

Coercive Control, Digital Technologies, and Firearms:

King County, Washington



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Introduction

This whitepaper report is the second in a series that details findings and recommendations from a longitudinal research project focused on how system and community stakeholders in King County can better respond to survivors experiencing technology-enabled coercive control (TECC).

Specifically, this report centers on examining how abusers with access to firearms use digital technologies to coercively control survivors and the challenges these intersecting dynamics present for community and systems' responses.

Coercive control reflects a pattern of behavior that is designed to assert influence and control over an individual's life using threats of harm, dependence, isolation, intimidation, and/or physical forms of violence, often resulting in a survivor losing a sense of their self-worth, bodily integrity, and safety (Stark 2007).

Technology-enabled coercive control extends this pattern of behavior to include the ways digital technologies facilitate this form of abuse. Forms of TECC include cyberstalking, monitoring, impersonation, harassment, distribution of intimate images, along with other related patterns of violence that use technology as a tool to abuse, harass, and stalk. In the context of intimate partner violence, those who engage in TECC rely on overlapping tactics and evolving forms of technology to instill feelings of fear, isolation, confusion, and terror among those they are targeting.

In the last ten years, a growing body of scholarship has emerged providing insight into the ways that abusers use digital technologies to facilitate coercive control, including the platforms (e.g.: social media sites), types of technologies (e.g.: Internet of Things (IoT)), and tactics that abusers exploit to perpetuate abuse (Woodlock, 2017; Dragiewicz et al, 2018; Freed et al, 2018; Douglas et al, 2019; Cuomo and Dolci, 2019; Slupska & Tanczer, 2021).

The distribution of intimate images, also referred to by scholars as image-based sexual abuse and revenge pornography, has comprised a primary focus of existing research

on technology abuse (McGlynn and Rackley, 2017; Henry and Powell, 2018; Henry and Flynn, 2019).

Such scholarship has also emphasized the inadequacy of the criminal and civil legal systems in holding accountable those who engage in this form of abuse (Shimizu, 2013; Bumb, 2017; Powell and Henry, 2018).

Within the scholarship examining the ways that abusers use digital technologies to facilitate coercive control, **none to date has examined the relationship between coercive control, digital technologies and the specific use of firearms as a tool to intimidate, threaten, and/or engage in violence, heretofore referred to as *firearm abuse*.**

This report uses *firearm abuse* to signal the continuum of coercively controlling behavior involving firearms that abusers use in the context of intimate partner violence, to include: discharging a firearm, making threats that involve a firearm, and the brandishing, displaying, cleaning, and/or referencing of firearms.

Over the last twenty years, research has affirmed that the presence of firearms in abusive relationships increases the risk of death for survivors (Campbell 2003). More specifically, survivors who were previously threatened or assaulted with a firearm are four times more likely to be murdered by their abusive partner than survivors without such experiences (ibid). Yet less is known about the everyday experiences of survivors who experience firearm abuse, including non-lethal forms of firearm abuse (although see Lynch and Logan, 2018)

This report builds on and contributes to literature examining the relationship between firearms and intimate partner violence by introducing *technology-enabled firearm abuse* (TEFA). TEFA emphasizes how abusers use digital technologies to engage in coercively controlling behavior involving firearms. As an extension of technology-enabled coercive control (TECC), TEFA underscores how digital technologies enable an abuser to engage in firearm abuse across time and space, including post-separation. As digital technologies have become a regular tool of coercive control, it is critical that we understand how abusers use this tool to engage in firearm abuse.

Project Objectives

This project's objectives are three-fold. First, the project establishes a landscape of firearm abuse by detailing common forms of both analogue firearm abuse and technology-enabled firearm abuse (TEFA). Second, by providing insight to the relationship between coercive control, digital technologies and firearm abuse, this report aims to serve as a resource for system and community stakeholders who seek to better serve and understand the experiences of survivors of intimate partner violence. Finally, with ongoing gaps in research on firearms and intimate partner violence, this project supports efforts to address the epidemic of gun violence in the United States.

Methodology & Methods

The methodological framework guiding this project is rooted in the principles of Community-Based Participatory Action Research (CBPAR). As a research methodology, CBPAR emphasizes the needs and knowledge of the community being studied, and engages community participants as active members of the project. CBPAR attends to inequities and injustices, encourages community members' power over their own lives, works to prevent exclusion and promote diversity of participation, builds and expands on local partnerships, and supports the action necessary to achieve change (Stoeker 2013). CBPAR also begins by assuming that those who have been most systematically excluded or oppressed carry a specific wisdom about their lives and the structures and fracture points that led to their experiences (Kendon et al 2007). In response, CBPAR centers collaborative knowledge production in which knowledge, analysis and action collectively emerge between researchers and participants across all stages of a project with the goal of achieving social action and change (ibid).

Following the principles of CBPAR, this project was developed in collaboration with the Regional Domestic Violence Firearms Enforcement Unit (RDVFEU).

Located in King County and launched in 2018, the RDVFEU is a multidisciplinary and interjurisdictional unit that works to reduce gun violence and increase victim and community safety through regional collaboration and proactive enforcement of firearms laws.

The RDVFEU assists with the service of protection orders, immediate removal of firearms based on those orders, and accountability for those who fail to comply with or who otherwise possess firearms unlawfully.



The research objectives, questions, and project design were developed in collaboration with the RDVFEU and then executed by the project's primary researcher.

Data collection for this project occurred between October 2021 – October 2022 and draws on two sources:

- 1) Semi-structured qualitative interviews with advocates who work with survivors primarily around the protection order process in King County.
- 2) The review of 383 Domestic Violence Protection Orders (DVPOs) in which the petitioner and respondent are current or former intimate partners, and the petitioner describes experiencing **both** technology-enabled coercive control and the case is “Firearms Positive”. The latter signifying that there are allegations within the protection order documents regarding firearms and/or the RDVFEU's investigation signals a purchase history or other indication of firearms.

Both the interview data and protection order documents were analyzed using axial coding based on recurrent emergent themes using the qualitative data software analysis program, ATLAS.ti.



Project Limitations

As a qualitative research project, the findings that follow reveal a deep and detailed examination of the relationship between coercive control, digital technologies, and firearms abuse. Notably, this project was not designed to produce a quantitative analysis of technology-enabled firearm abuse (TEFA) within protection order matters. At the time of this research, the legal definition of domestic violence for civil protection orders emphasized physical violence and fear of physical violence. While petitioners could reference coercively controlling behavior within DVPO petitions – and many did – the narrow legal definition of domestic violence during the time of data collection precludes a correlational or comparative analysis of coercive control, digital technologies, and firearms abuse.

The implementation of RCW 7.105 on July 1, 2022 and the inclusion of coercive control within the civil legal definition of domestic violence offers new and exciting opportunities for future research, including correlational and/or comparative analysis. It is the hope that this report provides the groundwork that future research on technology-enabled coercive control, including technology-enabled firearm abuse, can build upon.

The Power of Firearms

Before detailing common forms of analogue and technology-enabled firearm abuse, this section offers context for what firearms represent within abusive relationships. As a tool of violence, firearms are particularly lethal.

An established body of research has shown that survivors of intimate partner violence are at increased risk of homicide when abusers have access to firearms, that most intimate partner violence homicides involve a firearm, and that non-Hispanic Black and American Indian/Alaska Native women experience the highest rates of homicide (Cambell et al 2009; Cloud et al 2022; Frattaroli et al 2020; Lynch et al 2018).

Additionally, homicidal abusers with access to firearms represent a public safety threat. Research reinforces the relationship between homicidal abusers and mass shootings in the US, in which abusers also target survivors' new intimate partners, family members, co-workers, bystanders, children, and law enforcement, often before turning the firearm on themselves (Everytown for Gun Safety 2021). This includes research that affirms 53% of the 240 mass shootings between 2009 and 2020 were domestic violence related (ibid): it is not only intimate partner survivors who are at risk from abusers who have access to firearms.

Further, research also shows that survivors are at an increased risk of homicide immediately following separation from an abuser (Campbell et al 2009). Notably, filing a DVPO reflects a survivor's intent of separation - whether temporarily or permanently.

These combined lethality factors – abuser access to firearms and recent separation – situate DVPOs as a particularly important source of data for examining the relationship between intimate partner violence and firearm abuse.

Drawing on a review of DVPOs and interviews with advocates who work with survivors around the protection order process, this section situates the significance of firearms - for abusers, survivors, and within US culture – to provide context for the challenges that stakeholders face in reducing firearm violence and increasing survivor and community safety.

Abusers & Firearms: A Tool of Power

For abusers who engage in firearm abuse, firearms represent the ultimate material tool of power: that power is reflected through the firearm's lethality. Because firearms can result in instantaneous, easily executed, and deadly harm, the firearm serves as a physical tool of coercive control where its presence alone can elicit fear, intimidation, and compliance. As an advocate explained:

The gun gives you power. The gun gives you ultimate say to do whatever you want, at any time. It's something that's scary, it's loud, it can fire if it's loaded, who knows if it's loaded. And so it's a constant, almost easy way to maintain power. It's like for when I'm not trying, here's my gun.

The advocate's reflections point to the significance of firearms as a tool of power where an abuser's possession of or access to a firearm represents a way of maintaining control over the survivor, even if the abuser has never directly threatened violence with the firearm. As the advocate notes, because of what the firearm represents and its capacity for lethal violence if employed, firearms do the work of coercive control for the abuser.

Performing Masculinity

A primary goal of abusers is to obtain and maintain power within their relationships. As noted above, firearms represent a physical form of power, making firearms an important tool for abusers' identity and their efforts to establish dominance.

This dominance is inextricably tied to masculinity. Of the 383 DVPOs that contained firearm allegations that were part of this project's analysis, over 94% involved a male respondent in a heterosexual relationship. An advocate explained:

From what I've seen, their connection to guns is them trying to control the situation, trying to be the dominant one in the situation. And guns can assert that, it's like a form of performative masculinity in some ways. And so here, they are saying that I'm the alpha, I have a weapon at my disposal, I am somebody to be wary of, that is to be scared of. Them having access to weapons is reestablished dominance within their relationship, within society, even within their friend group.

As the advocate notes, firearms support abusers in "performing" masculinity. That is, society has constructed a set of ideas regarding what it means to "be a man", and men are obliged and/or feel pressure to "perform" or act in socially prescribed ways in order to appear masculine. As firearms represent a physical tool of power, the possession of or access to firearms supports abusers in the performance of this particular form of masculinity. The connection between performative masculinity and firearms is seen through the constant wearing of firearms, where regardless of location or (perceived) threat, abusers often have their firearms on them as a way of representing power. This locational proximity to their firearms – whether on their body, within reach, or stashing multiple firearms throughout the house – reflects two forms of masculinity: the abuser as protector and the abuser as dominant.

In their perceived role of masculine protector, the abuser's rationale for firearms is often tied to the abuser's belief that they need to provide protection from an outside threat. Survivors describe abusers who accumulate a cache of firearms in preparation for this supposed threat. Survivors also describe abusers who believe that the duty to provide protection falls solely on the abuser, as no one else – including the police or “the government” – will fill this role.

While the physical home represents a key site in need of protection, protecting the family as a unit - regardless of location – also becomes justification for firearm abuse. In analysis of DVPOs, this is regularly reflected through “road rage” incidents in which the abuser perceives another driver to be antagonizing the abuser, leaving the abuser feeling wronged, resulting in the displaying or shooting of a firearm. Survivors describe being witness to these events, including with children present in the car. This example also reflects the entangled relationship between different forms of masculinity, as abusers who champion themselves as “protectors” are often doing so by asserting their dominance through dangerous behavior, and the firearm represents the material tool of power to exert both.

Ownership & Entitlement

Research participants note that what often ties these different forms of masculinity together concerns the abuser's sense of entitlement to both the survivor and their firearms.

An advocate described how this dual-sense of entitlement presents:

I'm entitled to my woman. I'm entitled to guns, and I'm entitled to do whatever I have to do to keep them both. Because they're both mine by right. No one can take them from me. Over my dead body will anyone take either of them from me. Yeah, it's very much this sense of entitlement.

Abusers' sense of entitlement to firearms is also reflected in survivor responses to the “Firearm Identification Worksheet”, a supplemental form to the DVPO petition that gathers information about a respondent's firearms to provide to the court. One of the questions assesses how important firearms are to the abuser using a scale of 1 (not very important) to 5 (very important). An advocate summarized the common responses to this worksheet question:

When I talk to somebody and ask them how much those guns mean to the abuser, for the most part, it's a very, very strong piece of their identity. We have that section on the form that petitioners fill out where it says on a scale of 1 to 5, how important are these firearms to him? And it's always 5, it's very rare that it's not a 5.

Research participants highlighted how the importance and sense of entitlement that abusers attribute to firearms and the way that firearms have become central to the identity of many abusers is presenting challenges for survivors seeking protection from the courts.

For example, an advocate explained:

Yea these are the guys who will fight the order, who will ask for revisions, who will, you know, hire an attorney to ask for revision after the protection order, because now it's mandatory to surrender [firearms] if the order's entered. And so they will go to a lot greater lengths than they did before to protest the entry of the order.

Advocates indicate that they are noticing respondents more regularly contesting the entry of DVPOs, not because the respondent is necessarily denying the allegations of abuse within the petition, but because the respondent feels entitled to keep their firearms and does not want to comply with the mandatory Order to Surrender that is part of the DVPO process. Research participants highlighted how this sense of entitlement corresponds with and is amplified by the national rhetoric within the US regarding Second Amendment rights. The below section further situates how national Second Amendment rights rhetoric has contributed to a two-part problem for survivors petitioning the courts for protection, as it has: 1) emboldened abusers to defy Orders to Surrender, and 2) may influence a softer approach by the courts and law enforcement regarding compliance.

Survivors & Firearms: A Tool of Lethal Harm

For survivors who experience firearm abuse, firearms represent the potential for lethal harm, at any time. The potential that survivors feel for experiencing lethal harm at any time is in part a consequence of abusers' consistent and constant proximity to firearms. As detailed in the next section of this report, abusers regularly wear firearms on their body or keep firearms in close proximity throughout the home and/or vehicle. The presence of firearms serves as a visual reminder to survivors that an altercation can escalate and lead to lethal forms of injury. For example, an advocate explained:

I've had individuals that I've worked with in the past years who had partners with firearms staged all throughout the house, there wasn't really a room in the home where there wasn't a visible firearm, readily available and accessible. And he didn't threaten overtly his partner with the firearms, but she was very clear that they were omnipresent. And they were just an arm's length away at any given time if things were to go down.

Further, the physical presence of firearms when coupled with the knowledge that survivors have about abusers' stated willingness to use firearms also reinforces survivors' concerns for experiencing lethal forms of harm.

Two advocates described:

I was working on a case last week where the petitioner said that the respondent is very clear that he's not afraid to use his gun. Like if someone comes on his property, he's not afraid to use his gun. And it's something that he says all the time. Now that's not necessarily a direct threat to her, but when he is getting escalated, that's in the back of her mind. That's probably one of the most common way guns are used as intimidation.

There's displays of power that I hear about that are more directed towards others. But at the same time, the implication that the victim always receives is that he could do it to her at any second.

As the advocates indicate, abusers do not need to threaten survivors directly with firearms: when abusers indicate their willingness to use firearms against other people – family members, strangers, the police – the message that survivors receive is that the abuser is willing to engage in firearm violence and survivors interpret these declarations as implicit threats to their own safety.

Heightened Hypervigilance

Concern for experiencing firearm abuse as a result of abusers' proximity to firearms and their direct and indirect threats to use firearms, against the survivor and/or others, results in a heightened hypervigilance regarding survivors' interactions with abusers. Survivors have long-described feeling as though they are "walking on eggshells" when navigating their interactions with abusers, as they attempt to anticipate the abuser's mood or placate the abuser to avoid conflict.

This feeling of precarity around what might escalate the abuser is heightened when the abuser has access to or possession of firearms, as the survivor knows the repercussions of an escalated abuser can be lethal. An advocate explained:

In the back of their mind, they [the survivor] always know that they [the abuser] have it [a firearm]. So they are a little bit more careful, they choose how they will react. Like if they don't comply, or behave in such a way that like doesn't appease the abuser, the survivor knows it can get bad.

As introduced above, firearms do the work of coercive control for abusers where access to or possession of a firearm alone serves as a tool to effectively engage in coercive control, with or without any direct threat to use the firearm. Here, the advocate indicates the impact of this kind of coercive control: an entrenched and deep-rooted form of hypervigilance where the threat of the abuser is never disentangled from the knowledge of the lethal harm that a firearm can cause.

Post-Separation Fear

This hypervigilance and the knowledge that firearms represent the potential for experiencing lethal harm continues after survivors separate and/or end their relationships with abusers. That fear can be difficult for survivors to explain and/or prove because of the implicit and indirect ways that abusers convey threats of firearm abuse, particularly post-separation. An advocate explained:

Usually it's in a scenario where he has said, "If you ever leave me, I'm going to kill you." So she doesn't have a record of him saying, "I'm going to kill you." But he's told her several times that he's going to kill her if she leaves him. And then they separate. And then just out of the blue one day, no conversation, no nothing, he texts her a picture of a gun. No words, there's no explanation, there's no context. But there's context for her, because he's been telling her this all this time. And he's told her before, but it's verbal, so she doesn't have a record of it. But she knows what that picture means.

Findings from this longitudinal project have indicated how digital technologies extend an abuser's ability to coercively control survivors across time and space (Cuomo and Dolci 2021). The above quote from the advocate reinforces this argument while also illustrating the unique knowledge and context that survivors have regarding seemingly banal messages or less overt threats of firearm abuse. Moreover, digital technologies allow these kinds of seemingly banal messages or less overt threats to occur indirectly, where the abuser can convey a threat without directly contacting the survivor. For example, an advocate explained"

The survivor will say, "He said he's gonna kill me." And then he uploads pictures of himself with a gun to his Facebook. Right. He knows that she follows his Facebook, so he's putting it out there like it's nothing, but it's because he wants her to know that he has this gun.

This example reiterates the way that firearms do the work of coercive control for the abuser. In this example, the abuser does not need to threaten the survivor directly, nor even make direct contact with the survivor. An image of a firearm on the abuser's social media represents an indirect form of communication and serves as a form of intimidation that causes fear: for the survivor, the threat of the abuser is never disentangled from the lethal harm that a firearm can cause. Yet, this fear can present as unfounded or even irrational when not accompanied by a direct threat or other evidence, reinforcing the power that firearms wield for abusers in enabling coercive control.

Threats to Harm Others

The fear and intimidation that survivors feel regarding abusers' possession of and access to firearms extends to include fear that the abuser will engage in lethal harm against people that the survivor cares about. The most common threats in this context involve the survivor's child(ren). Two advocates explained:

Threats to hurt the children, threats to kill the children, and threats to take the children. Those are the three most common ways in which they will try to coercively control their partner. That's a huge piece of the reason why survivors stay for so long, because they don't want their kids to be hurt. I have definitely read cases where the abuser has said, "I will shoot you, I will kill the children, and I will kill myself."

That is a threat they use all the time. "You better not leave, if you leave and take my child, I know where you're going to stay and I'm going to shoot up that house." And I've seen that many times on the petition, that's why they don't go anywhere. They are afraid.

These quotes highlight the tension that survivors with children navigate. Survivors with children often feel a deep responsibility to protect their children, and their insider-knowledge concerning the threat that abusers with firearms pose to the children can result in survivors staying with the abuser. Although seemingly counterintuitive, survivors' fear that abusers will follow through with threats to harm or kill the children results in the survivor staying in the relationship to remain physically present to better ensure the children's safety.

Minimizing Firearm Abuse

While firearm abuse largely results in survivors expressing feelings of fear and intimidation, research participants also highlighted that some survivors minimize firearm abuse in ways that seem paradoxical considering the potential for lethal harm. Research participants noted that survivors who minimize firearm abuse seem to do so as a coping mechanism.

In other words, acknowledging or admitting the proximity to which a survivor nearly died from firearm abuse can be so traumatizing that some survivors shrug off the experience as insignificant. For example, an advocate explained working with a survivor on a DVPO petition:

This gal that came in, and she was telling me, "He put the gun to my head and he pulled the trigger and it misfired." She was so chill when she was telling me, like it wasn't a big deal. I was so horrified. And that wasn't even the thing that had brought her in for the protection order. That had been a couple of years before.

Another advocate described a time when her advocate-colleague was working with a survivor on a DVPO petition, asking the survivor questions to establish the history of abuse:

She spoke with her for so long trying to get out any incident of violence. And then finally, "Oh, he shot at me once." What do you mean he shot at you? "The bullet went past my head." We should have started with that. Right? The survivor said, "Well, he didn't hurt me. He didn't get me."

Research participants explained that it was not uncommon to work with survivors petitioning for a DVPO who minimized firearm abuse, particularly if the firearm abuse did not result in physical injury. In these instances, research participants explained that survivors may not even mention experiences of firearm abuse unless explicitly prompted, because the survivor's motivation for seeking a DVPO is based on other forms of coercive control that they identify as more immediate and central.

An advocate explained:

They don't usually bring up firearms unless they're specifically asked. It's about everything else that makes them more afraid. The firearms are such a meta-factor, that in a way they're like, "Eh, it's a firearm." But it's more about the other kinds of threats. Using the children as pawns, that's their biggest fear. That the abuser will take the kids and run to another state. That's the biggest fear. Everything else is secondary.

While the above may seem contradictory based on the known lethality factors associated with firearms, the minimization of firearm abuse or locating it as secondary is reflective of what survivors identify as most important and imminent. As the advocate indicates, for survivors with children, protecting children will likely take precedent over the survivor's concerns for their own safety.

Firearms and US Culture: A Tool of Significance

While the US remains exceptional when compared to the rest of the world in its high levels of gun ownership, gun-related violence, and the number of people who express strong positive feelings toward guns, US gun culture is not monolithic or static. Variation in elements of gun culture within the US have shifted historically and across geography, both of which have impact on how stakeholders approach firearm compliance within the protection order process. A primary shift in US firearm culture that is relevant to this project concerns the decline in Americans owning/possessing firearms for recreational purposes (e.g.: hunting, collecting) and the rise in Americans owning/possessing firearms for "personal protection" and mobilization around the Second Amendment (Boine et al 2020). This shift is what scholars have referred to as a move away from Gun Culture 1.0 of leisure toward Gun Culture 2.0 oriented around self-defense (Yamane 2017).

Research participants in King County explained this shift in gun culture as the "new normal that everyone should be armed". By "new normal" research participants spoke to the normalization of pro firearm rhetoric that assumes as a starting point that people will be armed and that they have a right to remain armed. Research participants explained that in the context of intimate partner violence, this normalization of pro firearm rhetoric extends beyond individual abusers who claim the right to firearms, but also to the protection order process itself, impacting enforcement and compliance practice from law enforcement and within the courts.

While these impacts present in various ways, I highlight here how this “new normal” – the assumption of an individual’s right to possess firearms - has necessitated the need for alternative language to talk about firearm compliance.

From “Surrender” to “Recover”

Pursuant to RCW 9.41.800, upon entering a protection order, a respondent must immediately *surrender* all firearms, dangerous weapons, and concealed pistol licenses, and is thereafter prohibited from accessing or possessing any of the above. Research participants noted that when the law to surrender firearms went into effect, the language of “surrender” became an immediate challenge for compliance:

That surrender word, it was problematic because it has a lot of meaning. And it runs into the messaging that gun’s rights advocates use, that the government’s going take your guns. And surrender means that you’re giving it up, never to get it back.

As the advocate notes, the multiple meanings associated with the language of “surrender” presented numerous challenges for compliance. The language of “surrender” suggests abusers were being ordered to “give up” or “lose” something that they had an inherent right to keep, reflecting a direct challenge to the underlying value system of power, control, dominance, and entitlement that many abusers ascribe toward both firearms and survivors. Research participants also noted that the language of

surrender suggested an indefinite concession or endless ban, where once surrendered, a respondent’s firearms would not be returned. Additionally, the language of surrender plays into the Second Amendment rights rhetoric that “the government” was seizing firearms. Further, the language of surrender placed the onus on the respondent to “turn in” their firearms at their local law enforcement precinct, rather than engage law enforcement as active agents in the recovering of firearms at the time of protection order service.

For all these reasons, stakeholders in King County introduced the language of “recover” as an alternative. An advocate explained:

We really tried to be thoughtful in the language and that this is not about a forever gun ban. This is about a temporary relinquishment or recovery that’s intended to reduce harm during a specific period of time. And so that’s what we use with law enforcement, because when we talk about recovery and relinquishment those words have meaning to them.

As the advocate explains, the language of recovery is significant when working with both respondents and law enforcement around compliance. Stakeholders use the language of recovery with abusers as a way to signal the relinquishment of firearms as tied to the specific period around the protection order process, rather than an endless or permanent ban. Yet stakeholders also explain that the language of recovery is useful when working with law enforcement to encourage their active role in the compliance of Orders to Surrender.

While RCW 9.41.800 identifies law enforcement as the entity responsible for enforcing the law to surrender firearms, there is not universal support among law enforcement agencies to assist with firearm compliance within the protection order process. This is in part because of a long-standing perspective among some law enforcement agencies and individual officers that survivors misuse protection orders and that the enforcement of civil protection orders are beyond the purview of law enforcement. As an advocate explained:

There are some attitudinal issues that “Hey, this is civil order.” Related to Domestic Violence Protection Orders, there’s a lot of disinformation and misinformation that “These are handed out like candy,” or “It’s a he said / she said,” or “She just wants to use this to mess with him.” And those attitudes can undermine recovery because law enforcement feel like it’s an unfair practice.

Notably, there is significant variation in firearm compliance practices among King County law enforcement agencies, with some agencies proactively committed to its enforcement. But for agencies less committed, research participants note that the shift in language from “surrender” to “recovery” has been useful in eliciting support from law enforcement as it signals their responsibility to actively enforce the law. An advocate explained:

We’ve chosen to use recovery because it’s an active word that law enforcement is actively doing something to obtain that firearm. If we use that passive language of surrender, it puts the onus on the individual respondent to do something. And we wanted to get away from that type of language, to instead put the onus on law enforcement.

As the advocate notes, the language of recovery better signals that the role of law enforcement in the firearm recovery process, which is consistent with what the protection order statute requires of law enforcement per RCW 9.41.801.

While research participants indicated that the rhetorical shift to “recovery” has reduced some of the negative connotations associated with the language of “surrender” and that this has been useful for firearms compliance – among abusers and law enforcement - there are still challenges. Notably, additional research is needed to understand how law enforcement and judicial officer opinions about gun safety laws and policies impact their willingness to enforce firearm laws in the context of DVPOs. The “new normal” that assumes an individual’s right to be armed when coupled with Second Amendment rights rhetoric can lead to apprehension among the courts to proactively enforce firearms laws, even when survivors describe incidents of lethal firearm abuse (Lynch and Logan 2020). Emerging from this “new normal” is a profound and palpable tension in which the right to possess firearms is prioritized over the right to safety.

The Landscape of Firearm Abuse

Drawing on survivor accounts within DVPOs, this section focuses on common ways in which abusers use firearms to engage in coercive control.

The first part of this section examines analogue firearm abuse: coercive control involving firearms that does not rely on digital technologies to execute. The second part of this section establishes emerging patterns of technology-enabled firearm abuse (TEFA): a specific form of technology-enabled coercive control (TECC) that emphasizes how abusers use digital technologies to engage in firearms abuse.

Previous research based in King County has situated TECC as a continuation of harm perpetrated by abusers, rather than a new or distinct form of abuse (Cuomo and Dolci 2021). In other words, abusers use digital technologies to engage in familiar and long-standing tactics of intimidation, isolation, and control. This section reinforces this argument by situating TEFA as a continuation of firearm abuse perpetrated by abusers, rather than a new or distinct form of abuse.



Analogue Firearm Abuse

Three themes of analogue firearm abuse emerged from analysis of DVPO materials:

1. Direct Firearm Abuse
2. Verbal Threats of Firearm Abuse
3. Brandishing Firearms.

Direct Firearm Abuse

The first theme of firearm abuse that emerged from analysis of DVPOs concerns direct forms of firearm abuse including incidents in which the abuser shoots the survivor, shoots at the survivor, discharges a firearm, or points a firearm at the survivor or themselves.

Shooting firearms

Survivors describe incidents involving the discharge of a firearm. This includes incidents in which an abuser places a firearm to the survivor's head and pulls the trigger, but the firearm "jammed" and did not fire. Survivors also describe abusers shooting firearms at them, for example while the survivor was driving or in a car trying to flee, including with other people in the car. Survivors also describe abusers who discharge their firearms indiscriminately. This includes abusers who shoot at the survivor's house or at the house where the survivor is residing, into the air while driving up and down the survivor's street, and in public spaces, like local parks that the survivor frequents. Survivors note that this indiscriminate shooting is to "let me know he's out there".

Pointing firearm at the survivor

In addition to intentionally and indiscriminately discharging firearms, survivors also describe abusers pointing firearms directly at them. In

incidents where an abuser points or aims a firearm at a survivor, survivors describe this form of firearm abuse as the culmination of an escalating incident. These escalating incidents often involved preceding physical and/or verbal abuse. For example, a survivor described falling to the ground after the abuser punched her in the face. While on the ground, the survivor described the abuser walking toward her with a pistol in his hand and pointing the gun at her head. Another survivor described an escalating incident in which she stood in front of the door attempting to keep the intoxicated abuser from leaving the house and driving while intoxicated. The abuser threw a table at her and as she moved out of the way, the abuser pointed a gun at her and said he would shoot if she tried to keep him from driving. Another survivor described wanting to go out with a friend, resulting in a verbal argument and as she was leaving the house, the abuser pointed a gun at her face and demanded: "Where are you going?"

The physical aiming or pointing of a firearm at the survivor is often accompanied by a verbal threat to shoot or kill the survivor, which this section distinguishes from verbal threats of firearm abuse when a firearm is not physically present. For example, a survivor described an escalating verbal argument where the abuser "pulled a gun on me and said he would shoot me in the head if I didn't shut the fuck up". Another survivor described a verbal argument that occurred while in the car with the abuser: "He stopped the car and took out a gun from the trunk of the car. He got back in and pointed the gun at my neck and said he was going to kill me". Another survivor described a physical incident that ended when, "He pulled out a gun, pushed me onto my side and said he would kill me. He said he will kill me if I ever left him". Another survivor described an escalating verbal argument and that the abuser pulled out a gun, pointed the gun at the survivor and said, "I will put a bullet in your forehead".

Pointing firearm at themselves

Another common form of direct firearm abuse involves abusers pointing firearms at themselves. As abusers point firearms at themselves, they regularly indicate that they will die by suicide should the survivor not comply with the abuser's demands. These demands often relate to the survivor staying in the abusive relationship. For example, a survivor described trying to leave her abusive partner twice within two years: "When I would tell him I was leaving, he would hold a gun up to his head and say he'd kill himself if I did so. He'd then lock himself in the bathroom with the gun." Another survivor described leaving the relationship and temporarily staying with a friend. She stated, "He drove to my friend's house where I was and put his gun to his head to get me to go with him." Another survivor described, "In the middle of an argument, he pointed his pistol at himself and threatened suicide if I left him". Another survivor described, "He has used the gun many times to threaten to take his own life by holding it to his head and threatening to pull the trigger if things didn't go his way".

As described by survivors, the outcome of incidents that involve direct forms of firearm abuse - in which abusers shoot or threaten to shoot the survivor and or themselves – is survivor compliance. Survivors describe how direct forms of firearms abuse result in the survivor acquiescing to the abusers' demands: the survivor stops arguing with the abuser, stops resisting the abuser, and/or agrees to stay in the relationship with the abuser. This acquiescence is often immediate, illustrating the power of the firearm as a highly effective material tool of coercive control.

Threats of Firearm Abuse

The second theme of firearm abuse that emerged from analysis of DVPOs concerns verbal threats of shooting or killing with firearms. As mentioned above, this section details verbal threats of firearm abuse when a firearm is **not** physically present during the time that the threat is made. Notably, survivors describe a continuum of people who the abuser threatens to shoot or kill with a firearm.

Threats to survivor

Survivors describe experiencing regular and repeated incidents in which abusers threaten to shoot and/or kill them. These threats range from vague and nondescript threats, such as "He has threatened to kill me with a gun" or "He has threatened to shoot me", to extraordinarily detailed and specific threats. The latter often emphasize the specific type of firearm that the abuser intends to use (e.g.: "He threatened to come at me with a double-barreled shot gun), the location on the body that the abuser plans to target, (e.g.: "He said he was going to blow my head off with a shotgun"), or what would prompt the abuser to follow through with a threat to shoot or kill the survivor (e.g.: He said he would shoot me if I ever put him in jail").

Threats to survivors + others

Survivors also describe incidents involving abusers who threaten to shoot or kill the survivor along with those close to the survivor. This includes threats to shoot/kill both the survivor and shared children, particularly in the context of the survivor leaving the abuser and taking the children. For example, a survivor described, "He threatened to shoot and kill me and the kids if I took them away from him".

Another survivor explained that the abuser told her that if she were to attempt to take the children, he would come after them. She explained, “He has an arsenal of guns and told me that he would do anything necessary to keep custody of the kids”. Survivors also describe abusers who threaten to shoot them and those who help the survivor (e.g.: “He was banging on the front door threatening me and my sister. He was screaming and said, ‘I’m going to take a rifle from the backseat of my car and shoot you and your sister’”).

Threats of suicide

Survivors describe abusers who threaten to die by firearm violence. Akin to when abusers point firearms at themselves, threats of suicide involving firearms are often in response to contextually specific circumstances, usually related to the survivor ending or threatening to end the relationship. For example, a survivor described, “He has threatened to kill himself several times. He has also threatened the children that if we get divorced, he will kill himself in front of them”. Another survivor described, “During the divorce proceedings, he threatened to come to my apartment with a gun and when I opened the door, he would kill himself with the gun. He stated this action would be my fault and I would have to live with this guilt for the remainder of my life”. Another survivor described, “We had been talking about our relationship struggles and he got really upset and said, ‘I don’t want to be here anymore. I hate this world. I want to take this gun and put it in my mouth and kill myself’”.

Threats of murder-suicide

Survivors also describe abusers threatening murder-suicide.

These threats occur alongside the abuser making statements such as, “I don’t have anything to lose” or “I don’t have anything to live for”. Similar to the context surrounding many of the above examples, survivors describe specific threats of murder-suicide as the culminating form of coercive control during an escalating argument and/or when the abuser is concerned that the survivor is planning to leave the relationship. For example, a survivor explained, “He told me that he will kill me and then he will kill himself if I make him leave the house”.

Threats to other intimate partners

Survivors describe abusers making threats to shoot or kill the survivor’s other intimate partners. This includes *new partners* (e.g.: “He has threatened to kill the new person I am now dating”), *old partners* (e.g.: “He regularly loses his temper and threatens to ‘smoke’ their dad”), *suspected partners* (“He is convinced that I am seeing someone and has threatened to put a bullet through his head”) and any partner the survivor might be with in the future (e.g.: “He threatened to ‘shoot up anyone’ that I ever date”).

Ordering the survivor to shoot the abuser

Survivors also describe incidents in which the abuser demands that the survivor use the abuser’s gun to shoot the abuser. For example, a survivor described, “He pushed me to the bed and grabbed his gun from behind his back and said to kill him. He grabbed my hands with his hands, and told me to kill him while we were both holding the trigger of the gun”. Another survivor explained, “He threatened to hand me one of his guns to kill him with, and then to kill myself with. He began walking to the closet where the gun safe is located”.

Indiscriminate threats to shoot others

Survivors also describe abusers who threatened to “shoot up” other people or people’s homes, including people known to the survivor (e.g.: “He threatens that he is going to show up at my friends’ or family’s house and shoot up the place”). Survivors also describe abusers who threaten to shoot anyone who they feel aggrieved by or who they have disagreements with, including road rage incidents. Even though these threats are not directed at the survivor, survivors indicate that these indiscriminate threats of firearm abuse cause them to feel personally threatened by the abuser (e.g.: “He makes remarks about shooting his ‘wrongdoers’. It makes me feel threatened that if I were to leave him, he would use weaponry on me”).

Not unlike direct forms of firearm abuse, threats of firearm abuse often result in survivor compliance, as such threats elicit immediate fear. More, because threats of firearm abuse are often directed at not only the survivor, but other people that the survivor cares about and loves, this is a particularly effective form of coercive control, particularly when a threat of firearm abuse involves the survivor’s children. As a tactic of coercive control, threats of firearm abuse – including threats that abusers have no intention of carrying out - provoke not only fear and intimidation, but also feelings of guilt and responsibility for the safety of others.

Brandishing Firearms

The third theme of firearm abuse that emerged from analysis of DVPOs concerns the brandishing of firearms. Distinct from direct forms of firearm abuse and threats of firearm abuse, the brandishing of firearms entails a variety of indirect and performative tactics of firearm abuse.

Carrying firearm on person

Survivors describe abusers carrying or wearing their firearms and that they have their firearm “on their person” all the time, including while walking around the house, while driving, and during verbal and physical incidents of abuse. For example, a survivor described, “He walks around the house wearing his pistol in a threatening manner”. Another survivor described, “He started threatening me and the minor children by physically charging us. He had his gun on his person, which he has on his person almost all of the time and we feared for our lives”. Survivors also explain that abusers carry or wear firearms while intoxicated and high on substances, instilling additional fear. For example, a survivor explained, “He drinks to the point of intoxication most every day, he comes into the girls’ room and verbally assaults them while carrying his gun, which invokes fear in the girls”.

Displaying firearms

In addition to carrying firearms on their person, survivors describe abusers more generally displaying firearms. This includes abusers who regularly show their firearms to survivors. For example, a survivor described, “During a verbal argument I followed him to the garage and he went to his truck and brought back a black bag. He took out a gun from the bag, showed it to me and waved it around”.

Another survivor described, “He always shows me his gun to let me know that he’s in control and will shoot me”. Survivors also note that abusers are aware that this kind of displaying of firearms causes the survivor to feel anxiety and fear. For example, “He often shows me his firearm and laughs, saying ‘I know you don’t like it’”. Survivors also describe abusers who “play with” or clean their firearms in front of the survivor, including when they are intoxicated. Survivors also note the contextually specific circumstances in which abusers display firearms, specifically during arguments when the survivor threatens to leave or end the relationship. For example, a survivor described, “Every time we were in his car and I would try to break up with him, he would take the gun from the middle compartment and ask me again if I wanted to break up with him”.

Unsafe storage

Survivors describe abusers who engage in careless and unsafe firearm storage practices, specifically unsafe firearm storage with young children in the home. Survivors describe explicitly sharing their concerns with abusers regarding their unsafe firearm storage, and how the abuser often dismisses these concerns. For example, survivors describe in DVPO materials that they [and their children] have told abusers that unsafe firearm storage makes them fearful – particularly with young children in the home – and abusers do not alter their practices. This includes abusers who leave unsecured firearms around the house – on dressers, on the floor, on nightstands – where those firearms also remain accessible and visible during arguments. Survivors also describe abusers sleeping with their firearms, including leaving the firearm under their pillows.

References to firearms

Survivors describe abusers referencing firearms in their possession or indicating interest in acquiring firearms. These references to firearms present in a variety of ways. Some abusers share with

survivors that they want to buy a gun or get a gun.

These references to obtaining a gun were often accompanied by threats to kill the survivor. Some abusers indicate that they will get a gun from someone known to them (e.g.: a friend) who the survivor is aware possesses firearms. Survivors also describe abusers who insist that they are in possession of a firearm, but they also explain that they have not seen the firearm to confirm the abuser’s claim. For example, a survivor described, “When we lived together, he told me he had a handgun. I never saw it, but he told me he has it because he ‘has a lot of enemies’”. Another survivor described an incident in which she did not want to have sex with her abuser, and “He reacted angrily and at some point said, ‘You think I don’t have a gun?’”. Some abusers use third parties to convey their gun possession to the survivor, this includes using children - who stay/visit with the abuser - to tell the survivor that the abuser has a firearm. Notably, some survivors who describe abusers referencing firearms also clarify that they themselves have never physically seen the abuser with a firearm and cannot confirm if the abuser is in possession of a firearm, but that this uncertainty is also a tactic of coercive control.

The brandishing of firearms reinforces how firearms do the work of coercive control for abusers, where the presence of a firearm alone in the context of an abusive relationship results in survivors feeling fear and intimidation. With the increased normalization of firearms within US culture, including the public wearing and/or carrying of firearms, the brandishing of firearms can be interpreted as a less lethal form of firearm abuse when not accompanied by direct threats. However, as a tactic of coercive control, the presence of firearms serves as a visual reminder to survivors that an altercation can escalate and lead to lethal forms of injury at any time. Again, for survivors, the threat of the abuser is never disentangled from the knowledge of the lethal harm that a firearm can cause.

Technology-Enabled Firearm Abuse (TEFA)

Akin to other forms of technology-enabled coercive control (TECC), the accessibility and usability of digital technologies has extended abusers' ability to perpetuate harm involving firearms. Abusers no longer need to be located within physical proximity to the survivor to engage in terrorizing and intimidating forms of firearm abuse. Also, like other forms of TECC, abusers are largely relying on social media platforms and phone-based apps to engage in TEFA. These digital technologies are easily available to abusers across socio-economic status and require little to no formal training or education to be effective.

Three themes of Technology-Enabled Firearm Abuse (TEFA) emerged from analysis of DVPO materials:

1. Threats of Firearm Abuse
2. Brandishing of Firearms
3. Online Purchasing

TEFA: Threats

Survivors describe abusers using social media platforms and phone-based apps to engage in two common forms of threats involving firearms: threats to kill the survivor with a firearm and threats to die by suicide with a firearm.

Threats to the survivor

Not unlike the threats that occur in-person, survivors describe receiving specific and detailed threats of technology-enabled firearm abuse (TEFA).

This entails specificity regarding where on the body the abuser plans to target and what would prompt the abuser to follow through with a threat to shoot or kill the survivor. A survivor provided the transcript of a recorded phone call involving threats to kill the survivor that captures the specificity of the abuser's threat: "You will fucking die. Yes, hear me out. You will fucking die...If you want to get a restraining order against me, what do you think that's going to do to me? ...You are going to be fucking dead. I'm going to put one bullet in your fucking head...". Another survivor received a voicemail from the abuser, who threatened "to treat my face like a candle and blow it out". Another survivor received a message on Instagram from her abuser, who stated, "I'm coming for your head. 3 hard ass shots to your head and your [sic] going to be pronounced in unstable condition".

The threats of firearm abuse that survivors receive through digital technologies also convey a heightened sense of urgency and imminency. A common pattern entails the abuser threatening to kill the survivor with a firearm, followed by the abuser stating that they are "on the way" to the survivor's location. For example, a survivor describes, "I decided to break up with him once again and he was drunk and didn't take it well. He called me and threatened to shoot up my house when he got there". Another survivor describes receiving multiple email threats from the abuser who states that he "wants to smash my head and shoot me" while referencing the survivor's current location. Another survivor describes receiving a threatening text message from her abuser in which he states he's "on the way to shoot up the house" before he physically showed up at the house.

Survivors also describe abusers utilizing multimodal contact to engage in TEFA, meaning that the abuser uses more than one platform or method to threaten the survivor. This might entail using text message, video message, email, and/or social media platforms to convey similar threats to kill the survivor with a firearm. For example, a survivor describes speaking on the phone with her abuser when he began making threats to hurt her. When she told him to stop, he became angry and told her that he would shoot her, at which point she ended the call. The survivor went on to describe, “Then, he called me through video call. He had a gun with him at that moment and was threatening to shoot me and kill me”.

Threats of suicide

Survivors also describe abusers using social media platforms and phone-based apps to threaten to die by suicide with a firearm. Although there are exceptions, this threat often occurs after the survivor has ended the relationship. Using digital technologies to engage in ongoing threats and intimidation post-separation is consistent with findings from earlier phases of this longitudinal project (Cuomo and Dolci 2019): as the abuser has less direct access to the survivor, they use digital technologies to attempt to illicit a response or draw a survivor back to a relationship. In the case of using digital technologies to threaten to die by suicide, the abuser is appealing to the survivor’s compassion and concern. A survivor describes, “He has sent me text messages, such as ‘you will regret it when I pull the trigger’ when referencing to kill himself”. Another survivor describes, “He texted me a suicide note and referenced the gun he was going to use. We had just broken up. I rushed back over to him to make sure he was okay”.

Across both forms of TEFA threats - to kill the survivor and to die by suicide – abusers often include images or video of their firearm.

In this case, digital technologies serve as a tool to elevate the exigency and veracity of the abuser’s threat, as the abuser provides the survivor with visible evidence that they have access to or possession of a firearm with which to execute the threat. For example, a survivor described, “He texted a picture of himself with a gun pointed at the camera and threatened to shoot anybody that was at my house”. Another survivor described being on a video call with her abuser as he “waves the gun, saying that he will kill me”. Another survivor explained, “He sends videos with his gun to his head threatening to commit suicide, just because I refuse to speak with him”. Another survivor described, “When I left him, he sent a picture of himself with a gun on his head saying he will shoot himself if I do not come back home. So I came back home”.

TEFA: Brandishing

The second theme of TEFA is brandishing firearms through social media platforms and messaging applications. The brandishing and displaying of firearms in this capacity is distinct from the TEFA threats discussed above in that the examples of TEFA brandishing that survivors describe were not accompanied by a verbal or written threat of firearm abuse. Akin to when it occurs in analogue form, survivors understand the brandishing of a weapon on social media platforms or through phone-based apps as an act of intimidation, even when there is no direct threat of violence.

The brandishing of firearms using digital technologies includes abusers sending images of their guns to the survivor through text or video message.

For example, a survivor explained, “He flashed his gun at me through FaceTime”. Another described, “He brandished a firearm menacingly over video chat today”. Reinforcing the power that merely an image of a firearm holds, survivors describe abusers who brandish firearms without further verbal context or explanation. For example, a survivor described, “He called me repeatedly this morning and last night, and I finally answered to tell him to stop yet again, and when I answered he immediately showed a firearm and starred silently”. Another survivor explained, “He displayed a weapon, a gun, and then made a mad face. He showed me the gun again and then his face and I took that as a threat”.

Survivors also describe abusers who brandish animations, GIFs or other images of firearms to them through text message. In these instances, it is not clear whether the abuser is in physical possession of a firearm, though survivors continue to express concern and fear as the brandishing of these images indicates the abuser is thinking about firearms. For example, a survivor explained, “Respondent sent me a message and attached to this message was a picture of a silver semi auto type pistol with black grips”. Another survivor described, “He sent several GIFs and cartoons depicting a gun to the head”.

Survivors also describe abusers displaying firearms on their social media platforms, including abusers who are not lawfully permitted to possess firearms. Survivors indicate that they believe the displaying of weapons through non-direct forms of contact is to send a message that they are in possession of firearms. For example, a survivor described, “He posted about visiting a gun range, in which he boasted about his aim and included a shot up target”.

Another survivor described, “He posted on social media a photo of a gun that he received for Christmas, purchased by his girlfriend”. Another survivor described, “His Facebook profile picture is him, posing with a firearm, with his finger on the trigger”.

TEFA: Online purchasing

The third theme of TEFA is the online purchasing of firearms. Although analysis of DVPOs revealed a smaller quantity of DVPO materials that included information about abusers purchasing firearms or parts of firearms online, “ghost guns” – untraceable firearms without serial numbers, assembled from components bought online – reflect an emerging national trend for acquiring firearms. This is particularly the case for those who are legally prohibited from possessing. As abusers reflect a key demographic of prohibited possessors, the online purchasing of firearms represents a notable emerging trend.

Survivors describe abusers purchasing both firearms and parts of firearms online. For example, a survivor stated, “He has ordered (online) parts of firearms that could be assembled into a working firearm”. Another explained, “After a failed attempt to purchase a gun, he purchased gun parts online and left home in possession of two firearms fabricated at home”. Another survivor explained, “He stated in a text message, ‘What is about to happen is because of you,’ after sending me a receipt of his online gun purchase”. Another survivor stated, “He purchased a gun recently off the Internet to exercise his 2nd amendment rights and protect his family against evil people”.

As a specific form of coercive control, technology-enabled firearm abuse – including abusers who use digital technologies to engage in threats with firearms, brandish firearms, and purchase firearms – reinforces the ways in which digital technologies extend abusers' ability to threaten, harass, stalk, and intimidate. Although survivors describe experiencing TEFA within relationships, digital technologies extend abusers' ability to engage in firearm abuse post-separation.

For survivors who fear experiencing firearm abuse or whose abusers have made explicit threats regarding the repercussions of leaving the relationship, TEFA should raise significant concern. While any threat following the end of an abusive relationship is significant, the combined factors of a recent separation and firearm access elevate the lethality risk. Yet threats, abuse, and harassment that occur through digital technologies – including social media platforms and phone-based apps – continue to be minimized, including within the protection order process (Cuomo and Dolci 2019). The following discussion aims to highlight specific challenges and opportunities that pertain to the intersecting dynamics of digital technologies and firearm abuse, specifically for the protection order process.

Discussion

With the ubiquity of both digital technologies and firearms as tools of coercive control, this section highlights four areas of consideration for stakeholders who seek to better respond to survivors of intimate partner violence within the protection order system, particularly those who experience TEFA.

Inquire directly about firearms, including experiences of TEFA

While some survivors independently disclose experiences of firearm abuse, many survivors do not. As highlighted throughout this report, there are a variety of reasons that survivors minimize, omit and disregard firearm abuse when submitting protection order documents, including survivors who do not identify experiences of firearm abuse as their primary safety concern. Yet survivors' experiences of firearm abuse represent critical information for assessing lethality – both in regards to the survivor's risk and the public at large. Survivors are also the best source of knowledge regarding abusers' access to and possession of firearms, thus reinforcing the importance of explicitly asking survivors about the abusers' access to or possession of firearms and firearm abuse that the survivor may have experienced.

The direct inquiry about firearms must also include technology-enabled firearm abuse. As the civil legal definition of domestic violence implemented on July 1, 2022 now incorporates coercive control, including technology-enabled coercive control (TECC), stakeholders in the protection order process play an important role in shifting perception around what constitutes domestic violence. For too long, the legal definition of domestic violence has centered on physical abuse. The overemphasis on physical abuse within the protection order process has situated other forms of coercive control, including the continuum of threatening and controlling behaviors that involve firearms, as secondary. This is particularly the case when such abuse occurs through digital technologies. This positioning of other forms of domestic violence as secondary was reflected through the former protection order petition that inquired about both firearms and stalking behavior (including cyberstalking) separately, and near the end of the petition.

Centering (technology-enabled) firearm abuse as constitutive of domestic violence requires that stakeholders – including judicial officers – encourage and give space for survivors to address both their knowledge about abusers’ access to and possession of firearms, and their experiences of firearms abuse. For judicial officers, consistently incorporating questions about firearms within protection order proceedings also helps to promote procedural justice and a cultural of compliance. In other words, when judicial officers include within their judicial script questions about survivors’ experiences of firearm abuse and instructions to respondents about prohibitions that apply when protection orders are in place, they better ensure that all parties are equitably informed about their rights and obligations within the law. Further, the normalization of judicial scripts that include inquiries about firearms and information about prohibitions, including the requirement to comply with the terms of the Order to Surrender, shifts the compliance burden off of survivors and onto the courts.

While directly asking survivors about (technology-enabled) firearm abuse assists in normalizing this kind of abuse as constitutive of domestic violence, particularly when a person in a position of authority initiates the inquiry, such conversations may be emotionally difficult for survivors and also raise potential safety concerns. For these reasons and when possible, the direct prompting about firearm abuse should ideally occur with an advocate and ahead of protection order proceedings, to allow for an informed discussion that includes safety planning and options for documenting evidence.

TEFA offers opportunity for accountability

The importance of inquiring directly about (technology-enabled) firearm abuse includes supporting survivors in documenting and preserving evidence, particularly digital evidence of firearm abuse. For the purposes of the protection order process, documenting evidence of firearms and firearm abuse is important for two reasons.

The first is to assist survivors in establishing the need for a protection order. While the protection order process does not *require* physical or digital evidence for every incident of alleged domestic violence, the submission of such evidence can help reduce the burden on the survivor to testify in further detail to their experiences of abuse during a protection order hearing. TEFA presents a unique opportunity in this regard as many instances of analogue firearm abuse may be verbal or occur without other witnesses. TEFA, including the forms outlined in this report, often occur through social media platforms and phone-based apps, allowing opportunity for the survivor to preserve and document such incidents of firearm abuse. As with inquiring directly about firearms, advocates are critical resources to support survivors in preserving and documenting TEFA, as these conversations should occur alongside individualized safety planning. For example, some social media platforms send alerts when a recipient takes a screen shot: this is important information for survivors to weigh when considering whether to adopt digital evidence preservation practices.

The second reason that documenting and preserving TEFA is important is because such evidence also supports firearm recovery and compliance, even in cases where survivors have not experienced firearm abuse. It is common for survivors to allege that abusers possess firearms and for abusers to deny such allegations. This denial of firearm possession may occur for a variety of reasons, including situations in which an abuser acquired firearms illegally or is already a prohibited possessor. While RCW 9.41.801(9)(a) includes an exemption for those who voluntarily surrender firearms from some criminal prosecution within Washington state, abusers who wish to comply with an Order to Surrender may be disincentivized from doing so because admitting possession may still reflect a form of self-incrimination at the federal level. Other abusers deny possession because they feel entitled to their firearms and do not want to surrender them.

Whatever the reason for denying possession, digital evidence becomes a useful tool for accountability, making it important for survivors to capture such evidence before it is lost, disappears, or is removed. This includes capturing evidence that confirms ownership of firearms that may be reflected through social media posts of the abuser holding a firearm, or images taken during target practice at a shooting range, or text, video, or audio messages in which the abuser references or displays firearms.

Notably, TEFA offers the opportunity for accountability within the protection order process only if survivors can easily submit digital evidence into the court record.

While the current remote petition filing process allows for the uploading of text messages, screen shots, and images, there remains no accessible option for uploading audio and video evidence. While transcriptions of audio and video messages may be submitted into the court record, there is a cost to court-approved transcription services and transcriptions may lose important context conveyed through an audio or video message.

Accountability should not be contingent upon digital evidence

While digital evidence offers important opportunities for accountability, receiving protection and accountability through the court system should not be contingent on the survivor submitting digital evidence of firearm abuse into the court record.

Even as TECC becomes an increasingly common form of abuse, abusers are smart, savvy, and quick to adapt to both emerging technologies and strategies for avoiding detection. As previous research in King County has shown, abusers engage in a variety of identity obfuscation practices, such as creating multiple dummy accounts, using spoofing apps, and harassing from unknown phone numbers, that assist the abuser in avoiding detection and thus accountability (Cuomo and Dolci 2019). Related, in the analysis of DVPOs for this report, survivors describe fewer instances of technology-enabled firearm abuse (TEFA) than analogue firearm abuse.

This may be a result of overall fewer instances of abusers relying on digital technologies to engage in firearm abuse, survivors minimizing instances of TEFA, and/or stakeholders not directly asking about TEFA, as discussed above. However, the fewer instances of TEFA may also be a result of abusers understanding the implications of TEFA in creating digital evidence that could be used against them. An advocate explained:

We've seen some abusers posting pictures [of firearms]. So we definitely see less concern with some of them about not caring if people know what they have. That's a great thing that they are wanting to boast about their guns on social media. But it's only a matter of time before they realize that those posts are being printed and used against them in court.

As the advocate indicates, abusers often adapt their abusive practices to avoid detection. For abusers, who are prohibited possessors or who do not legally own their firearms, there is increased incentive to avoid TEFA, as threats or brandishing through digital technologies could be preserved and used as evidence against them.

Further, survivors may deliberately block, “unfriend”, and otherwise avoid digital contact with abusers. Particularly for survivors who have ended abusive relationships, part of their boundary-making and safety planning practices may preclude access to such forms of digital evidence. For survivors who have changed their phone numbers and who have closed social media accounts, they will not be privy to instances in which abusers use digital technologies to convey firearm possession or firearm abuse.

The absence of digital evidence of firearm abuse and firearm possession should not outweigh survivors' accounts of firearm abuse within testimony.

Conversely, some survivors remain connected to abusers through digital technologies as a deliberate part of their safety plan to better understand when the abuser may be escalating. For example, some survivors remain “friends” on social media with their abuser post separation because the abuser’s social media presence is the survivor’s only source of information to help them assess the abuser’s state of mind and the survivor’s ongoing risk for harm. In the same way that law enforcement and the FBI monitor the social media accounts of suspected domestic terrorists to better understand emerging and escalating threats, survivors engage in similar monitoring practices in consideration of their personal safety. The courts should not interpret survivors who remain digital “friends” with abusers as any less fearful, but rather that this connection represents a form of safety planning and risk management practice.

Finally, survivors regularly provide an array of non-digital information of firearm abuse and possession that is relevant to accountability. As detailed in protection order documents, survivors hold a plethora of knowledge concerning abusers’ firearms, ranging from a detailed accounting of the number of firearms, the type of firearms, and the locations in which abusers store firearms. This knowledge is collated by the RDVFEU and shared with law enforcement officers tasked with recovering firearms, reflecting the significant role that survivors’ knowledge plays in law enforcement, survivor, and respondent safety. This knowledge is no less significant when provided into the record through testimony.

Abusers with access to firearms threaten public safety

Throughout most of US history, domestic violence was constructed as a personal, private, and family problem, resulting in survivors experiencing little protection or recourse from state or legal institutions. The introduction of mandatory arrest and the protection order system reflect a shift in the state response to domestic violence, which assisted in moving domestic violence into the public sphere and positioned survivors as deserving of legal protection. Yet despite the public resources, legal recourse, and awareness raising campaigns dedicated to supporting survivors and holding abusers accountable, the legacy of domestic violence as personal, private, and rooted in the home largely persists. There is perhaps no better example of this persisting legacy than the failure within US society to frame domestic violence abusers – specifically those with access to firearms - as threats to public safety.

While abusers commonly direct their threats, harassment, intimidation, and violence at survivors, the individual survivor is just one of an abuser's many targets in their effort to maintain control and dominance. As detailed throughout this report, abusers engage in a continuum of coercively controlling behavior involving firearms that pose lethality concerns for a range of people beyond the survivor. This includes individuals known to the survivor (e.g.: threats to shoot children or new partners), unknown to the survivor (e.g.: indiscriminate threats to “shoot up” houses/people, or to shoot law enforcement officers), and to themselves (e.g.: suicide threats involving firearms). We also know that abusers regularly follow through with such threats, as over half of the mass shootings between 2009-2020 were domestic violence related, placing survivors and the general public at risk (Everytown for Gun Safety 2021).

In other words, it is not only individual survivors who have reason to fear homicidal abusers with access to firearms.

Moreover, it is not only homicidal abusers with access to firearms that pose safety threats to the public. Abusers regularly engage in a variety of nonlethal forms of firearm abuse in their efforts to establish and maintain coercive control that increase risk for firearm violence. A common form of nonlethal firearm abuse includes the brandishing and displaying of firearms. As detailed within this report, the brandishing of firearms often occurs within the home when children are present. Abusers also engage in unsafe firearm storage practices, leaving firearms unsecure and visible throughout the home and within vehicles. Survivors describe that the brandishing of firearms often coincides with abusers' substance and/or alcohol use. The brandishing of firearms, when coupled with the unpredictability of abusers' behavior, creates potential for both accidental and deliberate incidents of firearm violence. As a tool of power that reflects dominance, abusers with access to firearms – even when not homicidal – pose threats to survivors and the public.

The recent implementation of coercive control into the civil legal definition of domestic violence better captures the totality of abuse that survivors experience. As we work to expand our understanding of what constitutes domestic violence by moving away from a definition that for too long centered on one-off incidents of physical violence, we must likewise expand our understanding of who is at risk of experiencing violence by abusers. For it was never only survivors at risk, specifically when abusers have access to firearms. A path forward for reducing gun violence, including mass shootings, includes accurately framing our understanding of domestic violence as the public safety concern that it is.

Conclusions

This report represents the second in a series of whitepapers that details findings from a longitudinal research project focused on how system and community stakeholders in King County can better respond to the problem of technology-enabled coercive control (TECC).

While research reinforces the ways in which digital technologies have become prevalent and pervasive tools of abuse, less is known about how abusers use digital technologies to engage in specific forms of coercive control, including firearm abuse. This report works to address this gap by examining the relationship between digital technologies, coercive control, and firearms.

As an extension of TECC, technology-enabled firearm abuse (TEFA) underscores how digital technologies enable an abuser to engage in firearm abuse across time and space, including post-separation. This report offers a detailed accounting of how abusers use digital technologies to engage in firearm abuse, including emerging TEFA patterns and trends. Yet, this report also emphasizes that TEFA is not a new or distinct form of coercive control by situating TEFA as an extension of long-standing patterns of lethal and non-lethal analogue firearm abuse.

By recognizing TEFA as an extension of analogue firearm abuse, this report encourages stakeholders to identify TEFA as a serious and highly dangerous form of abuse that poses safety concerns for survivors and the public more broadly. In other words, TEFA should raise similar red flags regarding risk for lethality as analogue firearm abuse, despite it occurring through digital technologies.

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