



Domestic Violence in NEW YORK

WHAT IS DOMESTIC VIOLENCE?

Domestic violence is the willful intimidation, physical assault, battery, sexual assault, and/or other abusive behavior as part of a systematic pattern of power and control perpetrated by one intimate partner against another. It includes physical violence, sexual violence, threats, and emotional abuse. The frequency and severity of domestic violence can vary dramatically.

DOMESTIC VIOLENCE IN NEW YORK

- 31.7% of New York women and 29% of New York men experience intimate partner physical violence, intimate partner sexual violence and/or intimate partner stalking in their lifetimes.¹
- In 2018, New York City law enforcement responded to 250,447 domestic incident reports; police outside of New York City responded to 182,893 domestic incidents.²
- There were 59 intimate partner homicides in New York in 2018, comprising 44% of female and 2% of male homicide victims 16 years of age or older. 40% were committed using firearms.³
- In 2018, 228,769 protective orders were entered into New York's Order of Protection Registry.⁴
- In 2018, non-residential domestic violence programs served 39,458 survivors, and residential programs served 5,969 adults and 6,105 children. 12,269 requests for shelter for adults and 11,949 requests for shelter for children went unmet due to lack of resources.⁵
- In 2015, there were 153,636 active protective orders in the National Crime Information Center for New York. 75,868 of these had a Brady Indicator.⁶
- As of December 31, 2019, New York had submitted 335 misdemeanor domestic violence and 61,881 active protective order records to the NICS Index.⁷

DID YOU KNOW?

- 1 in 3 women and 1 in 4 men in the United States have experienced some form of physical violence by an intimate partner.⁸
- On a typical day, local domestic violence hotlines receive approximately 19,159 calls, approximately 13 calls every minute.⁹
- In 2018, domestic violence accounted for 20% of all violent crime.¹⁰
- Abusers' access to firearms increases the risk of intimate partner femicide at least five-fold. When firearms have been used in the most severe abuse incident, the risk increases 41-fold.¹¹
- 65% of all murder-suicides involve an intimate partner; 96% of the victims of these crimes are female.¹²

DOMESTIC VIOLENCE-RELATED FIREARMS LAWS IN NEW YORK

- Domestic, dating, and stalking misdemeanants are ineligible for a handgun license in New York.¹³
- Respondents to ex parte protective orders, including dating partners, will have their handgun licenses revoked if a judge finds there is a substantial risk the respondent will use it to harm or threaten the petitioner or has committed certain offenses in the past. The judge will also require the respondent to surrender any firearms they own or possess.¹⁴
- Respondents to final protective orders, including dating partners, will have their handgun licenses revoked if the abuse that led to the order involved physical violence, threats with a firearm or deadly weapon, felonious violent conduct, and/or if the court finds substantial risk the respondent will use it to harm or threaten the

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DOMESTIC VIOLENCE-RELATED FIREARMS LAWS IN NEW YORK (Cont.)

petitioner. The judge will also require the respondent to surrender any firearms they own or possess.¹⁵

- Background checks are required for all gun sales and transfers.¹⁶
- New York could strengthen its laws to further protect victims and survivor from gun violence by
 - Prohibiting domestic violence and dating violence misdemeanants from possessing firearms and requiring them to relinquish any firearms in their possession;
 - Prohibiting all respondents to protective orders from possessing firearms and requiring them to relinquish any firearms in their possession; and
 - If requested by the survivor, require law enforcement to recover firearms when responding to domestic violence incidents.

For more information about domestic violence and firearms in New York, go to

<https://www.disarmdv.org/state/new-york/>.

¹ National Center for Injury Prevention and Control (2019). *The national intimate partner and sexual violence survey: 2010-2012 State Report*. Centers for Disease Control and Prevention. Retrieved from <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf>.

² New York State Office for the Prevention of Domestic Violence (2019). *New York State domestic violence dashboard 2018*. Retrieved from <https://opdv.ny.gov/statistics/nydata/docs/opdv-2018-dv-dashboard.pdf>

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ United States Government Accountability Office (2016). *Gun control: Analyzing available data could help improve background checks involving domestic violence records*. Retrieved from <https://www.gao.gov/assets/680/678204.pdf>.

⁷ Instant Criminal Background Check System Section (2020). *Active records in the NICS Index as of December 31, 2019*. FBI Criminal Justice Information Services. Retrieved from <https://www.fbi.gov/file-repository/active-records-in-the-nics-indices-by-state.pdf/view>.

⁸ Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M. (2011). *The national intimate partner and sexual violence survey: 2010 summary report*. Retrieved from http://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf.

⁹ National Network to End Domestic Violence (2020). *14th annual domestic violence counts report*. Retrieved from https://nnedv.org/wp-content/uploads/2020/03/Library_Census-2019_Report_web.pdf.

¹⁰ Morgan, R.E., & Oudekerk, B.A. (2019). *Criminal victimization, 2018*. Bureau of Justice Statistics. Retrieved from <https://www.bjs.gov/content/pub/pdf/cv18.pdf>.

¹¹ Campbell, J.C., Webster, D., Koziol-McLain, J., Block, C., Campbell, D., Curry, M. A., Gary, F., Glass, N., McFarlane, J., Sachs, C., Sharps, P., Ulrich, Y., Wilt, S., Manganello, J., Xu, X., Schollenberger, J., Frye, V., & Lauphon, K. (2003). Risk factors for femicide in abusive relationships: Results from a multisite case control study. *American Journal of Public Health, 93*(7), 1089-1097.

¹² Violence Policy Center (2018). *American roulette: Murder-suicide in the United States*. Retrieved from www.vpc.org/studies/amroul2018.pdf.

¹³ N.Y. Penal Law § 400.00(1); N.Y. Penal Law § 265.00(17).

¹⁴ N.Y. Fam. Ct. Act §§ 842-a(1)(a), -a(1)(b); N.Y. Fam. Ct. Act § 812(1).

¹⁵ N.Y. Fam. Ct. Act § 842-a(2); N.Y. Penal Law § 400.00(1)(k); N.Y. Fam. Ct. Act § 812(1)(e).

¹⁶ N.Y. Gen. Bus. Law § 898.

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