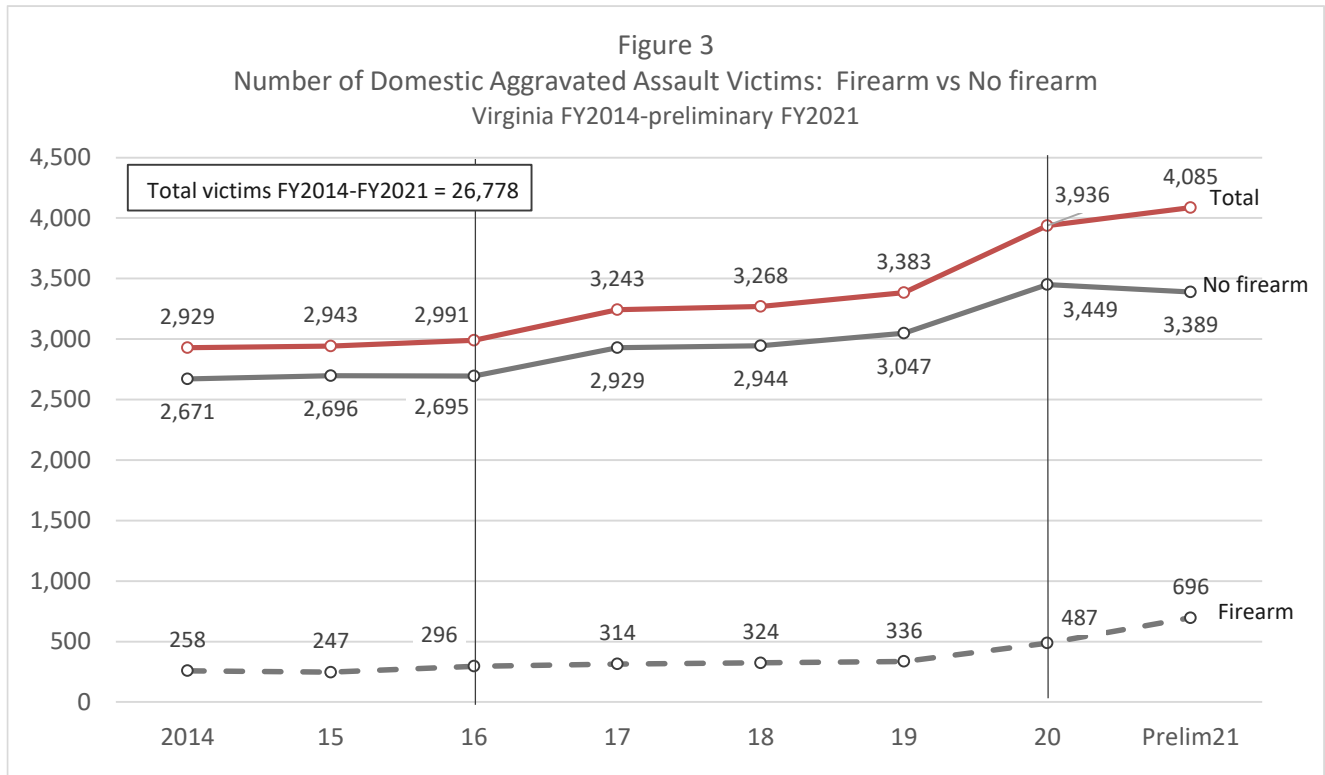


Figure 3 shows that:

- There was a total of 26,778 DV aggravated assault victims from FY2014 to FY2021 (an average of 3,347 victims per year.)
- The number of DV aggravated assault victims assaulted without a firearm was almost 10 times greater than the number victimized with a firearm. The most frequently used non-firearms weapons were personal weapons (hand/feet/fist); knives/cutting instruments; and other weapons such as motor vehicles, drugs and unspecified.
- The number of DV aggravated assault victims increased from one year to the next in almost all years for firearm victims, with the largest increases in firearm victims occurring from FY2019 to FY2020 and from FY2020 to FY2021.

Figure 4 below presents the *percentages* of DV aggravated assault victims involving and not involving a firearm in each year from FY2014 through FY2021.

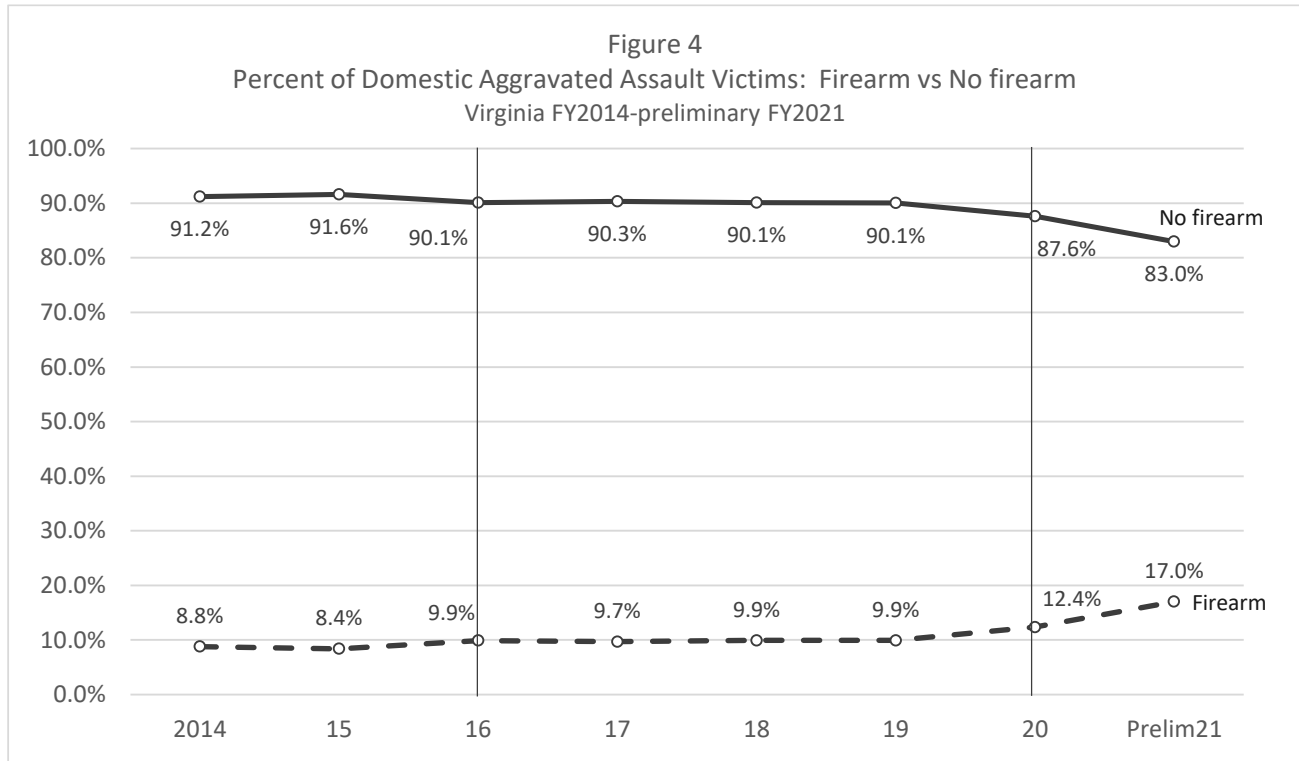


Figure 4 shows that:

- The majority (more than 80%) of DV aggravated assaults over the eight-year period did *not* involve a firearm.
- The percentage of DV aggravated assault victims assaulted with a firearm generally trended upward from FY2014 through FY2021, despite the passage of the firearms prohibition law.
- The percentage of DV aggravated assault victims assaulted with a firearm increased from 8.8% in FY2014 to 17% in FY2021.

Summary

This report examined trends in firearm-related domestic homicides and aggravated assaults by comparing trends in firearms use during the three years before (FY2014-2016) and five years after (FY2017-2021) Virginia's firearms protective order law went into effect in July 2016, including when additional provisions to the law went into effect in July 2020. The law was intended to reduce domestic violence incidents involving firearms by prohibiting a person served with a civil family abuse final protective order from possessing a firearm.

The examination found that, to the contrary, the numbers and percentages of firearm-related domestic homicides and aggravated assaults increased somewhat in the period following implementation of the law, with the largest numbers of victims for both firearm offenses reported in FY2020 and FY2021.

At this point, it is not possible to determine if there is any relationship between the passage of the firearms prohibition law and the trends seen in DV homicides and aggravated assaults involving firearms. This is particularly true for the increases in firearms offenses seen after March of 2020. March of 2020 marked the beginning of many economic and social disruptions (including business lockdowns, people spending much more time at home, and increases in alcohol and drug use) brought on by the Covid-19 pandemic. Violent crime generally increased during this period, and there is evidence that domestic violence in particular increased. It is likely that a longer period of time and a larger numbers of domestic violence cases will have to be examined before it is possible to draw any conclusions about the relationship between Virginia's firearms prohibition law and firearms use in DV incidents.