

5-10-2019

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Recommended Citation

Dunlap, Jacob Shawn (2019) "The Connection Between Mass Shootings and Domestic Violence," *Pepperdine Policy Review*. Vol. 11, Article 6.

Available at: <https://digitalcommons.pepperdine.edu/ppr/vol11/iss1/6>

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The Connection Between Mass Shootings and Domestic Violence

By: Jacob Shawn Dunlap

Abstract

Twelve of the twenty-five deadliest mass shootings in U.S. history have all occurred since 2012, with five of the top ten having occurred since 2015. Given the increased frequency and intensity of mass gun violence in recent years, this paper analyzes many of the deadliest mass shootings in U.S. history, dating from 1966 to 2018, in order to examine the motivations of the perpetrators and assess the role of mental illness in these attacks. An evaluation of the current epidemic of mass shootings is conducted under the sociological application of riot theory, and the author reveals a distinct pattern among mass shooters, with a significant portion having a history of either domestic violence or stalking. This paper offers several policy solutions to better target these demographics, and makes a case for restricting their access to firearms. The evidence supports the notion that, by targeting these specific demographics, the next mass attack may be preventable through prudent policy. This paper argues that policymakers should prioritize better enforcement of existing federal domestic violence laws, restrict firearm access to felon and misdemeanor-level stalkers, and ensure stronger state participation in updating the Federal Bureau of Investigation's NICS Index.

Keywords

Mass Shootings, Domestic Violence, Stalking, Domestic Abuse, Gun Violence, Thousand Oaks, Borderline Shooting

Introduction

On November 7th, 2018, a twenty-eight-year-old former U.S. marine walked into a crowded college bar in Thousand Oaks, California. As the man approached the entrance, he used his Glock 21, a .45 caliber handgun, to shoot a security guard standing outside. In the rampage that followed, the man would shoot thirteen people, killing twelve, including 18-year old Pepperdine student Alaina Housley, 22-year-old Cody Gifford-Coffman, and 23-year-old former California Lutheran University student Justin Meek.¹ Ventura County Sergeant Ron Helus was on the phone with his wife when reports of a shooting at the Borderline Bar & Grill first commenced. He quickly ended the conversation, saying, "Hey, I got to go handle a call. I love you. I'll talk to you later." The sergeant's wife would report those as the last words he ever spoke to her.²

As the first member of law enforcement to enter the bar and attempt to neutralize the threat, Sergeant Ron Helus was shot by both the attacker and one of his fellow officers from behind. Twenty-seven-year-old U.S. Navy veteran, Telemachus Orfanos, was the last of the twelve killed to be shot. After leading a group of friends out of the bar safely, he reportedly went back inside to rescue more.³ Having been found with multiple gun-shot wounds and the only victim with a laceration to the neck, it is believed Telemachus attempted to disarm the shooter.⁴ Just one year prior, he had helped topple a

¹ Goldstein, D., & Zraick, K. (2018, November 08). "The Thousand Oaks Shooting Victims: These Are Their Stories." *New York Times*. <https://www.nytimes.com/2018/11/08/us/thousand-oaks-shooting-victims.html>.

² Mejia, B., Castillo, A., & Knoll, C. (2018, November 08). "Before he responded to his final call, sheriff's sergeant told his wife: 'I love you'." *LA Times*. <https://www.latimes.com/local/lanow/la-me-ln-borderline-shooting-sergeant-killed-20181108-story.html>.

³ Mettler, Katie. (2018, November 11). "Pair survived the Las Vegas massacre. A California shooting took one away." *The Washington Post*. <https://www.washingtonpost.com/national/pair-survived-the-las-vegas-massacre-a-california-shooting-took-one-away>.

⁴ Karlamangla, S., & Mejia, B. (2018, December 31). "Friends took this photo at their favorite bar in Thousand Oaks. Minutes later, the shooting started." *LA Times*. <https://www.latimes.com/local/california/la-me-borderline-shooting-heroism-20181231-htlstory.html>.

barricade during the Las Vegas massacre, allowing hundreds to escape to a nearby parking lot.⁵ A survivor of one mass shooting, killed in another.

During the carnage in Thousand Oaks, the shooter, Ian David Long, paused multiple times to post on social media, writing, "It's too bad I won't get to see all the illogical and pathetic reasons people will put in my mouth as to why I did it. Fact is I had no reason to do it, and I just thought (expletive), life is boring so why not?" He later said, "I hope people call me insane...would that just be a big ball of irony? Yeah... I'm insane, but the only thing you people do after these shootings is 'hopes and prayers'...or 'keep you in my thoughts'. Every time...and wonder why these keep happening."⁶

Without a doubt, it is difficult to rationalize why a person would engage in a mass shooting out of self-proclaimed boredom. Yet, the difficulty in comprehending the motivations behind such heartbreaking attacks has led a significant portion of the American public to gradually shy away from discussing these events in any meaningful way. Even the most passive viewer will notice that a substantial segment of the population moves on much more quickly from these shootings than ever before. The media attention and public grief in the days and months following the 1999 Columbine shooting have been virtually unparalleled. For nine consecutive days, *The New York Times* covered the Columbine story on its front page.⁷ The schools of Jefferson County, Colorado have not held classes on April 20th to this very day.⁸ Now, twenty years later, *The Onion* famously reruns the same headline after every media-saturated mass shooting: "'No Way To Prevent This,' Says Only Nation Where This Regularly Happens."⁹ While the discussions following prior mass shootings were nauseating and circular,

⁵ Mettler, Katie. (2018, November 11). "Pair survived the Las Vegas massacre. A California shooting took one away." *The Washington Post*. <https://www.washingtonpost.com/national/pair-survived-the-las-vegas-massacre-a-california-shooting-took-one-away>.

⁶ Brown, Dalvin. (2018, November 10). "Fact Is I Had No Reason To Do It: Thousand Oaks Gunman Posted To Instagram During Massacre." *USA Today*. <https://www.usatoday.com/story/news/nation/2018/11/10/thousand-oaks-shooting-gunman-posted-instagram-during-bar-massacre/1958013002/>.

⁷ Cullen, Dave. (2019). *Parkland*. New York, NY: HarperCollins, 5.

⁸ Cullen, *Parkland*, 221.

⁹ Cullen, *Parkland*, 8.

at least there was a debate. Now, they have increasingly become a normal, predictable part of American culture.

One of the reasons mass shooting incidents have become progressively normalized is because of the absence of bipartisan policy solutions in the aftermath of such events. In a general sense, the country tends to split into two camps: those who primarily blame guns and those who primarily blame mental illness. There is a large amount of evidence to suggest that solutions will continue to be elusive if the participants of the debate remain entrenched on these respective sides. The Parkland children did an admirable job at bringing the gun conversation to the forefront of the collective conscience. Yet following a relentless media spotlight and a distracting conflict with the NRA, the discussion shifted its focus from gun safety to gun control. The conversation around guns following these mass attacks is more often fueled by anger and emotion than active listening or a sharing of perspectives. Perhaps one way to put those emotions aside would be to address the debate from a new approach: a focus on domestic violence. There are very few commonalities among the diverse profiles of mass shooters, but a history of domestic violence is one that appears too often to ignore.¹⁰ Federal law prohibits individuals convicted of misdemeanor domestic violence offenses from buying guns, but because of loopholes and the inconsistent application of laws at the state level, many abusers are not forced to relinquish the guns already in their possession. According to the *Giffords Law Center to Prevent Gun Violence*, this oversight is exceptionally dangerous as abused women are five times more likely to be killed by their abuser if the abuser owns a firearm.¹¹ Moreover, the laws in place generally protect spouses, co-parents, or intimate partners who live together, not dating partners, which has created what many refer

¹⁰ Everytown For Gun Safety. (2018, December 6). "Mass Shootings in America, 2009 to 2017." <https://everytownresearch.org/reports/mass-shootings-analysis/>.

¹¹ Domestic Violence & Firearms. *Giffords Law Center to Prevent Gun Violence*. <https://lawcenter.giffords.org/gun-laws/policy-areas/who-can-have-a-gun/domestic-violence-firearms/>.

to as “The Boyfriend Loophole.”¹² With the rise in mass shootings stemming from a younger demographic, one that has not yet lived long enough to establish spousal relations, closing those loopholes might aid in lessening the correlation between domestic violence and gun homicide.

A Theoretical Application to the Current Epidemic of Mass Shootings

Many individuals cope with the reality of mass shootings by believing such acts could only be committed by someone who is psychologically unstable, either because of radicalization or due to mental illness.¹³ While mental illness has played a significant role in multiple mass shootings, it is no longer the predominant driving factor, nor is it a factor that provides enough prescriptive information to the phenomenon. This line of thinking stigmatizes the mentally ill, rejects evidence showing that the severely mentally ill are actually less likely to commit acts of violence than the average person, and encourages policies that are not intended to help that demographic, but to simply prevent them from committing acts of mass violence. In fact, one study conducted by the *American Journal of Public Health* found that fewer than five percent of all shooters in the 120,000 gun-related attacks between 2001 and 2010 suffered from mental illnesses.¹⁴ While another study revealed “no significant association between the rate of school and mass shootings and state prevalence of mental illness.”¹⁵ Discussions pontificating on the role of mental illness are more often attempts to dehumanize the perpetrator, creating a strong division between “us” and “them.” Intuitively, it is difficult to rationalize how someone in their right state of mind could be capable of committing such unfathomable destruction. This conventional view of mass shooters as the embodiment of mental illness may help the average citizen cope with both the

¹² Domestic Violence & Firearms. *Giffords Law Center to Prevent Gun Violence*. <https://lawcenter.giffords.org/gun-laws/policy-areas/who-can-have-a-gun/domestic-violence-firearms/>.

¹³ Sanchez, Amairini. (2018). “An Analysis of Terrorism and Mental Health in Mass Shootings as Perceived by the Media.” *STARS Electronic Theses and Dissertations*. 5852. <http://stars.library.ucf.edu/etd/5852>

¹⁴ Metz, J. M., & Macleish, K. T. (2015). “Mental Illness, Mass Shootings, and the Politics of American Firearms.” *American Journal of Public Health*, 105(2), 240-249.

¹⁵ Towers S, Gomez-Lievano A, Khan M, Mubayi A, and Castillo-Chavez C (2015). “Contagion in Mass Killings and School Shootings.” *PLoS ONE* 10(7): e0117259. <https://doi.org/10.1371/journal.pone.0117259>.

unpredictability of such evil acts, and the inability to comprehend them, but it is also a view that may undermine the gravity of the situation. As many criminologists, therapists, and behavioral scientists will attest, the harsh truth is that even sane, normal people are capable of committing terrible evil. After all, the inevitable intricacies, calculated planning, and overall sophistication involved in these mass attacks could not repeatedly and successfully be carried out by a collective of crazies. Simply put, irrational people are not capable of carefully planning and systematically carrying out some of the deadliest and most sophisticated criminal attacks in U.S. history on its own soil. Despite a cultural preference of justification when seeking to understand these atrocities, engaging in mass violence is not fundamentally irrational; it is often a cold, calculated, rational choice.

Recognizing that engaging in mass shootings represents a potentially rational choice is not only sound criminological theory, it is also the first step in preparing for, and preventing, acts of mass violence from coming to fruition. It is only by first recognizing the human element amongst perpetrators of mass violence that one can truly begin to identify a pattern. As Dave Cullen explains in his newly released work, *Parkland*, the belief that something caused mass shooters to “snap” before committing their crimes has become a regular media talking point, but it detracts from the truth. “These are not impulsive acts or bursts of rage; there is rarely a moment when the perpetrator flips from good to bad. It’s a long, slow simmer, a gradual evolution, or more often, a devolution.”¹⁶ From 2002-2004, the U.S. Secret Service conducted what is considered by many as the first definitive study on school shooters known as the *Safe School Initiative*. The final report and findings of the *Safe School Initiative* found that 93 percent of perpetrators planned the attack in advance, with just over half (51 percent) having taken at least a month to do so and others, like the Columbine shooters, taking up to a year.¹⁷ As disturbing as

¹⁶ Cullen, Dave. (2019). *Parkland*. New York, NY: HarperCollins, 29.

¹⁷ Vossekuil, B., Fein, R., Reddy, M., Borum, R., & Modzeleski, W. (2002). *The Final Report and Findings of the Safe School Initiative: Implications for the Prevention of School Attacks in the United States*. Washington, D.C.: U.S. Department of Education, Office of Elementary and Secondary Education, & U.S. Secret Service, National Threat Assessment Center.

the data is, the fact that these mass shootings are not inherently impulsive provides policymakers and law enforcement professionals with something they desperately need—a window of opportunity.

To be clear, mental illness has played a role in a number of mass shootings, but there is strong evidence to suggest that mental illness is no longer the predominant factor as the frequency and intensity of these events has escalated. In his famous essay, Stanford sociologist Mark Granovetter set out to explain a paradox by analyzing “situations where outcomes do not seem intuitively consistent with the underlying individual preferences.”¹⁸ One would be hard-pressed to find anything that comes as close to providing some semblance of understanding to the current epidemic of mass shootings than the sociological application of riot theory, and individual thresholds for violence that drive social processes as viewed through Granovetter’s model. Granovetter analyzed riots specifically “because a riot is a case of destructive violence that involves a great number of otherwise quite normal people who would not usually be disposed to violence.”¹⁹ At its core, a riot is a social process in which people commit certain acts both in reaction to, and in combination with, those around them. Under this view, riots are less about the individual decisions that led each isolated person to join the movement, and more about the individual thresholds for violence within the group which drove the social process. In *The New Yorker*, Malcom Gladwell applied this sociological theory to the current epidemic of school shootings, in order to further explain the concept, stating, “Social processes are driven by our thresholds—the number of people who need to be doing some activity before we agree to join them.”²⁰ At inception, riots are started by people with a threshold of close to zero—individuals who are willing to engage in violent activity at the slightest provocation. As the riot continues, however, individuals with much higher thresholds for violence increasingly make the decision to join. While the details of the

¹⁸ Granovetter, Mark. (1978). “Threshold Models of Collective Behavior.” *American Journal of Sociology*, 83(6), 1420-1443. <http://www.jstor.org/stable/2778111>.

¹⁹ Ibid.

²⁰ Gladwell, Malcolm. (2015). “How School Shootings Spread”. *The New Yorker*. <https://www.newyorker.com/magazine/2015/10/19/thresholds-of-violence>.

sociological theory are complex, the lesson of Granovetter's model of progression is simply this: the longer a riot goes on, the less the people who join it resemble the people who started it.

To better understand the increase in both the frequency and intensity of mass shootings, Gladwell argues one must consider thinking of the current epidemic as a riot. The notion that mass shooting events are contagious is not mere theory or conjecture. The aforementioned Tulane University study also found "significant evidence that mass killings involving firearms are incited by similar events in the immediate past."²¹ On average, the authors assert this temporary increase in probability lasts about thirteen days, and they admit the inspiration for the study rested on the hypothesis that "mass media attention to sensational violent events may promote ideation in vulnerable individuals."²² They are clear, however, that their analysis only demonstrates that there is significant evidence of contagion within the data and does not identify what specifically causes such contagion. With regard to school shootings in particular, the sociologist, Ralph Larkin, argued that Eric Harris and Dylan Klebold began the riot at Columbine high-school in 1999 by laying down the "cultural script" for the next generation of shooters.²³ Seung-Hui Cho, the Virginia Tech shooter, referred to the Columbine killers as martyrs.²⁴ Other school shooters, like Alvaro Castillo and Sebastian Bosse, stated several times that they idolized Harris and Klebold before committing their acts. Castillo even went as far as to wear a trench coat during his rampage, name his gun "Arlene", and yell, "Columbine! Remember Columbine! Eric Harris, Dylan Klebold!" as he was taken away in a police car.²⁵ As Gladwell explains, "The effect of Harris and Klebold's example was to make it possible for people with far higher thresholds—boys who would

²¹ Towers S, Gomez-Lievano A, Khan M, Mubayi A, and Castillo-Chavez C (2015). "Contagion in Mass Killings and School Shootings." *PLoS ONE* 10(7): e0117259. <https://doi.org/10.1371/journal.pone.0117259>.

²² *Ibid.*

²³ Gladwell, Malcolm. (2015). "How School Shootings Spread". *The New Yorker*. <https://www.newyorker.com/magazine/2015/10/19/thresholds-of-violence>.

²⁴ Robertz, Frank. J. (2007, August 01). "Deadly Dreams: What Motivates School Shootings?" *Scientific American Mind*, 18:4, 52-59.

²⁵ *Ibid.*

ordinarily never think of firing a weapon at their classmates—to join in the riot.”²⁶ In the eight years after Columbine, Ralph Larkin discovered that in eight of the next twelve major school shootings, the perpetrators made explicit reference to Harris and Klebold. Additionally, Larkin says six of the eleven school shootings outside the United States between 1999 and 2007 were plainly versions of Columbine and “of the eleven cases of thwarted shootings in the same period, Larkin says all were Columbine-inspired.”²⁷ In short, Gladwell and Larkin believe Eric Harris wished to ignite a revolution which dozens of young men have since been increasingly willing to join.

While Gladwell’s application of Granovetter’s theory in explaining the recent rise of school shootings is certainly compelling, it is important to keep in mind that the theory is best at explaining the copycat nature of the behavior. Each occurrence serves to further normalize mass atrocities, thereby encouraging new participants with lower thresholds for violence to join the fray. The imagery of the riot can be misleading, however, as Elizabeth Winkler, a reporter for *The Wall Street Journal* contends, “The shooting phenomenon forms something like a social movement or community; it’s more enduring, more deeply entrenched in our culture than ‘rioting’ suggests.”²⁸ Riots are fueled by chaos, and an individual’s decision to partake in a riot is often impetuous. As previously discussed, engaging in a mass shooting is rarely an impulsive decision, and most shooters meticulously plan their attacks well in advance. The metaphor of the riot, then, is more comprehensively understood through the lens of a ritual. Like a riot, participating in a ritual provide individuals with a community demanding recognition, a sense of belonging within that community, and the accomplishment of working together towards a higher purpose. The application of Granovetter’s theory suggests that many mass shooters have actively associated themselves with a calling, a group, and a purpose all their own. This model contests that the

²⁶ Gladwell, Malcolm. (2015). “How School Shootings Spread”. *The New Yorker*.
<https://www.newyorker.com/magazine/2015/10/19/thresholds-of-violence>.

²⁷ Ibid.

²⁸ Winkler, Elizabeth. (2015, October 16). “Malcolm Gladwell Is Wrong About School Shooters.” *The New Republic*
<https://newrepublic.com/article/123139/malcolm-gladwell-wrong-about-school-shooters>.

expansion and continuation of the riot is entirely dependent on enticing new members to this group. The group may not be political or have ideological goals, but there is still a higher calling which is being fulfilled. Frank Robertz discussed the psychology behind school shooters in *The Scientific American Mind*, and identifies one of these higher callings, writing, “Frequently, those in the final stages of planning a rampage state a desire to do it ‘better’ than their predecessors—which generally means killing even more people.”²⁹ The question that should be terrifying Americans is: what makes this particular ritual so appealing to so many young men? Winkler believes we overlook the root of the problem at our own peril, and offers an interesting perspective to this question, writing, “Young people feel increasingly isolated, lacking a sense of purpose and belonging. Religious and civic organizations that, in a previous age, formed the backbone of American community have fallen to the wayside, and we haven’t developed something to replace them.”³⁰

An Alternative Approach to Combating Mass Shootings – Domestic Violence

In the aftermath of the few mass shootings that have struck a nerve within the country (e.g., Newton, Orlando, and Parkland), there is a collective struggle to comprehend the motivations behind such attacks. Questions swirl as to what exact combination of politics, religion, bullying, video games, access to firearms, or mental illness led to such tragic killings. Most commentators place the bulk of the blame on one or two of these elements. The unfortunate truth is, when it comes to predicting and preventing mass shootings, there is no singular, comprehensive solution. While human nature craves simple explanations, the complexity of mass shootings is due in large part to the multidimensional inspirations and motivations of its perpetrators. Even more difficult, the frequency and intensity of such shootings has amplified in recent years, with body counts only continuing to increase. Twelve of the top

²⁹ Robertz, Frank. J. (2007, August 01). “Deadly Dreams: What Motivates School Shootings?” *Scientific American Mind*, 18:4, 52-59.

³⁰ Winkler, Elizabeth. (2015, October 16). “Malcolm Gladwell Is Wrong About School Shooters.” *The New Republic* <https://newrepublic.com/article/123139/malcolm-gladwell-wrong-about-school-shooters>.

twenty-five deadliest mass shootings in U.S. history have occurred since 2012, with five of the top ten all occurring since 2015.³¹

Through ground-breaking analysis, researchers have uncovered a specific pattern to many mass shooters, which provides policymakers and law enforcement with a place to start. There are two indicators of mass shootings that have fallen largely under the radar: the perpetrator's history of domestic violence and of animal abuse.³² While the connection between animal abuse is worth studying, so much of it goes unreported that many incidents are only uncovered by family members after the attack. There is, however, a well-established link between violence occurring in the home and violence occurring later in a public setting. When the home is deeply fractured, it tends to draw out the very worst social behaviors from its inhabitants. In many ways, incidents of mass violence are an extension of domestic dysfunction.

This indicator is significant not only because it has been a persistent factor within the amplified frequency of recent mass shootings, but also because it has been prevalent in some of the most notorious mass shootings dating back many decades. On August 1st, 1966, Charles Whitman stabbed both his mother and his wife to death, before going to the observation deck atop the Main Building tower at the University of Texas at Austin, shooting and killing 16 people and injuring 31 others.³³ For eighteen years, this incident stood as the deadliest mass shooting in United States' history. On July 18th, 1984, James Huberty told his wife he was going "hunting for humans," before shooting and killing 21 people and injuring 19 others in a San Ysidro, California McDonald's.³⁴ Huberty's wife had reported him for domestic abuse prior to the rampage and recounted how he had once shot their family's German

³¹ Deadliest Mass Shootings in Modern US History Fast Facts. (2018, December 15). <https://edition.cnn.com/2013/09/16/us/20-deadliest-mass-shootings-in-u-s-history-fast-facts/index.html>.

³² Madfis, Eric & Arluke, Arnold. (2014). "Animal Abuse as a Warning Sign of School Massacres." *Homicide Studies*.

³³ Colloff, Pamela. (2006, August). "96 Minutes." *Texas Monthly*. <https://www.texasmonthly.com/articles/96-minutes/>.

³⁴ Mascia, J. (2015, December 17). "This Is the Big Study That Showed How Many Domestic Abusers Graduate to Gun Violence." *The Trace*. <https://www.thetrace.org/2015/12/domestic-abuse-gun-ownership-planned-parent-hood-shooting/>.

Shepherd Dog in the head following an altercation with a neighbor.³⁵ For seven years, this incident stood as the deadliest mass shooting in United States' history. On October 16, 1991, George Hennard drove his Ford Ranger pickup truck through the front window of a Luby's Cafeteria in Killeen, Texas. Hennard yelled, "All women of Killeen and Belton are vipers!" before shooting and killing 23 people and wounding 27 others.³⁶ This shooting was less indiscriminate than the others, as survivors testify Hennard coolly and methodically chose his victims, passing over men to purposefully target and execute women, most often with a single shot to the head. For sixteen years, this incident remained the deadliest mass shooting in United States' history.

Nobody can accurately predict who will be the next mass shooter, but there is evidence to suggest policymakers may be able to target the likely demographic. While domestic violence is too rampant an issue to be considered an accurate predictor for something as relatively rare and specific as a mass shooting, it has established itself as a critical indicator for future violence. One analysis by the *Washington State Institute for Public Policy* found that offenders convicted with domestic violence charges were the most likely of any other group studied to commit another violent felony.³⁷ Moreover, men who take out their violence publicly and indiscriminately often have a history of having rehearsed that violence privately upon their intimate family members. On November 5th, 2017, Devin Patrick Kelley killed 26 people and injured 20 others in a church in Sutherland Springs, Texas. While serving in the Air Force, Kelley was court-martialed on charges of domestic assault after he beat, choked, and threatened his wife with a gun and fractured their infant son's skull.³⁸ California Police had been called to the home that the Thousand Oaks shooter, Ian David Long, shared with his mother months earlier in April 2018,

³⁵ Carlson, Joseph. (2011). *Snipers and Shooters: The Kill Shot out of Nowhere*. Canary Press eBooks.

³⁶ Chin, Paula. (1991, November 4). "A Texas Massacre." *People*. <https://people.com/archive/a-texas-massacre-vol-36-no-17/>.

³⁷ Mascia, J. (2015, December 17). "This Is the Big Study That Showed How Many Domestic Abusers Graduate to Gun Violence." *The Trace*. <https://www.thetrace.org/2015/12/domestic-abuse-gun-ownership-planned-parenthood-shooting/>.

³⁸ Mayer, Jane. (2017). "The Link Between Domestic Violence and Mass Shootings." *The New Yorker*. <https://www.newyorker.com/news/news-desk/the-link-between-domestic-violence-and-mass-shootings-james-hodgkinson-steve-scalise>.

after reports of a domestic dispute.³⁹ Ventura County Sheriff Geoff Dean recalls Long as, "somewhat irate and acting irrationally" at the time of the incident.⁴⁰ James Hodgkinson, who shot Representative Steve Scalise and four others in 2017, had been charged with domestic battery and discharge of a firearm in 2006 after an incident with his foster daughter.⁴¹ Adam Lanza killed his mother as she slept shortly before commencing his rampage through Sandy Hook elementary school.⁴² Omar Mateen is known to have beaten both of his wives long before ever opening fire at the Pulse nightclub.⁴³ In fact, Devin Patrick Kelley (Sutherland Springs), Omar Mateen (Orlando), Cedric Ford (Kansas), Seung Hui Choi (Virginia Tech), Adam Lanza (Newtown), James T. Hodgkinson (Virginia, Congressional), Ian David Long (Thousand Oaks) and Stephen Paddock (Las Vegas) were all mass shooters previously accused of having engaged in domestic criminal behavior before they committed their atrocities.⁴⁴ A vivid pattern thus surfaces: these men had each taken their aggression out on intimate partners, before taking it out publicly on complete strangers.

Given such strong historical correlation, lawmakers should be motivated to enact policies that will target and prevent the most likely demographic from committing the next mass shooting. If nothing else, the evidence strongly suggests that American society should take the criminality of domestic violence more seriously. A 2014 study by *The Center for American Progress* found four policy solutions that they argue will help with this undertaking: 1) bar all convicted abusers, stalkers, and people subject

³⁹ Woodyard, C., & Cava, M. D. (2018, November 09). "What we know about Thousand Oaks gunman Ian David Long, a Marine veteran." *USA Today*. <https://www.usatoday.com/story/news/nation/2018/11/08/ian-long-gunman-thousand-oaks-california-borderline-bar-grill/1928231002/>.

⁴⁰ Ibid.

⁴¹ Mayer, Jane. (2017). "The Link Between Domestic Violence and Mass Shootings." *The New Yorker*. <https://www.newyorker.com/news/news-desk/the-link-between-domestic-violence-and-mass-shootings-james-hodgkinson-steve-scalise>.

⁴² Bain, Jeniffer. (2013, August 27). "Mother Devoted Her Life to Adam Lanza – then he ended it." *The NY Post*. <https://nypost.com/2012/12/17/mother-devoted-her-life-to-adam-lanza-then-he-ended-it/>.

⁴³ Chemaly, Soroya. (2018, June 25). "In Orlando, as Usual, Domestic Violence Was Ignored Red Flag." *Rolling Stone*. <https://www.rollingstone.com/politics/politics-news/in-orlando-as-usual-domestic-violence-was-ignored-red-flag-90139/>

⁴⁴ Lampen, Claire. (2017). "There's No Reason Domestic Abusers Should Have Such Easy Access to Guns." *Self*. <https://www.self.com/story/sutherland-springs-shooting-domestic-violence>.

to related restraining orders from possessing guns, 2) provide all records of prohibited abusers to the NICS system, 3) require a background check for all gun sales, and 4) ensure that abusers surrender any firearms they own once they become prohibited.⁴⁵ For policymakers, it is important to understand the rationale behind such suggestions. Historical evidence and contemporary research support the notion that stalking should be considered a significant risk factor for future violence, state reporting of domestic-violence convictions are largely incomplete, and the enforcement of federal domestic violence laws in place is complicated by discrepancies in state laws. By recognizing the many loopholes and inefficiencies existing on the state-level, combined with an inconsistent application of federal laws, one can better understand how important it is for policymakers to rethink the trajectory of the United States' domestic violence laws.

1. *Stalking – A Primary Risk Factor for Future Violence*

Stalking is generally defined as a course of conduct that would place a reasonable person in fear for his or her physical safety.⁴⁶ In July 2018, Chelsea Parsons, a leading researcher for *The Center for American Progress*, published an article detailing stalking as a primary risk factor for future gun violence.⁴⁷ Her article followed the tragic shooting at the *Capital Gazette* newsroom in Annapolis, Maryland carried out by Jarrod Ramos. Ramos had targeted the newspaper after they published a report on his guilty plea to charges of harassing a woman with whom he attended high school.⁴⁸ Jarrod Ramos provides a textbook example of both the severity and complication of the current issue as this deal allowed him to plead guilty to charges of harassment as opposed to stalking, which permitted him to legally purchase the 12 gauge pump-shotgun used in the attack. As Lindsay Nichols, Federal Policy

⁴⁵ Gerney, Arkadi, and Parsons, Chelsea. (June 2014). "Women Under the Gun How Gun Violence Affects Women and 4 Policy Solutions to Better Protect Them." *The Center for American Progress*.

⁴⁶ Ibid.

⁴⁷ Parsons, Chelsea. (2018, July 31). "Stalking as a Risk Factor for Future Gun Violence." <https://www.americanprogress.org/issues/guns-crime/reports/2018/07/31/453616/stalking-risk-factor-future-gun-violence/>.

⁴⁸ Pagliery, J., Shortell, D., & Todd, B. (2018, June 30). "Newspaper shooting suspect nursed years-long vendetta." *CNN*. <https://www.cnn.com/2018/06/29/us/annapolis-capital-gazette-newspaper-shooting-suspect-long-vendetta-invs/index.html>.

Director of the *Giffords Law Center to Prevent Gun Violence*, explained, “Harassment is not considered a crime of violence under Maryland law, so a conviction of harassment didn’t disqualify him from purchasing the shotgun.”⁴⁹ Ruth Glenn, Chief Executive of the *National Coalition Against Domestic Violence*, stated that had Ramos been dating either the harassment victim or someone at the newspaper, Maryland’s relatively strict domestic violence laws would have likely provided the opportunity to do more.⁵⁰ Chelsea Parsons details the many gaps in federal and state laws that bar individuals charged with misdemeanor crimes of domestic violence from having access to guns, while allowing access to individuals who have been charged with misdemeanor stalking. In addition, federal law (and many state laws) do not cover abusers convicted of violence against a dating partner rather than against a current or former spouse. Violence among intimate partners in a dating context has steadily increased in the past two decades and many school shooters have a history of abuse with dating partners or romantic interests, but do not live long enough to establish spousal relations. In 1980, most intimate partner homicides (69 percent) were committed by a spouse, but, by 2008, nearly half of all intimate partner homicides (48.6 percent) were committed by a dating partner.⁵¹ Despite this increase, only ten states have extended the federal ban on gun possession by misdemeanant domestic abusers to dating relationships.⁵²

While stalking may appear a comparatively benign issue on which to focus, research supports the notion that when infatuation turns into obsession, the risk of violence markedly increases. Stalkers often develop the mindset that they own or have the “rights” to the person they are stalking, allowing them to justify or neutralize their behavior in harming them. As *The Center for American Progress* details

⁴⁹ Pagliery, J., Shortell, D., & Todd, B. (2018, June 30). “Newspaper shooting suspect nursed years-long vendetta.” *CNN*. <https://www.cnn.com/2018/06/29/us/annapolis-capital-gazette-newspaper-shooting-suspect-long-vendetta-invs/index.html>.

⁵⁰ Ibid.

⁵¹ Everytown For Gun Safety. (2018, December 6). “Mass Shootings in America, 2009 to 2017.” <https://everytownresearch.org/reports/mass-shootings-analysis/>.

⁵² Ibid.

in their report, a study of female murder victims in ten U.S. cities found that 76 percent of women who were murdered experienced stalking in the year preceding the murder.⁵³ Moreover, 85 percent of women who survived a murder attempt by a current or former intimate partner experienced stalking in the year preceding the murder attempt.⁵⁴ Another study found that 81 percent of women stalked by a current or former intimate partner were also physically abused by that person.⁵⁵

The underlying factor of stalking behavior is the offender's need for control. When a stalker begins to lose control of their target, they are more likely to resort to violence to reassert their dominance. Once again, the historical evidence is abundant. George Hennard stalked two sisters who lived in his neighborhood prior to commencing his massacre at Luby's Cafeteria.⁵⁶ Early into the investigation, the Killeen police chief stated that Hennard "had an evident problem with women for some reason."⁵⁷ Seung-Hoi Cho was accused of stalking two female students in 2005—two years before his attack that killed 32 people and injured 17 others at Virginia Tech.⁵⁸ Cedric Ford shot 17 people at his Kansas workplace only ninety minutes after being served with a restraining order sought by his ex-girlfriend, who said he had abused her.⁵⁹ The Parkland high school shooter, Nikolas Cruz, was accused of exhibiting abusive and controlling behavior towards his ex-girlfriend, including sending death threats to her new boyfriend coupled with pictures of his stash of firearms.⁶⁰ In addition, Jim Gard, Nikolas Cruz'

⁵³ Judith M. McFarlane. (1999). "Stalking and Intimate Partner Femicide," *Homicide Studies*. 3 (4): 300–316, http://ncdsv.org/images/HomicideStudies_StalkingAndIntimatePartnerFemicide_11-1999.pdf.

⁵⁴ Ibid.

⁵⁵ TK Logan. (2010). "Research on Partner Stalking: Putting the Pieces Together" (Lexington, KY: University of Kentucky, Department of Behavioral Science and Center on Drug and Alcohol Research)

⁵⁶ Kennedy, J. Michael, & Serrano, Richard. (1991, October 18). "Police May Never Learn What Motivated Gunman: Officials are looking into possibility he hated women." *LA Times*. http://articles.latimes.com/1991-10-18/news/mn-455_1_georges-hennard.

⁵⁷ Ibid.

⁵⁸ Alfano, Sean. (2007, April 18). "Police: Cho Stalked 2 Women In 2005." *CBS News*. <https://www.cbsnews.com/news/police-cho-stalked-2-women-in-2005/>.

⁵⁹ Taub, Amanda. (2016, June 15). "Control and Fear: What Mass Killings and Domestic Violence Have in Common." <https://www.nytimes.com/2016/06/16/world/americas/control-and-fear-what-mass-killings-and-domestic-violence-have-in-common.html>.

⁶⁰ Ryan, Lisa. (2018, February 15). "Everything We Know About the Florida School Shooting Suspect." *The Cut*. <https://www.thecut.com/2018/02/nikolas-cruz-florida-shooting-suspect.html>.

former math teacher, told the *New York Times* that several students had alerted him to the fact that Cruz was allegedly obsessed with a female student at the school “to the point of stalking her.”⁶¹

2. *The NCIS System – An Incomplete Record*

In at least one-third of mass shooting incidents analyzed from 2009-2017, the shooter was legally prohibited from possessing firearms at the time of the shooting.⁶² Like many convicted domestic abusers, Devin Patrick Kelley was not supposed to have access to guns. Shortly after the Sutherland Springs shooting, the Air Force acknowledged that Kelley’s domestic-violence conviction was not entered into the FBI’s National Crime Information System (NCIS) database, which is likely why he was able to pass a background check and purchase multiple firearms.⁶³ According to a Florida International University report, this was hardly an isolated error. The military mishandled roughly 1,300 domestic-violence cases between 2004 and 2012, including misclassifications that allowed abusers to go unreported in the NICS Index.⁶⁴ Another analysis estimates there are likely “hundreds of thousands of prohibiting records that remain missing from NICS.”⁶⁵ Moreover, the disparity among states who report domestic-violence restraining orders to the NCIS is alarming. Some states, like New York, New Mexico and Louisiana, had reported thousands of such cases as of December 2016, while thirty-three states reported none at all.⁶⁶ *The Center for American Progress* found that there are only three states that appear to be submitting “reasonably complete records” to the FBI’s NICS Index—Connecticut, New Hampshire, and New Mexico—as “records from these three states account for 79 percent of the total

⁶¹ Ryan, Lisa. (2018, February 15). “Everything We Know About the Florida School Shooting Suspect.” *The Cut*. <https://www.thecut.com/2018/02/nikolas-cruz-florida-shooting-suspect.html>.

⁶² Everytown For Gun Safety. (2018, December 6). “Mass Shootings in America, 2009 to 2017.” <https://everytownresearch.org/reports/mass-shootings-analysis/>.

⁶³ Alter, Charlotte. (2017, November 09). “Texas Attack: The Link Between Shooters and Domestic Abusers.” *Time*. <http://time.com/5016731/link-between-domestic-violence-mass-shooters/>.

⁶⁴ *Ibid*.

⁶⁵ Everytown For Gun Safety. (2018, December 6). “Mass Shootings in America, 2009 to 2017.” <https://everytownresearch.org/reports/mass-shootings-analysis/>.

⁶⁶ Alter, Charlotte. (2017, November 09). “Texas Attack: The Link Between Shooters and Domestic Abusers.” *Time*. <http://time.com/5016731/link-between-domestic-violence-mass-shooters/>.

records submitted to the FBI.”⁶⁷ Averaging the information submitted from those three states and projecting that data into a more complete national record, *The Center for American Progress* estimates that the current total of domestic abuse records in the NICS Index likely makes up five percent or fewer of the total number of applicable records for prohibited domestic abusers.⁶⁸

3. *Surrendering Firearms – State Complications of Federal Law*

According to an *Everytown for Gun Safety* analysis, 173 mass shootings occurred between 2009 and 2017.⁶⁹ While perpetrators of domestic violence accounted for only about ten percent of all gun violence, they accounted for 54 percent of all mass shootings in the same period and 86 percent of mass shooting child fatalities.⁷⁰ For this analysis, mass shootings were defined as an incident where four or more people (not including the shooter) were killed. In ninety-four incidents, the shootings involved domestic or family violence where the shooter killed an intimate partner. Most of those mass shootings occurred inside the home, but a *Time Magazine* analysis of *Everytown’s* data found that of the forty-six mass shootings that took place entirely in public since 2009, 33 percent of the shooters had a reported history of violence against women.⁷¹ Under the Lautenberg Amendment to the 1968 Gun Control Act, federal law prohibits anyone convicted of a “misdemeanor crime of domestic violence” from legally buying a firearm.⁷² In addition, many experts attest that laws requiring abusers to surrender their guns are particularly effective. According to researchers at Boston University and Duke University, states implementing relinquishment laws have documented a 14 percent decline in intimate-partner gun

⁶⁷ Gerney, Arkadi, and Parsons, Chelsea. (June 2014). “Women Under the Gun How Gun Violence Affects Women and 4 Policy Solutions to Better Protect Them.” *The Center for American Progress*.

⁶⁸ Ibid.

⁶⁹ Everytown For Gun Safety. (2018, December 6). “Mass Shootings in America, 2009 to 2017.” <https://everytownresearch.org/reports/mass-shootings-analysis/>.

⁷⁰ Ibid.

⁷¹ Alter, Charlotte. (2017, November 09). “Texas Attack: The Link Between Shooters and Domestic Abusers.” *Time*. <http://time.com/5016731/link-between-domestic-violence-mass-shooters/>.

⁷² Lampen, Claire. (2017). “There’s No Reason Domestic Abusers Should Have Such Easy Access to Guns.” *Self*. <https://www.self.com/story/sutherland-springs-shooting-domestic-violence>.

homicides.⁷³ However, *The Center for American Progress* reviewed conviction records in twenty states and found that there are “11,986 individuals who have been convicted of misdemeanor-level stalking but are still permitted to possess guns under federal law.”⁷⁴ Meanwhile, according to another *Everytown* report, thirty-five states do not prohibit people convicted of misdemeanor domestic violence crimes from purchasing or using guns, even though federal law does. The report also found that thirteen states do not require law enforcement officials to seize the weapons of convicted domestic abusers, while only seven states require people served with a temporary restraining order to surrender their guns, and only eleven states (plus the District of Columbia) ban convicted stalkers from owning a firearm.⁷⁵ Thus, not only is criminalizing domestic violence to a greater degree a potential solution worth pursuing, it’s implementation could begin through stronger enforcement of existing federal law.

Conclusion

Measures to intensify criminalization policies regarding domestic violence will undoubtedly produce trade-offs. The standard of what is considered domestic violence will likely be expanded, and accusations will be difficult to differentiate from convictions. Normal people may be caught in a system that could struggle to separate chronic offenders from those who simply need therapeutic anger management. Yet, there are no perfect solutions in public policy, only trade-offs, and the American public is acutely aware of the many trade-offs they have already made to feel safe under this increasing epidemic. A busy day of holiday shopping at a mall in Christiana, Delaware, and a rousing performance of the *Hamilton* musical in San Francisco, California, both came to a screeching halt as unfounded fears

⁷³ Alter, Charlotte. (2017, November 09). “Texas Attack: The Link Between Shooters and Domestic Abusers.” *Time*. <http://time.com/5016731/link-between-domestic-violence-mass-shooters/>.

⁷⁴ Gerney, Arkadi, and Parsons, Chelsea. (June 2014). “Women Under the Gun How Gun Violence Affects Women and 4 Policy Solutions to Better Protect Them.” *The Center for American Progress*.

⁷⁵ Lampen, Claire. (2017). “There’s No Reason Domestic Abusers Should Have Such Easy Access to Guns.” *Self*. <https://www.self.com/story/sutherland-springs-shooting-domestic-violence>.

of a mass attack caused hundreds of people to panic and flee.⁷⁶⁷⁷ Places that were previously considered safe havens in our culture—churches, schools, offices, synagogues, movie theaters—have all transformed into potential danger zones. People still go to the movies, but now they make sure to take mental notes of the exits. Children still have to go to school, but they must first perfect their lockdown drills to feel safe. People still go to church, but some parishioners must find a way to keep one eye toward the door. The names of schools, towns, and businesses have been stripped of their majesty, now serving as somber reminders of the tragedy of one fateful day. These are heavy prices we have agreed to pay.

Even so, others have paid a far greater price under this epidemic. Telemachus Orfanos was one of several who sacrificed themselves during the Thousand Oaks shooting. Witnesses' accounts from more than seventy-five survivors, law enforcement officials, and victims' family members paint a portrait of heroism that often goes underreported in mass shootings.⁷⁸ In fact, at least six individuals are believed to have been killed either attempting to disarm the shooter or shield the bullets from striking those around them: Justin Meek, Telemachus Orfanos, Cody Gifford-Coffman, Sean Adler, Sergeant Ron Helus, and Dan Manrique.⁷⁹ Officials say their bravery saved lives and at funerals for many of the Borderline victims, pastors have repeated a telling refrain: There is no greater act of love than to lay down your life for a friend.⁸⁰

⁷⁶ Duvernay, A., Peterson, J., & Kuang, J. (2018, December 22). "Shoppers describe panic inside Christiana Mall when rumors of gunfire circulated." *Delaware Online*. <https://www.delawareonline.com/story/news/crime/2018/12/22/state-police-fight-not-gunshots-caused-christiana-mall-panic/2396248002/>.

⁷⁷ Associated Press. (2019, February 17). "Panic over mistaken reports of gunfire leaves 3 injured at San Francisco 'Hamilton' show." *The Chicago Tribune*. <https://www.chicagotribune.com/entertainment/theater/ct-ent-hamilton-san-francisco-panic-20190216-story.html>.

⁷⁸ Karlamangla, S., & Mejia, B. (2018, December 31). "Friends took this photo at their favorite bar in Thousand Oaks. Minutes later, the shooting started." *LA Times*. <https://www.latimes.com/local/california/la-me-borderline-shooting-heroism-20181231-htmlstory.html>.

⁷⁹ Ibid.

⁸⁰ Ibid.

The fact remains that there is a visible demographic of people with a history of stalking and domestic abuse who clearly pose an increased risk of hurting themselves and others with gun violence. Policymakers across the country should be motivated to address the gaps that make it far too easy for these dangerous individuals to arm themselves. While stripping some offenders of their right to access firearms will surely be met with outrage from certain segments of the political spectrum, the positive implications of this trade-off are difficult to refute. The research strongly suggests there is an opportunity to disarm some mass shooters long before they ever have the chance to commence on such a rampage. Equipped with this knowledge, one would expect the American people would be leading the charge in demanding effective policy solutions from their elected officials. Year after year, they have watched as hundreds of families have been irreparably destroyed by an ongoing torrent of mass shootings. They have heard the cries of the mothers, the anguish of the fathers, the grief of the brothers, sisters, and friends. In the midst of their mourning, the victims' families cast a fleeting glance at the masses sitting idly by, knowing that they too once thought it would never happen to them.

*"In the day of Eric Harris, we could try to console ourselves with the thought that there was nothing we could do, that no law or intervention or restrictions on guns could make a difference in the face of someone so evil. But the riot has now engulfed the boys who were once content to play with chemistry sets in the basement. The problem is not that there is an endless supply of deeply disturbed young men who are willing to contemplate horrific acts. It's worse. It's that young men no longer need to be deeply disturbed to contemplate horrific acts."*⁸¹

⁸¹ Gladwell, Malcolm. (2015). "How School Shootings Spread". *The New Yorker*.
<https://www.newyorker.com/magazine/2015/10/19/thresholds-of-violence>